Agenda – Council – April 29, 2015

Report – Executive Policy Committee – April 22, 2015

Item No. 3 Rezoning – 698 Furby Street
(Daniel McIntyre Ward)
File DAZ 204/2015 [c/r DAV 112029/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 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 204/2015 dated March 5, 2015 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

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

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the building height shall be limited to forty (40) feet.

2. In lieu of the dedication of land, the developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

Report – Executive Policy Committee – April 22, 2015

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

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

Report – Executive Policy Committee – April 22, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 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 April 14, 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.

RE: **Rezoning – 698 Furby Street**
File DAZ 204/2015

For submission to: **Executive Policy Committee**

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

Report date: **April 15, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 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 204/2015 dated March 5, 2015 to an "RMF-L" Residential Multi-Family (Large) 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:

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

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

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

1. It will add more density.

2. There has been no opposition to the application.

PUBLIC HEARING SUMMARY

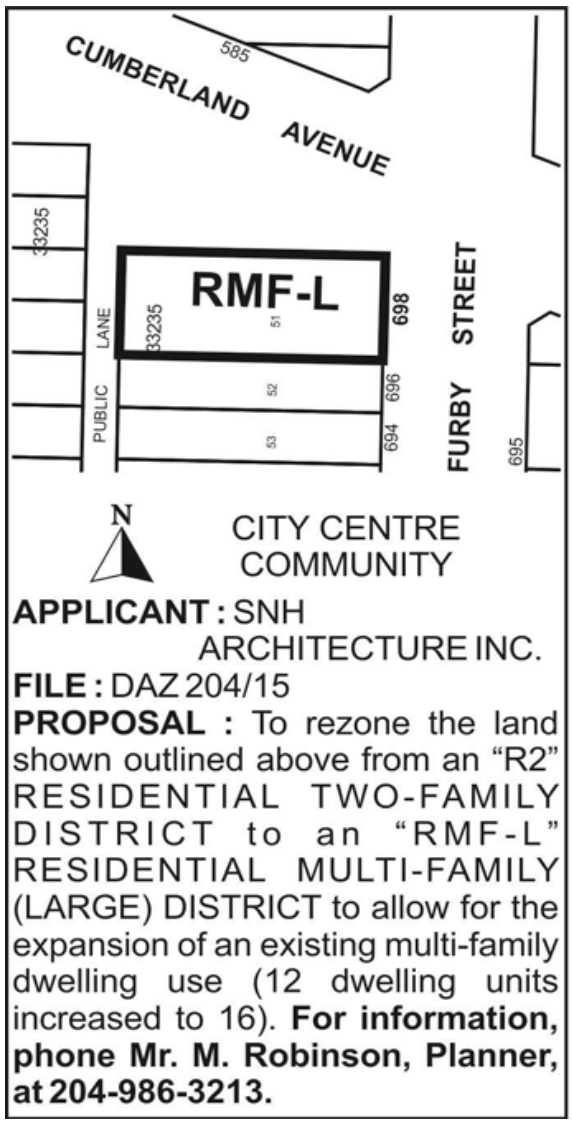
File: DAZ 204/2015

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

Public Hearing: April 14, 2015
Council Building, 510 Main Street

Applicant: SNH Architecture Inc. (Andrew Skelton)

Subject:



Premises Affected: 698 Furby Street

Exhibits Filed:

1. Application dated March 3, 2015
2. Notification of Public Hearing dated March 9, 2015
3. Manitoba Status of Title 2714151/1
4. Letter of authorization dated January 22, 2015 from Patrick Penner, 698 Furby Ltd. to Affinity Architecture
5. Plans (4 pages)
6. Report from the Planning and Land Use Division dated April 2, 2015
7. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bert Friesen

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 "6" referred to in File DAZ 204/2015

ADMINISTRATIVE REPORT

Title: DAZ 204/2015 – 698 Furby Street

Issue: An application for consideration at the public hearing to rezone the property from an "R2" Residential Two-Family District to an "RMF-L" Residential Multi-Family District to allow the expansion of an existing multi-family dwelling.

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 204/2015 dated March 5, 2015 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:
        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.
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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.

