Minute No. 519
Report – Standing Policy Committee on Property and Development – May 13, 2014

Item No. 20 **Subdivision and Rezoning – Land located at Northwest corner of Hugo Street South and Public Lane behind Berwick Place (Fort Rouge-East Fort Garry Ward) File DASZ 7/2014**

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 7/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2014 dated April 30, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule C, the report of the Administrative Coordinating Group dated April 25, 2014, with the following amendments to C. Agreement Conditions, Section 1 – Servicing:

      i. Delete Condition 4 and replace it with the following:

         4. Hugo Street Improvements

            The Developer shall, at no expense to the City,

            a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk
            b. and install 4 boulevard trees

            on the west side of Hugo Street abutting the Planned Area as determined by and to the satisfaction of the Director of Public Works.

      ii. Add the following as Condition 5:

         5. Improvements in Lot 2

            The Developer shall, at no expense to the City,

Report – Standing Policy Committee on Property and Development – May 13, 2014

COUNCIL DECISION (continued):

a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the south side
b. install boulevard sod and 12 trees on the south side
c. install boulevard sod and 13 trees on the north side

within proposed lot 2 flanking the transit station access roadway, all to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

iii. Add the following as Condition 6:

6. Pathway Extension

The Developer shall, at no expense to the City, construct, from the north boundary of the existing Fort Rouge Yards Lands to the Morley extension, a 3.5 m wide hard surface pathway within a 6.0 m wide corridor that is free of fences or any encumbrances to the satisfaction of the Director of Public Works.

iv. Renumber the remaining conditions accordingly.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by amending the Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge) in accordance with Appendix B.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 7/2014 dated April 30, 2014 to a "RMU" Residential Mixed Use District and a "RMF-M" Residential Multi-Family District, subject to the following conditions:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

Report – Standing Policy Committee on Property and Development – May 13, 2014

COUNCIL DECISION (continued):

i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, and lighting to the City Centre Community Committee, the Director of Planning, Property and Development and the Chief of the WFPS; for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the development be limited to a maximum of 250 dwelling units.

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

Report – Standing Policy Committee on Property and Development – May 13, 2014

COUNCIL DECISION (continued):

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

4. 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.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

6. 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.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Report – Standing Policy Committee on Property and Development – May 13, 2014

COUNCIL DECISION (continued):

12. 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 – May 13, 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 May 21, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee with the following amendments:

- Add new Recommendation 4 as follows:
  "4. 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."

- Renumber Recommendations accordingly,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 13, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 6, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- That Recommendation 1. A. be amended by adding the following after "April 25, 2014":

  ", with the following amendments to C. Agreement Conditions, Section 1 – Servicing:

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. Delete Condition 4 and replace it with the following:

4. Hugo Street Improvements

The Developer shall, at no expense to the City,

a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk
b. and install 4 boulevard trees

on the west side of Hugo Street abutting the Planned Area as determined by and to the satisfaction of the Director of Public Works.

ii. Add the following as Condition 5:

5. Improvements in Lot 2

The Developer shall, at no expense to the City,

a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the south side
b. install boulevard sod and 12 trees on the south side

c. install boulevard sod and 13 trees on the north side

within proposed lot 2 flanking the transit station access roadway, all to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

iii. Add the following as Condition 6:

6. Pathway Extension

The Developer shall, at no expense to the City, construct, from the north boundary of the existing Fort Rouge Yards Lands to the Morley extension, a 3.5 m wide hard surface pathway within a 6.0 m wide corridor that is free of fences or any encumbrances to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iv. Renumber the remaining conditions accordingly.

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – Land located at Northwest corner of Hugo Street South and Public Lane behind Berwick Place File DASZ 7/2014**

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

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

Report date: **May 7, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 6, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 7/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2014 dated April 30, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule C, the report of the Administrative Coordinating Group dated April 25, 2014***, with the following amendments to C. Agreement Conditions, Section 1 – Servicing:***

        i. Delete Condition 4 and replace it with the following:

            4. <u>Hugo Street Improvements</u>

            The Developer shall, at no expense to the City,

            a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk
            b. and install 4 boulevard trees

            on the west side of Hugo Street abutting the Planned Area as determined by and to the satisfaction of the Director of Public Works.

        ii. Add the following as Condition 5:

            5. <u>Improvements in Lot 2</u>

The Developer shall, at no expense to the City,

a. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the south side
b. install boulevard sod and 12 trees on the south side
c. install boulevard sod and 13 trees on the north side

within proposed lot 2 flanking the transit station access roadway, all to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

iii. Add the following as Condition 6:

6. <u>Pathway Extension</u>

The Developer shall, at no expense to the City, construct, from the north boundary of the existing Fort Rouge Yards Lands to the Morley extension, a 3.5 m wide hard surface pathway within a 6.0 m wide corridor that is free of fences or any encumbrances to the satisfaction of the Director of Public Works.

iv. ***Renumber the remaining conditions accordingly.***

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by amending the Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge) in accordance with Appendix B.

3. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 7/2014 dated April 30, 2014 to a "RMU" Residential Mixed Use District and a "RMF-M" Residential Multi-Family District, subject to the following conditions:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, and lighting to the City Centre Community Committee, the Director of Planning, Property and Development and the Chief of the WFPS; for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and

maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the development be limited to a maximum of 250 dwelling units.

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

5. 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.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This development was anticipated at the time of the Area Master Plan and in our City plan as an area suitable for transit oriented development.
2. We have gone through a number of the issues which have been addressed through this process.
3. It seems like the potential impacts have been mitigated here.
4. This site has clearly been identified for this type of development for decades and more specifically in the Area Master Plan work that was done a few years ago and again through this process.
5. I think there will be many positive impacts on the community in terms of having new residents who aren't bringing huge numbers of vehicles.
6. I don't think it will have a negative impact on property values.

PUBLIC HEARING SUMMARY

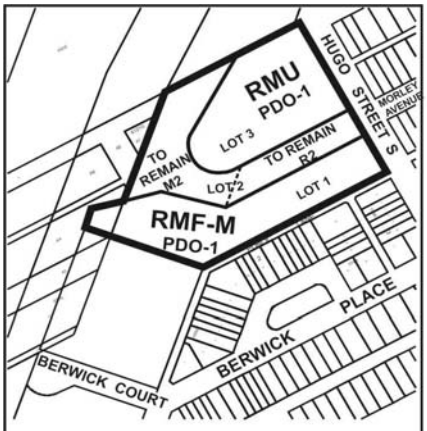
File: DASZ 7/2014

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

Public Hearing: May 6, 2014
Council Building, 510 Main Street

Applicant: David Hill (Streetside Development)

Subject:



CITY CENTRE COMMUNITY

APPLICANT : STREETSIDE DEVELOPMENT

FILE : DASZ 7/14

PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and "M2" MANUFACTURING GENERAL DISTRICT to an "RMU PDO-1" RESIDENTIAL MIXED USE PLANNED DEVELOPMENT OVERLAY 1 DISTRICT and an "RMF-M PDO-1" RESIDENTIAL MULTI-FAMILY (Medium) PLANNED DEVELOPMENT OVERLAY 1 DISTRICT to allow for the construction of future multi-family residential development. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: Land located at Northwest corner of Hugo Street South and Public Lane behind Berwick Place

Exhibits Filed:

1. Application dated March 14, 2014
2. Notification of Public Hearing dated April 1, 2014
3. Manitoba Status of Titles 2704493/1, 2435912/1
4. Certificate of Title 2435912/1
5. Letter of authorization dated January 16, 2014 from Barry Thorgrimson, City of Winnipeg, to Streetside Development Corporation
6. Surveyor's Building Location Certificate and sketch dated January 27, 2014
7. Drawing of subject property
8. By-law and By-law Amendments – Appendix "X" – PDO-1 "The Yards at Fort Rouge"
9. Plans (2 pages)
10. Report from the Urban Planning Division dated April 30, 2014
11. Inspection Report
12. Proposed By-law and By-law Amendments – Appendix "X" – PDO-1 "The Yards at Fort Rouge"
13. Revised Report from the Urban Planning Division dated April 30, 2014, received on May 6, 2014
14. Plans from Ed Boudreaux submitted at the Public Hearing in opposition to the application
15. Presentation from Bev Pike, South Osborne Residents' Group Inc. submitted at the Public Hearing in opposition to the application
16. Audio Recording of representations

REPRESENTATIONS:

In Support:
David Hill, Streetside Development
David Marsh, Dillon Counsulting
Brian Cornelsen

In Opposition
Ed Boudreaux
Al MacDonald
Bev Pike, South Osborne Residents' Group Inc.
Dave Poersch and Graca Maria Do Coto Moreira

For Information:

Don Harvey

For the City:

Mr. K. Kowalke, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department
Mr. D. Franchuk, Fire Inspector, Winnipeg Fire Paramedic Service

Exhibit "13" Revised Report referred to in File DASZ 7/2014

ADMINISTRATIVE REPORT

Title: DASZ 7/2014 – NW corner Hugo Street and public lane behind Berwick Place

Issue: An application for consideration at the public hearing for subdivision and rezoning.

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	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 7/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2014 dated April 30, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule C, the report of the Administrative Coordinating Group dated April 25, 2014.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by amending the Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge) in accordance with Appendix B.

3. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 7/2014 dated April 30, 2014 to a "RMU" Residential Mixed Use District and a "RMF-M" Residential Multi-Family District, subject to the following conditions:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping, and lighting to the City Centre Community Committee, the Director of Planning, Property and Development and the Chief of the WFPS; for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the development be limited to a maximum of 250 dwelling units.

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

5. 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.

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7. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. 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 seeks approval to rezone and subdivide the subject lands in accordance with the addendum to the Yards at Fort Rouge Area Master Plan. 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 property will be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works Department
- Transit Department
- Water and Waste Department
- Fire Department

- Legal Services (as to legal issues)

SUBMITTED BY

Department	*Planning, Property and Development*
Prepared by	*Michael Robinson AICP, MCIP*
Division	*Urban Planning*
Date:	April 30, 2014
File No.	DASZ 7/2014

List of Schedules and Attachments

Appendix A	Administrative Report
Schedule A	Initial plan for DASZ 7/2014
Schedule B	Revised plan for DASZ 7/2014
Schedule C	Report of the Administrative Coordinating Group (ACG)
Appendix B	By-law amending the Yards at Fort Rouge Planned Development Overlay 1
Appendix C	Development Concept
Appendix D	Map of AT Network

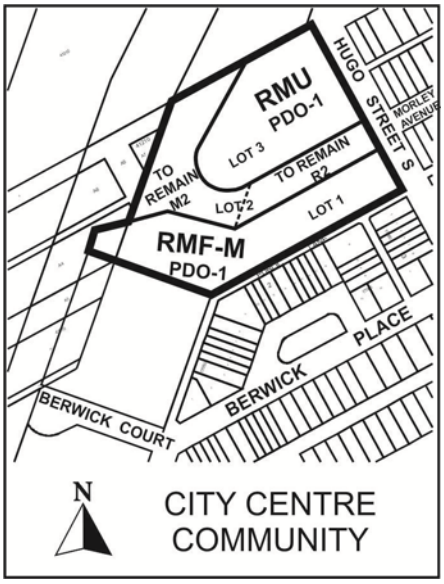
APPENDIX 'A'

DATE:	April 30, 2014
FILE:	DASZ 7/2014
RELATED FILES:	SP 3/2014
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.665

SUBJECT: To rezone the subject lands from an "R2" Residential Two-Family District and an "M2" General Manufacturing District to an "RMU" Residential Mixed Use District and an "RMF-M" Residential Multi-Family District for the construction of multi-family residential dwellings and limited commercial development.

LOCATION: N/W corner Hugo Street and public lane behind Berwick Place

LEGAL DESCRIPTION: see application



APPLICANT: Streetside Development – David Hill

OWNER: The City of Winnipeg

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

The subject property is located on the west side of Hugo Street, north of Berwick Place, and south of Arnold Avenue, in the Lord Roberts neighbourhood of the Ft. Rouge – East Fort Garry ward.

North: City owned land zoned “M2” General Manufacturing District
South: Residences zoned “RMF-S” Residential Multi-Family District
East: Manitoba Hydro corridor and railroad tracks zoned “M2” Manufacturing District, “A” Agricultural District, “C3” Commercial District, and “RMF-M” Multi-Family Residential District
West: Industrial and commercial uses zoned “M2” Manufacturing District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone and subdivide the subject lands. The applicant is also seeks approval for a Planned Development Overlay (PDO-1), which modifies the underlying zoning district.

The proposed development concept for the Fort Rouge Station Lands involves approximately 180 residential units under two typologies: approximately 50 townhomes with associated secondary suites[1] in low rise multi-family residential buildings and approximately 130 residential units in a mid-rise multi-family residential building. The zoning also enables limited commercial development on the ground floor of the mid-rise multi-family residential building.

The proposed development will feature pedestrian friendly urban form and design, with all residential buildings clustered towards the street edge, and associated parking facilities located to the side and rear of the buildings.

The associated addendum to the Area Master Plan for the Yards at Ft. Rouge (see SP 3/2014) provides the developer’s vision for the property and policies for the Plan area. The Area Master Plan is being used to guide the DASZ application and will be used to evaluate all future development proposals for the Plan area.

A. Development concept
Area 1 – Low rise multi-family residential
This area consists of five low-rise multi-family residential buildings with approximately 10 units per building. Each unit will have the potential to add a secondary suite within the unit, to promote affordable housing options.

The buildings will be located close to the street edge and all parking and loading will occur at the back of the property, off the rear lane.

The zoning for this area is “RMF-M” Residential Multi-Family District Medium

Area 2 – Mid-rise multi-family residential
This area will consist of one, mid-rise multi-family residential building with approximately 130 units.

This building will also be located close to the street edge and parking for this building will occur both underground and in a surface parking lot behind the building.

[1] These are referred to as a second principal dwelling unit in the PDO-1 because a secondary suite, as defined and applied in the Winnipeg Zoning By-law, is only allowed on single-family residential properties.

Limited commercial development on the ground floor of this building is being enabled through zoning. The two condominium units adjacent to the Fort Rouge Station will have direct exterior access and the applicant indicates that the condominium declaration will permit the space to be used as commercial space in the future.

The zoning for this area is “RMU” Residential Mixed Use District.

B. Transportation

Traffic Study

A traffic study was prepared by Dillon Consulting. It is an update of the traffic study that was prepared in 2011 by the same consultant for the Yards at Ft. Rouge development. That traffic study discussed the impacts of 900 apartments/townhouses on the Yards at Ft. Rouge site and 243 apartments/townhouses on the subject property.

According to the report, the major assumptions used as the basis of the 2011 traffic impact study remain applicable. Some of the key findings include the following:

1. The existing road network should be utilized to provide access to the proposed development

2. Existing background traffic volumes of Jubilee Avenue currently range between 21,900 and 26,600 vpd. The traffic volumes increase is 1,650-2,030 vpd on Jubilee Avenue due to trips generated by the two developments (Yards at Ft. Rouge and Ft. Rouge Station)

3. Existing background traffic volumes on Osborne currently range between 27,800 and 28,600 vpd. Traffic volumes are expected to increase by 900-1,360 vpd due to trips generated by the two developments

4. All collector streets remain within acceptable daily traffic volume limits under 5,000 vpd

5. Intersection operations of collector streets with either Jubilee Avenue or Osborne Street remain within the acceptable peak hour limit of Level of Service “D” or better

6. The combined traffic generated by the 50 unit multi-family townhouses on Lot 1 and the existing townhouses on Berwick Place result in 365 vpd, which is less than the typically allowable 650 vpd for a public lane.

7. Lilac Street currently has background daily traffic volumes higher than acceptable limits for a residential street. No parking is currently permitted on Lilac Street indicating that the City of Winnipeg recognizes that traffic issues are present and that Lilac Street may be functioning as a collector street.

It should be noted that as a condition of approval for the Yards at Ft. Rouge development, the City reserved the right to request that the developer pay for a traffic signal at the intersection of Lilac and Jubilee if required in the future.

Back lane widening

As a condition of approval, the Public Service is recommending that the existing back lane be widened to accommodate the additional traffic that will be generated by this development. This is the standard requirement by the Public Works Department for back lanes for new multi-family residential development.

Snow Storage
The Public Service is also requiring an easement for a dedicated snow storage area at the rear of the property. This snow storage area will be for the exclusive use of the City to pile snow that is cleared from the back lane.

Parking
Given that this is a TOD (transit oriented development), the development will follow the same approach that was used for the Yards at Ft. Rouge which is:
1. That the maximum amount of off-street parking shall not exceed the minimum amount required under the Winnipeg Zoning By-law (1.5 stalls per unit)
2. That a parking management plan may be used to reduce the amount of parking below the minimum amount required. That reduction, if requested, is anticipated to be at least 25%, which is consistent with studies undertaken by the Federal Transit Authority in the US that have shown that apartments in TOD have appreciably lower trip generation rates compared to non-TOD apartments. Transit-oriented apartments average one-half the norm of vehicle trips, with the rates varying from 70-90% reduction for development near the downtown to 15-25% reduction for developments in low density suburbs.

Pedestrian network
An AT network map is provided in Appendix D.

Key highlight of the pedestrian network include:

- A public sidewalk to be built on the west side of Hugo Street
- A public sidewalk to be built on the south side of Morley Avenue (transit access road)
- A pathway through the development which connects Berwick Place to the Ft. Rouge Station
- Internal linkages to all existing pathways and sidewalks

C. Underground services
The subject development, based on City of Winnipeg servicing policies, is required to be serviced to an urban standard with land drainage, water, and wastewater sewer. More detail about underground servicing is provided in the Infrastructure Section of the Area Master Plan.

D. Phasing
The Fort Rouge Station Lands are anticipated to be developed over a five year period. Phasing and development will be contingent on market demand, and logical infrastructure servicing. At this time it is anticipated that the development will occur in the short term, with anticipated build out by 2017, based on the economics of the development and market interest.

