Minutes – Executive Policy Committee – September 17, 2014

Minute No. 568
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 3 Rezoning – Marion Street at Youville Street
(St. Boniface Ward)
File DAZ 216/2014 [c/r DAV 121358/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted to Council that the application for rezoning under File DAZ 216/2014 [c/r DAV 121358/2014D] be rejected.

Minutes – Executive Policy Committee – September 17, 2014

Report – Standing Policy Committee on Property and Development – September 16, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 16, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2014, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and the application for rezoning under File DAZ 216/2014 [c/r DAV 121358/2014D] be rejected, and forwarded to the Standing Policy Committee on Property and Development.

On June 26, 2014, the Riel Community Committee adjourned the public hearing to its Special Meeting on July 15, 2014 at 9:30 a.m. in the Council Building, 510 Main Street.

RE: **Rezoning – Marion Street at Youville Street**
File DAZ 216/2014 [c/r DAV 121358/2014D]

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

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **July 16, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 216/2014 [c/r DAV 121358/2014D] be rejected.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. After careful consideration, this is a problematic site in terms of traffic; by adding a medical clinic and pharmacy, things are not going to get better with the traffic going in and out of that area.

PUBLIC HEARING SUMMARY

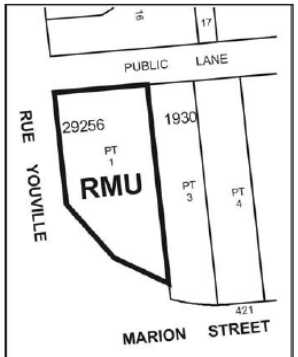
File: DAZ 216/2014 [c/r DAV 121358/2014D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: July 15, 2014
June 26 2014
Council Building, 510 Main Street

Applicant: Riverside Consulting (Jordan Sodomsky)

Subject:



APPLICANT : RIVERSIDE CONSULTING
FILE : DAZ 216/14
PROPOSAL: To rezone the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of a mixed-use building containing commercial uses and a multi-family dwelling use. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : RIVERSIDE CONSULTING
N° DE RÉFÉRENCE : DAZ 216/14
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie R2 (secteur résidentiel bifamilial) à la catégorie RMU (secteur résidentiel polyvalent) afin de faciliter l'aménagement d'un immeuble à usages mixtes, y compris des unités commerciales et des habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Marion Street at Youville Street

Exhibits Filed:

1. Application dated April 29, 2014
2. Notification of Public Hearing dated May 28, 2014
3. Manitoba Status of Title2691532/1
4. Letter of authorization dated April 17, 2014 from Tom Blunberg, President, U-Ville Property Holdings Ltd. to Jordan Sodomsky
5. Surveyor's Building Location Certificate and sketch dated March 20, 2014
6. Plans (3 pages)
7. Report from the Urban Planning Division dated June 19, 2014
8. Inspection Report
9. Communication dated June 26, 2014, from Jules Chartier in opposition to the application
10. Notice of adjournment dated June 27, 2014

REPRESENTATIONS:

In Support:

Marc Meyers
Jordan Sodomsky

In Opposition:

Jules Chartier
Thérèse Dubé
David Harder
Kevin Henley
Debra Hobbs
Patrick Pich

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Platt, Senior Planner, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Ms. D. Beaton, Park Strategic Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 216/2014

ADMINISTRATIVE REPORT

Title: DAZ 216/2014 – Northeast Corner of Marion & Youville Street Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from R2 to RMU.

Critical Path: Riel 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 216/2014 dated June 19, 2014 to an "RMU" Residential Mixed Use 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, the maximum number of dwelling units on the land shall not exceed four (4).

      ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed thirty-five (35) feet.

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

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 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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from R2 to RMU in order to develop a four storey, mixed use building on the site. The proposed building contains six (6) dwelling units with a commercial unit on the ground floor.
- 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 to RMU, subject to the restrictions in the recommended zoning agreement that:
    - Allow no more than four (4) dwelling units on the site;
    - Restrict the maximum height of any building to 35 feet; and,
    - Require plan approval from the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of a development or building permit.