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

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

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from "R2" Residential Two-Family District to "RMF-L" Residential Multi-Family Large in order to add a four (4) more units to an existing building on the property consisting of twelve (12) dwelling units.
- 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 subject land will be rezoned from "R2" Residential Two-Family District to "RMF-L" Residential Multi-Family Large.

CONSULTATION

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

SUBMITTED BY

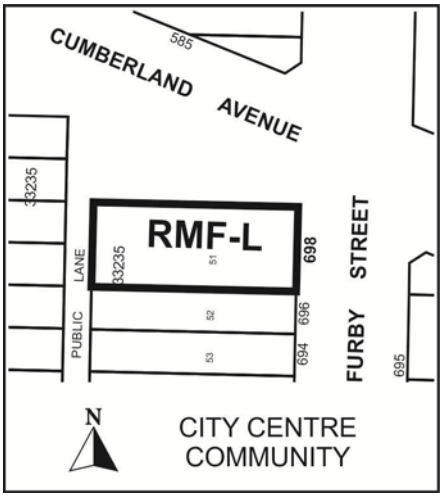
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo, MCIP
Date:	April 2, 2015
File No.	DAZ 204/2015

APPENDIX 'A'

DATE: April 2, 2015
FILE: **DAZ 204/2015**
RELATED FILES: DAV 14-142487/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.104

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

LOCATION: 698 Furby Street
LEGAL DESCRIPTION: LOT 51 PLAN 33235 72 ST JA



APPLICANT: Andrew Skelton SNH Architecture Inc.
4 Fort Street, Winnipeg MB, R3M 0X1

OWNER: 698 Furby Ltd.
971 Corydon Avenue
Winnipeg MB, R3M 0X1

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from "R2" Residential Two-Family District to "RMF-L" Residential Multi Family - Large in order to add four (4) more units to an existing building consisting twelve (12) dwelling units.
- The Urban Planning Division recommends approval of this application with conditions.

SITE DESCRIPTION

- The subject property is located on the south west corner of Furby Street and Cumberland intersection in the Spence neighbourhood of the Daniel McIntyre ward.

- Existing on the property is a 12 unit multi-family apartment. The subject site is 5,928 square feet in size.
- The site is within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned “R2” Residential Two-Family.

