Agenda – Council – November 25, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2015

Item No. 5 Rezoning – 1355 Lee Boulevard
(South Winnipeg - St. Norbert Ward)
File DAZ 211/2015 [c/r DAV 144425/2015D]

STANDING COMMITTEE RECOMMENDATION:

On November 18, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 211/2015 dated October 22, 2015, to an "RMU" Residential Mixed Use 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, billboard signs, mobile signs, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.
        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed seventy-five (75) feet.
        iii. That the minimum setback to any principal building from the south property line shall equal the building height of the principal building but shall not exceed 60 feet.
        iv. That, for the development of any building, and/or accessory parking area and/or signage within the lands, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2015

2. 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.

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

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 the by-law is passed.

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 18, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 10, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete recommendation 1.A.iii. in its entirety and replace with the following new recommendation 1.A.iii.:

  "1.A.iii. That the minimum setback to any principal building from the south property line shall equal the building height of the principal building but shall not exceed 60 feet."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Rezoning – 1355 Lee Boulevard**
File DAZ 211/2015

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

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **November 4, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 211/2015 dated October 22, 2015, to an "RMU" Residential Mixed Use 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, billboard signs, mobile signs, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.
        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed seventy-five (75) feet.
        ~~***iii. That, the minimum setback to any principal building from the south property line shall not be less than 60 feet.***~~
        iii. That the minimum setback to any principal building from the south property line shall equal the building height of the principal building but shall not exceed 60 feet.
        iv. That, for the development of any building, and/or accessory parking area and/or signage within the lands, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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

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 the by-law is passed.

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

6. 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.

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

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

1. It is in compliance with OurWinnipeg and the Complete Communities Direction Strategy.
2. It is within areas of stability.
3. It supports low to moderate change, as well as a mix of commercial services and employment uses.
4. There is great demand in the area for this type of housing and this type of development.

PUBLIC HEARING SUMMARY

File:	DAZ 211/2015
Before:	Riel Community Committee Councillor Lukes, Chairperson Councillor Allard
Public Hearing:	November 2, 2015 Council Building, 510 Main Street
Applicant:	Lombard North Group (1984) Ltd. (Andrei Friesen)
Subject:	



Premises Affected:	1355 Lee Boulevard

Exhibits Filed:

1. Application dated July 30, 2015
2. Notification of Public Hearing dated August 31, 2015
3. Manitoba Status of Title 2751668/1
4. Letter of authorization dated April 28, 2015 from The Ascent Condos at Fairfield Park Inc. to Lombard North Group (1984) Ltd.
5. Copy of Servicing Agreement AG 403/07 between the City of Winnipeg and Southeast Resource Development Council Corp. and Southeast College Inc.
6. Plans (9 pages)
7. Report from the Urban Planning Division dated October 22, 2015
8. Inspection Report
9. Plans submitted by Andrei Friesen at the Public Hearing
10. Recording of Representations

REPRESENTATIONS:

In Support:

Andrei Friesen
Inderpal Singh
Jas Kalar
Gurpreet Gill

In Opposition

Nil

For Information:

Tom Peake

For the City:

Mr. R. Mahé, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 211/2015

ADMINISTRATIVE REPORT

Title: DAZ 211/15 – Waverley St. (Formerly 1355 Lee Blvd)

Issue: An application for consideration at the Public Hearing to rezone the subject property from "RMF-S" Residential Multi-Family Small to "RMU" Residential Mixed-Use.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
E. Finnigan	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 211/2015 dated October 22, 2015, to an "RMU" Residential Mixed Use 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, billboard signs, mobile signs, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.

        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed seventy-five (75) feet.

        iii. That, the minimum setback to any principal building from the south property line shall not be less than 60 feet.

        iv. That, for the development of any building, and/or accessory parking area and/or signage within the lands, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community

Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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

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 the by-law is passed.

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

6. 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 applicant is proposing to rezone the site from “RMF-S” Residential Multi-Family Small to “RMU” Residential Mixed-Use for the future development of a seven storey mixed-use building on the site. The proposed building will contain 180 residential units with 5,500 square feet of commercial space on the main floor.
- 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 property will be rezoned from RMF-S to RMU with a zoning agreement further restricting the property.

