Agenda – Council – January 28, 2015

Report – Executive Policy Committee – January 7, 2015

Item No. 2 Subdivision and Rezoning – Land located on the North side of River Avenue immediately West of Mayfair Place (Fort Rouge-East Fort Garry Ward) File DASZ 31/2014 [c/r DAV 160973/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 7, 2015, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 31/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2014 dated December 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2014 dated December 4, 2014 to an "RMF-L" 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 showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 any parking or loading shall be setback a minimum of 17 feet from the front (south) property line.

        iii. That the maximum height shall be limited to five (5) stories and sixty (60) feet.

Report – Executive Policy Committee – January 7, 2015

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 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.

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 – Executive Policy Committee – January 7, 2015

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 – Executive Policy Committee – January 7, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 7, 2015, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 9, 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: **Subdivision and Rezoning – Land located on the North side of River Avenue immediately West of Mayfair Place**
File DASZ 31/2014

For submission to: **Executive Policy Committee**

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

Report date: **December 12, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 9, 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 plan of subdivision under File DASZ 31/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2014 dated December 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2014 dated December4, 2014 to an "RMF-L" 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 showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 any parking or loading shall be setback a minimum of 17 feet from the front (south) property line.

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3. 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.

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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 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.

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.

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.

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

1. We're continuing to do our part in to build up and not out for increased density.
2. People want to live in Osborne Village and I know it's not easy to do this kind of development – it's challenging and the conditions are more difficult than other types of development that are encouraged.
3. It is in conformance with the Osborne Village plan, which is extremely important given the development pressures we have.

PUBLIC HEARING SUMMARY

File:	DASZ 31/2014
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	December 9, 2014 Council Building, 510 Main Street
Applicant:	Prairie Architects Inc. (Jamie Kozak)
Subject:	

Premises Affected:	Land located on the North side of River Avenue immediately West of Mayfair Place

Exhibits Filed:

1. Application dated October 9, 2014
2. Notification of Public Hearing dated October 20, 2014
3. Manitoba Status of Titles 1221587/1, 1221590/1, 1232230/1, 1232232/1 and 1233854/1
4. Letter of authorization dated October 7, 2014 from Stephen Fread and Cliff Penner, 6829768 Manitoba Ltd. to Jamie Kozak, Prairie Architects Inc.
5. Surveyor's Building Location sketch dated June 12, 2014
6. Surveyor's Building Location sketch dated September 16, 2014
7. Zoning Agreement DAZ 208/79
8. Plans (3 pages)
9. Report from the Planning and Land Use Division dated December 4, 2014
10. Inspection Report
11. Presentation submitted by Tim Comack and Jonathan Freed, in support of the application, at the public hearing
12. Consultation sign-in sheet submitted by Tim Comack, in support of the application, at the public hearing
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Tim Comack
Jonathon Freed
Jamie Kozak
Tyler Miller

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

Exhibit "9" referred to in File DASZ 31/2014

ADMINISTRATIVE REPORT

Title: DASZ 31/2014 – NW corner of River & Mayfair

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 31/2014 – NW corner of River & Mayfair

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 plan of subdivision proposed under File DASZ 31/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2014 dated December 4, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2014 dated December4, 2014 to an "RMF-L" 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 showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 any parking or loading shall be setback a minimum of 17 feet from the front (south) property line.

iii. That the maximum height shall be limited to five (5) stories and sixty (60) feet

3. 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.

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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.

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.

REASON FOR THE REPORT

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 Planning and Land Use Division are concurred in, the property will be rezoned and may be subdivided.

