**Minutes – Executive Policy Committee – September 17, 2014**

**Minute No. 590**
**Report – Standing Policy Committee on Property and Development – September 16, 2014**

**Item No. 25 Rezoning – 54 Maryland Street**
**(Daniel McIntyre Ward)**
**File DAZ 226/2014 [c/r DAV 138996/2014D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 226/2014 dated July 14, 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 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 sixty (60) feet

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.

**Minutes – Executive Policy Committee – September 17, 2014**

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

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.

**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 City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

**RE:** **Rezoning – 54 Maryland Street**
**File DAZ 226/2014**

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

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

**Report date:** **September 10, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 226/2014 dated July 14, 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 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 sixty (60) feet

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. There was really no opposition from the community and it seems to be accepted.

**PUBLIC HEARING SUMMARY**

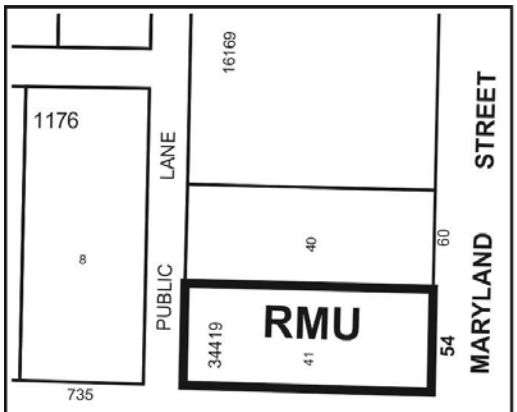
File: DAZ 226/2014

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

Hearing: September 9, 2014
Council Building, 510 Main Street

Applicant: 2 Architecture Inc. (Andre Silva and Vitali Ichine)

Subject:




**APPLICANT :** 2 ARCHITECTURE INC.
**FILE :** DAZ 226/14
**PROPOSAL :** To rezone the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of a mixed use building with residential and commercial uses. **For information, phone Mr. F. Ojo, Planner, at 204-986-6008.**

Premises Affected: 54 Maryland Street

Exhibits Filed:

1. Application dated July 14, 2014
2. Notification of Public Hearing dated July 22, 2014
3. Manitoba Status of Title 2314750/1
4. Letter of authorization dated June 11, 2014 from Peng Zhou to Vitali Ichine and Andre Silva
5. Surveyor's Building Location Certificate and sketch dated July 3, 2014
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated August 26, 2014
8. Inspection Report

REPRESENTATIONS:

In Support:

Chris Gilmour
Vitali and Stefani Ichine
Lakhwinder Kalsi
Kory Kaspersion
Andre Silva

In Opposition:

Michelle Casey

For Information:

Daniel Simcone
Maylanne Maybee

For the City:

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

Exhibit "7" referred to in File DAZ 226/2014

# ADMINISTRATIVE REPORT

**Title:** DAZ 226/2014 – 54 Maryland Street

**Issue:** An application for consideration at the public hearing to rezone 54 Maryland Street from an "RMF-M" Residential Multi-Family District to an "RMU" Residential Mixed-Use District to facilitate the establishment of a mixed-use building with residential and commercial uses.

**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 226/2014 dated July 14, 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 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 sixty (60) feet

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 "RMF-M" Residential Multi-Family District to "RMU" Residential Mixed-Use District in order to facilitate the establishment of a mixed-use building with a residential and commercial uses.
- 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 "RMF-M" Residential Multi-Family District to "RMU" Residential Mixed-Use District.

## CONSULTATION

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

## SUBMITTED BY

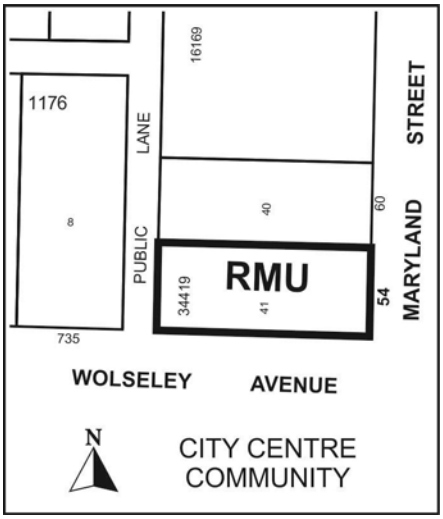
| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Planning and Land Use* |
| *Prepared by* | Femi Ojo |
| *Date:* | August 26, 2014 |
| *File No.* | DAZ 226/2014 |

