Agenda – Council – March 25, 2015

Report – Executive Policy Committee – March 4, 2015

Item No. 1 Rezoning – 260 Wellington Crescent
(Fort Rouge-East Fort Garry Ward)
File DAZ 235/2014 [c/r DAV 172441/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 4, 2015, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 235/2014 dated February 10, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the 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 maximum height of any buildings shall be limited to forty five (45) 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.

Agenda – Council – March 25, 2015

Report – Executive Policy Committee – March 4, 2015

4. 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.

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 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.

Agenda – Council – March 25, 2015

Report – Executive Policy Committee – March 4, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 4, 2015, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

Pursuant to the Code of Conduct, Councillor Orlikow advised the Committee that he would refrain from entering the discussion and voting on the matter, because of a potential conflict of interest, and left the meeting.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 2015, 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.

Pursuant to the Code of Conduct adopted by Council on September 21, 1994, Councillor Orlikow advised the Committee that he would refrain from entering the discussion and voting on the following matter, because of a potential conflict of interest, and left the meeting.

RE: **Rezoning – 260 Wellington Crescent**
File DAZ 235/2014

For submission to: **Executive Policy Committee**

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

Report date: **February 19, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 235/2014 dated February 10, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the 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.

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4. 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.

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 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 reasons for its recommendation:

1. It has been designed in accordance with the Corydon-Osborne area plan.
2. It is increasing density and improving the area with a nicer looking property.
3. The parking is well screened and contained underneath
4. There are a number of positives associated with this project

PUBLIC HEARING SUMMARY

File:	DAZ 235/2014
Before:	City Centre Community Committee Councillor Gilroy, Chairperson Councillor Gerbasi
Public Hearing:	February 17, 2015 Council Building, 510 Main Street
Applicant:	Vitali Ichine
Subject:	

Premises Affected: 260 Wellington Crescent

Exhibits Filed:

1. Application dated December 12, 2014
2. Notification of Public Hearing dated December 30, 2014
3. Manitoba Status of Title 1867367/1
4. Letter of authorization dated June 11, 2014 from Leslie Orlikow and David Johnson to Vitali Ichine and Andre Silva
5. Surveyor's Building Location Certificate and sketch dated September 30, 2014
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated February 10, 2015
8. Inspection Report
9. Presentation in support of the application submitted by Andre Silva at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Vitali Ichine
Andre Silva

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 235/2014

ADMINISTRATIVE REPORT

Title: DAZ 235/2014 – 260 Wellington Crescent

Issue: For consideration at the public hearing for a Rezoning for DAZ 235/2014 – 260 Wellington Crescent

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 235/2014 dated February 10, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the 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 maximum height of any buildings shall be limited to forty five (45) 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 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.

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 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 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.

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:	February 10, 2015
File No.	DAZ 235/2014

APPENDIX 'A'

DATE: February 10, 2015
FILE: DAZ 235/2014
RELATED FILES: DAV 14-172441/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

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

LOCATION: 260 Wellington Crescent
LEGAL DESCRIPTION: Lot 8 Block 33 Plan 853 in RL 34/35 Parish of St. Boniface



APPLICANT: Vitaly Ichine

OWNER: David Johnson and Leslie Orlikow

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is currently zoned "R2" Residential Two-Family District, is located on Wellington Crescent and McMillan Avenue, between Hugo and Cockburn Streets North in the McMillan neighbourhood of the Fort Rouge-East Fort Garry ward.

North: Multi-family residences zoned "RMF-L" Residential Multi-Family District
South: Multi-family residences zoned "R2" Residential Two-Family District
East: Multi-family residences zoned "RMF-L" Residential Multi-Family District
West: Multi-family residences zoned "R2" and a duplex zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to construct a 16 unit multi-family residence on the subject property. The proposed building will be four stories high on Wellington Crescent and three stories high on McMillan Avenue. It will accommodate 16 parking stalls below the building (at grade) and have entrances on both Wellington Crescent and McMillan Avenue. Garbage collection will be private collection; the garbage and recycling bins are located in the enclosed parking area and will be wheeled out for collection.

Reason for application
The proposed density exceeds what is permitted or conditional in the "R2" Residential Two-Family District. Consequently, a rezoning to "RMF-L", which accommodates higher density, is required.