ANALYSIS AND ISSUES
A. Policies
OurWinnipeg/Complete Communities

The subject property is identified as a Major Redevelopment Site in *Complete Communities*, the City's blueprint for development. *Complete Communities* describes the characteristics of Major Redevelopment Sites as follows:

- Large, functionally obsolete or under-utilized lands, such as former industrial areas.
- Located within the existing urban framework, often along rail lines, major corridors or rapid transit.
- Often serviced by some level of existing infrastructure
- Present opportunities for transformative and strategic mixed use infill and intensification
- May present challenges to redevelopment, such as inadequate infrastructure capacity and contamination
- Site area typically 15 acres or more

It provides direction that Major Redevelopment Sites should: *Provide for Complete Communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.*

It also states that Major Redevelopment Sites may be hampered to various extents by a number of impediments that reduce or preclude economic viability and that given its interest in the redevelopment of these sites, the City will work to reduce these barriers.

Complete Communities requires that landowners and other stakeholders establish local goals and objectives for a Major Redevelopment Site while taking into account its relationship to OurWinnipeg, Sustainable Transportation Direction Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.

A more detailed analysis of Our Winnipeg and Complete Communities policies relating to this development is included within the associated Area Master Plan administrative report (SP 3/2014).

B. Land Use and Zoning

The subject application includes an amendment to the existing PDO-1 Planned Development Overlay District for the Yards at Ft. Rouge, which permits the underlying zoning to be modified, to allow for flexibility in the build out of the site and to ensure that TOD principles are being implemented. The PDO-1 takes into account the size, proximity to rapid transit, and the distinctive mix of uses that may occur here, because it is a Major Redevelopment Site.

Some of the key modifications to the underlying zoning districts:

- The principal and accessory use tables are modified to accommodate only uses that are appropriate for the area

- Flexibility in setbacks is permitted.

- Height is restricted

- A Parking and Bicycle Parking Management Plan, which must be approved by the Director of Planning, Property, and Development, will replace the parking and bicycle parking requirements in

the Winnipeg Zoning By-law. The parking minimum, which is 1.5 stalls per unit, is required to be the parking maximum – consistent with the approach used for the Yards at Ft. Rouge development.

- Secondary principal dwellings (i.e. secondary suites) are permitted with use specific standards

The amended PDO-1 is attached in Appendix B.

D. Public Consultation
See Plan Development and Stakeholder Engagement section of the Area Master Plan.

E. Summary
Complete Communities has designated the subject site as a Major Redevelopment Site. Consequently, this subdivision and rezoning is:

- Consistent with the City's plans for this area, as identified in Complete Communities
- Consistent with the associated Area Master Plan, which will guide development of the area if endorsed by Council

RECOMMENDATIONS
The Winnipeg Public Service recommends approval, with conditions, for the following reasons:

- The subdivision and rezoning is consistent with the addendum to the Yards at Ft. Rouge Area Master Plan, the TOD Handbook, and Major Redevelopment Site policies in Complete Communities and Our Winnipeg.

This Report Submitted by:
Michael Robinson AICP, MCIP
Planning, Property and Development Department
Urban Planning Division
PPD File # DASZ 7/2014

Schedule "A" for File No. DASZ 7/2014, City Centre Community Committee, dated April 30, 2014

By-Law No.

File No. **DASZ 7/14**

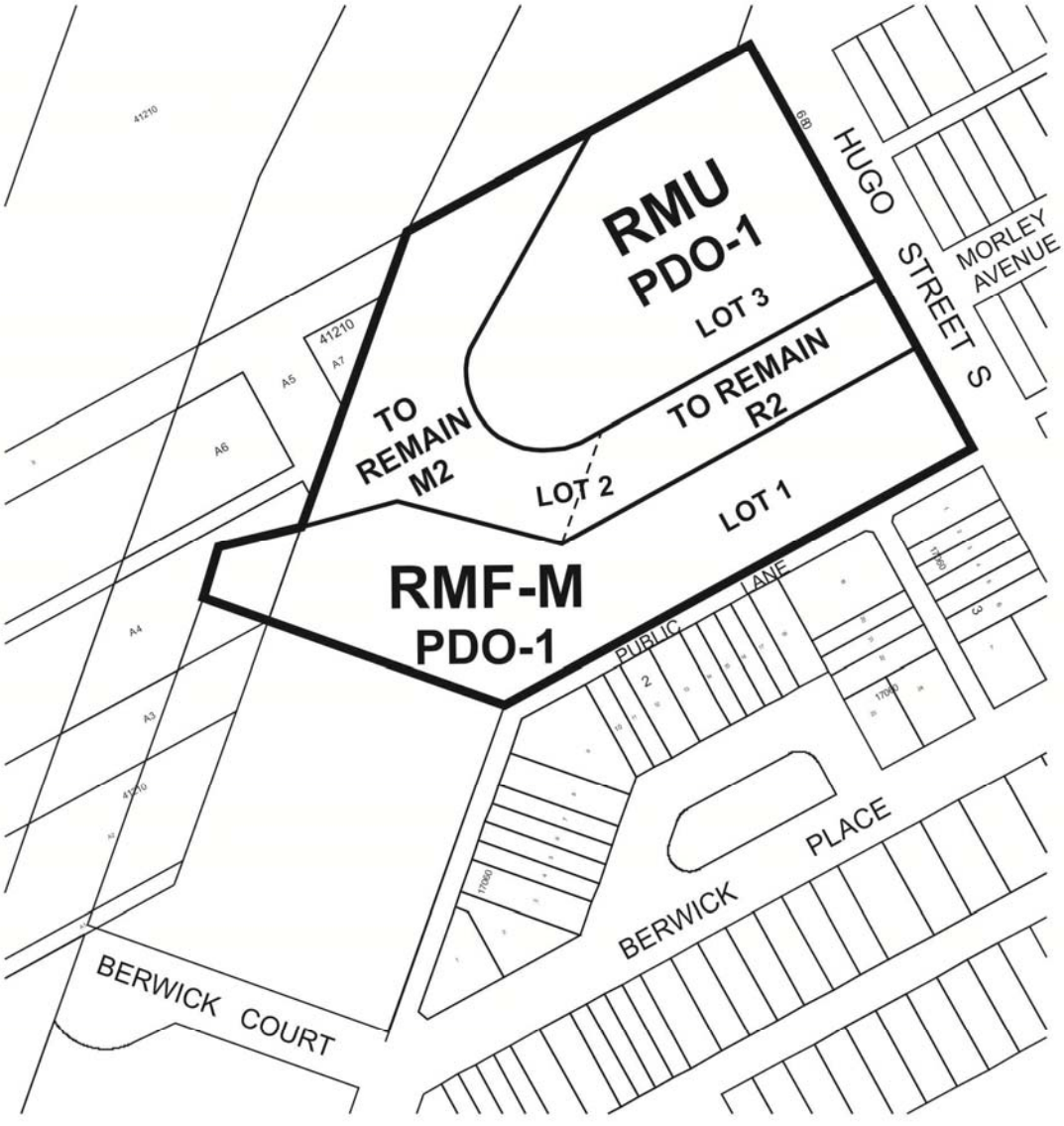
Atlas Sheet No.

N

AD24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at the north west corner of Hugo Street South and public lane behind Berwick Place from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and "M2" MANUFACTURING GENERAL DISTRICT to an "RMU PDO-1" RESIDENTIAL MIXED USE PLANNED DEVELOPMENT OVERLAY 1 DISTRICT and an "RMF-M PDO-1" RESIDENTIAL MULTI-FAMILY (Medium) PLANNED DEVELOPMENT OVERLAY 1 DISTRICT to allow for the construction of future multi-family residential development as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Schedule "B" for File No. DASZ 7/2014, City Centre Community Committee, dated April 30, 2014