**APPENDIX 'A'**

**DATE:** August 26, 2014
**FILE:** **DAZ 226/2014**
**RELATED FILES:** DAV 14-138996/D
**COMMUNITY:** City Centre Community
**NEIGHBOURHOOD #:** 1.113

**SUBJECT:** To rezone the subject land from an "RMF-M" Residential Multi-Family District to an "RMU" Residential Mixed-Use District

**LOCATION:** 54 Maryland Street
**LEGAL DESCRIPTION:** LOT 41 PLAN 34419 70/71 ST JA




**APPLICANT:** ANDRE SILVA 2 ARCHITECTURE INC.
70 ARTHUR ST UNIT 485
WINNIPEG MB R3B 1G7

**OWNER:** PENG ZHOU
1720 PEMBINA HWY UNIT 306
WINNIPEG MB R3T 5T4

**RECOMMENDATION:** Approval, with conditions

**REPORT SUMMARY**

- The applicant is proposing to rezone the site from "RMF-M" Residential Multi-Family District to "RMU" Residential Mixed-Use District in order to facilitate the establishment of a mixed-use building with residential and commercial uses.
- The Urban Planning Division recommends approval of this application with conditions.

**SITE DESCRIPTION**

- The subject property is located on the North West intersection of Wolseley Avenue and Maryland in the Wolseley neighborhood of the Daniel McIntyre ward.

- The site is 4,150 square feet in size and currently existing on the property is a 2 ½ storey building built in 1907.
- Under the Complete Communities Direction Strategy, the site is located within Areas of Stability – Mature Communities.