ANALYSIS AND ISSUES
The proposal is consistent with the newly adopted Corydon-Osborne Neighbourhood Plan. A discussion of how the proposal meets the Corydon-Osborne Plan is presented below.

Density
The southern half of the property is located in the Medium Density Residential Area and the northern half of the property is located in the Higher Density Residential Area of the Corydon-Osborne Plan.

In the Medium Density Area, the Plan indicates that small multiple family developments may be accommodated.

In the Higher Density Residential Area, the Plan indicates that medium multiple-family development may be accommodated.

In both cases, the Plan indicates that greater increases in height and/or density may be considered on a case by case basis.

In this instance, the case for an increase in density is that the subject property is surrounding by higher density residential properties on all four sides (see density map in Appendix 'C').

Height
In the Medium Density Area, the Plan indicates that three storey buildings are permitted.

In In the Higher Density Residential Area, the Plan indicates that four storey buildings are permitted.

The proposed building will have four storeys on the northern half of the site and three storeys on the southern half of the site, in keeping with the Plan.

This tapering down of height is also consistent with the adjacent context – as the lower portion of the building will be adjacent to the smaller scale buildings on McMillan Street and the higher portion of the building will front onto Wellington Crescent, where the scale and height of buildings is typically greater.

Design
The proposed development complies with general built form policies and design guidelines in the Corydon Osborne Plan. This is discussed in more detail in Appendix 'D'.

RECOMMENDATIONS
It is recommended that the rezoning be approved.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 235/2014



Figure 1: Aerial Photo (Flown in 2014)

APPENDIX 'B'
Schedule "A" for File No. DAZ 235/2014, City Centre Community Committee, dated February 10, 2015

By-Law No. _____

File No. **DAZ 235/14**

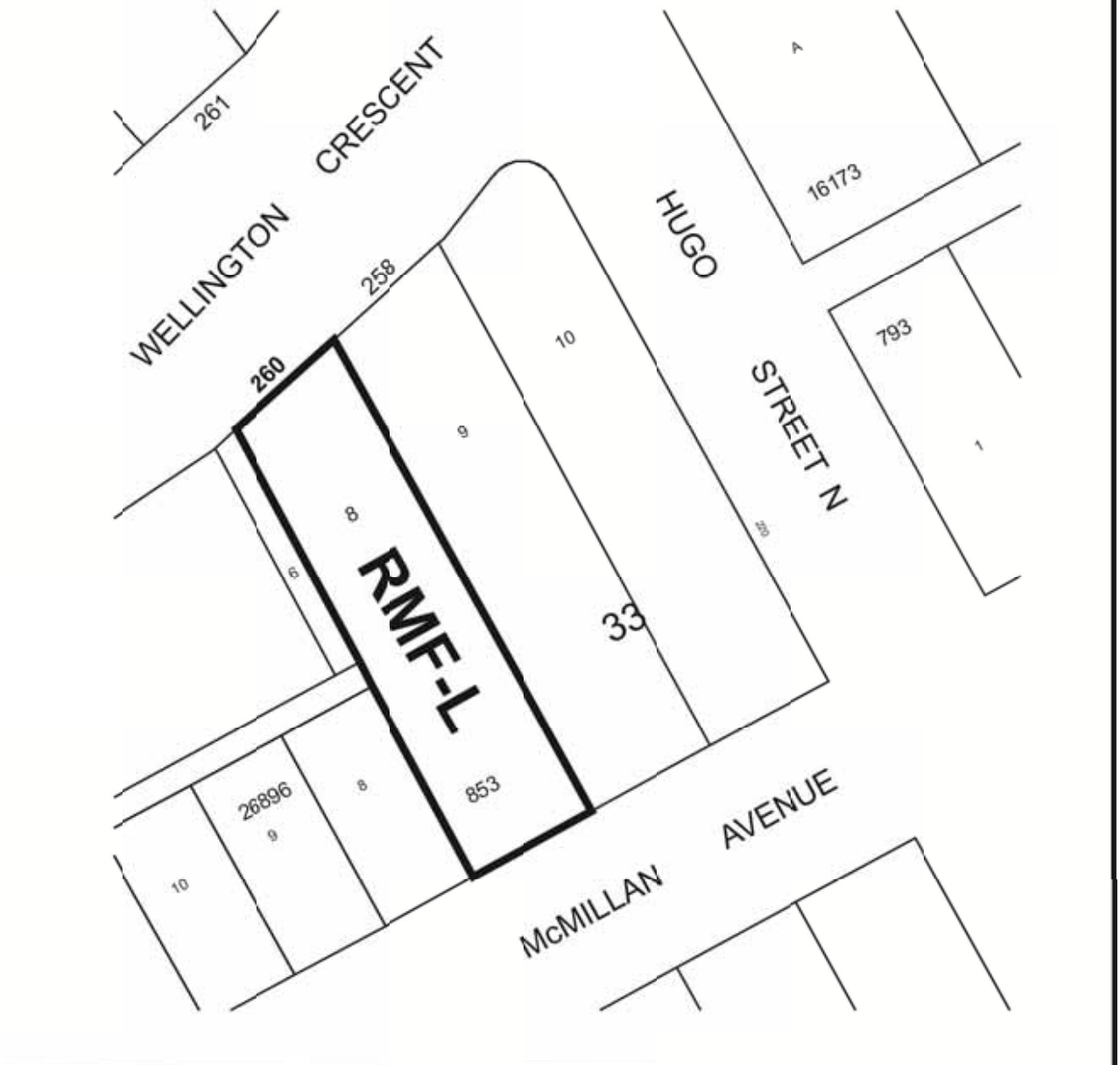
Atlas Sheet No.