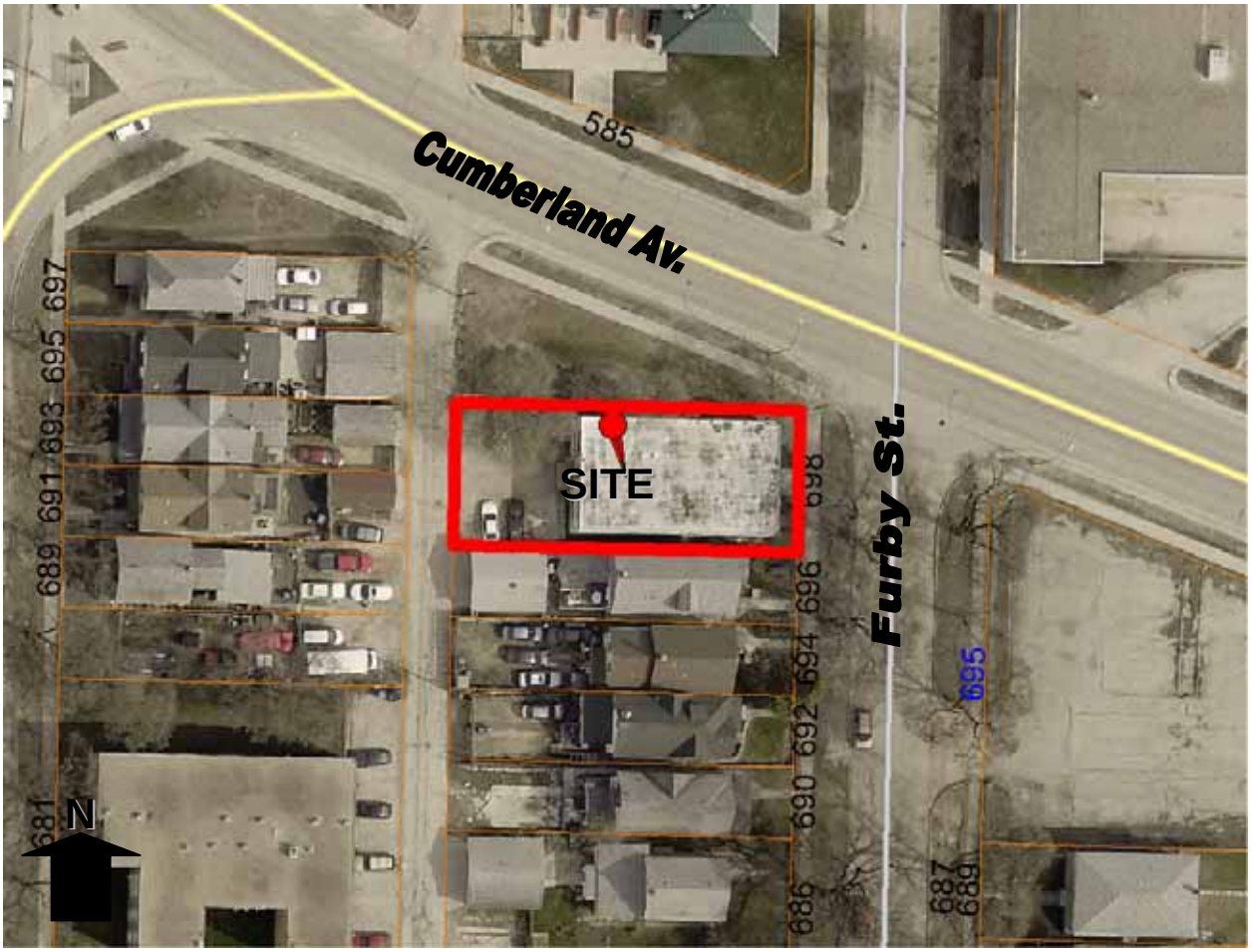


Figure 1: Air photo of the subject property and surrounding area (flown 2014)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Cumberland Avenue, then residences zoned “RMF-L” Residential Multi-Family – Large.

South: Residences zoned “R2” Residential Two-Family.

East: Furby Street, then residences zoned “R2” Residential Two-Family.

West: Backlane, then residences zoned “RMF-M” Residential Multi-Family Medium.

