Agenda – Council – March 25, 2015

Report – Standing Policy Committee on Property and Development – March 10, 2015

Item No. 2 Subdivision and Rezoning – 1060 Chevrier Boulevard (formerly 1052 & 1058 Chevrier Boulevard)
(River Heights-Fort Garry Ward)
File DASZ 34/2014 [c/r DCU 167649/2014D, DAV 167651/2014D]

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2015, 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 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 January 21, 2015.

2. That the plan of subdivision under File DASZ 34/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2014 dated February 11, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

Report - Standing Policy Committee on Property and Development – March 10, 2015

7. 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.

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.

Report – Standing Policy Committee on Property and Development – March 10, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2015, 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 March 10, 2015, 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 February 17, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete Recommendation 3 in its entirety and replace with the following:

  "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."

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 1060 Chevrier Boulevard (formerly 1052 & 1058 Chevrier Boulevard)**
File DASZ 34/2014

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

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

Report date: **February 19, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, 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 January 21, 2015.

2. That the plan of subdivision proposed under File DASZ 34/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2014 dated February 11, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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 in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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.

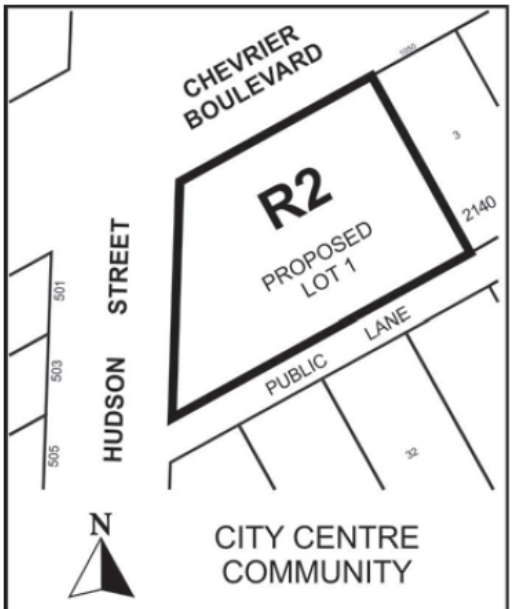
8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. They've gone to great lengths to make the development blend in with the neighbourhood.
2. It is an odd shaped lot where the design fits.
3. I do appreciate the saving of those tree lines.
4. They've broken up the building so it's not a big block and there's articulation on the roof and the walls.
5. There is no opposition.

PUBLIC HEARING SUMMARY

File:	DASZ 34/2014
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Gilroy Councillor Orlikow
Public Hearing:	February 17, 2015 Council Building, 510 Main Street
Applicant:	Walter International Ltd. (Daniel MacGibbon)
Subject:	 **APPLICANT :** WALTER INTERNATIONAL LTD. **FILE :** DASZ 34/14 **PROPOSAL :** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to an "R2" RESIDENTIAL TWO FAMILY DISTRICT to allow for the construction of a multiple family dwelling as a conditional use. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 1060 Chevrier Boulevard (formerly 1052 & 1058 Chevrier Boulevard)

Exhibits Filed:

1. Application dated November 21, 2014
2. Notification of Public Hearing dated December 2, 2014
3. Manitoba Status of Titles 2721660/1, 2721663/1
4. Letter of authorization dated November 3, 2014 from Merv Kroeker, President, Elmington Properties Ltd. to Daniel MacGibbon & Walter International Ltd.
5. Letter of authorization dated November 17, 2014 from Daniel MacGibbon to Kendra Johnson
6. Plans (6 pages)
7. Report from the Urban Planning Division dated February 11, 2015
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Zhi Yong Wang

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 Enginner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 34/2014

ADMINISTRATIVE REPORT

Title: DASZ 34/2014 – 1052-1060 Chevrier BLVD

Issue: For consideration at the public hearing for a Subdivision and Rezoning for DASZ 34/2014 – 1052-1060 Chevrier BLVD

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 January 21, 2015.

2. That the plan of subdivision proposed under File DASZ 34/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2014 dated February 11, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two year period and Council approves the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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.

