Minute No. 71
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 1 Rezoning – 1023 Wilkes Avenue
(River Heights-Fort Garry Ward)
File DAZ 223/2014 [c/r DAV 138937/2014D]

COUNCIL DECISION:

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

1. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated August 26, 2014.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2014 dated November 12, 2014 to an "RMF-M" Residential Multiple Family- Medium 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, pedestrian connections/walkways, fencing, site lighting, bicycle parking, existing trees and landscaping to the City Centre Community Committee and 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 five (45) feet.

        iii. That the subject property shall be limited to a maximum of fifteen (15) units.

3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

Report – Standing Policy Committee on Property and Development – November 25, 2014

COUNCIL DECISION (continued):

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 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

8. 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 – November 25, 2014

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 25, 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 November 12, 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.

On September 9, 2014, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 12, 2014 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Rezoning – 1023 Wilkes Avenue**
File DAZ 223/2014

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

Prepared by: **Ms K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **November 14, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 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 Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated August 26, 2014.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2014 dated November 12, 2014 to an "RMF-M" Residential Multiple Family- Medium 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, pedestrian connections/walkways, fencing, site lighting, bicycle parking, existing trees and landscaping to the City Centre Community Committee and 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 five (45) feet.

        iii. That the subject property shall be limited to a maximum of fifteen (15) units.

3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

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

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

1. The area is prime for further development.

2. I’m confident that we’re going to get a very nice development out of this.

PUBLIC HEARING SUMMARY

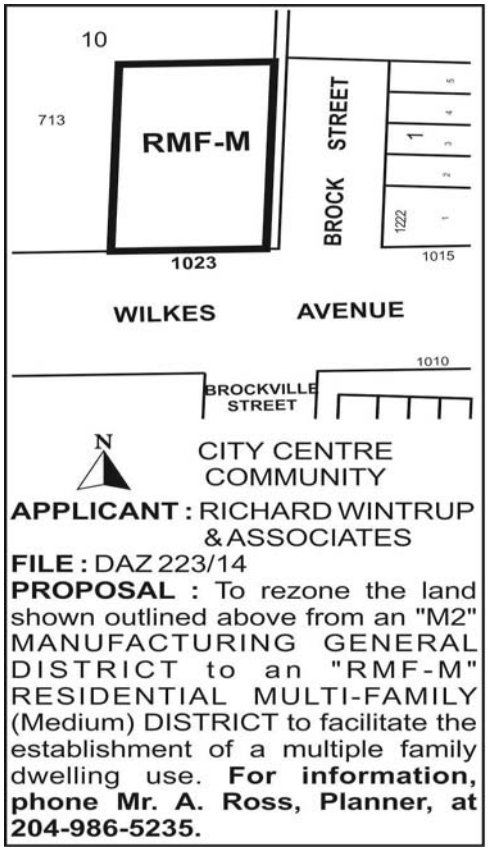
File: DAZ 223/2014

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

Public Hearing: November 12, 2014
September 9, 2014
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



Premises Affected: 1023 Wilkes Avenue

Exhibits Filed:

1. Application dated July 10, 2014
2. Notification of Public Hearing dated July 22, 2014
3. Manitoba Status of Title 2704516/1
4. Letter of authorization dated May 27, 2014 from 3138942 Manitoba Ltd. to L&H Perfect Homes Ltd.
5. Letter of authorization dated June 5, 2014 from Lin Xu, President, L&H Perfect Homes Ltd. to Richard Wintrup & Associates
6. Zoning Development Information
7. Caveat 1574645
8. Plans (5 pages)
9. Report from the Planning and Land Use Division dated September 2, 2014
10. Inspection Report
11. Notice of Adjournment dated September 15, 2014
12. Revised Report from the Planning and Land Use Division dated October 29, 2014
13. Presentation in support of the application submitted by the Applicant at the public hearing
14. Presentation with respect to the application submitted by Peter Yarish, Villa Nova 55 Plus, at the public hearing

REPRESENTATIONS:

In Support:
John Wintrup, Richard Wintrup & Associates
Michelle Richard
Lin Xu
Rennie Zegalski

In Opposition:
Peter Yarish

For Information:
Madison Richard

For the City:
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department

Exhibit "12" referred to in File DAZ 223/2014

ADMINISTRATIVE REPORT

Title: DAZ 223/2014 – 1023 Wilkes Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 223/2014 – 1023 Wilkes Avenue

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 Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated August 26, 2014.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2014 dated November 12, 2014 to an "RMF-M" Residential Multiple Family- Medium 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, pedestrian connections/walkways, fencing, site lighting, bicycle parking, existing trees and landscaping to the City Centre Community Committee and 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 five (45) feet

iii That the subject property shall be limited to a maximum of fifteen (15) units

3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

6. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

8. 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 “M2” General Manufacturing to an “RMF-M” Residential Multi-Family – Medium District in order to develop a four storey building with 15 units on the property.

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 property will be rezoned.

CONSULTATION

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

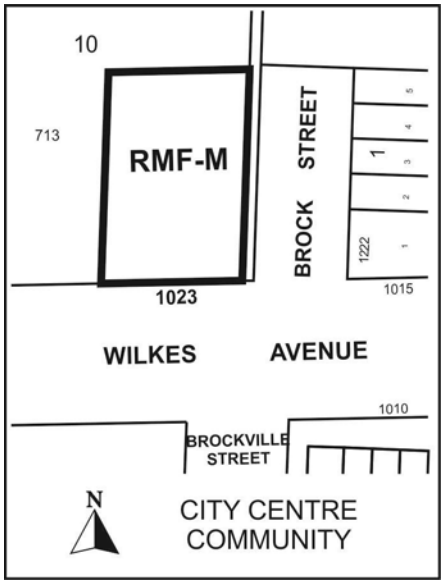
SUBMITTED BY

Department *Planning, Property and Development*
Division *Planning and Land Use*
Prepared by Andrew Ross, MCP, MCIP
Date: October 29, 2014
File No. DAZ 223/2014
APPENDIX 'A'

DATE: October 29, 2014
FILE: DAZ 223/2014 1023 Wilkes Ave
RELATED FILES: DAV 14-138937/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.667

SUBJECT: To rezone the subject land from an "M2" General Manufacturing District to a ""RMF-M" Residential Multiple Family - Medium District.

LOCATION: 1023 Wilkes Ave
LEGAL DESCRIPTION: PT BLOCK 10 PLAN 713 53 ST B CONT WITHIN FOLLOWING LIMITS COMM AT SE COR SAID BLK THENCE WLY ALONG S LIMIT SAID BLK 100F THENCE NLY PARL TO E LIMIT SAID BLK 150F THENCE ELY PARL TO S LIMIT TO SAID E LIMIT THENCE SLY ALONG SAID E LIMIT TO POINT OF COMM



APPLICANT: John Wintrup
Richard Wintrup & Associates
301-139 Roslyn Road
Winnipeg, MB R3L 0G7

OWNER: 3138942 MANITOBA LTD.
1015 WILKES AVE UNIT 200
WINNIPEG MB R3P 2R8

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the north side of Wilkes Avenue in the Brockville Neighborhood of the River Heights-Fort Gary ward.
- The subject site is currently zoned “M2” – General Manufacturing.
- The subject site is 15,000 square feet in area and currently contains a single family home.

The immediate area is characterized primarily by single and two-family residential uses. Adjacent land uses include:

North: Multiple family residential uses -Villa Nova Senior Home (zoned “C2” Commercial Community).

South: Multiple family residential uses (zoned “RMF-M” Residential Multiple Family - Medium).

West: Multiple family residential uses -Villa Nova Senior Home (zoned “C2” Commercial Community).

East: Office uses (zoned “M2” General Manufacturing).



Figure 1: Air photo of the subject property and surrounding area (2012)



Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to build a 4 storey, 15 unit multi-family building on the subject property.

REASON FOR APPLICATION

The subject site is currently zoned "M2" – General Manufacturing and is proposed to be rezoned to "RMF-M" – Residential Multiple Family – Medium in order to support the development, therefore, a rezoning is required.

ANALYSIS AND ISSUES

Context
This stretch of Wilkes Avenue has been transitioning toward a greater mix of uses including residential. Directly across Wilkes Avenue from this proposed project is a recently developed (2011) multiple family development of 98 units. Other nearby uses include seniors' housing, a place of worship, and some industrial and recreational uses.

Policies
OurWinnipeg and the Complete Communities Direction Strategy

The site is located within the Areas of Stability – Recent 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.

By adding to the mix of housing options in a context-sensitive manner, the proposed development aligns with intentions as identified in Complete Communities.

Zoning
The site, currently zoned "M2" – General Manufacturing District, is suitable for transition to residential given nearby developments which increasingly include residential as part of the land use mix. The new proposed zoning district, Residential Multi-Family –Medium (RMF-M) is intended to accommodate the development of multi-family units in areas with medium residential densities. The rezoning to "RMF-M" allows for the site to be developed in a manner that is consistent and compatible with surrounding properties, and this zoning district accommodates the number of units proposed.

Plan Approval
Among the information requested as part of Plan Approval, existing trees and landscaping are important items to note. The reasons for this are as follows:

- There is a substantial row of established, mature trees along both the east and the north edges of the site (see Attachment 'A').
- These trees provide an amenity for the site and for the wider area.
- The Public Service and the applicant have been working together to find ways to retain as many of these trees as possible.

- The applicant provided a tree survey showing the precise locations of the trees but the Public Service did not receive a corresponding proposal from the applicant to adjust the yards in order to preserve them.

In the absence of yard adjustments to preserve trees identified by the applicant, the Public Service, in the cross-referenced report (DAV 14-138937D), provides recommendations that strike a balance between retaining some of the trees while enabling the proposed development to proceed. Plan Approval should reflect these adjusted yard dimensions and the retained trees.

Summary
This area has transitioned toward a greater mix of uses including residential in recent years, making this multifamily project suitable for this location. The proposed development provides context sensitive infill for the area. The rezoning to "RMF-M" allows for the site to be developed in a manner that is consistent and compatible with surrounding properties. For these reasons, the Winnipeg Public Service supports the proposed rezoning.

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

- The rezoning is consistent with OurWinnipeg and Complete Communities.

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

Report Prepared by: Andrew Ross, MCP, MCIP
PPD File # DAZ 223/2014 1023 Wilkes Ave

Attachment 'A'

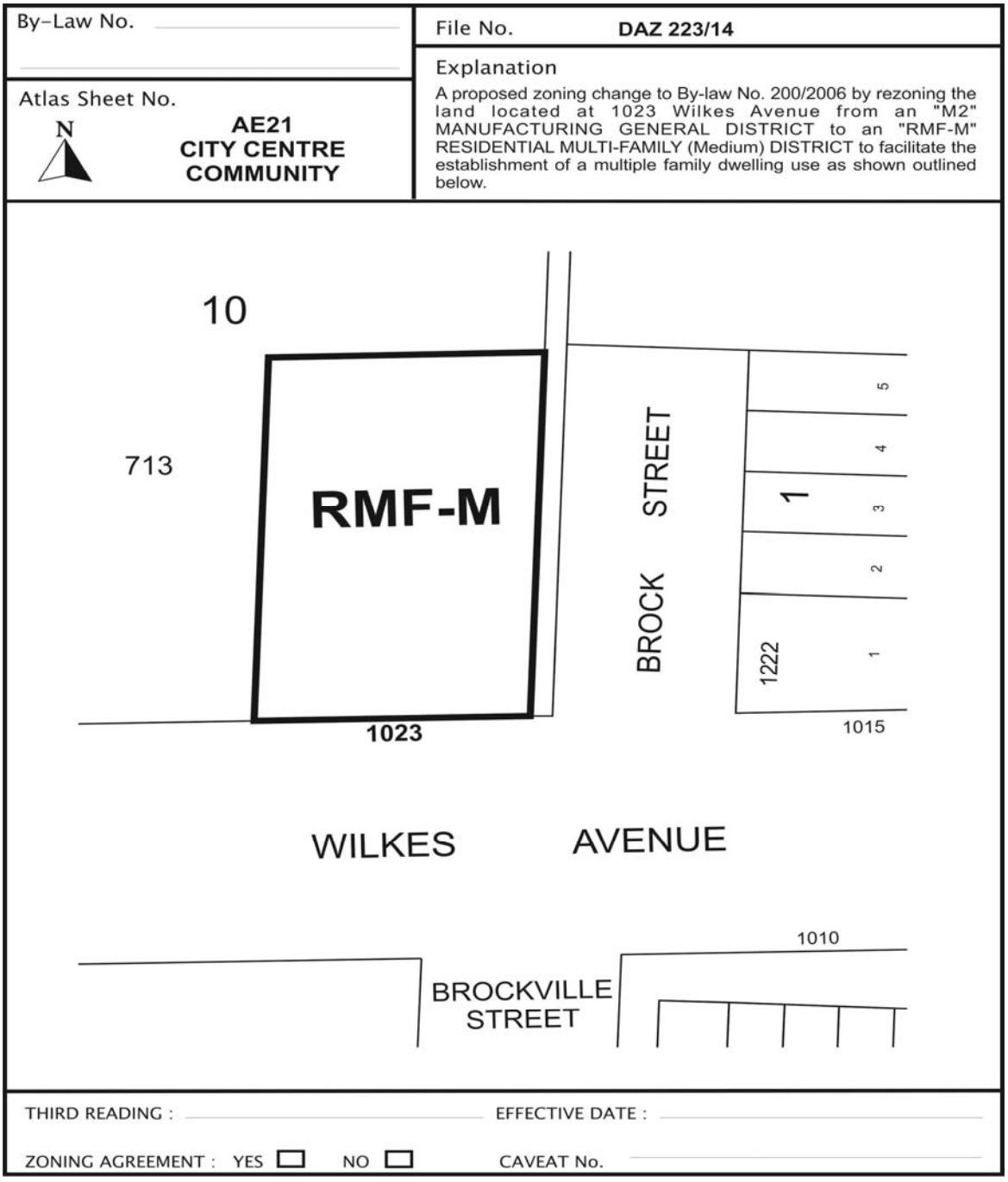


Trees along east edge of site.



Trees along north edge of site.

Schedule “A” for File No. DAZ 223/2014, City Centre Community Committee November 12, 2014



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 26, 2014

RE: PROPOSED REZONING OF LAND LOCATED AT 1023 Wilkes Avenue – DAZ 223/2014

It is recommended that the approval of DAZ 223/2014, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following conditions;

1. The Developer shall pay to the City, in cash, the following user charges:
    a) the Wilkes North TSR (2014 rate = ($9286.17/acre)
    b) the Somerville Trunk User Charge = ($251.80/acre)
    c) the Lindenwoods Trunk User Charge = ($616.26/acre)

2. The Developer shall, pay to the City in cash, its share of the cost of construction of the Sterling Lyon Parkway, on an area basis, as determined by the Director of Public Works.

3. The Developer shall, pay to the City, in cash, the cost of the following services to be installed by the City and/or others in the future in Wilkes Avenue abutting the Planned Area:
    a) a 5.0m in width by 200mm in thickness Portland cement concrete lane of pavement;
    b) a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk;
    c) boulevard landscaping;
    d) ornamental street lighting;

    all as determined by the Director of Public Works.

4. The proposed private approach is non-conforming and will require approval by the Standing Policy Committee on Infrastructure Renewal and Public Works.

5. Administration Fees

The Developer shall, prior to the release of the zoning documentation, 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. DAS 223/2014
September 2, 2014

Original Signed by G.V. Jasper

G.V. Jasper, P. Eng.,
Land Development Branch

Original Signed by F.C. Mazur

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

Original Signed by C.J. Desjardine

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

GJ/gj