HISTORY

DASSF 538/13

The subject property was created under DASSF 538/13 which involved a number of conditions of approval. Among the conditions included was the requirement for a cross-access easement agreement to guarantee access for the subject property to/from Lee Blvd over the adjacent lot to the south.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan
Date:	October 22nd, 2015
File No.	DAZ 211/15

APPENDIX 'A'

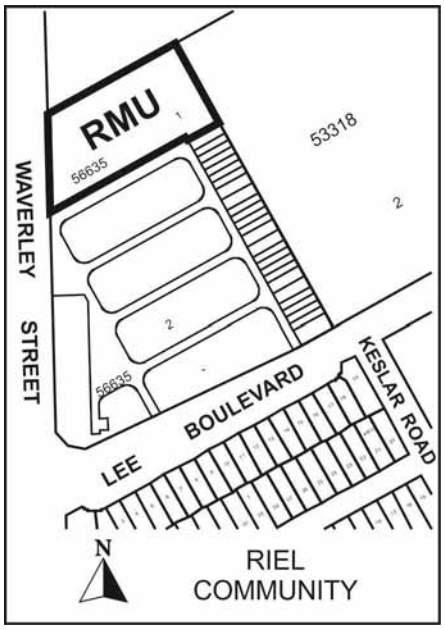
DATE: October 22nd, 2015
FILE: **DAZ 211/15**

RELATED FILES: DAV 15-144425/D, CA 15/2013, DAPS 10/2013, DASSF 538/2013, DASSF 607/2012, DASSF 520/2012, DAPS 10/2006, DAV 96/69.

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.637

SUBJECT: To rezone the subject property from "RMF-S" Residential Multi-Family Small to "RMU" Residential Mixed-Use.

LOCATION: Waverley St. (Formerly 1355 Lee Blvd)



APPLICANT: Andrei Friesen
287 Taché Avenue
Winnipeg MB R2H 2A1

OWNER: The Ascent Condos at Fairfield Park Inc.
108-1090 Waverley Street
WINNIPEG MB R3T 0P4

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant intends to rezone the subject property to allow for the future development of a seven storey mixed-use building including 5,500 square feet of commercial space on the main floor.
- This requires a rezoning from the “RMF-S” Residential Multi-Family Small district to the “RMU” Residential Mixed Use district.
- The Administrative Coordinating Group has indicated that a Servicing Agreement is not required for this development as servicing was addressed through the original subdivision application (DASSF 538/13).

SITE DESCRIPTION

- The subject site is located on the eastside of Waverley Street between Bison Drive and Lee Boulevard in the Fairfield Park neighbourhood of the St. Norbert Ward.
- The site is vacant and is approximately **2.13 acres in area.**
- The site is located within the Areas of Stability – Recent Communities policy area of the Complete Communities Direction Strategy and is zoned “RMF-S” Residential Multi-Family Small.



Figure 1: Site map of subject property and surrounding neighbourhood

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Vacant land zoned RR5 (Rural Residential 5), then Bison Drive.

South: A townhouse development currently under construction on land zoned RMF-S (Residential Multi-Family Small) and owned by the same corporation that owns the subject site. This property was created under DASSF 538/2013.

East: Southeast Collegiate zoned RMF-S (Residential Multi-Family Small).

West: Waverley Street and land zoned "A" Agricultural that is part of Neighbourhood Plan Area "B" of the Waverley West Area Structure Plan.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a seven storey mixed-use building on the site. The proposed building will contain 180 residential units with 5,500 square feet of commercial space on the main floor.
- Access to the site is from the south by way of a cross-access agreement with the adjacent lot known as 1355 Lee Blvd.
- Pedestrian access to the public sidewalk proposed along Lee Blvd will be facilitated by way of an internal pedestrian system, provided for in the cross-access agreement with 1355 Lee Blvd.
- The development will include a surface level accessory parking area (76 stalls) as well as an underground parking area (182 stalls) comprising a total of 255 parking spaces.
- The development will include 29 bicycle parking spaces.