SCHEDULE B

By-Law No. _____

File No. **DASZ 7/14**

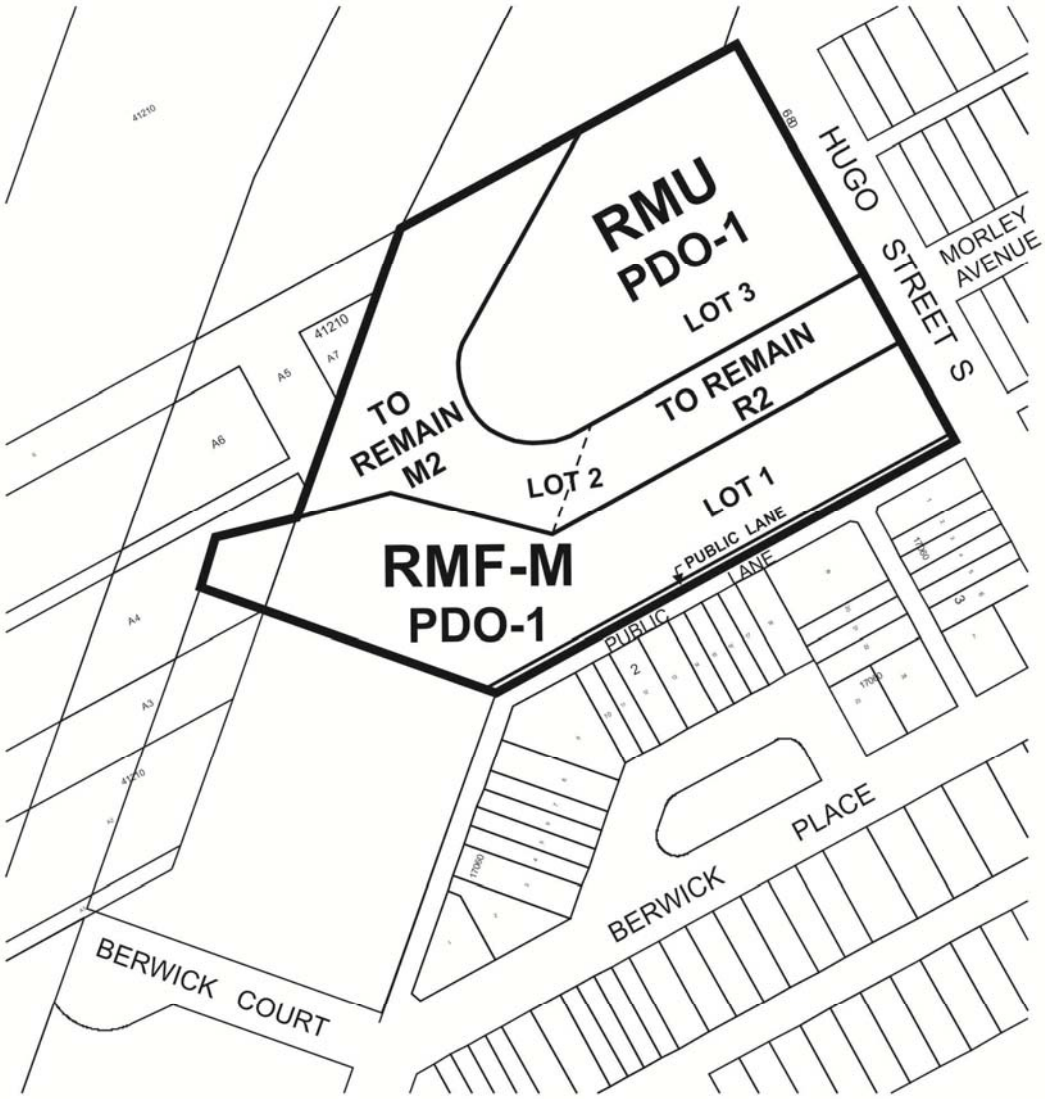
Atlas Sheet No.

N

AD24
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Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at the north west corner of Hugo Street South and public lane behind Berwick Place from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and "M2" MANUFACTURING GENERAL DISTRICT to an "RMU PDO-1" RESIDENTIAL MIXED USE PLANNED DEVELOPMENT OVERLAY 1 DISTRICT and an "RMF-M PDO-1" RESIDENTIAL MULTI-FAMILY (Medium) PLANNED DEVELOPMENT OVERLAY 1 DISTRICT to allow for the construction of future multi-family residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – April 25, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT THE NORTH WEST CORNER OF HUGO STREET AND PUBLIC LANE BEHIND BERWICK PLACE – DASZ 7/2014

It is recommended that the approval of DASZ 7/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. The Developer shall dedicate and legally open property required to widen the public lane adjacent to the south limit of the subject property to a maximum overall width of 7. 25 metres all in accordance with Schedule B of the Planner's report contained herein. To mitigate developable property loss as a result of the public lane widening it is acknowledged that the east-west leg of proposed lot 2 will be established, by plan registration, at a width of 22.0 metres.

B. EASEMENTS

1. The Developer shall grant, at no cost to the City;

   a a snow storage easement within the private property, adjacent to the public lane, for City use at a location mutually acceptable to the Developer and the City and at a size and configuration acceptable to the Director of Public Works.

   b any other easements where necessary through private lands for the installation of utilities and municipal works.

   These easements shall be registered in the Land Titles Office as caveats against the affected lands.

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Watermains

   In the event that the Developer proposes to connect their on-site water service infrastructure to the existing watermain constructed by others in the adjacent public lane, the Developer shall,

prior to the release of subdivision mylars for registration in the Land Titles Office pay their proportionate share of the cost of said watermain, all as determined by and to the satisfaction of the Director of Water and Waste.

2. Land Drainage Sewers

   The Developer shall prior to the release of subdivision mylars for registration in the Land Titles Office, pay $310,000 as its share of the regional land drainage system installed by others servicing the Planned Area.

3. Lane Pavement

   The Developer shall, at no expense to the City, construct a portland cement concrete pavement widening to the public lane abutting the south side of the Planned Area to result in an overall paved lane width of 6.0 metres, as determined by and to the satisfaction of the Director of Public Works.

4. Sidewalks

   The Developer shall, at no expense to the City construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the west side of Hugo Street abutting the Planned Area as determined by and to the satisfaction of the Director of Public Works.

5. Two Means of Vehicle Access

   The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

6. Construction Traffic

   The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

7. Litter and Refuse Control and Clean-Up

   a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

   b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

8. Survey Monuments

Following completion of all major construction works, the Developer shall at its cost have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated or destroyed, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 7/2014
April 25, 2014

"Original signed by K.T. Raban, P.Eng."

K.T. Raban, P. Eng.,
Land Development Branch

"Original signed by F.C. Mazur, P.Eng."

F. C. Mazur, P. Eng.
Water & Waste Department

"Original signed by C.J. Desjardine, P.Eng."

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

KTR/ktr

APPENDIX B

THE CITY OF WINNIPEG

BY-LAW NO. /2014

A By-law of The City of Winnipeg to amend Schedule P to Winnipeg Zoning By-law No. 200/2006, The Yards at Fort Rouge Planned Development Overlay 1.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *Schedule P to The Winnipeg Zoning By-law No. 200/2006, The Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge) is amended as follows.*

2 *In section 4, the wording is struck out and the following is substituted:*

The maximum development density of the overlay district is:

(a) A total of 900 dwelling units in Areas 1, 2 and 3 combined; and

(b) A total of 250 dwelling units in Areas 4A and 4B combined.

3 *In section 7, subsections (1), (2) and (3) are struck out and the following is substituted:*

(1) If a property does not comply with the required amount of parking or bicycle parking, the property owner may propose to the Director a Parking or Bicycle Parking Management Plan prepared by a professional traffic engineer or parking consultant documenting that the amount of off-street parking and/or bicycle parking is adequate to meet the needs of the proposed use or combination of uses and to prevent traffic and parking congestion on surrounding streets or public lanes.

(2) If the Director concludes that the proposed Parking and Bicycle Parking Management Plan will provide off-street parking and/or bicycle parking adequate to meet the needs of the proposed use or combination of uses and to prevent traffic congestion on surrounding streets and public lanes, the Director may approve the Parking and Bicycle Parking Management Plan and may reduce or increase the amount of parking and/or bicycle parking to conform with the approved plan.

(3) Once a Parking and Bicycle Parking Management Plan is approved, that owner shall provide parking spaces and bicycle parking spaces in accordance with the Parking and Bicycle Parking management plan which has been approved by the Director.

(4) Any owner of land in the PDO-1 The Yards at Fort Rouge may, in accordance with this overlay and this By-law, submit to the Director for approval:

(a) A Parking and Bicycle Parking Management Plan for the overlay district; or,

(a) an amended Parking and Bicycle Parking Management Plan for the overlay district.

(5) The total number of parking spaces in Areas 1-3 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Areas 1-3.

(6) The total number of parking spaces in Area 4 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Area 4.

(7) Notwithstanding subsection (5), the number of parking spaces on any one lot in Areas 1-3 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

(8) Notwithstanding subsection (6), the number of parking spaces on any one lot in Area 4 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

4 *Section 8 is repealed.*

5 *In section 11, subsection (6) is repealed.*

6 *In section 12, subsection (6) is repealed.*

7 *In subsection 13(6), clause (a) is repealed.*

8 *The following is added after section 13:*

Areas 4A and 4B

14. The Yards at Fort Rouge Areas 4A and 4B

Applicability

(1) The Yards at Fort Rouge Areas 4A and 4B are shown on Map 2 as Area 4A and Area 4B respectively.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A medium to higher density, predominately residential district with a diversity of housing types that provides a transition between the Fort Rouge transit station and the lower density development to the east and south; and,

(b) Limited small scale commercial and service facilities to support residential development while maintaining a predominately residential character.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Areas 4A and 4B, the following principal uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Dwelling, single-family detached; and,

(b) Dwelling, two family.

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses are prohibited and are not allowed as permitted, condition, accessory, or temporary uses:

(a) Drinking establishment.

Permitted Use Regulations

(5) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, a non-residential use, with the exception of a home occupation, is not permitted above the ground floor of any building.

(6) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses may be approved only as conditional use, where they are otherwise permitted.

(a) Post office/carrier depot.

Use Specific Standards

(7) Notwithstanding other provisions of this By-Law, in the Yards of Fort Rouge Area 4A, a second principal dwelling unit is permitted within a dwelling unit with the following use specific standards:

(a) The second principal dwelling unit is only permitted within the basement or ground floor of the principal residential use;

(b) The maximum size of the second principal dwelling unit may be no more than 33 percent of the living area of the dwellings, or 800 square feet, whichever is less; and,

(c) No second principal dwelling unit shall have a floor area of less than 350 square feet.