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 and subdivide the site from a "R1-L" Residential Single Family - Large District to an "R2" Residential Two Family District in order to develop a two storey building with 12 residential units as a conditional use 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 Planning and Land Use Division are concurred in, the property will be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

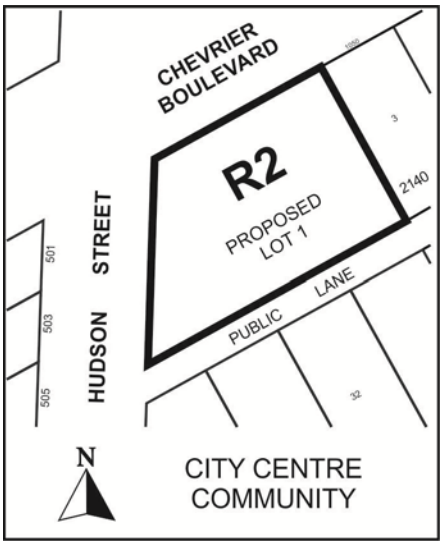
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	February 11, 2015
File No.	DASZ 34/2014

APPENDIX 'A'

DATE: February 11, 2015
FILE: DASZ 34/2014
RELATED FILES: DCU 14-167649/D DAV 14-167651/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.605

SUBJECT: To rezone and subdivide the subject land from a "R1-L" Residential Single Family - Large District to an "R2" Residential Two Family District.

LOCATION: 1060 Chevrier BLVD
LEGAL DESCRIPTION: LOT 1 & 2 BLOCK 1 PLAN 2140 23 ST V
Proposed Lot 1, DASZ 34/14



APPLICANT: Daniel McGibbon Walter International Incorporated
698 CORYDON AVE UNIT 100
WINNIPEG MB R3M 0X9

OWNER: ELMINGTON PROPERTIES LTD.
96 FALCON RIDGE DR
WINNIPEG MB R3Y 1X6

RECOMMENDATION: Approval with conditions

CRITERIA FOR APPROVAL
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved for posters if the proposed development:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the southeast corner of Chevrier Boulevard and Hudson Street in the Maybank neighborhood of the River Heights- Fort Garry ward.

- The subject site is composed of 2 lots; one lot is 10,335 sq. ft. in size and the other is 5,330 sq. ft. in size – for a total consolidated lot area of 15,665 sq. ft.

- The site is currently vacant.



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

The immediate area is characterized by a diverse land use mix of residential (including single family and some multiple family), nursing home, rail lands, warehouse/ industrial, institutional (two churches and South Winnipeg Technical College), and commercial along Pembina Highway one block to the east. The site is in close proximity to the future proposed Chevrier Rapid Transit Station (see Figure 2). Immediately adjacent land uses include:

North: Single family residential uses (zoned "R1-L" Residential Single-Family- Large).

South: Single family residential uses (zoned "R1-L" Residential Single-Family- Large).

West: Single family residential uses (zoned "R1-L" Residential Single-Family- Large).

East: Single family residential uses (zoned "R1-L" Residential Single-Family- Large).



Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning and subdivision in order to consolidate the two existing lots and to develop a two-storey building with 12 residential units as a conditional use on the subject property.

Reason for application
Multiple family development is not an allowable use in the “R1-L” Residential Single Family – Large District. To accommodate multiple family development without a major change in zoning, the applicant seeks to rezone “R2” – Residential Two-Family, and to provide multiple-family housing, which is a conditional use in the “R2” District.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- 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.

This development represents a moderate change in density. The form, design and scale of the development is complementary to the neighbourhood context, and the development adds to the mix of housing types in the Maybank neighborhood.

Density

Context
While the immediately adjacent housing is single-family, the area within the adjacent couple of blocks is characterized by a wide mix of uses including multi-family housing. One block south, there are 123 units of multiple family housing owned by Manitoba Housing.

This development is situated on a corner lot. The Urban Planning Divison typically supports higher densities on corner lots because of the increased accessibility that is afforded by corner lots.

Transportation Options
This property is located close to high frequency transit service (access to east/west routes directly across Chevrier; and access to north/south routes 1 block east on Pembina).

The site is also in close proximity to the future proposed Chevrier Rapid Transit Station. Figure 2 shows that the walking distance between the subject property and the future station is approximately 350 metres. According to the Winnipeg Transit Oriented Development (TOD) Handbook, a convenient walking distance to rapid transit stations is 400 metres or less. The location of the proposed development is within this ideal distance and will provide future residents with convenient access to the station. Convenient access to rapid transit not only tends to reduce reliance on the private automobile but is also a factor that supports density, since higher residential densities and rapid transit are mutually-supportive.



Figure 2: Approximate distance between the subject property and the future proposed Chevrier Rapid Transit Station. (Air photo 2012)

Chevrier Boulevard is a collector street and a truck route. Larger-volume streets tend to be an additional support for the provision of multiple family housing because of the increased accessibility they provide.