- An associated variance application for the parking area and to allow the site to not have direct access to a street or lane has been applied for (see DAV 15-144425/D).

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the *Areas of Stability – Recent Communities policy area*. Key policies guiding the development of 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and that address the transition between new and existing development.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - Support a mix of commercial services and employment uses that serve the local community.
    - 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.

CURRENT ZONING DISTRICT:

"RMF-S" Residential Multi-Family Small

The RMF zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 4 feet, a minimum corner side yard of 5 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1250 square feet.

PROPOSED ZONING DISTRICT:

"RMU" Residential Mixed-Use District

The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 5 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 100 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

Reason for the Rezoning

- The applicant is proposing to construct a seven storey mixed-use building on the site comprising 180 residential units and 5,500 square feet of commercial space on the main floor. Mixed use buildings with commercial and multi-family uses are not permitted in the RMF-S zone, but are permitted in the RMU zone. As such, a rezoning is required.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Urban Planning Division is supportive of a mixed-use development on the subject property. It is recognized that the subject site is located along a major arterial street and in an area that is currently transitioning into a low to medium density neighbourhood. The site is also adjacent to a large vacant property to the north with significant future development potential as well as agricultural land to the west that has been identified as Neighbourhood Plan Area "B" of the Waverley West Area Structure Plan. The proposal to develop a mixed-use building on the site is consistent with the policies guiding development in the *Areas of Stability – Recent Communities policy area* in *Complete Communities* which supports context sensitive infill development that addresses the transition between new and existing development.
- It is also noted that the proposal to include small-scale commercial uses in the development will help to create a more complete community in the area by providing neighbourhood-based commercial options for the new residents of the area. This is consistent with the *Complete Communities Direction Strategy* which supports a mix of commercial services that serve the local community in *Areas of Stability – Recent Communities.*
- It is acknowledged that in the *Winnipeg Pedestrian and Cycling Strategy* a new Off Street Active Transportation pathway is proposed on the subject block of Waverley Street.
- The nearest transit route to the subject property is route #183 which runs along Lee Boulevard as far as Keslar Road. Route #183 offers limited weekday and weekend service.

RECOMMENDED ZONING AGREEMENT

Signage

- The Public Service is recommending a restriction on the type of signs permitted on the property. This clause is being included to ensure future commercial uses operate in a manner that is consistent with the primarily multi-family residential character of the site and primarily non-commercial character of the surrounding area.

Setback & Height

- To the south of the subject site will be a number of two-storey townhouse units. Given the proposed height of the mixed-use building is approximately 70 feet, the Public Service is recommending the inclusion of an increased setback from the south property line, which is shared with the townhouse residences zoned RMF-S. This setback is recommended to help ensure compatibility between the existing townhouse units and the proposed RMU property with respect to height. It should be noted that the clause is intended to apply to principal buildings and not to accessory parking.

- To further ensure compatibility with the RMF-S zoned property to the south, the Public Service is also recommending that the maximum height of any building on the site be restricted to 75 feet.

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before development takes place on the site. Recommended design guidelines, for approval are included in Appendix B to assist in the plan package evaluation.

RECOMMENDATION

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

- The subject property is located along a major arterial street (Waverley Street) and in an area that is currently transitioning into a low to medium density neighbourhood.
- The proposal is consistent with the policies guiding development in the *Areas of Stability – Recent Communities policy area* in the *Complete Communities Direction Strategy* which supports context sensitive infill development that addresses the transition between new and existing development and supports a mix of commercial services that serve the local community.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 211/15

Schedule “A” for File No. DAZ 211/15, Riel Community Committee, dated October 22nd, 2015.