Development and Design Standards

Dimensional Standards

(8) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Areas 4A and 4B, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) Principal buildings must not extend into a 45 degree angular plane measured from a point 20 feet above grade at the eastern lot line of Areas 4A and 4B and the portion of the southern lot line that abuts the public lane in Area 4A.

Yard Requirements

(b) In Area 4A:

i. the north side yard is 10 feet, excepting the most westerly 100 feet, where the north side yard is 6 feet;

ii. the south side yard is 25 feet, excepting the most westerly 100 feet, where the south side yard is 8 feet;

iii. the front yard is 10 feet.

(c) In Area 4B:

i. the rear yard is 8 feet;

ii. the south side yard is 12 feet.

Permitted Projections

(d) In Area 4A, open parking is a permitted projection into the required south side yard, excepting the most westerly 235 feet, where open parking shall be no closer than 8 feet to the south property line.

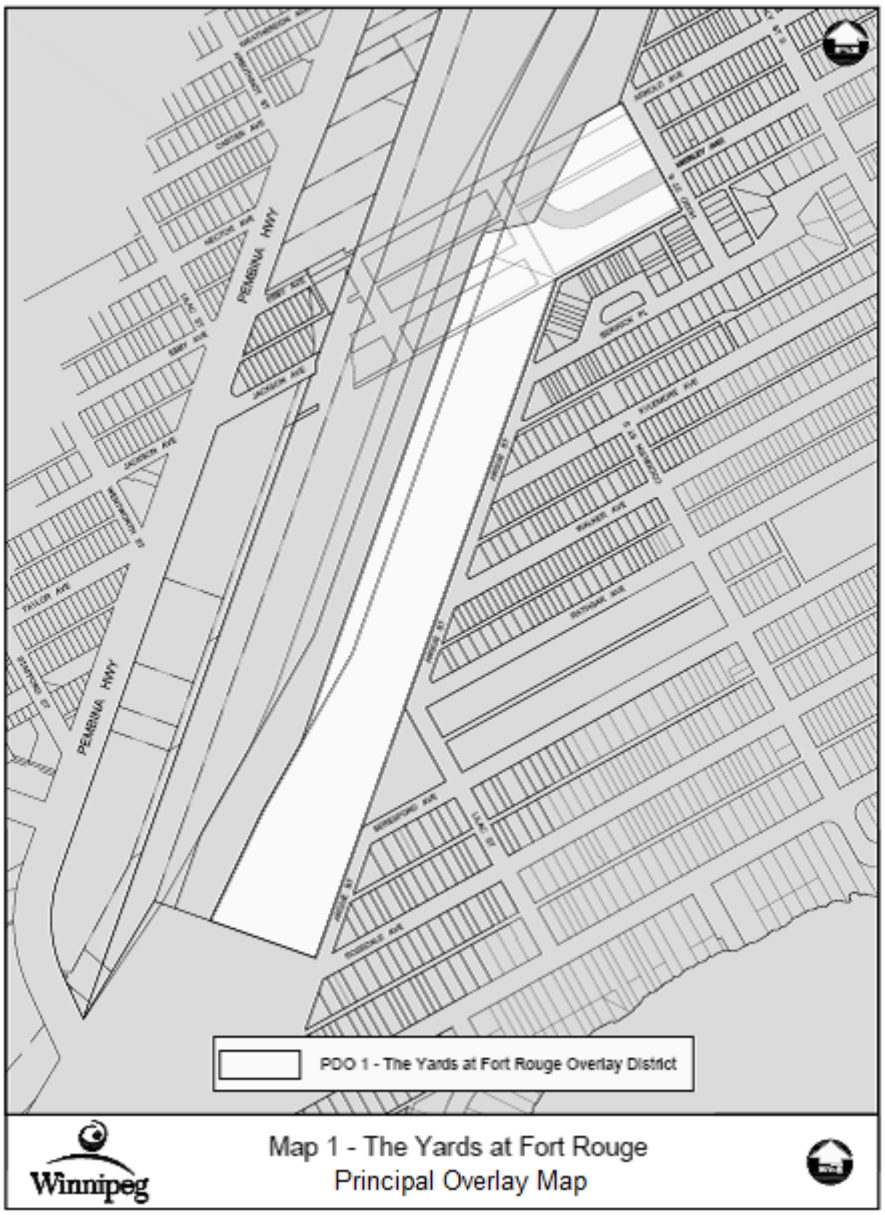
(e) In Area 4A, open parking is a permitted projection into the required front yard for the most southerly 25 feet only.

(f) In Area 4B, balconies shall be no closer than 7 feet to the south property line.

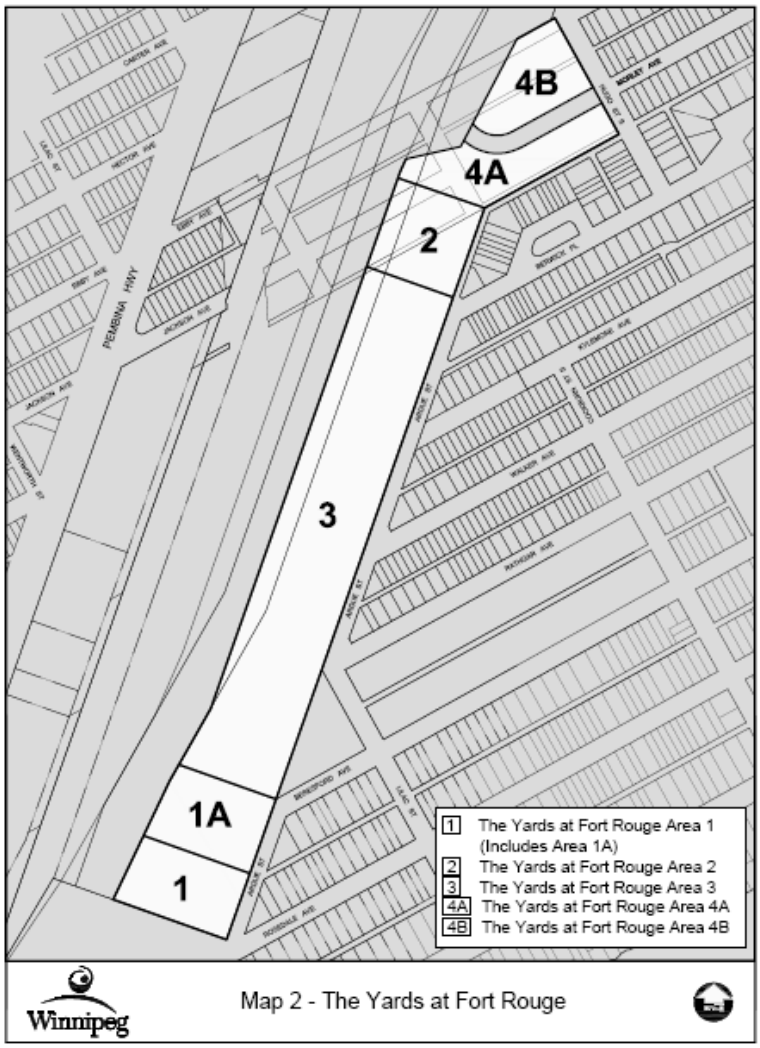
Parking Layout

(g) In Area 4A, parking spaces are permitted to have direct access from a public lane.

9 *Map 1 is struck out and the following is substituted:*


PEMBINA HWY
PEMBINA HWY
PDO 1 - The Yards at Fort Rouge Overlay District
Winnipeg
Map 1 - The Yards at Fort Rouge
Principal Overlay Map

10 *Map 2 is struck out and the following is substituted:*



DONE AND PASSED this day of , 2014.

