Minute No. 593
Report – Executive Policy Committee – September 18, 2013

Item No. 4 Rezoning – 90 Bole Street
(Fort Rouge-East Fort Garry Ward)
File DAZ 217/2013 [c/r DAV 129273/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/13 dated August 30, 2013, to an "RMU" Residential Mixed Use District, subject to the following conditions:

   A. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

   B. That the height of any building shall be limited to five (5) storeys and sixty (60) feet.

   C. That the density be limited to 26 dwelling units.

   D. That the commercial use be limited to the ground floor and must be oriented toward River Avenue, and that any commercial use must be contained within thirty (30) feet from the River Avenue property line.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

Report – Executive Policy Committee – September 18, 2013

COUNCIL DECISION (continued):

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning – 90 Bole Street**
File DAZ 217/2013

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **September 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/13 dated August 30, 2013 to an "RMU" Residential Mixed Use District, subject to the following conditions:

    A. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That the height of any building shall be limited to five (5) storeys and sixty (60) feet.

    C. That the density be limited to 26 dwelling units.

    D. That the commercial use be limited to the ground floor and must be oriented toward River Avenue, and that any commercial use must be contained within thirty (30) feet from the River Avenue property line.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. It is in compliance with the Osborne Village Neighbourhood Plan.
2. It is a mixed use development which is desirable in this neighbourhood.
3. It supports infill development.

PUBLIC HEARING SUMMARY

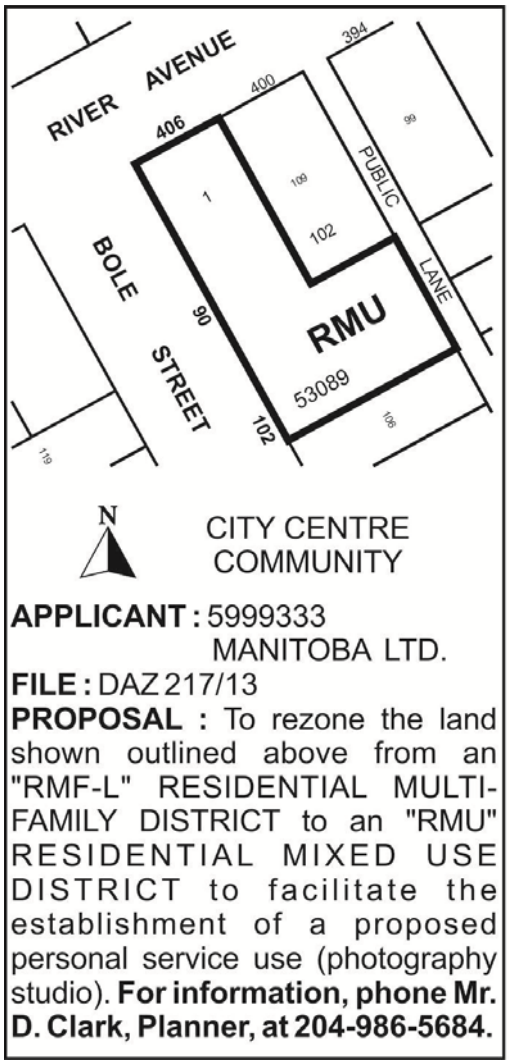
File: DAZ 217/2013

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Orlikow

Public Hearing: September 10, 2013
Council Building, 510 Main Street

Applicant: Trevor O'Toole (5999333 Manitoba Ltd.)

Subject:



Premises Affected: 90 Bole Street

Exhibits Filed:

1. Application dated July 5, 2013
2. Notification of Public Hearing dated July 23, 2013
3. Manitoba Status of Title 2609562/1
4. Copy of Caveat 4248958/1
5. Surveyor's Building Location Certificate and sketch dated June 11, 2012
6. Plans (2 pages)
7. Report from the Urban Planning Division dated August 30, 2013
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Trevor O'Toole, 5999333 Manitoba Ltd.
Kim and Tony Nardella

In Opposition

Nil

For Information:

Tyler Miller

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 217/2013

ADMINISTRATIVE REPORT

Title: DAZ 217/13 – 90 Bole St.

Issue: An application for consideration at the Public Hearing to rezone the land from "RMF-L" Residential Multi Family - Large to "RMU" Residential Mixed Use in order to establish one ground floor commercial use.

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/13 dated August 30, 2013 to an "RMU" Residential Mixed Use District, subject to the following conditions:

    i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    ii. That the height of any building shall be limited to five (5) storeys and sixty (60) feet.

    iii. That the density be limited to 26 dwelling units.

    iv. That the commercial use be limited to the ground floor and must be oriented toward River Avenue, and that any commercial use must be contained within thirty (30) feet from the River Avenue property line.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-our (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “RMF-L” Residential Multi-Family – Large to “RMU” Residential Mixed Use for the purposes of establishing a photography studio in one of the existing ground floor units.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be rezoned from “RMF-L” Residential Multi Family - Large to “RMU” Residential Mixed Use.

