Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

Item No. 5 Rezoning – 113 Bryce Street
(Fort Rouge-East Fort Garry Ward)
File DAZ 218/2014 [c/r DAV 124287/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 218/2014 dated May 6, 2014 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        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, fencing, and landscaping to the Director of Planning, Property and Development 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 height of any building shall be limited to forty (40) feet.

        iii. That the subject property shall be limited to a maximum of ten (10) units.

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

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

Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

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

5. That the 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.

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

7. 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.

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning – 113 Bryce Street**
File DAZ 218/2014

For submission to: **Executive Policy Committee**

Prepared by: **Mr. A. Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **July 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 218/2014 dated May 6, 2014 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        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, fencing, and landscaping to the Director of Planning, Property and Development 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 height of any building shall be limited to forty (40) feet.

        iii. That the subject property shall be limited to a maximum of ten (10) units.

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

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

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

5. 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.

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

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

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

1. I don’t see the negative impact on the neighbourhood
2. This is a high density neighbourhood where we’re encouraging more cycling and transit use and there is also a car co-op in the area.

PUBLIC HEARING SUMMARY

File: DAZ 218/2014

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

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

Applicant: Fillmore Riley LLP (Lionel J. Martens)

Subject:



Premises Affected: 113 Bryce Street

Exhibits Filed:

1. Application dated May 6, 2014
2. Notification of Public Hearing dated May 23, 2014
3. Manitoba Status of Title 1264077/1
4. Letter of authorization dated February 4, 2014 from Merajuddin Mirza and Rehana Nasim Mirza to Fillmore Riley LLP
5. Surveyor's Building Location Certificate and sketch dated November 3, 1959
6. Plans (5 pages) (on file in the City Clerk's Department)
7. Report from the Planning and Land Use Division dated June 26, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sofia and Rahim Mirza

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 218/2014

ADMINISTRATIVE REPORT

Title: DAZ 218/2014 – 113 Bryce Street

Issue: An application for consideration at the public hearing to rezone the property from an "R2" Residential Two-Family District to an "RMF-L" Residential Multi-Family District to allow the expansion of an existing multi-family dwelling.

Critical Path: City Centre Community Committee 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 218/2014 dated May 6, 2014 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:
        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, fencing, and landscaping to the Director of Planning, Property and Development 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 height of any building shall be limited to forty (40) feet
        iii That the subject property shall be limited to a maximum of ten (10) units

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

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

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

5. 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.

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

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

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from "R2" Residential Two-Family District to "RMF-L" Residential Multi-Family Large in order to add a two (2) more units to an existing building on the property consisting of eight (8) dwelling units.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from "R2" Residential Two-Family District to "RMF-L" Residential Multi-Family Large.

CONSULTATION

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

SUBMITTED BY

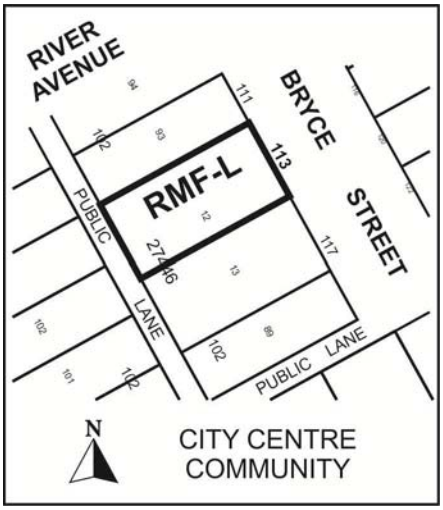
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo
Date:	June 26, 2014
File No.	DAZ 218/2014

APPENDIX 'A'

DATE: June 26, 2014
FILE: **DAZ 218/2014**
RELATED FILES: DAV 14-142487/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.111

SUBJECT: To rezone the subject land from an "R2" Residential Two-Family District to an "RMF-L" Residential Multi-Family District

LOCATION: 113 Bryce Street
LEGAL DESCRIPTION: LOT 12 PLAN 27446 36 & 37 ST B



APPLICANT: Lionel J. Martens Fillmore Riley
360 Main Street Suite 1700 Winnipeg MB R3C 3Z3
OWNER: Merajudden Mirza & Rehana Nasim Mirza

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from "R2" Residential Two-Family District to "RMF-L" Residential Multi Family - Large in order to add two more units to an existing building consisting eight (8) dwelling units.
- The Urban Planning Division recommends approval of this application with conditions.

SITE DESCRIPTION

- The subject property is located on the west side of Bryce Street in the River-Osborne neighbourhood of the Fort Rouge – East Fort Garry ward.
- The site is 4,950 square feet.
- Under the Complete Communities Direction Strategy, the site is located within Areas of Stability – Mature Communities.

- The subject property also falls within the Osborne Village Neighbourhood Plan area.



Figure 1: Aerial photograph showing subject property (2012)

North: Residences zoned “R2” Residential Two-Family District.
South: Residences zoned “R2” Residential Two-Family District and further are residences zoned “RMF-M” Residential Multi-Family – Medium.
East: Bryce Street, then residences zoned “R2” Residential Two-Family District.
West: Backlane, then residences zoned “R2” Residential Two-Family District.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from “R2” Residential Two-Family District to “RMF-L” Residential Multi-Family – Large.
- The applicant wishes to add two (2) units to an existing 8 unit multi-family dwelling
- This proposed addition will be located within the basement of the existing building. However, because the applicant is rezoning from “R2” to “RMF-L”, the proposed addition will have to meet the “RMF-L” dimensional standards.
- Thus, the rezoning application is associated with an application for six (6) variances.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

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

"RMF-L" Residential Multi-Family Large

- The "RMF-L" 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-L 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 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.
- Parking requirements are 1.5 stalls per unit. However, for properties that fall within Urban Infill Areas, parking requirements are reduced to 80% of the required minimum stalls.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from "R2" Residential Two-Family District to "RMF-L" Residential Multi Family - Large in order to add two (2) units to an existing 8 units multi-family dwelling.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN

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

Village Medium Density Residential Policies:

- *4.1.3.A Encourage a mixture of single-family homes, duplexes, townhouses, and multiple-family buildings;*
- *4.1.3.B New development will have a minimum of two storeys and a maximum of four storeys in height in order to preserve the scale and pedestrian oriented character of this area;*

[1] note b – in the "RMF-L" 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.

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

3.1.1.B.1 Orienting buildings to the street to restore traditional mature neighbourhood character. New buildings are to be located to the front and corner side property lines and have a street front orientation;

3.1.1.B.2 Respecting the traditional character of the area and surrounding properties in terms of pedestrian orientation, mass and scale of surrounding properties, compatible building materials, orientation of entrances to the street, and incorporation of compatible alignment, setbacks, and height of building(s) along the street;

3.1.2.B Development with a residential component should include a wide variety of housing options aimed at different lifestyles, age groups, and income levels.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land uses within mature neighbourhoods when done so in a context sensitive manner.
- This area of Osborne Village primarily accommodates with multi-family dwellings, especially along River Avenue and Stradbrook Street. Directly south of the applicant's property is a four (4) storey multi-family apartment. The proposal to add two more units to the existing eight (8) unit is consistent with the existing density in the neighborhood.
- Under the Winnipeg Zoning By-Law, buildings in the "RMF-L" districts can go up to 150 feet in height. However, the OVNP states that new development will have a minimum of two (2) storeys and a maximum of four (4) storeys. For this reason, a height cap of 40 feet has been placed on this property should there be any reason for redevelopment.
- The reason for this height cap is to make sure that any future development and or redevelopment of this property is consistent with the form and scale of existing neighborhood.
- The proposal for a ten (10) unit multi-family dwelling on this property is consistent with the surrounding context and complies with both the Complete Communities Direction Strategy and OVNP.