CONSULTATION

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

SUBMITTED BY

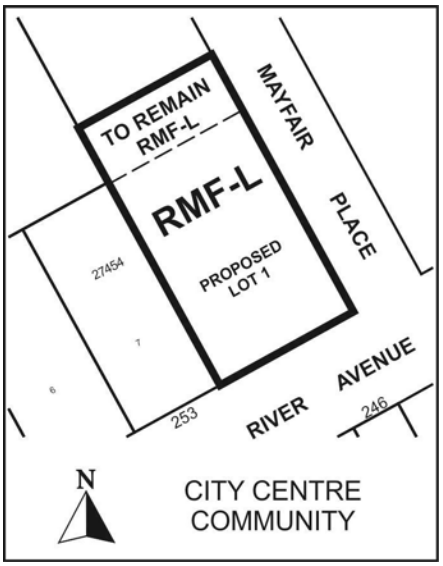
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	December 4, 2014
File No.	DASZ 31/2014

APPENDIX 'A'

DATE: December 4, 2014
FILE: DASZ 31/2014
RELATED FILES: DAV 14-160973D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.111

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family District to an "RMF-L" Residential Multi-Family District for the construction of a 48 unit multi-family residential building

LOCATION: NW Corner of River Avenue and Mayfair Place
LEGAL DESCRIPTION: Lots 2&3 Plan 835 41 St.Boniface; Lots 8-12 Plan 27454 41 St. B



APPLICANT: Prairie Architects Inc. (Jamie Kozak)

OWNER: 6829768 Manitoba Ltd.

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

The subject property, which is currently zoned "RMF-M" Residential Multi-Family District Medium, is located at the northwest corner of River Avenue and Mayfair Place in the Osborne Village neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Surface parking lot, zoned "RMF-M" Residential Multi-Family District
South: River Avenue, then commercial uses zoned "C2" Commercial District
East: Mayfair Place, then the Mayfair Community Centre zoned "RMF-M" Residential Multi-Family District
West: Multi-family residences zoned "RMF-M" Residential Multi-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to consolidate seven (7) contiguous lots, with an approximate total land area of 18,734 square feet and to rezone the subject lands from "RMF-M" Residential Multi-Family District to "RMF-L" Residential Multi-Family District in order to construct a 48 unit, 4 storey multi-family building. The applicant is providing 41 parking stalls underneath the building at grade.

Reason for application
The proposed density exceeds what is allowed in "RMF-M" Multi-Family Residential District. "RMF-L" Residential Multi-Family District, however, allows for a higher density. Consequently, to accommodate the proposed density, a rezoning to "RMF-L" is required.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
Osborne Village has the characteristics of a community mixed use centre in Complete Communities, the City of Winnipeg's land use and development plan.

Community mixed use centres are intended to have higher density development and a broad range of land uses. It is important that development in these areas creates a high-quality street environment and is attractive to residents and visitors alike.

One relevant plan policy for community mixed use centres is as follows:

Encourage moderate to high density housing and higher intensity commercial and mixed use development focused on sustainable transportation

Osborne Village Neighbourhood Plan
The subject property is within the Village High Density Residential (V-HDR) sector of the Osborne Village Neighbourhood Plan (By-law 220/2006). The following five specific policies apply to this sector:

4.1.4.A Encourage medium and high rise multiple-family development

4.1.4.B Mixed use buildings combining residential with low intensity office or commercial uses on the ground floor may be approved on River Avenue and Wellington Crescent

4.1.4.C New development along River Avenue east of Osborne Street will have a minimum of three stories and a maximum of five stories

4.1.4.D New high density development should consider the height, scale, prevailing densities, and design characteristics of surrounding land uses

4.1.4.E Encourage preservation of existing single-family residences through conversion to low intensity office uses

Design
The most recent plan submitted by the applicant (Appendix 'D') meets policies of the Osborne Village Neighbourhood Plan in the following ways:

1. A main entrance to the building is located on River Avenue and the parking is screened behind the building façade. (See Policies 3.1.1.B.1, 3.1.1.B.3, and 3.1.1.C.1 in Appendix A)

2. The front of the building includes architectural elements to provide visual interest to the pedestrian, such as glazing, changes in setback, materials, and colours. (See Policies 3.1.1.C.2)

3. Pedestrian access to the building is located at grade, within a enclosed, glazed lobby area (3.1.1.B.3)

Change in Design
With that said, one modification to the design does not comply with the Osborne Village Neighbourhood Plan:

Policy 3.1.1.B.3
Providing pedestrian access at street level and ***locating parking, loading, and service entrances at the rear of buildings.***

Specifically, the new design has shifted the parking closer to the front of the building – so that it is in the required front yard. (Appendix 'D') The parking will be visible from the sidewalk and cars parking in the southernmost 1-2 spaces may back up over the sidewalk.

It is recommended that the applicant maintain the setback shown on the plan submitted with the rezoning application (Appendix 'C'') - a returning wall of approximately 17 feet before the parking area..

To offset the loss of the one parking stall in front, the Public Service recommends that the applicant reduce the size of the 12'3" stalls to 8'2" each.

At a minimum, this will allow them to maintain the same number of parking stalls (41 stalls), and will comply with the Osborne Village Plan. The best case scenario is that it will result in a net gain of one parking stall (from 41 to 42 stalls).

Plan Approval
The Winnipeg Public Service is recommending plan approval, prior to the issuance of any development permits. With that said, it is recommended that the final site plan, glazing, and entrance features be consistent with the plans in Appendix 'D', notwithstanding the noncomplying parking. These plans show glazing across the east front half of the property, a large lobby area recessed at the southeast corner of the building, and a plaza area

It is also recommended that the ground floor parking level be fully enclosed on the east and south sides and that the external look of the ground floor be indistinguishable from the rest of the building. To that point, it is recommended that windows on the ground floor match the upper floor windows and that similar high quality cladding materials be utilized on the ground floor to provide visual interest at pedestrian level, and to match the high quality materials on the upper floor. The image in Appendix 'E' provides an indication of what the 2-4 floor cladding and windows at grade will look like. The applicant has indicated that the ground floor cladding material will not have an industrial look (as reflected in the image) but will be clad in a material that is more similar consistent with the rest of the building.

Access
The Public Works Department has indicated that the proposed private approaches on River Avenue and Mayfair Place are non-conforming as they need to be 3m from the lot line. Public Works does not support shared approaches as there are too many traffic movements within one approach creating an unsafe traffic operating situation and shared approaches may become contentious between property owners over the years. Non-conforming private approaches need to be considered and approved by the Standing Policy Committee on Infrastructure Renewal and Public Works. If the non-conforming approaches are approved, then the Developer shall enter into the appropriate cross access agreements with the neighbouring properties and the City must approve the form of the documents and the owner must register the agreement against the title to the land and provide the City with a copy of the registered documents.

From a planning perspective, it should be noted that the Osborne Village Neighbourhood Plan has policies that speak to the importance of maintaining a pedestrian oriented environment. An example is as follows:

9.1.1.E
Street and associated improvements should respect and reinforce the urban character of the area in terms of street widths, boulevard design, and other criteria, and should emphasize and reinforce the convenience of pedestrians, bicyclists, and transit users.

With this in mind, the current proposal, which utilizes existing approaches, rather than creating new approaches, aligns with the intent of the Osborne Village Plan.

It should be noted that cross access agreements are included in the associated variance report, as conditions of approval – as the shared approaches relate more to the variances.

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

- Provided that a greater setback for parking is provided on the west side (as shown in Appendix 'C'), the rezoning is consistent with Complete Communities and the Osborne Village Neighbourhood Plan

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 31/2014

APPENDIX 'B'
Schedule "A" for File No. DASZ 31/2014, City Centre Community Committee, dated December 4, 2014