By–Law No. _____

File No. **DAZ 211/15**

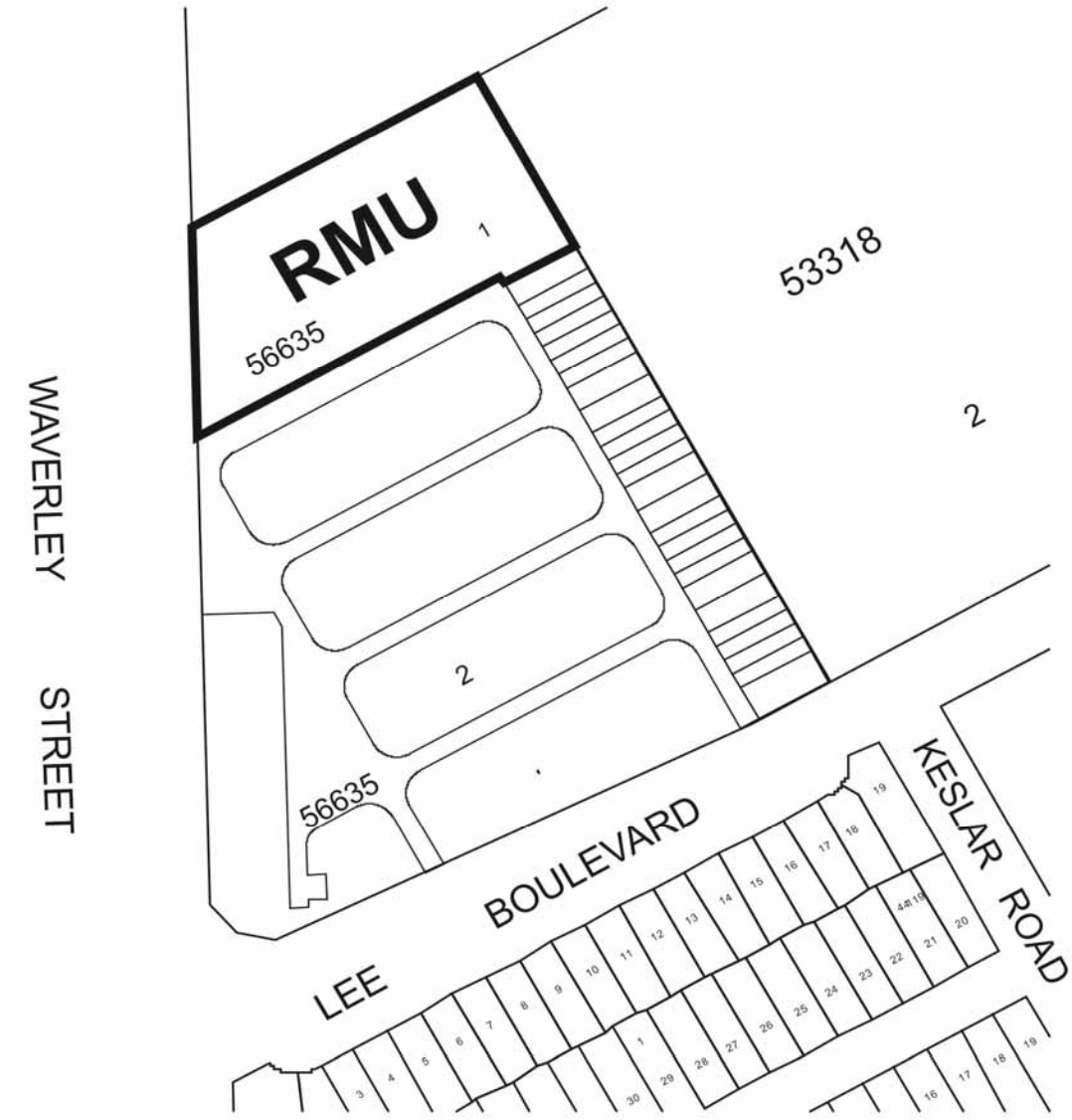
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Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on an unaddressed Lot on Waverley Street (formerly 1355 Lee Boulevard) from an “RMF-S” RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an “RMU” RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of a multi-family dwelling and commercial uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DAZ 211/2015 – Waverley St. (Formerly 1355 Lee Blvd)

1. Site Planning

1.1 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.2 Parking areas should be located below, behind or beside buildings. Surface parking areas behind or beside buildings should be screened with landscaping.

1.3 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.4 Universally accessible connections should be linked to the proposed sidewalk along Lee Blvd.

2. Building Orientation and Design

2.1 The building façade should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

3.2 High-quality landscaping is required along the streetfront of the development (i.e. Waverley Street) and along the side and rear yards.