_____
Mayor

_____
City Clerk

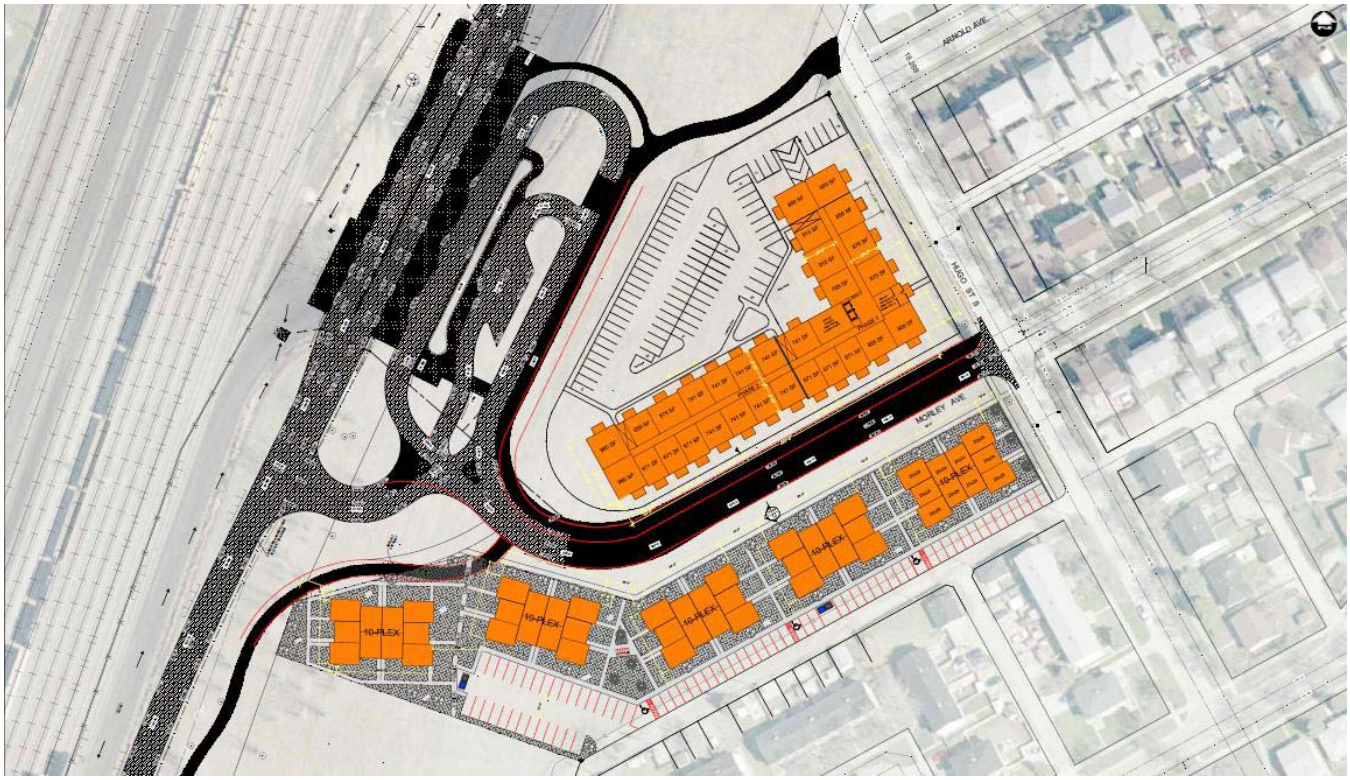
Approved as to planning details:

Approved as to form:

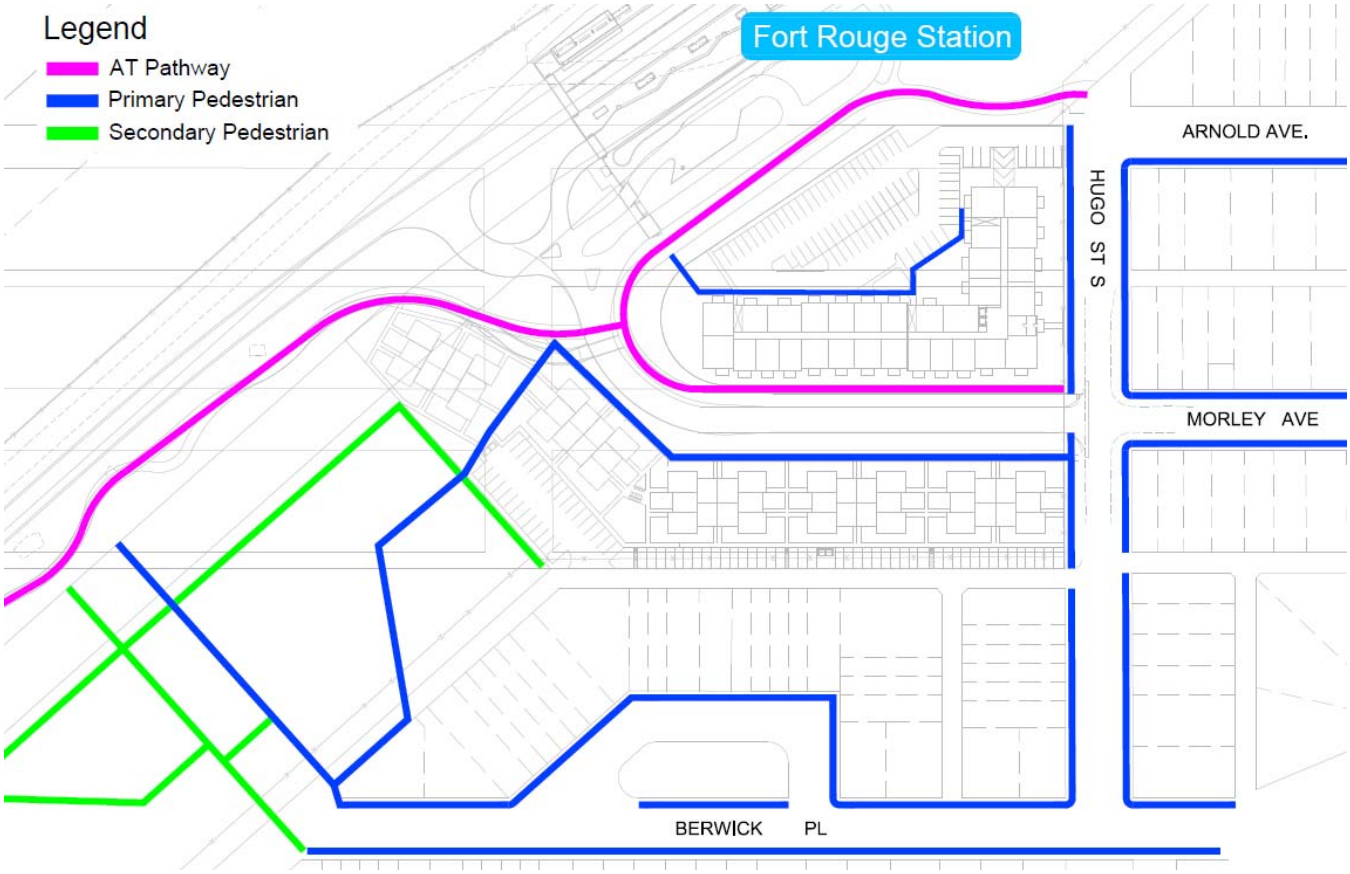
for Director of Planning, Property
and Development

James Carter
for Director of Legal Services and
City Solicitor

APPENDIX 'C'
Development Concept



APPENDIX 'D'
AT Network



Proposed Amendments to Fort Rouge Yards PDO

Appendix 'X'
PDO-1 "The Yards at Fort Rouge"

THE CITY OF WINNIPEG

BY-LAW NO. /2014

A By-law of The City of Winnipeg to amend the Winnipeg Zoning By-law No. 200/2006, amending The Yards at Fort Rouge Planned Development Overlay 1.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *The Winnipeg Zoning By-law No. 200/2006 is amended by adopting the attached amendments to the "The Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge)", Schedule P.*

DONE AND PASSED this th day of , 2014.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____
for Director of Planning, Property and Development

Approved as to form:

_____
James Carter
for Director of Legal Services and City Solicitor

DRAFT

SCHEDULE P

amended TBD

THE YARDS AT FORT ROUGE PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 the Yards at Fort Rouge)

Purpose

1. The purpose of this overlay is to support the redevelopment of The Yards at Fort Rouge as a Transit Oriented Development Major Redevelopment Site and implement the development concept of the Yards at Fort Rouge Area Master Plan.

Applicability

2. PDO-1 The Yards at Fort Rouge overlay district is shown on the attached map and identified as PDO-1 the Yards at Fort Rouge Principal Overlay Map (Map 1).

Development Standards

3. Except to the extent modified by the standards in this overlay, all standards of this By-law apply within the boundaries shown on the Principal Overlay Map (Map 1).

Development Density

4. The maximum development density of the overlay district is 900 dwelling units within Areas 1 – 3, and 250 dwelling units within Areas 4A-4B.

Rapid Transit Right of Way Setback

5. Notwithstanding any other provision of this By-law, there must be a minimum 25 foot separation distance between any structure containing one or more dwelling units and the western boundary of the overlay district shown on the Principal Overlay Map (Map 1).

Design Standards

6. All development must comply with the design standards for Mixed Use Development, as applicable, in section 210 of this By-law.

Parking for Bicycles and Motor Vehicles

7. (1) If a property does not comply with the required amount of parking or bicycle parking, the property owner may propose to the Director a Parking or Bicycle Parking Management Plan prepared by a professional traffic engineer or parking

consultant documenting that the amount of off-street parking and/or bicycle parking is adequate to meet the needs of the proposed use or combination of uses and to prevent traffic and parking congestion on surrounding streets or public lanes.

(2) If the Director concludes that the proposed Parking and Bicycle Parking Management Plan will provide off-street parking and/or bicycle parking adequate to meet the needs of the proposed use or combination of uses and to prevent traffic congestion on surrounding streets and public lanes, the Director may approve the Parking and Bicycle Parking Management Plan and may reduce or increase the amount of parking and/or bicycle parking to conform with the approved plan.

(3) Once a Parking and Bicycle Parking Management Plan is approved, that owner shall provide parking spaces and bicycle parking spaces in accordance with the Parking and Bicycle Parking management plan which has been approved by the Director.

(4) Any owner of land in the PDO-1 The Yards at Fort Rouge may, in accordance with this overlay and this By-law, submit to the Director for approval:

(a) A Parking and Bicycle Parking Management Plan for the overlay district; or,

(b) an amended Parking and Bicycle Parking Management Plan for the overlay district.

(5) The total number of parking spaces in Areas 1-3 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Areas 1-3.