HISTORY

DAO 5/2011 (By-law 70/2012)

- On April 12, 2012, Council passed By-law 70/2012, which resulted in the reduction of land along the frontage of both Marion and Youville Streets of the subject site for a street opening.
- The subject site was formerly owned by the City of Winnipeg and was acquired in 1967 for street widening purposes.
- DAO 5/2011 (By-law 70/2012) occurred prior to the City selling the land to the current owner at the request of the Public Works Department as the corner widening was needed for future roadway improvements.

CONSULTATION

- In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Robert Kostiuk, MCIP
Date:	June 19, 2014
File No.	DAZ 216/2014

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 216/2014

APPENDIX 'A'

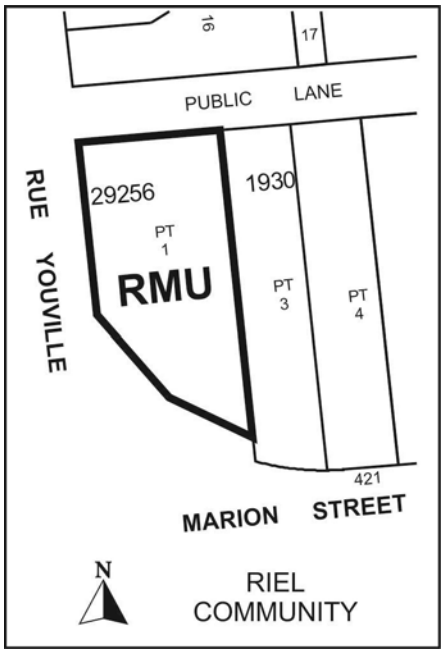
DATE: June 19, 2014

FILE: DAZ 216/2014
RELATED FILES: DAV 14-121358/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: To rezone the subject land from R2 to RMU in order to develop a six dwelling unit/two commercial unit mixed-use building on the site.

LOCATION: Northeast corner of the Marion Street/Youville Street intersection
LEGAL DESCRIPTION: LOT 1 PLAN 29256 80 ST B



APPLICANT: Jordan Sodomsky (Riverside Consulting
959 WINDERMERE AVE
WINNIPEG MB R3T 1A2

OWNER: U-Ville Property Holdings
Suite 2-733 Pembina Highway
Winnipeg, MB R3M 2L8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the northeast corner of the Marion Street & Youville Street intersection in the Central St. Boniface neighbourhood of the St. Boniface Ward.
- The site is **4,996 square feet in area** and is vacant.
- The property is located along a Community Mixed Use Corridor (Marion Street) under the Complete Communities Direction Strategy and is zoned “R2” Residential Two-Family.



Figure 1: Aerial photograph of subject property and surrounding area (2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home zoned R2.

South: Marion Street, then detached single-family homes zoned RMF-M.

East: A six unit, two-and-a-half storey apartment zoned R2.

West: Youville Street, then commercial uses zoned C2.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from R2 to RMU in order to develop a four storey, mixed use building on the site. The proposed building contains six (6) dwelling units with commercial on the ground floor. The actual proposed height of the building is 45 feet.
- The main floor of the proposed building will contain a medical clinic and pharmacy with a total floor area of approximately 2,000 square feet.
- The upper 3 floors each contain 2 dwelling units.
- Variances are required for substandard front, corner, and interior side yards; lot area; balcony projections, parking; and for parking directly off a lane instead of an aisle or driveway (see DAV 14-121358/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is located along a Community Mixed-Use Corridor (Marion Street). Key relevant policies guiding development along Mixed-Use Corridors include:
    - Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification.
    - Promote small-scale, fine-grained development that is responsive to the surrounding community context.
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING

“R2” Residential Two-Family Large District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

“RMU” Residential Mixed-Use District

- The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum lot area of 9,000 square feet; minimum front yard of 20 feet; a minimum rear yard of 25 feet; minimum side yard of 5 feet; and, a maximum building height of 100 feet, and a maximum lot area per dwelling unit of 500 square feet.

LAND USE BY-LAW

Rezoning (DAZ 216/2014)

- The applicant is proposing to develop a building with commercial uses and a multi-family use on the site. Mixed use buildings with commercial and multi-family uses are not permitted in the R2 zone, but are permitted in the RMU zone. As such, a rezoning is required.

Variances (see DAV 14-121358/D)

- The following variances are required for the proposed development:

  1(a) The minimum front yard in the RMU zone is 20 feet. The applicant is requesting a front yard of 0 feet.

  (b) The minimum corner side yard requirement in the RMU zone is 20 feet. The applicant is requesting a 0 foot setback for the corner or west yard.

  (c) The minimum lot area in the RMU zone is 9,000 square feet. The subject lot is 4,996 square feet in area and therefore requires a variance.

  (d) The maximum balcony projection permitted is 5 feet. The applicant is proposing projections of 12 feet.

  (e) The minimum required interior (east) side yard is 9 feet for a four storey building in the RMU zone. As posted, the application states that the applicant is proposing a 5 foot east side yard, but the application shows an 8 foot setback. Therefore the applicant actually requires an 8 foot setback instead of a 9 foot setback as proposed.

  2(a) The minimum number of parking stalls required for the site is 10. The applicant is proposing to develop 4 parking stalls.

  (b) Under section 172(3)(a), accessory parking areas require a driveway or lane. The applicant is proposing to have parking directly off of the back lane for the proposed development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to rezone the site from R2 to RMU in order to develop a four storey, mixed use building on the site. Marion Street is considered a Community Mixed-Use Corridor under the Complete Communities Direction Strategy. Mixed-use development is encouraged along mixed-use corridors.
- It should be recognized that the block where the subject lot is located is quite different from development along Marion to the west of Youville Street. The majority of development along Marion Street west of Youville is commercial in nature, while development to the east of Youville is more residential – including multi-family – in nature.
- The site is currently zoned R2 and is located immediately adjacent to an apartment that is also zoned R2. This apartment to the east contains six dwelling units on the 6,051 square foot lot, which equates to a lot area per dwelling unit of 1,008.5 square feet. The

applicant is proposing to develop six residential dwelling units on the 4,996 square foot, which equates to a lot are per dwelling unit of 832.66 square feet.

- Commercial development is found near the site, but west of Youville Street. The commercial development permitted in the RMU zone is generally consistent with C1 district, which permits small-scale commercial development that is intended to be compatible with residential uses. As the site is located on the corner of Marion and Youville Street, the type and scale of commercial uses permitted in the RMU zone are compatible with the surrounding area.
- The Public Service is supportive of the general concept of the proposed mixed-use development as it is compatible with the Complete Communities Direction policies with respect to Mixed-Use Corridors, and there is a mix of commercial and multi-family development already found in the area. However, there are details about the development that the Public Service is not supportive of. The most notable is that the applicant is proposing a total of six dwelling units with only four parking stalls. The Public Service prefers to see a dwelling unit to parking stall ratio of at least 1 to 1 in infill situations. The Public Service communicated this concern to the applicant and told him that only four dwelling units would be supported given that there are only four parking stalls proposed on the site. Further, as per the Public Service's recommendation with respect to parking in the associated variance (DAV 14-121358/D), the Public Service is recommending that at least 5 parking stalls be provided on the site. This would ensure that there is at a least one parking stall available for the commercial space and one parking stall per residential unit.

RECOMMENDED ZONING AGREEMENT

Maximum Number of Dwelling Units

- The RMU district allows the second highest density in the Zoning By-law with a minimum lot area per dwelling unit of 500 square feet. Using the lot area per dwelling unit calculation for the RMU zone, the applicant could build nearly 10 dwelling units on the site. The Public Service is recommending that no more than four (4) dwelling units be permitted on the property as there are only four parking stalls provided in the development concept.

Height

- The maximum permitted height in the RMU zone is 100 feet. Most of the development in the surrounding area is one or two storeys in height. The Public Service is recommending that the maximum height of any building on the site be restricted to 35 feet. This recommended maximum height is consistent with the neighbouring R2 properties and should reasonably accommodate the applicant's proposed design with four units instead of six units.

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place on the site. The proposed concept includes a design that wraps the building around the corner, which the Public Service would like to see

retained in future plans. Recommended design guidelines for approval are included in Appendix B.

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.