HISTORY

The subject land was approved for subdivision and rezoning under file DASZ 28/2011 to "RMF-L" subject to the following conditions:

i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the height of any building shall be limited to five (5) stories and sixty (60) feet

iii. That the density be limited to 26 dwelling units

CONSULTATION

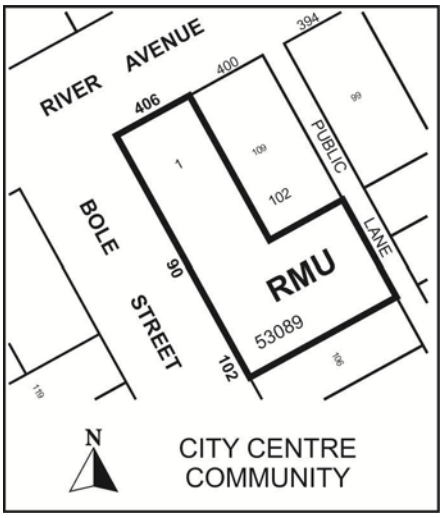
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Devin Clark
Date:	August 30, 2013
File No.	DAZ 217/13

APPENDIX 'A'

DATE:	August 30, 2013
FILE:	DAZ 217/13
RELATED FILES:	DAV 13-129273/D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.111
SUBJECT:	To rezone the subject land from a "RMF-L" Residential Multi-Family - Large District to a "RMU" Residential Mixed Use District
LOCATION:	90 Bole St.
LEGAL DESCRIPTION:	LOT 1 PLAN 53089



APPLICANT:	5468796 Architecture (Zach Pauls)
OWNER:	5999333 MB Ltd (Pete Grose)
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from "RMF-L" Residential Multi Family – Large to "RMU" Residential Mixed Use for the purposes of establishing a photography studio within a ground floor unit that fronts onto River Ave.
- The Urban Planning Division recommends approval of this application with conditions.

SITE DESCRIPTION

- The subject property is located on the southeast corner of River Ave. and Bole St. in the River-Osborne neighbourhood of the Fort Rouge – East Fort Garry ward.
- The site is 11,550 square feet.
- Under the Complete Communities Direction Strategy, the site is located within Areas of Stability – Mature Communities.
- The subject property also falls within the Osborne Village Neighbourhood Plan area.



Figure 1: Aerial photograph showing subject property (flown 2012)

North: River Avenue, then residences zoned “RMF-M” Residential Multi-Family District

South: Residences zoned “R2” Residential Two-Family District

East: Residences zoned “RMF-M” Residential Multi-Family District

West: Bole Street, then residences zoned “RMF-M” Residential Multi-Family District

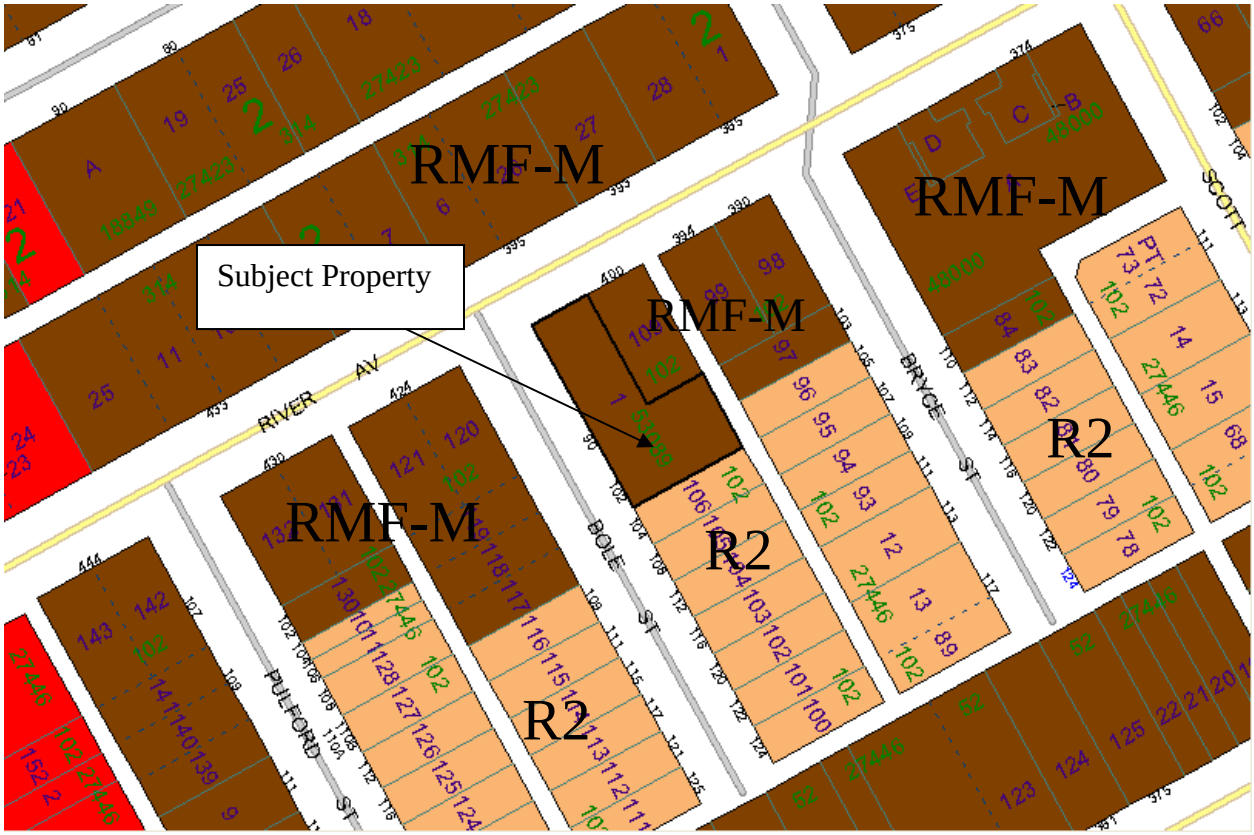


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks approval to rezone the land from "RMF-L" Residential Multi Family – Large to "RMU" Residential Mixed Use to allow for one commercial retail use on the ground floor of the building, which is currently under construction.

- The proposed use for the unit is a photography studio.

- The area of the unit is approximately 1400 square feet and is located at the corner of River Ave. and Bole St.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policies guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* include:

    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

- Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
- Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
- Support a mix of commercial services and employment uses that serve the local community.
- Support a mix of uses within buildings located on commercial streets.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN

The subject site falls within the Osborne Village Neighbourhood Plan (OVNP) which provides detailed guidelines for development in Osborne Village. Under the OVNP the subject property is identified within the Village Medium Density Residential policy area. The following policies are applicable to the proposed development.

Village Medium Density Residential Policies:

- *4.1.3.A Encourage a mixture of single-family homes, duplexes, townhouses, and multiple-family buildings;*
- *4.1.3.C New development along River and Stradbrook avenues east of Osborne Street may have a maximum of 5 storeys, provided structured parking is included and 4th floor and above are setback from public streets;*
- *4.1.3.D Mixed-use buildings combining residential with low-intensity office or commercial uses on the ground floor may be approved on River and Stradbrook avenues east of Osborne Street.*

Character policies from the OVNP also apply to all development in Osborne Village. Generally, these policies encourage context sensitive infill that promotes pedestrian orientation by addresses massing and design of buildings, parking, preservation of mature trees and safety and visibility.

ZONING

"RMU" Residential Mixed Use

- The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the RMU district should facilitate and encourage pedestrian travel between residential and nonresidential uses. This district is often adjacent and incidental to a town centre, neighbourhood commercial centre, or other type of mixed use or major employment centre.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from the “RMF-L” district to the “RMU” district in order to establish a commercial use in the ground floor unit located at the corner of River Ave. and Bole St.
- Rezoning to “RMU” allows the developer to provide ground floor commercial use which is encouraged under the Complete Communities Direction Strategy and OVNP.

VARIANCES

- The applicant has submitted a variance application to establish the photography studio on the land prior to Council approval of the rezoning (see DAV 13-129273/D). If granted, this temporary change of use variance could allow the applicant to begin renovations to the building for the photography studio use in advance the rezoning taking effect.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Ground floor commercial uses are found along this stretch of River Avenue, between Donald St. and Osborne St. Close to the subject property there are some examples of small scale retail or commercial offices in mixed use buildings. For example:
    - Villa Cabrini at 433 River
    - The Pulse at 374 River
- The Urban Planning Division believes that the proposed development fits with the surrounding context and adheres to the policies identified in the OVNP. In particular, policies 4.1.3.C and 4.1.3.D.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

CONDITIONS OF APPROVAL

- The conditions of approval for this rezoning are consistent with the recommendations made when the land was subdivided and rezoned back in 2012 under file DASZ 28/11. These conditions allow for the density, height and general form to be the same as what was originally approved on the land.

- The Urban Planning Division believes that maintaining rights to 26 units under the zoning agreement allows for flexibility in the future if the commercial unit was converted back to residential. While a variance would likely be required to do so, time would be saved by avoiding an application for a zoning agreement amendment. Upon original approval of the application under file DASZ 28/11, the Urban Planning Division was comfortable allowing 26 units and as such, is recommending that the same maximum allowable units be applied under the new zoning category.

- One additional condition has been applied for this application relating to the location of the commercial ground floor unit. The condition limits the location of any commercial unit on the property so that it is oriented toward River Ave. This is to ensure that commercial use is limited to River Avenue and that development complies with policy 4.1.3.D.

- During the plan approval process, the Urban Planning Division will expect to see signage for the new photography studio that is pedestrian oriented, as per policy 3.1.1.D of the OVNP.

RECOMMENDATIONS

- The rezoning is consistent with Complete Communities and the Osborne Village Neighbourhood Plan. The proposed ground floor commercial unit is to be located along River Ave. The location of this commercial unit is consistent with the policies in the OVNP and complies with the overall objectives of the Complete Communities Direction Strategy.

- The Urban Planning Division Recommends approval of the rezoning from “RMF-L” to “RMU.”

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Devin Clark
PPD File # DAZ 217/13

APPENDIX "A"

Schedule "A" for File No. DAZ 217/13, City Centre Community Committee, dated August 30, 2013