(6) The total number of parking spaces in Area 4 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Area 4

(7) Notwithstanding subsection (5), the number of parking spaces on any one lot in Areas 1-3 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

(8) Notwithstanding subsection (6), the number of parking spaces on any one lot in Area 4 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

DRAFT

Signage

7. (1) The Director may approve a master signage plan for the overlay district in accordance with this overlay and this By-law

(2) The Director must not approve any master signage plan for the overlay district which allows or provides for more than one freestanding sign to be erected in the overlay district.

(3) An owner of land in the overlay district must not erect signage on his land unless the signage is in accordance with a master signage plan for the overlay district which has been approved by the Director.

(4) An owner of land in the overlay district with signage erected on his land must maintain and repair the signage in accordance with the master signage plan for the overlay district which has been approved by the Director.

(5) Any owner of land in the overlay district may, in accordance with this overlay and this By-law, submit to the Director for approval

(a) a master signage plan for the overlay district; or

(b) an amended master signage plan for the overlay district.

(6) No mobile or billboard signs are permitted within the overlay district.

Fencing

8. A fence located within a required front or corner side yard must not exceed 4 feet in height.

Area 1

9. The Yards at Fort Rouge Area 1 (includes Area 1A)

Applicability

(1) The Yards at Fort Rouge Areas 1 and 1A are shown on Map 2 as Area 1 and Area 1A respectively.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A high density, predominately residential district with a diversity of housing types.

(b) A vertical and horizontal mix of uses to help create an 18 hour activity zone.

(c) An active defined centre to create a dynamic area for a variety of users and incorporate compact, high quality, pedestrian-oriented environments by creating smaller walkable blocks.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in Yards at Fort Rouge Area 1, the following principal uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Dwelling, single-family detached

(b) Dwelling, two family

Permitted Use Regulations

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 1, a non-residential use, with the exception of home occupations, is not permitted above the second floor of any building.

(5) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 1, the following principal use may be approved only as conditional uses, where it is otherwise permitted.

(a) Post office/carrier depot

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~~(6) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 1, the following accessory use may be approved only as conditional use, where it is otherwise permitted.~~

~~(a) Accessory uses, not listed~~

(7) Notwithstanding other provisions of this By-law, the in Yards at Fort Rouge Area 1, the following principal use is permitted:

(a) Transit station

Development and Design Standards

Dimensional Standards

(8) Notwithstanding other provisions of this By-law, in Yards at Fort Rouge Area 1, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) The maximum height of a principal building is 250 feet;

(b) In Area 1A the maximum height of a principal building is 190 feet; and,

(c) Principal buildings must not extend into a 45 degree angular plane measured from a point 40 feet above grade at the eastern property line.

Yard Requirements

(d) Minimum front yard of 10 feet.

(e) Minimum corner side yard of 10 feet.

(f) Minimum interior side yard of 0 feet.

(g) Minimum rear yard of 0 feet. (Provision 5 of this PDO still applies)

Area 2

10. The Yards at Fort Rouge Area 2

Applicability

(1) The Yards at Fort Rouge Area 2 is shown on Map 2 as Area 2.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A medium to higher density, predominately residential district with a diversity of housing types that provides a transition between the Fort Rouge Yards transit station and the lower density development to the south.

(b) Limited small scale commercial and service facilities to support residential development while maintaining a predominately residential character.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 2, the following principal uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Drinking Establishment

(b) Dwelling, single-family detached

(c) Dwelling, two family

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Permitted Use Regulations

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 2, a non-residential use, with the exception of a home occupation, is not permitted above the second floor of any building.

(5) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 2, the following principal uses may be approved only as conditional use, where they are otherwise permitted.

(a) Post office/carrier depot

~~(6) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 2, the following accessory use may be approved only as conditional uses, where it is otherwise permitted:~~

~~(a) Accessory uses, not listed~~

Development and Design Standards

Dimensional Standards

(7) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 2, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) Principal buildings must not extend into a 45 degree angular plane measured from a point 20 feet above grade at the eastern lot line.

Yard Requirements

(b) Minimum front yard of 10 feet.

(c) Minimum corner side yard of 10 feet.

(d) Minimum interior side yard of 0 feet.

(e) Minimum rear yard of 0 feet. (Provision 5 of this PDO still applies)

Area 3

11. The Yards at Fort Rouge Area 3

Applicability

(1) The Yards at Fort Rouge Area 3 is shown on Map 2 as Area 3.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A medium density, residential district.

(b) Limited small scale commercial and service facilities to support residential development while maintaining a residential character.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 3, the following uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Dwelling, single-family

(b) Dwelling, two-family

(c) Post office/carrier depot

(d) College or university

(e) Commercial school

(f) Cultural centre

(g) Gallery/museum

(h) Drinking establishment

(i) Restaurant

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Permitted Use Regulations

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 3, a non-residential use, with the exception of a home occupation, is not permitted above the first floor of any building, must be located in a corner unit fronting on Argue Street, and must provide direct access to a public right of way.

(5) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 3, the following uses may be approved only as conditional uses, where they are otherwise permitted:

(a) Library

(b) Protection and emergency services

(c) Day care centre

(d) Office

(e) Personal services (unless otherwise listed)

(f) Medical/dental/optical/counselling clinic

(g) Retail sales (unless otherwise listed)

(6) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 3, the following accessory use may be approved only as conditional uses, where it is otherwise permitted:

~~(a) Accessory uses, not listed~~

(b) Retail sales

Use Specific Standards

(7) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 3, the following uses are limited to the specified amount of gross floor area:

(a) Office: 2,500 square feet

(b) Personal services (unless otherwise listed): 2,500 square feet

(c) Medical/dental/optical/counselling clinic: 1,500 square feet

(d) Retail sales (unless otherwise listed): 2,500 square feet

Development and Design Standards

Dimensional Standards

(8) Notwithstanding other provisions of this By-law, the Yards at Fort Rouge Area 3, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) The maximum height of a principal building is 45 feet.

(b) For any principal building with height exceeding 40 feet, the top floor of the building must be set back from any wall of the building which faces a public right of way, by a distance of at least the height of the top floor of the building.

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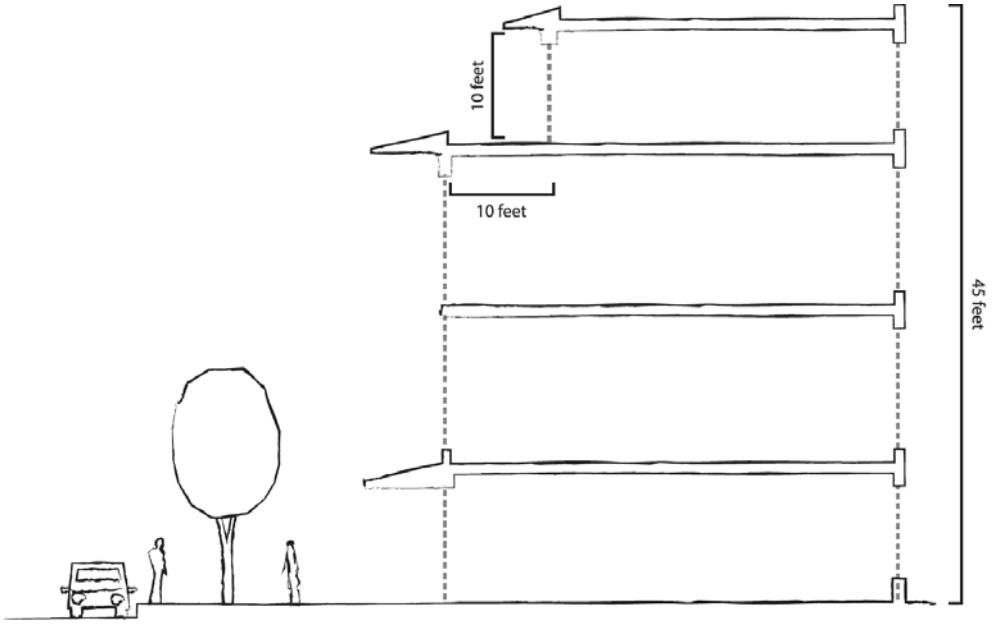


Illustration 1: Top Floor Setback

Yard Requirements

(c) Minimum front yard of 10 feet.

(d) Minimum corner side yard of 0 feet.

(e) Minimum interior side yard of 0 feet.

(f) Minimum rear yard of 0 feet. (Provision 5 of this PDO still applies)

Principal Building Separation

(g) For any principal building with height of 40 feet or less, the minimum principal building separation is 8 feet. For any principal building with height exceeding 40 feet, the minimum principal building separation is 8 feet plus one foot for every foot the height of the building exceeds 40 feet.

Area 4A & 4B

12. The Yards at Fort Rouge Areas 4A & 4B

Applicability

(1) The Yards at Fort Rouge Areas 4A and 4B are shown on Map 2 as Area 4A and Area 4B respectively.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A medium to higher density, predominately residential district with a diversity of housing types that provides a transition between the Fort Rouge transit station and the lower density development to the east and south; and,

(b) Limited small scale commercial and service facilities to support residential development while maintaining a predominately residential character.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Areas 4A and 4B, the following principal uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(c) Dwelling, single-family detached; and,

(d) Dwelling, two family

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses are prohibited and are not allowed as permitted, condition, accessory, or temporary uses:

(a) Drinking establishment

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Permitted Use Regulations

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, a non-residential use, with the exception of a home occupation, is not permitted above the ground floor of any building.