Design

The proposed townhouse typology brings a new context-sensitive housing option to the neighbourhood.

Height and Setbacks

- The height of the building is two storeys, which is in keeping with the range of building heights in the neighbourhood.
- The proposed front yard setback (20 feet) corresponds well to front yard setbacks along the street.
- With the exception of 20.5 foot setbacks to two stairwell landings, the development otherwise meets the Winnipeg Zoning By-Law rear yard setback requirement of 25 feet.

- With the exception of a projection into the west yard for a balcony, the development otherwise meets Winnipeg Zoning By-Law side yard requirements.

Façade Treatment
The building design includes the use of varied colours, setbacks, individual rooflines, many windows, individual unit entrances, as well as a defined base, midsection and crown. These design elements work together to help to visually 'break up' the building both horizontally and vertically. The result is a design that corresponds well with the character of the neighbourhood.

Parking and transportation

The applicant is planning to provide 15 parking spaces instead of 18. As noted above, this development is in very close proximity to transit service and is also within walking distance to the future proposed Chevrier Rapid Transit Station. The proximity of transit and rapid transit options presents strong support for residents of this development to access transportation options as alternatives to the private automobile, and provides a supportive rationale for the provision of 3 fewer parking stalls.

Trees

Due to the presence of mature trees onsite, the applicant hired an arborist who produced a report which included a tree inventory and a tree protection plan. In speaking with the applicant, the applicant intends to follow through on the recommendations of the arborist, in order to support the survival of these trees through demolition and construction. A summary of the arborist's recommendations is as follows:

- There are 4 existing onsite trees near the front property line that are of a sufficient quality and setback from the building to be protected.
- The other existing trees are either of insufficient quality or in a location onsite that they cannot be protected.
- Protection should include construction barriers in accordance with City standards, and watering and fertilizing. Two of the 4 trees should be pruned.
- Three trees on the property immediately east of the subject property are in poor health and may not survive construction.

Discussion is taking place with the arborist to determine whether there are factors that could support the preservation of any other trees in addition to these 4. If this proves possible and advisable, the Urban Planning intends to address these factors through Schedule "A" approval (plan approval) which is included as a condition on associated files DCU 167-649D and DAV 14-167651D. If it is not feasible to protect additional existing trees, the applicant has offered to plant some additional new trees at their expense, which would also be dealt with through plan approval.

Public Consultation

The applicant held a community consultation October 3, 2014 at Winnipeg Technical College. The applicant delivered flyers to about 60 nearby homes and 15-20 residents attended the open house.

Other

Plan Approval is included as a condition on associated files DCU 167-649D and DAV 14-167651D in order to ensure that the final design details are provided to the satisfaction of the City Centre Community Committee and the Director of Planning, Property and Development.

SUMMARY

The Urban Planning Division supports the rezoning and subdivision for the following key reasons:

- The development has visual interest from the street, and is context sensitive in terms of its height, built form, and design details.
- The development adds to mix of housing options in the Maybank neighbourhood.
- The density is in keeping with the context within the Maybank neighbourhood.
- The applicant hired an arborist to help determine how to best support survival of trees. Plan approval will provide a further venue for discussion regarding trees and landscaping following additional discussion with the arborist.
- The applicant undertook community consultation including an open house.
- The slight reduction in parking is justifiable due to the proximity of transit and future rapid transit.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved with conditions and that the subject property be rezoned to a “R2” - Residential Two-Family District.

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

Report Prepared by: Andrew Ross
PPD File # DASZ 34/2014 /D 1052-1060 Chevrier Blvd.

Schedule “A” for File No. DASZ 34/2014, City Centre Community Committee February 11, 2015