N

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COMMUNITY

Explanation

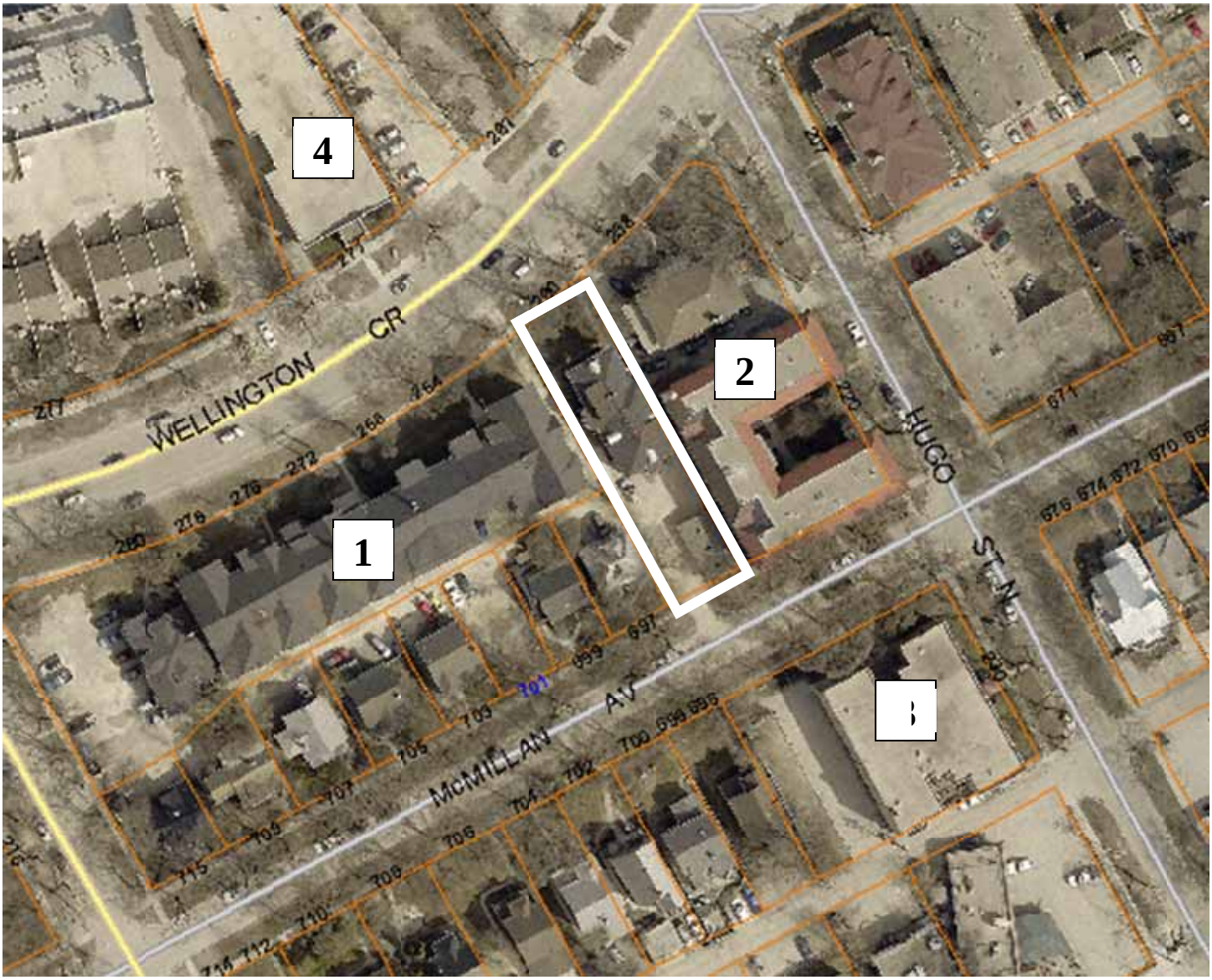
A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 260 Wellington Crescent from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Appendix ‘C’
Density Map