By-Law No. _____

File No. **DASZ 31/14**

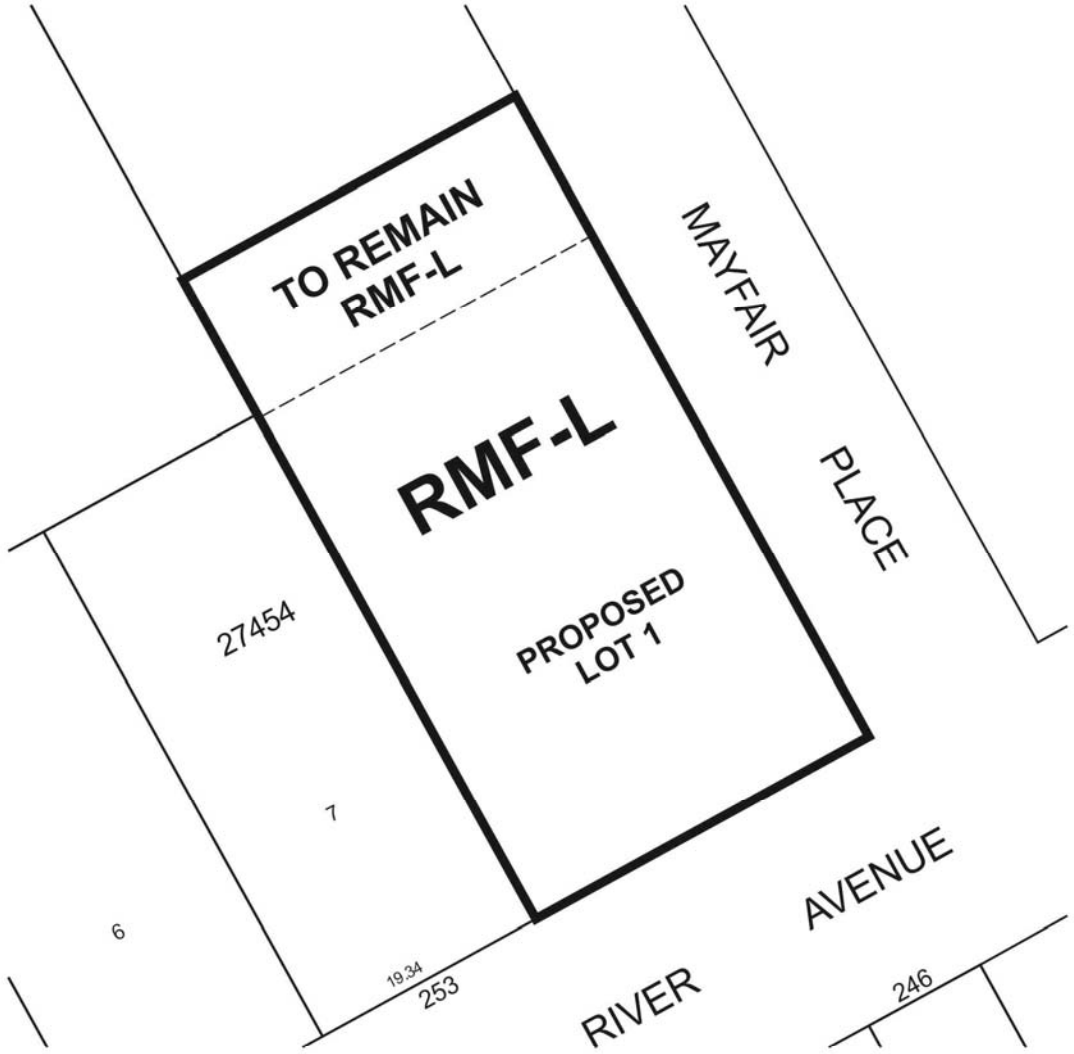
Atlas Sheet No.

N

AB25
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 on the north side of River Avenue immediately west of Mayfair Place from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the consolidation of lands and the construction of a multiple family dwelling as shown outlined below.