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

**North:** Residences zoned “RMF-M” Residential Multi-Family District.

**South:** Woseley Avenue, then residences zoned “R2” Residential Two-Family District.

**East:** Maryland Street, then commercial uses zoned “C2” Commercial Community.

**West:** Backlane, then residences zoned “R2” Residential Two-Family District.

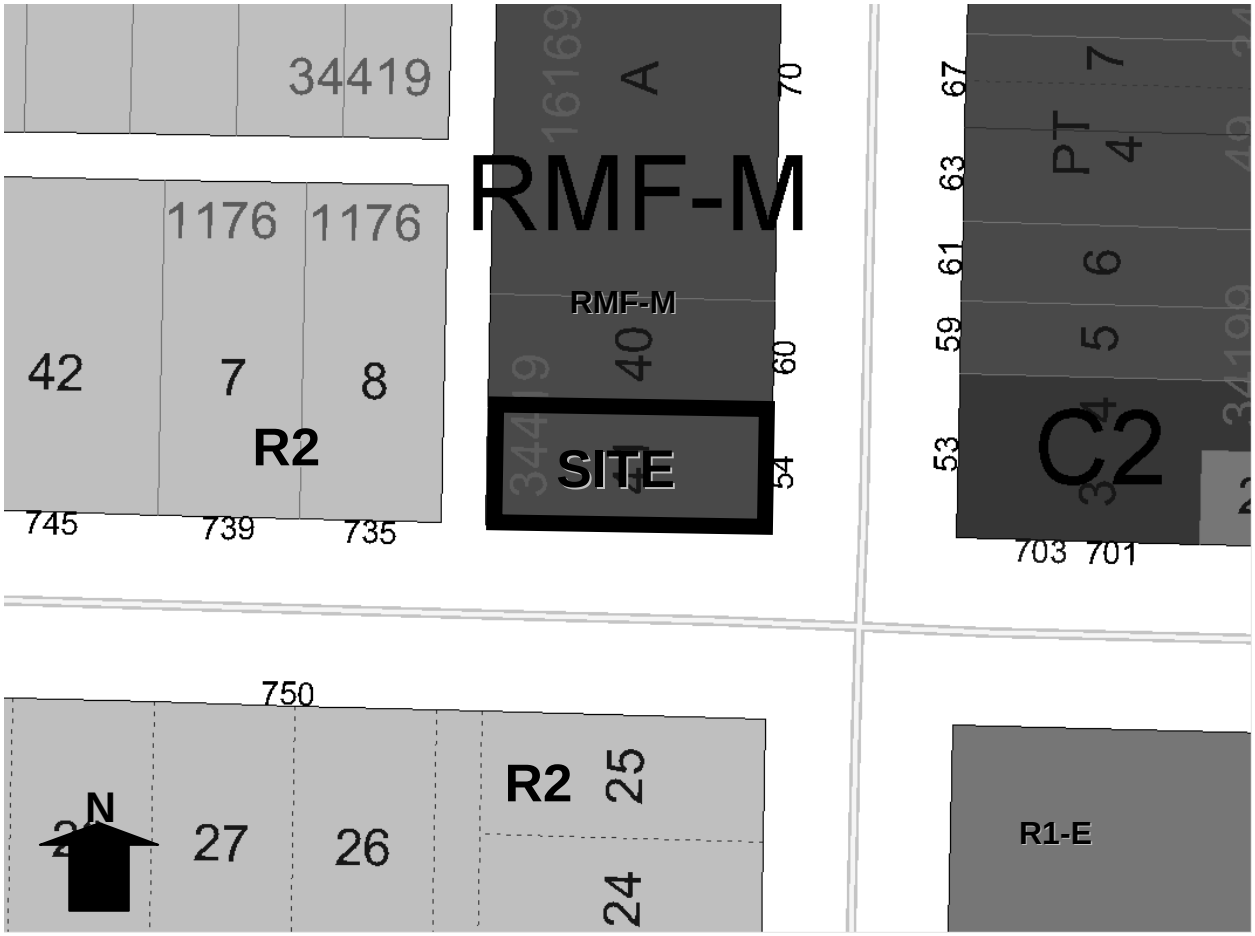


**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from “RMF-M” Residential Multi-Family District to “RMU” Residential Mixed Use District.
- The applicant is proposing a four (4) storey building with the commercial space being on the ground floor and residential dwelling units on floors 2 to 4.
- The applicant is proposing six (6) parking stalls which will be located at the back of the building.
- There are variances associated with this application (see DAV 14-138996D).

## 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.

ZONING

- **RMF- M Residential Multi-Family District - Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

- **RMU Residential Mixed Use District** is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development.

LAND USE BY-LAW

*Rezoning (DAZ 226/2014)*

- The applicant is proposing to rezone the site from "RMF-M" Residential Multi-Family District to "RMU" Residential Mixed-Use District in order to facilitate the establishment of a mixed-use building with a residential and commercial uses.

*Variances (see DAV 14-138996/D)*

- The applicant has applied for several variances to facilitate the project as proposed.
- This administrative report only speaks to issues relating to the rezoning of the subject property. Further discussion relating to the variances will be addressed in the concurrent variance report.

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.
- The proposed development is on a node adjacent to another C2 zoned commercial establishment. This, in a way, makes it fit existing context.
- There are other example of multi-family residential development in the neighborhood including 745,753, 761 Wolseley Avenue and the condos on 70 Maryland Street.
- The proposed development is a creative repurposing of the site. The Urban Planning Division is broadly supportive of this form of redevelopment, most especially when existing buildings are old and can no longer be renovated.
- It must be noted that the site is well serviced by high frequency transit routes on the two adjoining roads; making the site a good location for a commercial establishment and also for a multi-family residential development.
- However, in the "RMU" zoning district, buildings can go up to 100 feet high, but a maximum height of 60 feet is recommended as a condition of approval because this is what they are allowed under existing zoning.
- The height cap is necessary to make sure that any future redevelopment of the site is consistent with the existing neighborhood form and character.
- The proposed development satisfies all the characteristics of the residential mixed use district by being close to the Downtown and by the proposed building being predominantly residential.

PLAN APPROVAL

- As is typical for projects of this nature, the Winnipeg Public Service is recommending plan approval, prior to the issuance of any development permits. It is expected that the final plans will be in substantial conformance with the plans which were submitted with the application.