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Appendix 'D' Corydon Osborne Plan policies

Policy	Comply (Yes or No)
Section 3.5 – General Built Form Policies	
3.5.37 **Entrances**– Principal building entrances should be oriented to the public street and secondary entrances to rear parking areas or lanes	**Yes.** *Entrances are oriented to Wellington Crescent and McMillan Avenue*
3.4.43 **Building Orientation**– Buildings must be functionally and visually oriented to the public street and sited to be parallel to the public street and generally aligned to neighbouring buildings	**Yes.** *The building is aligned to the public streets*
3.5.51 **Elevated Views** – Buildings should minimize the intrusion of elevated viewing spaces overlooking private recreational/outdoor space	**Yes** *There are no elevated recreational/outdoor spaces proposed*
3.5.52 **Roofs** – Roof lines should reflect the surrounding context and be energy efficient. Roof gardens should only be encouraged on low-rise and mid-rise buildings only.	**Yes** *The roof line is sloped to reflect the character of adjacent buildings*
3.5.54 **Mature Trees** – Encourage preservation of existing mature canopy shade trees and natural areas through good design	**Yes** *The applicant will retain mature trees where possible*
Section 3.7 – Design Guidelines	
Buildings should be parallel to the street frontage property line	**Yes**
Building setback should be within 1.5 metres (5 feet) of the average of the two adjacent buildings setbacks	**Yes**
Roofs should pitched unless adjacent buildings are flat roofed	**Yes**
Building should have their main entrance facing the street. Commercial entrances, if allowed, should be at the rear	**N/A**
Windows and entrances should be articulated	**Yes** *More detail to be provided at plan approval stage*
Façade lighting should be wall mounted luminaries no higher than the top of the first floor and all light should be cast down and fully shielded	**To be determined at plan approval**
Front yard fences and walls should not be allowed	**Yes** *There are no front yard fences proposed*
Multi-family buildings should reflect the surrounding residential building character	**Yes**
Multi-family buildings should have a variable setback across the facade	**Yes**
Corner lots may have greater lot coverage	**N/A**

Policy	Comply (Yes or No)
Multiple-family developments may be contiguous but should articulate, at minimum, the appearance of the original lot line	**N/A**
Signs should be flush with the building	**N/A**
Residential development should maintain the existing pattern of detached garages rather than attached garages	**N/A**
All parking lots should provide appropriate screening to preserve the residential character of the surrounding area	**Yes** *Parking will be located within the building*
Residential development should provide pedestrian access at the street level and locate parking, loading, and service entrances at the rear of buildings	**Yes** The subject property has two fronts and no rear. Parking will be located within the building
Residential development should have consideration for the light, view, and privacy of adjacent buildings are areas	**Yes**
Residential development should ensure that pedestrian access is a predominant feature in the site design	**Yes**
Residential development should ensure the use of building design elements that are consistent with surrounding properties, including materials, finishing, signage, placement of windows and doors, and height and massing of buildings.	**Yes.** *Finishing materials to be confirmed at the plan approval stage.*
Residential development should ensure sensitive design that clearly defines public, semi-private, and private space	*More detail to be provided at plan approval stage*
Residential development should encourage preservation of existing mature canopy shade trees and natural areas through good design	**Yes** *The applicant will retain mature trees where possible*
Residential design should strongly encourage the incorporation of concepts of Universal Design and Crime Prevention Through Environmental Design (CPTED) into building, streetscape, and site design	**Yes**