LAND DEDICATION

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

RECOMMENDATIONS
The Urban Planning Division recommends **approval** for the following reasons:

- The proposal is consistent with the policies of the Complete Communities Direction Strategy and is generally consistent with the Osborne Village Neighbourhood Plan.
- The proposed development provides context sensitive infill that helps enhance Osborne Village as an urban neighbourhood that encourages pedestrian activity.
- The rezoning to “RMF-L” allows for the site to be developed in a manner that is consistent and compatible with the surrounding properties.
- The condition pertaining to provision of lockable bicycle spaces is to ensure that the parking stall deficiencies on the site are met and maintained.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Femi Ojo
PPD File # DAZ 218/2014

APPENDIX "B"
Schedule "A" for File No. DAZ 218/2014, City Centre Community Committee, dated June 26, 2014

By–Law No. _____

File No. **DAZ 218/14**

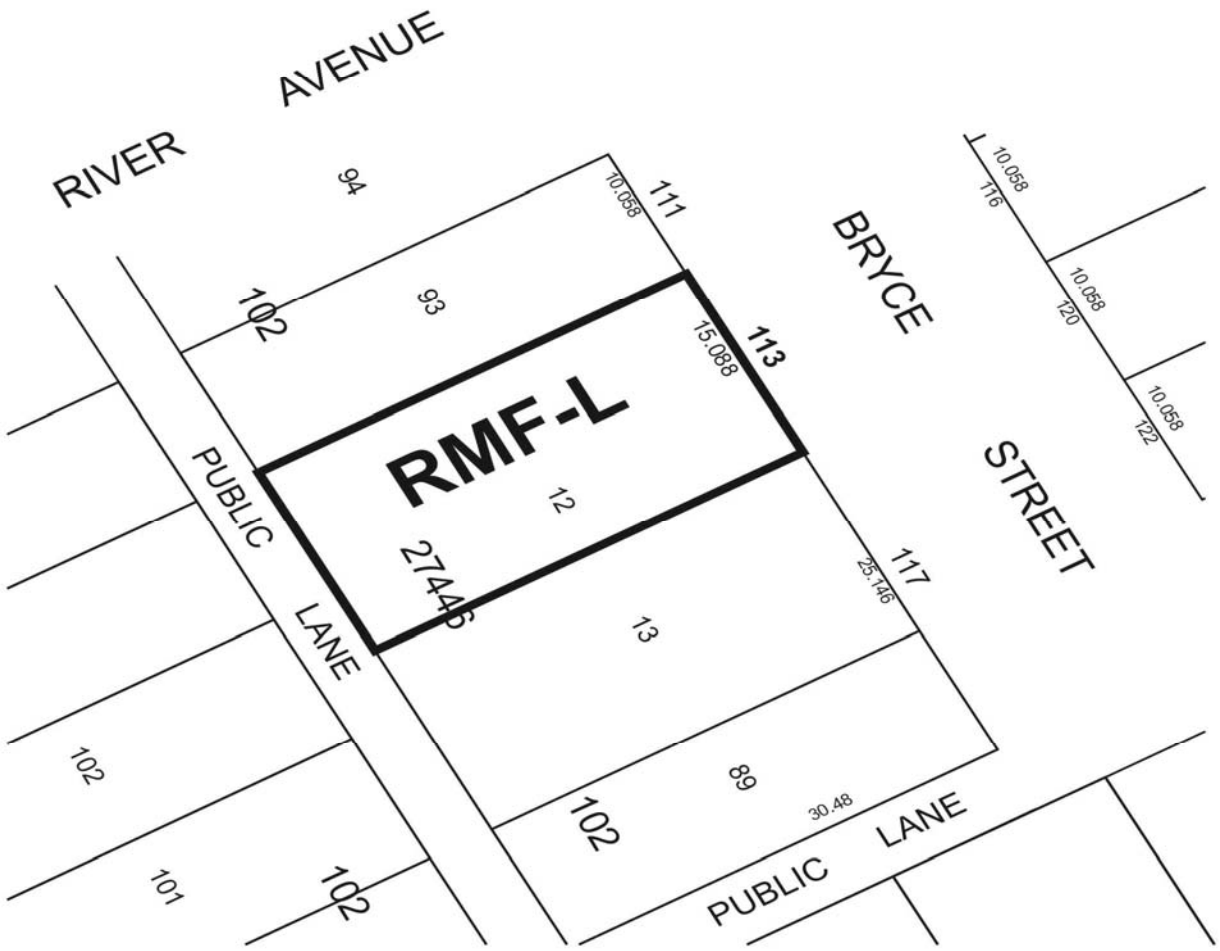
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 113 Bryce Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow the expansion of an existing multi-family dwelling use by the addition of two (2) dwelling units as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____