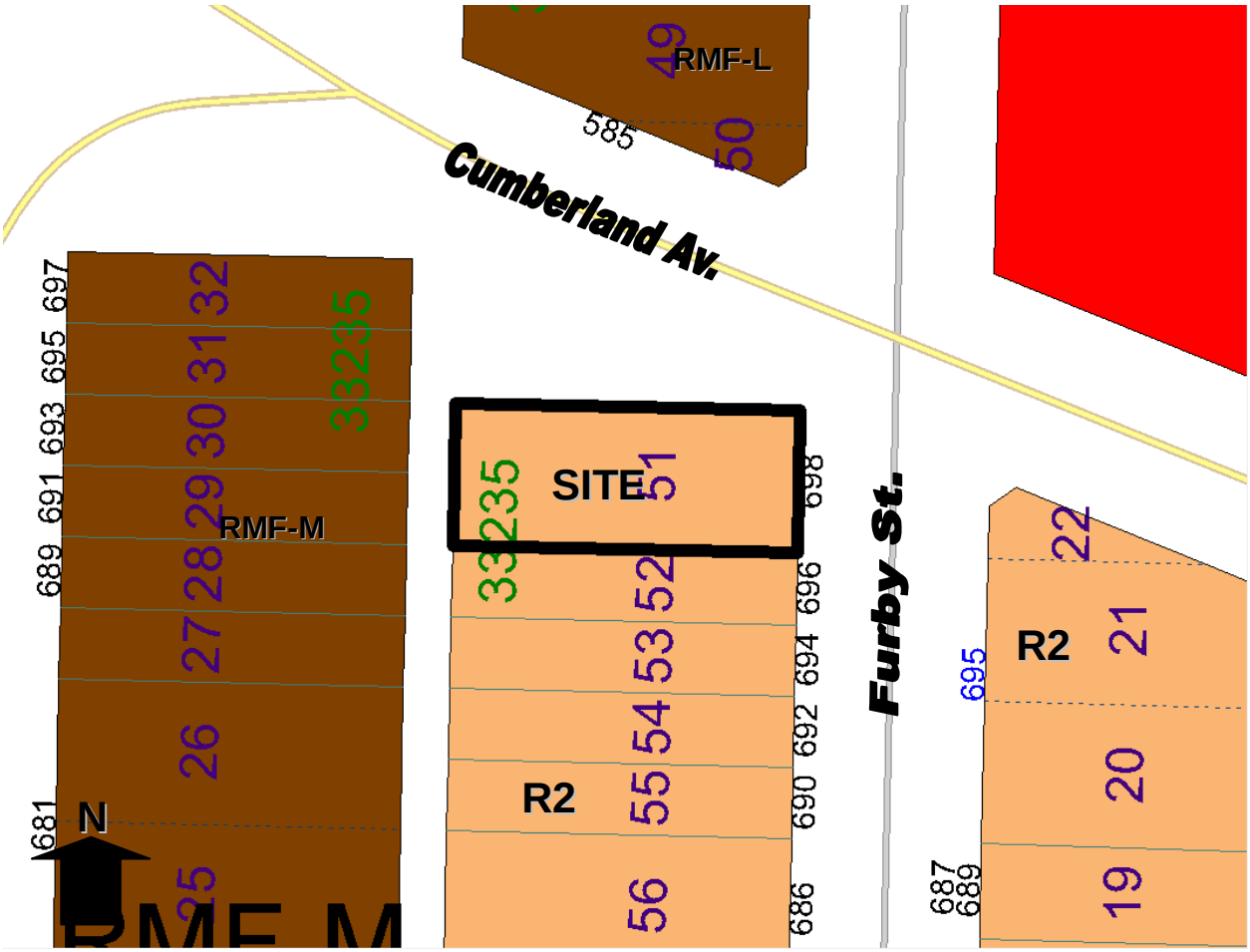


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from "R2" Residential Two-Family District to "RMF-L" Residential Multi-Family – Large.
- The applicant wishes to add four (4) units to an existing twelve (12) unit multi-family dwelling
- This proposed addition will be located within the basement of the existing building. However, because the applicant is rezoning from "R2" to "RMF-L", the proposed addition will have to meet the "RMF-L" dimensional standards.
- Thus, the rezoning application is associated with a variance application (DAV 15-112029D)

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policy guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* includes:
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

- Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- 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.

LAND USE BY-LAW

ZONING

Current Zoning: "R2" Residential Two-Family

- The Residential Two-Family district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower-density areas.

Proposed Zoning: "RMF-L" Residential Multi-Family-Large

- The "RMF-L" zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (note b)[1] and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.
- Parking requirements are 1.5 stalls per unit. However, for properties that fall within Urban Infill Areas, parking requirements are reduced to 80% of the required minimum stalls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land uses within mature neighbourhoods when done in a context-sensitive manner.
- There are multiple variances required in association with the proposed expansion. Many of these variances are unavoidable because the applicant is maintaining the existing building, which has to meet the dimensional standards of the zoning district in which it's being rezoned. (See planner's report for DAV 15-112029/D).
- The height cap is necessary to make sure that any future redevelopment of the site is consistent with the existing neighborhood form and character.
- The proposed expansion is possible on the subject site with associated variances without having significant effect on surrounding properties.
- The scale of the proposed development is consistent with the surrounding context and form.
- The Urban Planning Division does not anticipate that the proposed development will result in any negative impact on adjoining properties.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and the City Centre Community Committee should there be a redevelopment of the site, for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the City Centre Community Committee to review final plans before development takes place for any future developments on the site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval**, with conditions for the following reasons:

- The rezoning to "RMF-L" Residential Multiple Family Large allows the expansion of the existing multi-family structure from twelve (12) units to sixteen units which closely aligns with the policies in the *Complete Communities Direction Strategy* for Areas of Stability – Mature Communities;
    - ***'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, and townhomes. (Page 80 – Complete Communities Direction Strategy).***
- The proposal is consistent and compatible with the surrounding properties;
    - ***The subject will be retaining the footprint of the existing structure.***
    - ***The proposed addition will not change the form and external appearance of the existing building thereby fitting the existing character.***
- There is a need for a mix of housing opportunities throughout the City. This development is consistent with the increased need for more housing supply in Spence neighborhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Femi Ojo, MCIP
PPD File # DAZ 204/2015