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 which supports buildings and spaces that are sensitive to the community context and addresses the transition between new and existing development.
- The rezoning to "RMU" allows for the site to be developed in a manner that is consistent and compatible with the surrounding properties.
- The proposed zoning and density for the subject site is compatible with the immediate area.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Femi Ojo
PPD File # DAZ 226/2014

**APPENDIX "B"**
Schedule "A" for File No. DAZ 226/2014, City Centre Community Committee, dated August 26, 2014

By-Law No. _____

File No. **DAZ 226/14**

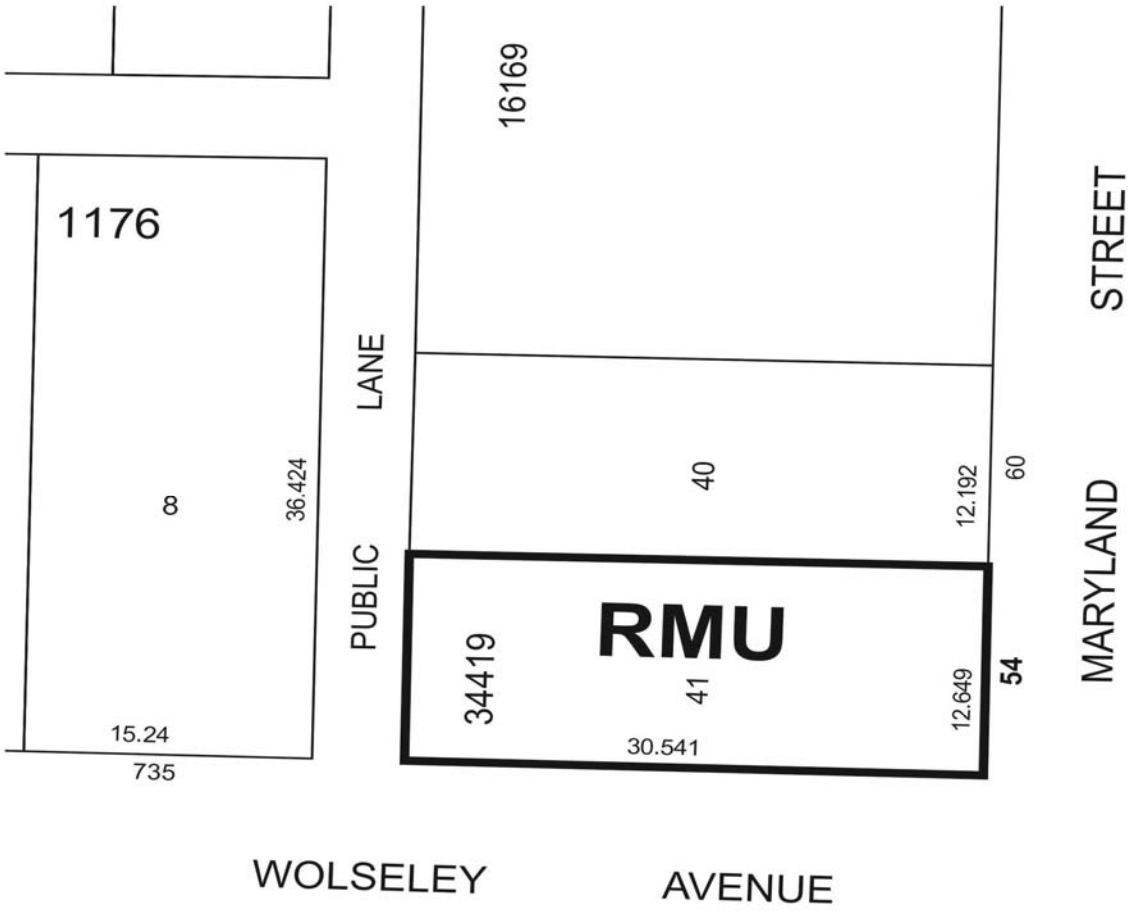
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 54 Maryland Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of a mixed use building with residential and commercial uses as shown outlined below.

Atlas Sheet No.

N

**AB23**
**CITY CENTRE**
**COMMUNITY**




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____