Minute No. 449
Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 16 Zoning Agreement Amendment – 330 - 350 Lodge Avenue (St. James – Brooklands Ward) File ZAA 3/2014

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Zoning Agreement under File DAZ 237/08 dated March 25, 2009 (By-law No. 78/2009) be amended as follows:

   A. That clause 6 be deleted and replaced with the following clause:

   "Subject to section 7, the maximum height of any building on the land is 46.5 feet."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 237/08 (By-law No. 78/2009) dated March 25,2008, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

Report – Standing Policy Committee on Property and Development – April 15, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 330 - 350 Lodge Avenue**
File ZAA 3/2014

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Destiny Watt, Committee Clerk**
Assiniboia Community Committee

Report date: **April 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement under File DAZ 237/08 dated March 25, 2009 (By-law No. 78/2009) be amended as follows:

   A. that clause 6 be deleted and replaced with the following clause:

   "Subject to section 7, the maximum height of any building on the land is 46.5 feet."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 237/08 (By-law No. 78/2009) dated March 25,2008, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. This project wasn't unanimous at the time of approval but to now have the building torn down is not a viable option.

2. A community consultation was held.

PUBLIC HEARING SUMMARY

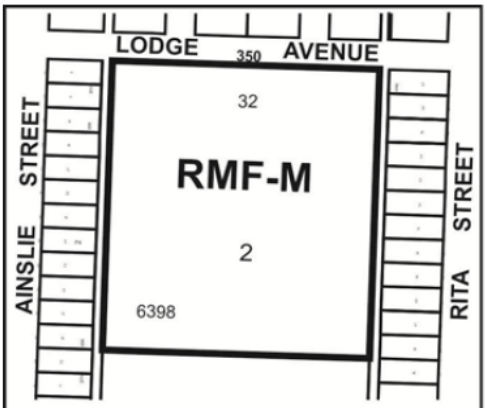
File: ZAA 3/2014

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding
Councillor Havixbeck

Public Hearing: April 8, 2014
Council Building, 510 Main Street

Applicant: MMP Architects Inc.
(Chris Daly)

Subject:



APPLICANT : MMP ARCHITECTS
FILE : ZAA 3/14
PROPOSAL : To amend the Zoning Agreement DAZ 237/2008 affecting the land shown outlined above and amend Clause 6 to state: "Subject to Section 7, the maximum height of any building on the land is 46.5 feet (14.17 metres) excluding permitted projections". **For information, phone Mr. D. Clark, Planner, at 204-986-5684.**

Premises Affected: 330 - 350 Lodge Avenue

Exhibits Filed:

1. Application dated March 4, 2014
2. Notification of Public Hearing dated March 7, 2014
3. Manitoba Status of Title 2366214/1
4. Letter of authorization dated April 11, 2013 from Pace Homes Ltd. to MMP Architects Inc.
5. Caveat 3802451
6. Plans (9 pages)
7. Report from the Urban Planning Division dated April 2, 2014
8. Inspection Report
9. Communication dated April 7, 2014, from Scott Patterson in opposition to the application
10. Communication dated April 8, 2014, from Fred Morris in opposition to the application
11. Solar Study dated April 8, 2014
12. Site Plan
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Chris Daly, MMP Architects Inc.
Ed Grzenda

In Opposition:

Fred Morris
Scott Patterson

For Information:

Nil

For the City:

Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 3/2014

ADMINISTRATIVE REPORT

Title: ZAA 3/14 – 330-350 Lodge Ave. Public Hearing

Issue: For consideration at the Public Hearing to amend clause 6 from the Zoning Agreement for DAZ 237/08 to allow an increase in the maximum height of buildings located 100 feet from the east and west property line to 46.5 feet.

Critical Path: Assiniboia 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	N/A	N/A	

RECOMMENDATIONS

1) That the Zoning Agreement under File DAZ 237/08 dated March 25, 2009 (By-law No. 78/2009) be amended as follows:

   A. that clause 6 be deleted and replaced with the following clause:

      Subject to section 7, the maximum height of any building on the land is 46.5 feet

2) That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 237/08 (By-law No. 78/2009) dated March 25,2008, as approved in aforesaid Recommendation 1.

3) That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4) 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 wishes to amend the zoning agreement to permit additional height for the two multifamily dwellings on the site. The zoning agreement required that any building located outside of 100 feet of the east and west property lines be limited to 40 feet in height. The applicant wishes to revise this condition to permit a maximum of 46.5 feet and is proposing to amend condition number six (6) from the Zoning Agreement under file DAZ 237/2008.

- Zoning Agreement Amendments 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 Zoning Agreement will be amended to allow a maximum height for any building outside of 100 feet from the east and west property lines of 46.5 feet instead of 40 feet.

CONSULTATION

- An open house was conducted at the Sturgeon Heights Community Centre on April 1, 2014 between 6 and 8 PM.

- In order to create awareness about the event, the applicants canvassed all homes along the property lines adjacent to the subject site on Rita St., Ainslie St. and Golden Gate bay

- Approximately 20 residents were in attendance. During this meeting there was an opportunity to talk with people on a one to one basis in order to explain the situation. The information was thought to be generally well received though there were a couple of people who did not accept the explanation and were not in favour of any development on the site.

HISTORY

In 2008 the subject land was rezoned from PR2 to RMF-M under file DAZ 237/2008. The rezoning was approved subject to the following zoning agreement conditions:

1. The Owner's land (including land contiguous to the land being rezoned, if any) is described as Lot 32 Block 2 Plan 6398 WLTO in RL 12 and 13 Parish of St James (the "land").
2. The Owner must submit plans showing the location, design and elevations of proposed buildings and the location and design of accessory parking areas, pedestrian pathways, garbage enclosures, exterior lighting, fencing and landscaping on the land ("works") to the City's Director of Planning, Property and Development ("Director") and the City's Assiniboia Community Committee for approval prior to the issuance of any building or development permit, and thereafter must maintain the works to the satisfaction of the Director.
3. The Owner must locate any buildings on the land in substantial conformance with the plan entitled "Proposed Housing Development Conceptual Masterplan" dated February 13 2009 and submitted by the Owner to the City, a copy of which is attached to this Agreement and identified as Schedule "A"
4. The Owner must ensure that the design, layout and construction of the internal vehicular circulation system on the land is to the satisfaction of the City's Director of Public Works and the City's Chief of the Winnipeg Fire Paramedic Service.
5. The maximum density of development on the land is one hundred and thirty-two (132) dwelling units.
6. Subject to section 7, the maximum height of any building on the land is forty (40) feet.
7. The maximum height of any building located on the land within one hundred (100) feet of the east or west property lines of the land, is thirty-five (35) feet.
8. Nothing in this agreement will restrict or affect the powers of the City to amend repeal or vary the Zoning By-law applicable to the land or to enact a zoning by-law rezoning the land and it is understood by the Owner that the execution of this agreement by the City cannot operate to effect any variance to the Zoning By-law or approve any conditional use or operate to relieve against compliance with any other by-law or regulation of the City.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Devin Clark
Date:	April 2, 2014
File No.	ZAA 3/14

List of Schedules and Attachments

1. Appendix A – Planning Discussion

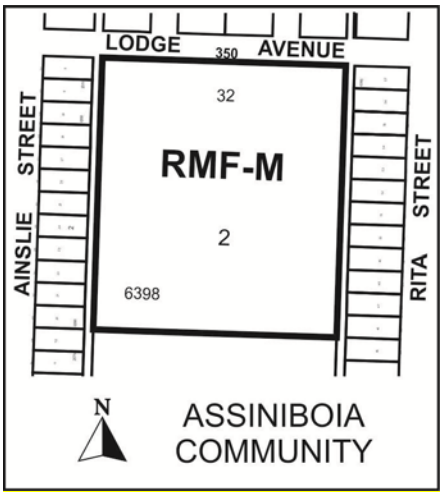
APPENDIX 'A'

DATE: April 2, 2014
FILE: ZAA 3/14
RELATED FILES: DAZ 237/08
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.647 – Silver Heights

SUBJECT: The applicant is proposing to amend the zoning agreement for DAZ 237/08 to allow the height of any building located greater than 100 feet from the east and west property line to have a maximum height of 46.5 feet.

LOCATION: 330 - 350 Lodge Ave.

LEGAL DESCRIPTION: LOT 32 BLOCK 2 PLAN 6398 12/3 ST JA



APPLICANT: MMP Architects (Chris Daly)
214 McDermot Avenue
Winnipeg MB R3A 0S3

OWNER: Pace Homes Ltd. (Roland Lefebvre)
240 River Avenue
Winnipeg MB R3L 0B4

RECOMMENDATION: Approval to amend condition number six (6) from the Zoning Agreement under file DAZ 237/2008.

REPORT SUMMARY:

- The applicant intends revise the condition that limits the height of buildings located greater than 100 feet from the east and west property line to 40 feet.
- The building is proposed to be constructed at a height of 46.5 feet.
- The Urban Planning Division recommends approval to amend the zoning agreement to allow a maximum building height of 46.5 feet for buildings located 100 feet from the east and west property line. The building is to remain four storeys, however due to design changes based on construction standards, an increase in height is being requested.

SITE DESCRIPTION

- The subject site is located on the south side of Lodge Avenue, between Ainslie Street and Rita Street, in the Silver Heights Neighbourhood of the St. James – Brooklands Ward.
- The property is approximately 7.4 acres
- The site is located within a "Mature Community" as identified in the Complete Communities Direction Strategy.
- The subject site is zoned "RMF-M" Residential Multi Family – Medium.

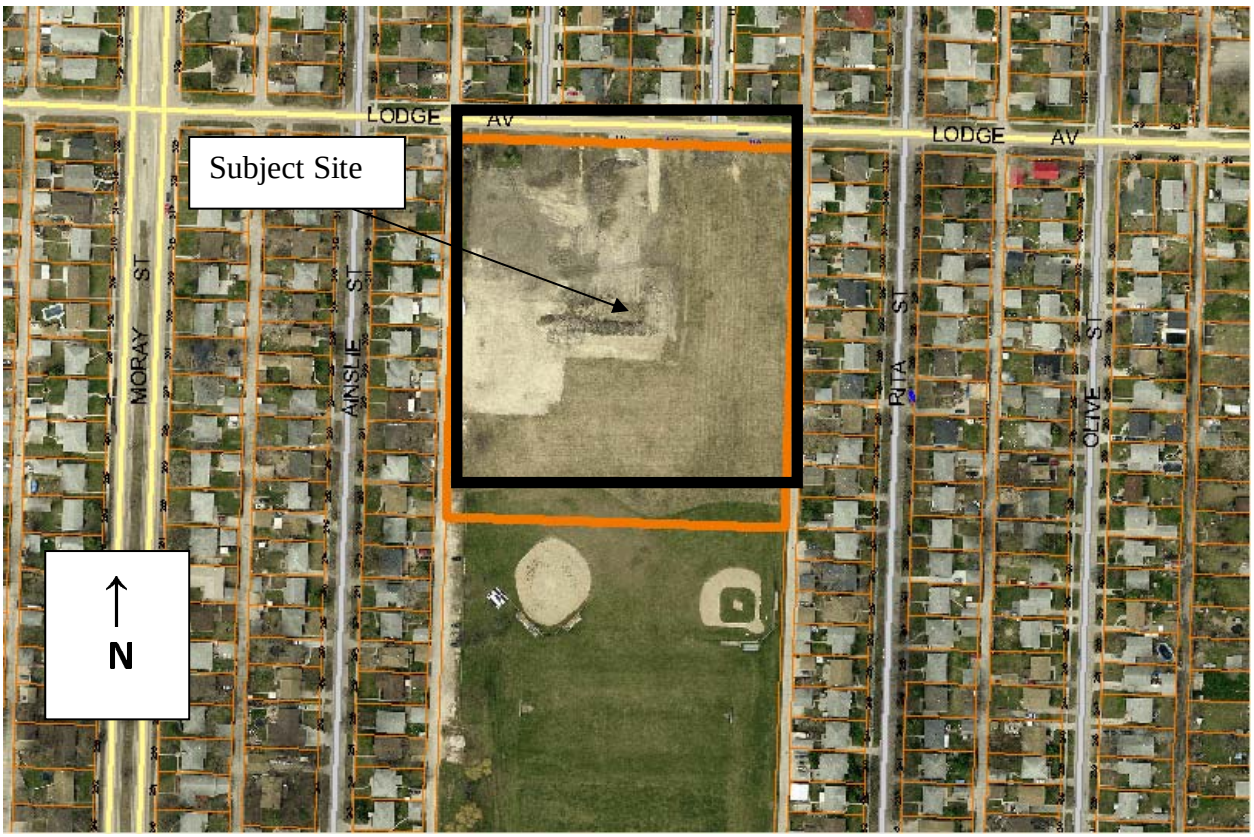


Figure 1: Subject Site and Surrounding Land Uses (Aerial Photo – flown 2012)

SURROUNDING LAND USES & ZONING

North: Lodge Avenue then single family dwellings zoned **"**R1-M" Residential Single Family - Medium

South: Sturgeon Heights Community Centre zoned "PR2" Parks and Recreation Community.

East: A public lane then single family dwellings zoned **"**R1-M" Residential Single Family – Medium.

West: A public lane then single family dwellings zoned **"**R1-M" Residential Single Family – Medium.

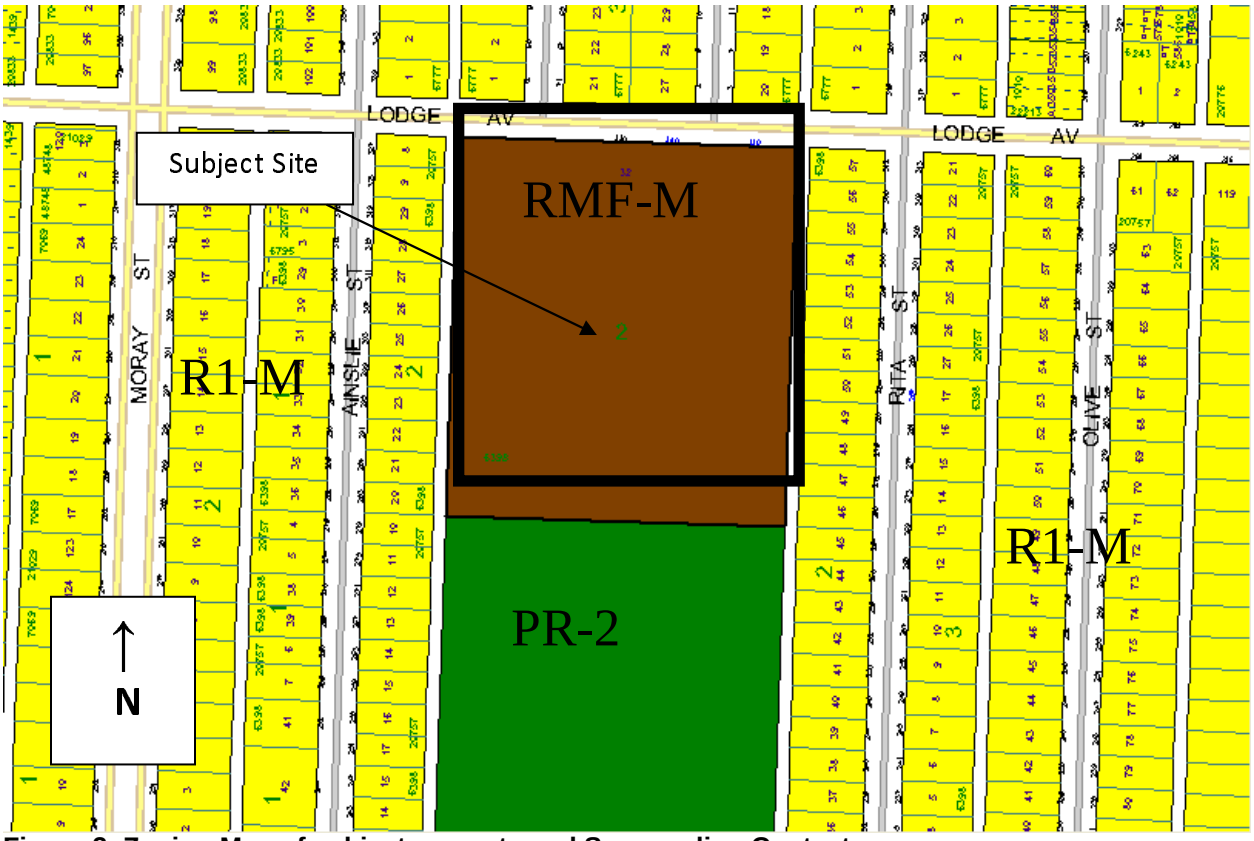


Figure 2: Zoning Map of subject property and Surrounding Context.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to amend the zoning agreement in order to permit a maximum height of 46.5 feet for the two multifamily buildings located on the site.

- General details remain the same from the original approval under DAZ 237/2008. Submitted plans show that there will be two-storey, townhome style dwellings located around the periphery of the property with the four-storey, multifamily dwellings located centrally on the site.

- Submitted plans indicate that townhomes around the periphery will comprise 48 units and the two four-storey buildings will comprise 84 units. The total units on the site will be 132, which is in compliance with the zoning agreement.

- The proposed multi-family dwellings will be 46.5 feet tall with projections that extend up to 51.5 feet. These projections form part of the parapet, which is identified as a permitted projection.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability 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.

ZONING (BY-LAW 200/2006)

"RMF-M" PDO Airport Vicinity - Residential Multi-Family Medium

- The "RMF-M" zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (note b)[1] and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.
- Parking requirements are 1.5 stalls per unit.

Permitted projections

Guard railings and parapets must not exceed 5 feet when measured from the roof.

Airport PDO Vicinity

Within Area 2 of the Overlay District

(a) New multiple-family dwellings may be constructed not exceeding a density of 85 units per hectare (35 units per acre).

ZONING BY-LAW ANALYSIS

Based on the density calculations under the “RMF-M” Airport vicinity zoning district the subject site could accommodate 259 dwellings units with a maximum building height of 60 feet.

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[1] note b – in the RMF-M zoning district, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

The proposed development was approved under DAZ 237/08 to permit 132 units with a maximum building height of 40 feet. The current proposal is to amend clause 6 of the zoning agreement to permit a maximum height of 46.5 feet for buildings located outside of 100 feet from the east and west property lines. It is the belief of the Urban Planning Division that the development has been established in a manner that is consistent and compatible with the surrounding neighbourhood, addressing a sensible transition between single family dwellings and multifamily dwellings.

The Zoning By-law permits projections such as parapets to a maximum of 5 feet above the roof line. The proposed design incorporates parapets along the building wall which helps break up the massing and creates a design interest along the façade. The Urban Planning Division is supportive of the use of parapets in this building as it increases the visual interest along the roofline.

COMPATABILITY WITH SURROUNDING NEIGHBOURHOOD

When the subject site was rezoned in 2009 the planning report spoke about context sensitive infill and building heights. The following is an excerpt from the report that speaks about infill guidelines.

4) Building Height

The infill guidelines suggest there are cases where a proposed building that is taller in height than that allowed for the adjacent, existing zoning district, can co-exist if an appropriate setback is provided between these buildings. The guidelines define a minimum test that a proposed building must pass as a basis for consideration. The formula is as follows:

- *A 45 degree line is drawn upward from the edge of the nearest neighboring property line (beginning at a height of six feet).*

- *If the proposed building falls below this line, the minimum test is satisfied. Essentially, this means that for every foot of building height, at least a foot of separation must be provided*.

The subject property is zoned RMF-M which permits a maximum height of 60 feet. During the original rezoning process there were concerns with regard to allowing a maximum height of 60 feet for the multifamily dwellings in the middle of the site. It was discussed that the maximum height should allow for a four storey building and a cap of 40 feet was set.

When the current architect took over the project, information with respect to the 40 foot cap was not conveyed. The building was then designed using different construction standards. According to the architect, this involved moving from 11 7/8” wood joists to 22” open web wood trusses. In addition, the ceiling height of the parkade had to be raised by 16” to accommodate headroom clearance under the steel framed beams. These changes in construction standards are ultimately the reason for the increase in height.

The end result is a building that is still four storeys, with 42 units and the same building footprint. It is the opinion of the Urban Planning Division that the additional 6 and ½ feet in height still satisfies the 45 degree angular plane test and maintains a compatible relationship with the adjacent dwellings around the site. The sight lines to the multifamily dwellings in the centre of the property should be quite limited as there will be two storey townhomes built around the periphery of the site (see figure 3 below).