APPENDIX "B"
Schedule "A" for File No. DAZ 204/2015, City Centre Community Committee, dated March 18, 2015

By-Law No. _____

File No. **DAZ 204/15**

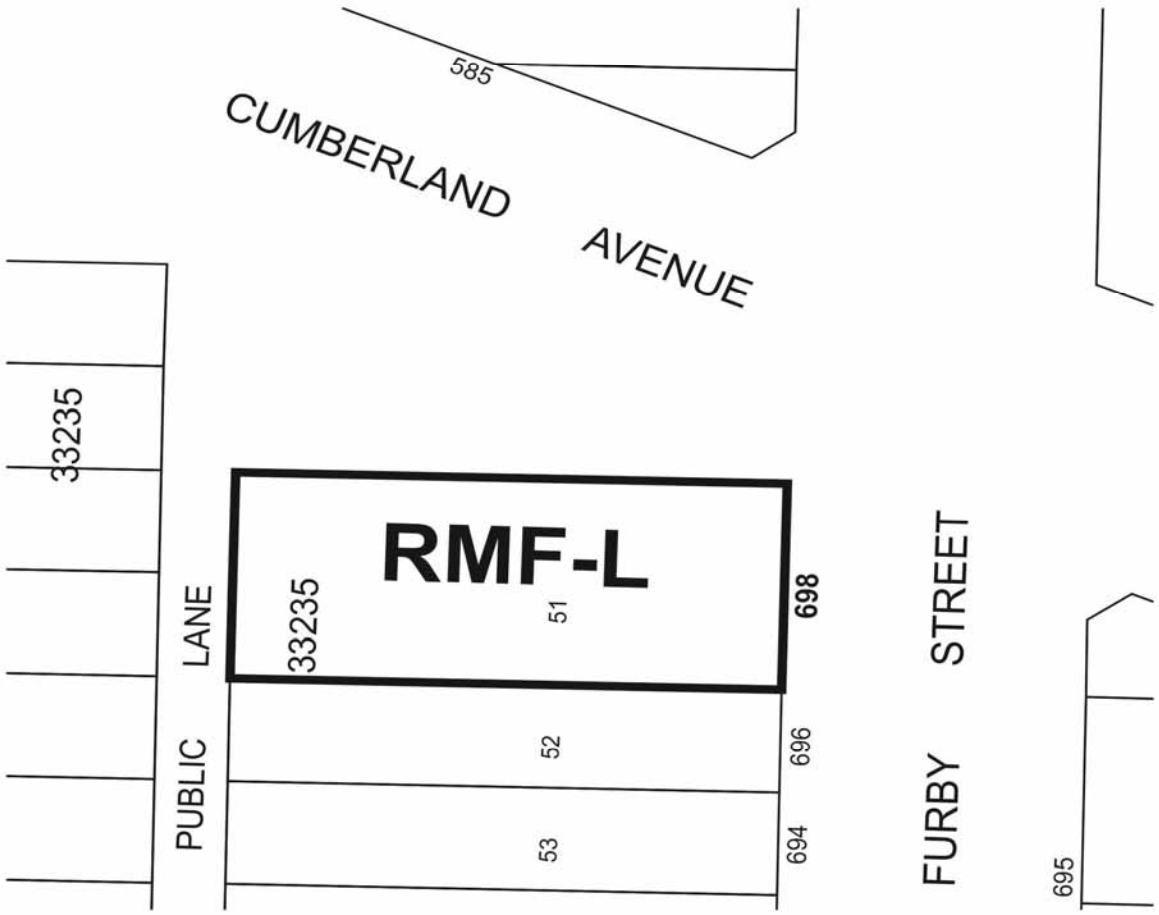
Atlas Sheet No.

N

Z23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 698 Furby Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the expansion of an existing multi-family dwelling use (12 dwelling units increased to 16) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____