(5) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses may be approved only as conditional use, where they are otherwise permitted.

(b) Post office/carrier depot.

Use Specific Standards

(6) Notwithstanding other provisions of this By-Law, in the Yards of Fort Rouge Area 4A, a second principal dwelling unit is permitted within a dwelling unit with the following use specific standards:

(d) The second principal dwelling unit is only permitted within the basement or ground floor of the principal residential use;

(e) The maximum size of the second principal dwelling unit may be no more than 33 percent of the living area of the dwellings, or 800 square feet, whichever is less; and,

(f) No second principal dwelling unit shall have a floor area of less than 350 square feet.

Development and Design Standards

Dimensional Standards

(7) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4A and 4B, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(b) Principal buildings must not extend into a 45 degree angular plane measured from a point 20 feet above grade at the eastern lot line of Areas 4A & 4B and the portion of the southern lot line that abuts the public lane in Area 4A;

Yard Requirements

(d) In Area 4A:

iv. the north side yard is 10 feet, excepting the most westerly 100 feet, where the north side yard is 6 feet;

v. the south side yard is 25 feet, excepting the most westerly 100 feet, where the south side yard is 8 feet

vi. the front yard is 10 feet;

(e) In Area 4B:

iii. the rear yard is 8 feet;

iv. the south side yard is 12 feet;

Permitted Projections

(d) In Area 4A, open parking is a permitted projection into the required south side yard, excepting the most westerly 235 feet, where open parking shall be no closer than 8 feet to the south property line.

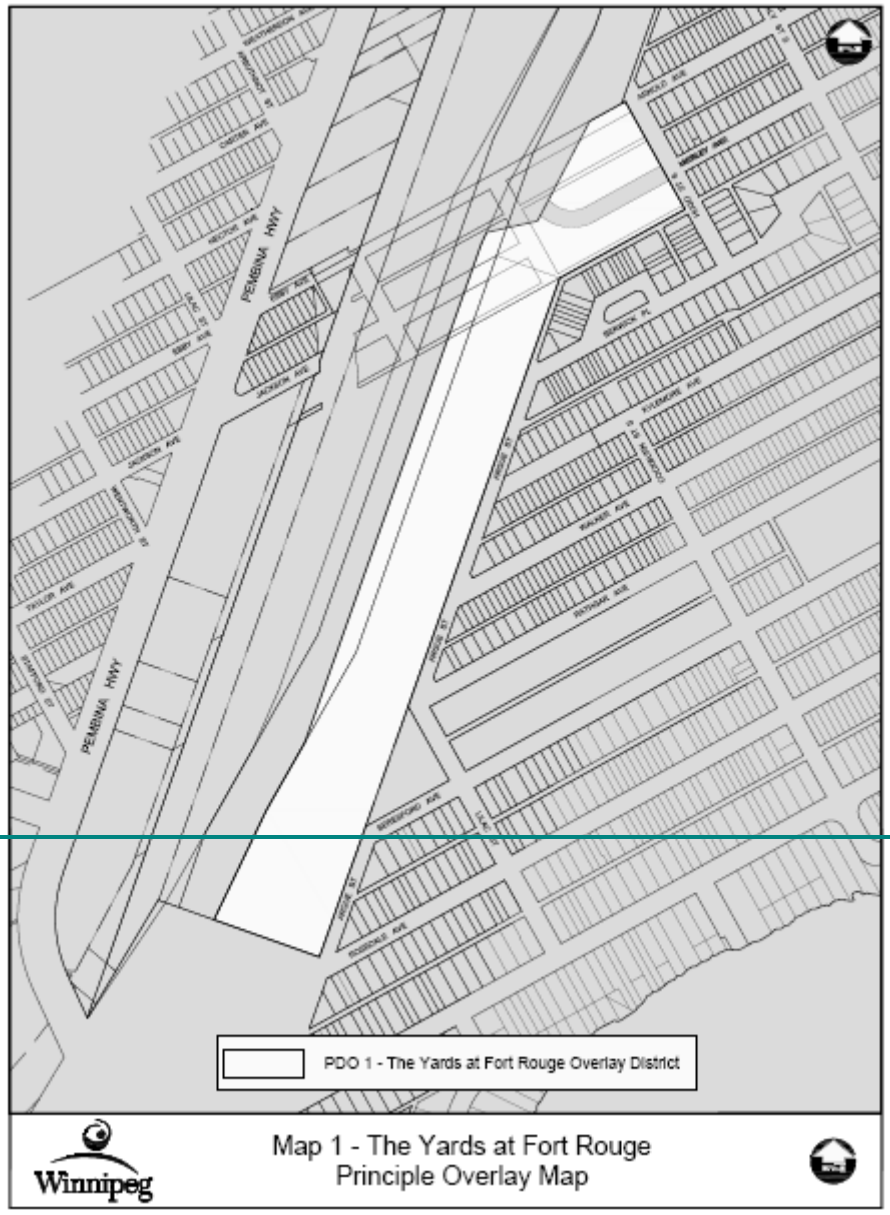
(e) In Area 4A, open parking is a permitted projection into the required front yard for the most southerly 25 feet only.

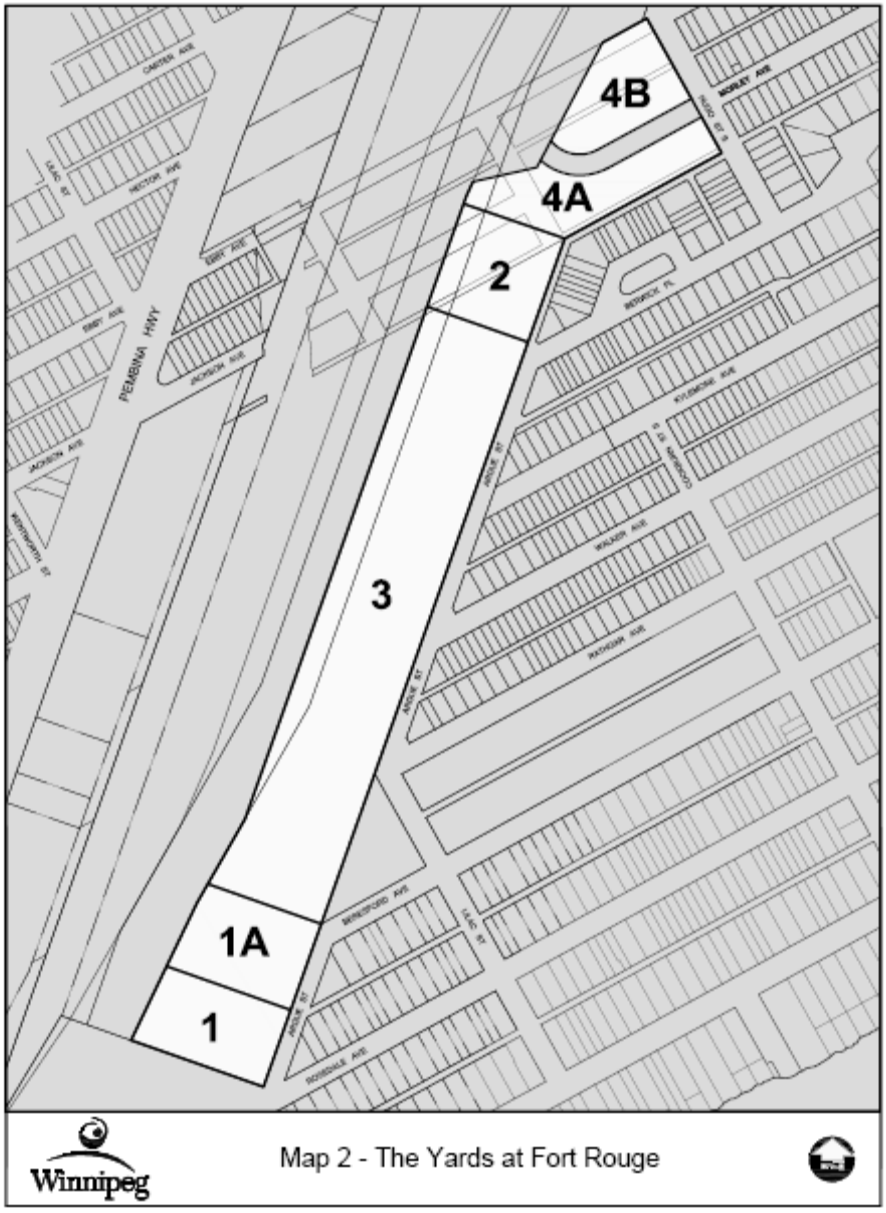
(f) In Area 4B, balconies shall be no closer than 7 feet to the south property line

Parking Layout

(g) In Area 4A, parking spaces are permitted to have direct access from a public lane

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PEMBINA HWY
PEMBINA HWY
PDO 1 - The Yards at Fort Rouge Overlay District
Winnipeg
Map 1 - The Yards at Fort Rouge
Principle Overlay Map


4B
4A
2
3
1A
1
PEMBINA HWY
Winnipeg
Map 2 - The Yards at Fort Rouge