RECOMMENDATION

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

- Mixed-use development is compatible with the Complete Communities Direction policies with respect to Mixed-Use Corridors, and there is a mix of commercial and multi-family development already found in the area.
- As the site is located on the corner of Marion and Youville Street, the type and scale of commercial uses permitted in the RMU zone are compatible with the surrounding area.
- The recommended conditions within the zoning agreement help ensure that the site will be developed in a manner that is compatible with the neighbourhood.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 216/2014

Schedule "A" for File No. DAZ 216/2014, Riel Community Committee, dated June 19, 2014

By-Law No. _____

File No. **DAZ 216/14**

Atlas Sheet No.

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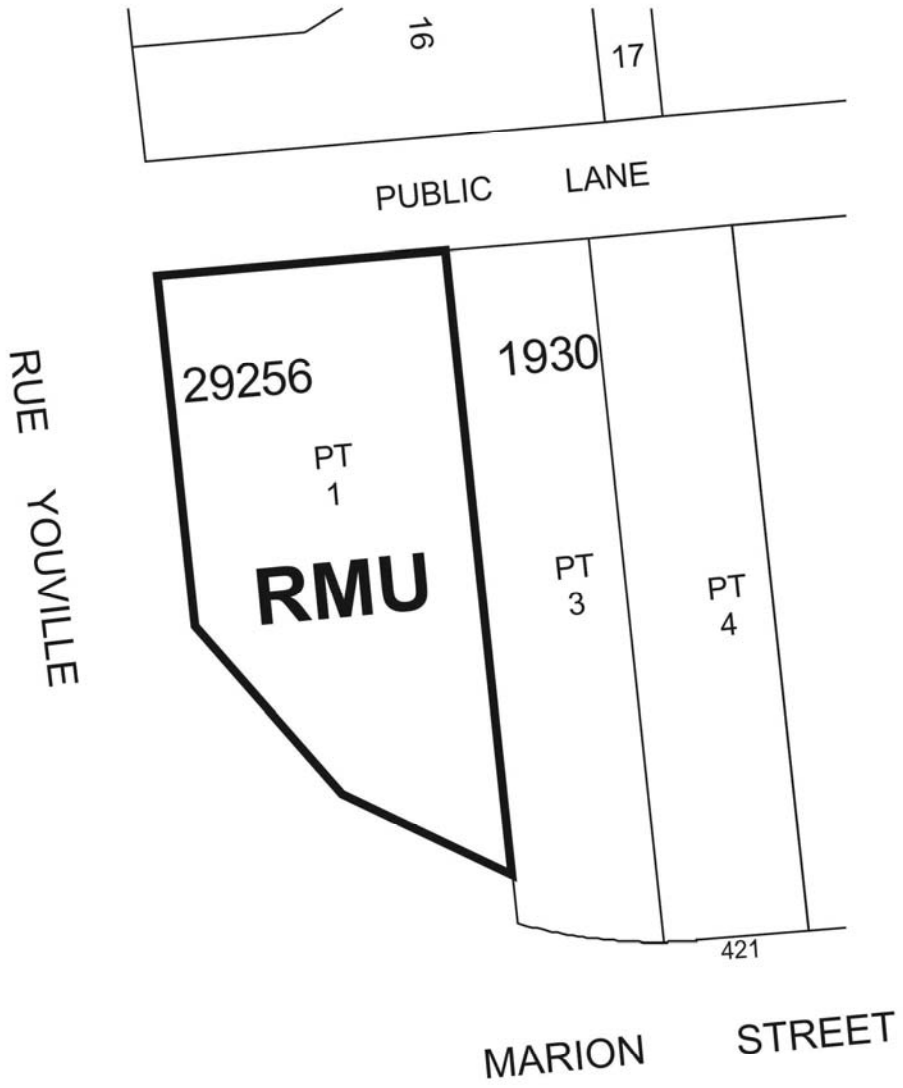
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on Marion Street at Youville Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of a mixed-use building containing commercial uses and a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DAZ 216/2014 – Northeast Corner of Marion & Youville Street

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (Marion & Youville) and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be located below, behind or beside buildings. Surface parking areas behind or beside buildings should be screened with landscaping.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.5 Universally accessible connections should be linked to the existing sidewalk along Marion and Youville.

2. Building Orientation and Design

2.1 The building façade facing Marion and Youville should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

3.2 High-quality landscaping is required along the streetfront of the development (i.e. along Marion and Youville) and along the side and rear yards.