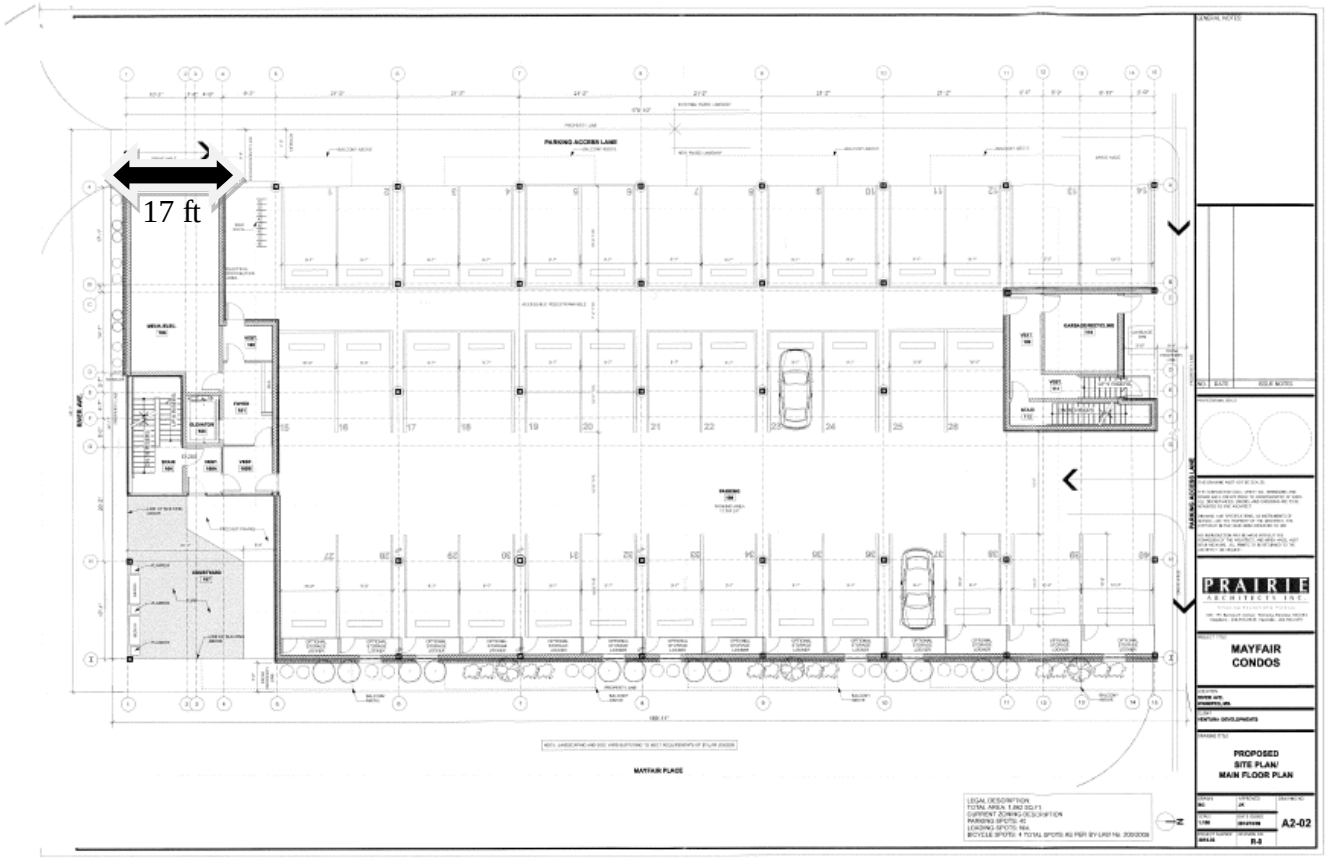


THIRD READING : _____ EFFECTIVE DATE : _____

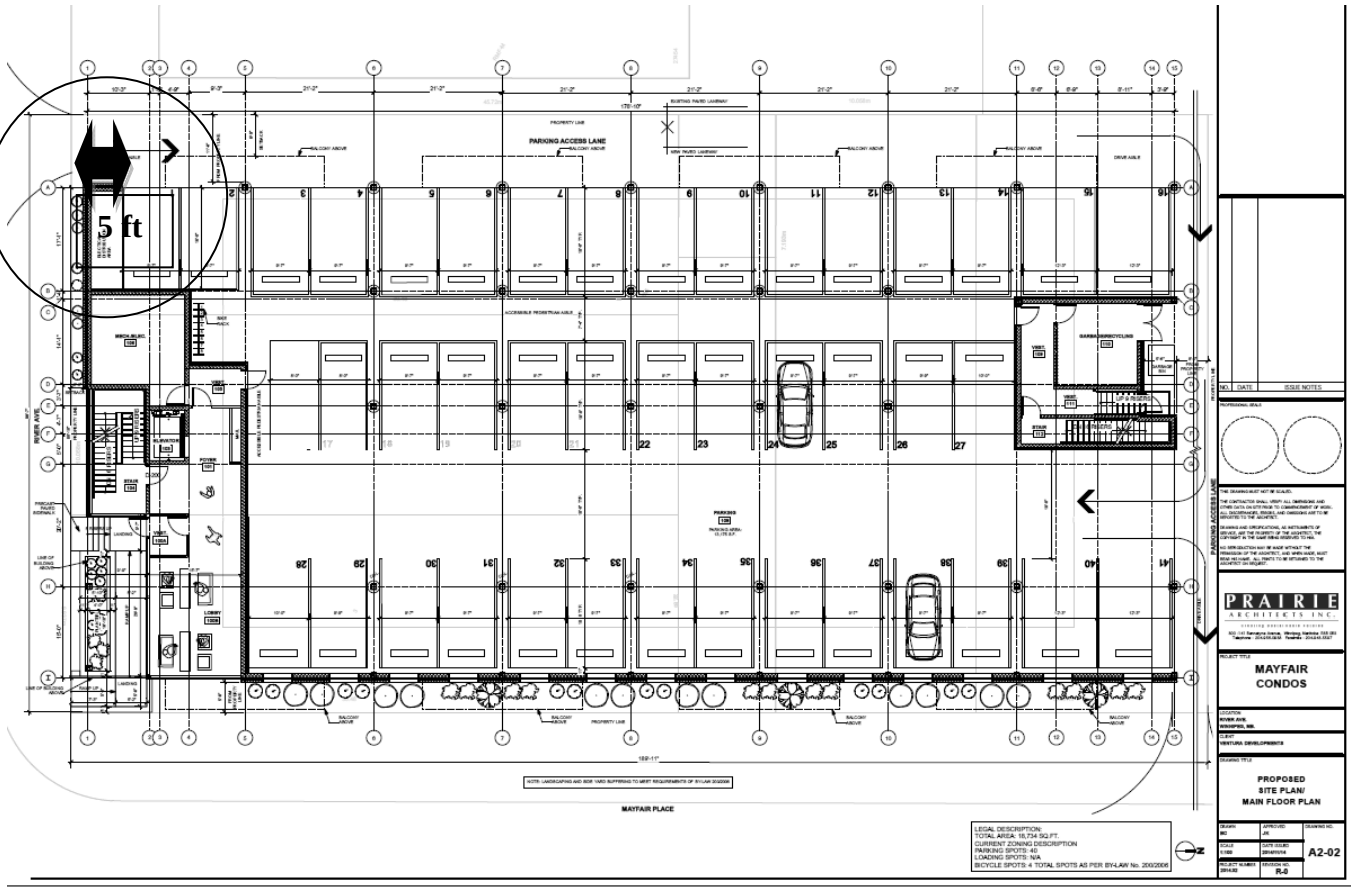
ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____


253
AV
248
246
240

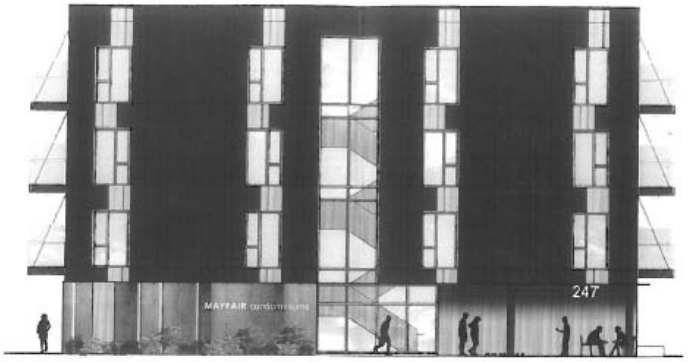
APPENDIX 'C'
Plan submitted with rezoning application
Shows ± 17 foot front yard setback for parking



APPENDIX 'D'
Shows ± 7 foot setback for parking



APPENDIX 'E'
Elevations submitted with rezoning application



DEVELOPMENT EXAMINATION
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV14-169731D
SHEET # 3 OF 3
APPLICANT (SGD.)
DEV. EXAM
DATE OCT 17/14



mayfair (side) elevation

mayfair condominiums
october 10, 2014

prairie architects inc.