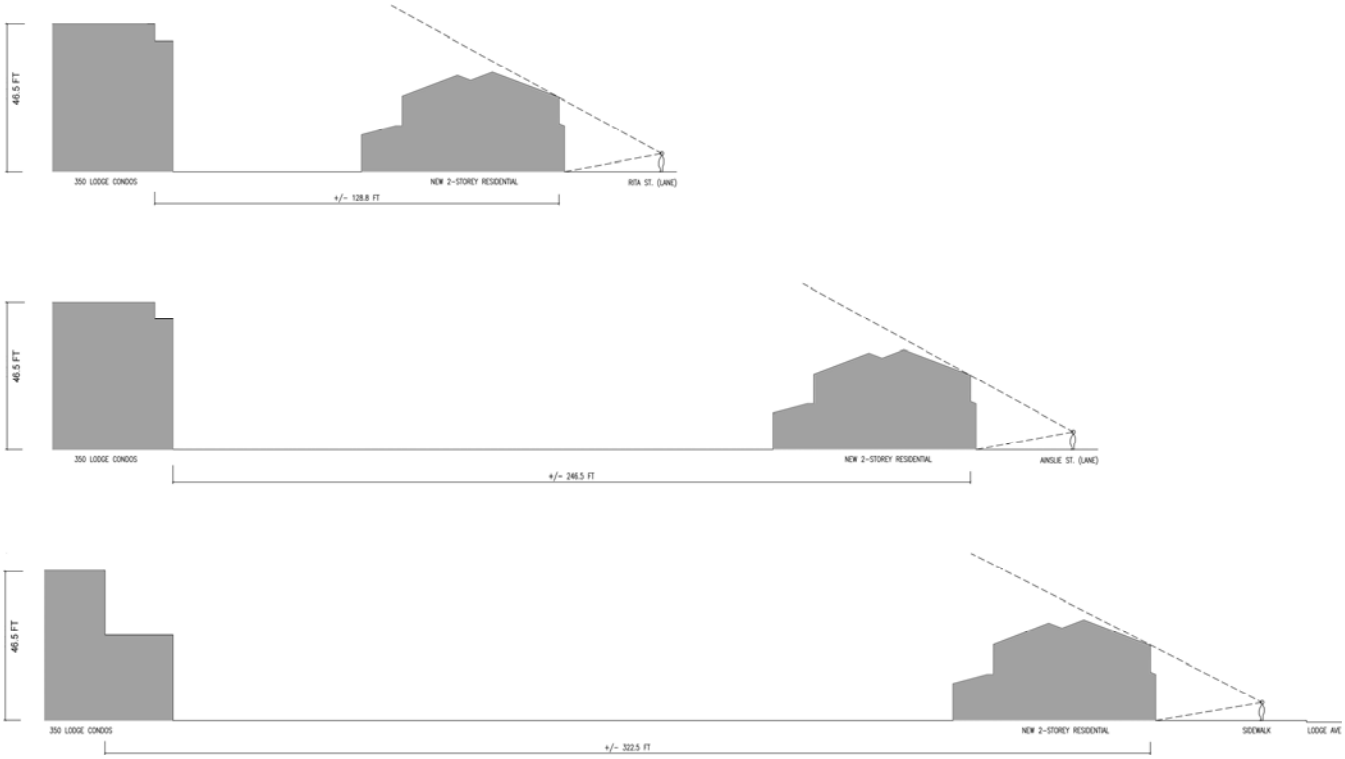

Figure 3: Image of sight lines to multifamily dwellings from the street.

RECOMMENDATION

1) That the Zoning Agreement under File DAZ 237/08 dated March 25, 2009 (By-law No. 78/2009) be amended as follows:

   A. that clause 6 be deleted and replaced with the following clause:

      Subject to section 7, the maximum height of any building on the land is 46.5 feet

2) That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 237/08 (By-law No. 78/2009) dated March 25,2008, as approved in aforesaid Recommendation 1.

3) That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Report Prepared by: Devin Clark
PPD File # ZAA 3/14