By-Law No. _____

File No. **DASZ 34/14**

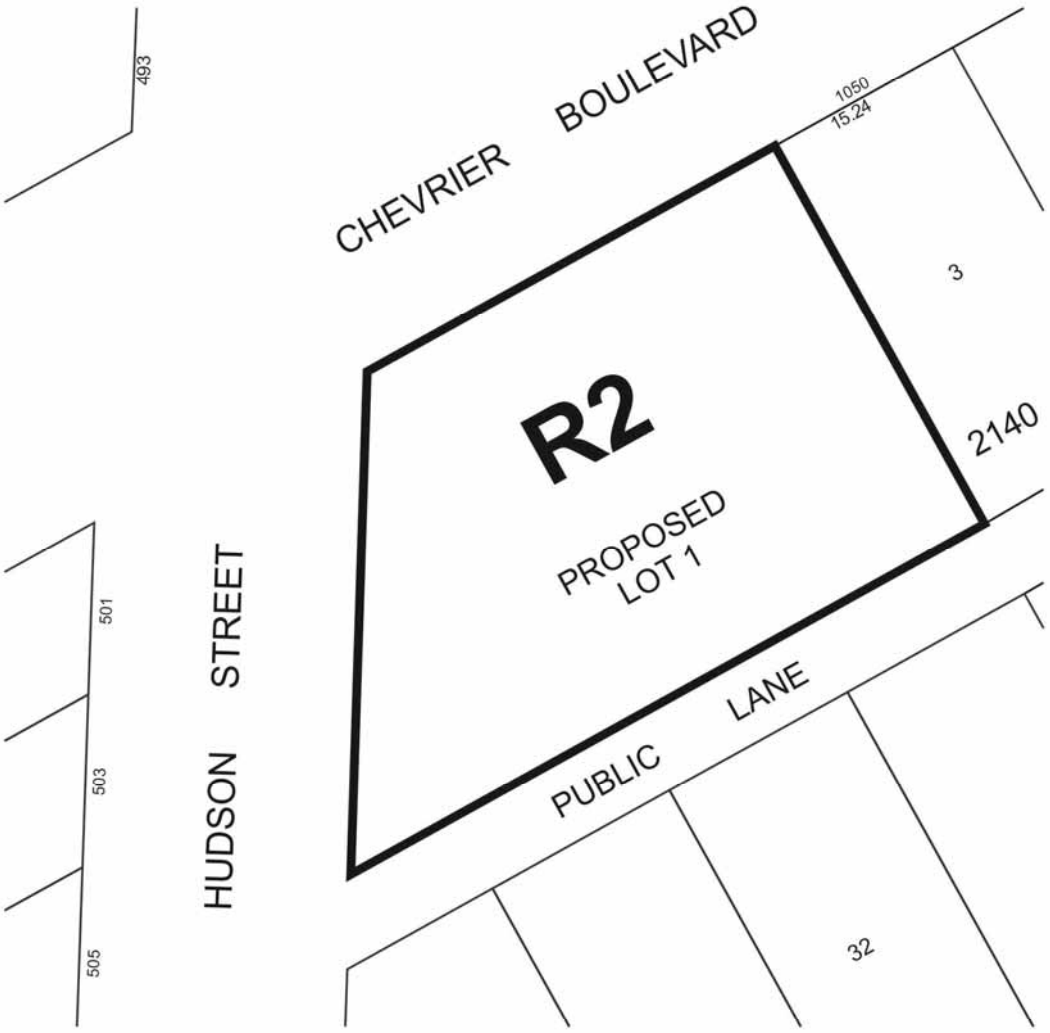
Atlas Sheet No.

N

AG24
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 at 1052-1058 Chevrier Boulevard from an “R1-L” RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to an “R2” RESIDENTIAL TWO FAMILY DISTRICT to allow for the construction of a multiple family dwelling as a conditional use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP
January 21, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1060 CHEVRIER BOULEVARD – DASZ 34/2014

It is recommended that the approval of DASZ 34/2014, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. Plan Considerations

The Developer shall, at no expense to the City, transfer and legally open property required for a 1.154m widening of the east-west public lane right-of-way, along the full length of the east-west public lane, abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS - SERVICING

1. Public Lane

   The Developer shall, at no expense to the City, construct Portland cement concrete pavement to a width of 6.0m by 150mm in thickness including an appropriate transition to the existing gravel and all related works, not necessarily limited to land drainage sewer, in the east-west public lane, abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2. Sidewalk

   The Developer shall, at no expense to the City, construct, a 1.5m wide by 100mm thick Portland cement concrete sidewalk, on a standard alignment 0.3m from the property line, on the east side of Hudson Street, abutting the subject property, as determined by and to the satisfaction of the Director of Public Works.

3. Construction-Traffic Access

   The Developer shall, at no expense to the City:
   a) ensure that construction traffic uses access routes determined by the Director of Public Works;
   b) maintain those access routes in a clean dust-free condition, free of dropped and tracked-on mud; and

c) undertake the regular cleaning of streets until building construction, including landscaping is complete,
d) all as determined by and to the satisfaction of the Director of Public Works.

4. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

C. AGREEMENT CONDITIONS - COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress

estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1650.00 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. DASZ 34/2014
February 5, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj