Minutes – Executive Policy Committee – December 2, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

Item No. 5 Rezoning – 120 Scott Street
(Fort Rouge-East Fort Garry Ward)
File DAZ 217/2015 [c/r SPA 5/2015 and DAV 140781/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/2015 dated November 4, 2015 to an "RMU" Residential Mixed Use District, subject to the following:

    A. 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 September 23, 2015

    B. 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.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

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 and the Servicing Agreement are 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 November 10, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Rezoning – 120 Scott Street**
File DAZ 217/2015

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

Prepared by: **Ms I. Skundberg, Committee Clerk**
City Centre Community Committee

Report date: **November 12, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

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 217/2015 dated November 4, 2015 to an "RMU" Residential Mixed Use District, subject to the following:

    A. 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 September 23, 2015

    B. 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.

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 and the Servicing Agreement are 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. The design is good in terms of breaking up the massing, and there is an explanation for the setbacks that makes sense in terms of it fitting in and being consistent with the neighbourhood.

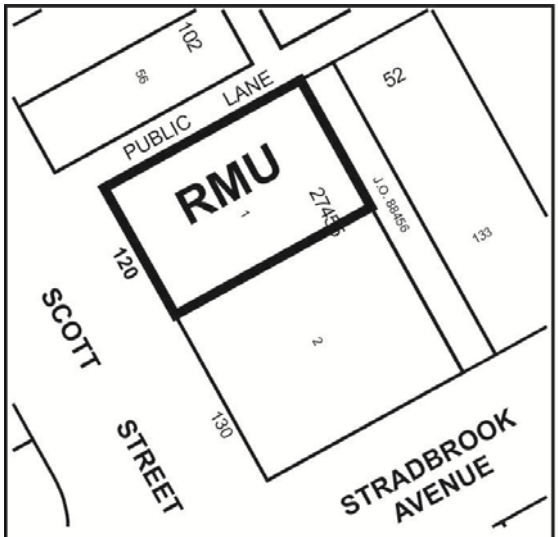
2. The one to one parking together with the bike parking is reasonable and consistent with the fact that people working there, live there in the neighbourhood nearby.

3. It seems that the concerns raised about impacts on other properties can be addressed.

4. The sidewalk is an improvement for the walkability of the street, and also provides a better front yard setback that is completely aligned with the rest of the street.

5. It is a positive development for the neighbourhood.

PUBLIC HEARING SUMMARY

File:	DAZ 217/2015
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	November 10, 2015 Council Building, 510 Main Street
Applicant:	Sputnik Architecture (Joshua Adria)
Subject:	

Premises Affected: 120 Scott Street

Exhibits Filed:

1. Application dated July 14, 2015
2. Notification of Public Hearing dated September 18, 2015
3. Manitoba Status of Title 2708256/1
4. Letter of authorization dated July 6, 2015 from Peter Hargraves, Scott Street Condo Development Inc. to Joshua Adria, Sputnik Architecture
5. Plans (10 pages)
6. Report from the Planning and Land Use Division dated November 4, 2015
7. Inspection Report
8. Aerial Photograph submitted by Michael Robinson, Senior Planner, Planning, Property and Development Department at the public hearing
9. Recording of Representations

REPRESENTATIONS:

In Support:

Joshua Adria, Sputnik Architecture
Peter Hargraves
Andre Silva

In Opposition:

James Fielder
Ron Iftody
Thomas McLeod

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 217/2015

ADMINISTRATIVE REPORT

Title: DAZ 217/2015 – 120 Scott Street

Issue: For consideration at the public hearing for a rezoning for DAZ 217/2015 – 120 Scott Street

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Division Head	CFO	CAO
Michael Robinson, MCIP	Braden Smith, MCIP	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 217/2015 dated November 4, 2015 to an "RMU" Residential Mixed Use District, subject to the following:

    A. 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 September 23, 2015

    B. 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.

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 and the Servicing Agreement are 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

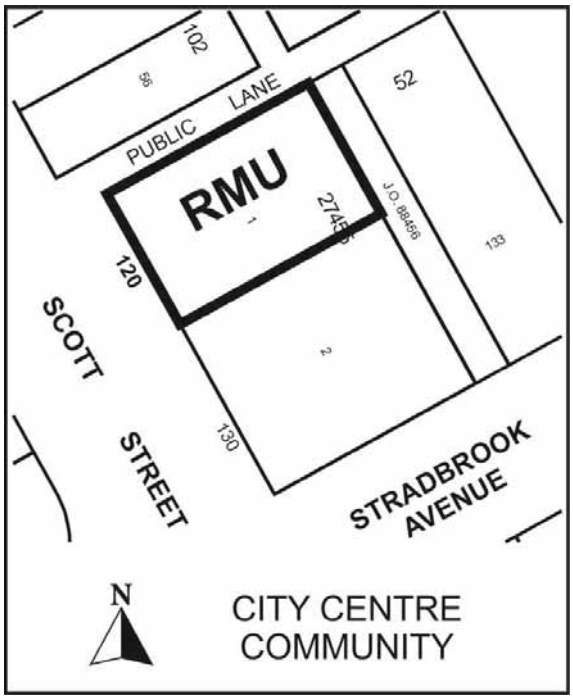
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, MCIP
Date:	November 4, 2015
File No.	DAZ 217/2015

APPENDIX 'A'

DATE: November 4, 2015
FILE: DAZ 217/2015
RELATED FILES: DAV 15-140781/D, SPA 5/2015
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.111

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family District to an ""RMU" Residential Mixed Use District

LOCATION: 120 Scott Street
LEGAL DESCRIPTION: SP Lot 1 Plan 27455 WLTO in RL 36 and 37 Parish of St. Boniface



APPLICANT: Sputnik Architecture (Joshua Adria)

OWNER: Scott Street Condo Development Inc.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "RMF-M" Residential Multi-Family District, is located on Scott Street, between Stradbrook and River Avenues, in the Osborne Village Neighbourhood of the Fort Rouge-East Fort Garry ward.

North: Residences zoned "R2" Residential Two-Family District
South: Commercial use zoned "RMF-M" Residential Multi-Family District
East: Multi-family residential uses zoned "RMF-M" Residential Multi-Family District
West: Multi-family residential use zoned "RMF-M" Residential Multi-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to construct a four storey mixed use building on the subject property. The building will have commercial office space on the ground floor and eight (8) residential dwellings on the 2-4th floors. A total of eight (8) indoor parking stalls will be provided.

Reason for application
The existing zoning district "RMF-M" Residential Multi-Family Medium does not accommodate mixed use development. The proposed zoning district "RMU" Residential Mixed Use, does accommodate mixed use development.

For that reason, a rezoning is required.

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

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

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

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

Osborne Village Neighbourhood Plan
The proposed rezoning requires an amendment to the Osborne Village Neighbourhood Plan (By-law 200/2006). The amendment is being considered concurrently with this application (SPA 5/2015).

If the amendment is approved, the subject property will be within a Village Mixed Use Transition area, which allows mixed use development.

The development meets the policies for the Village Mixed Use Transition area in the following way:

6.1.1.A Residential development in Mixed Use Transition areas will conform to the Village Medium Density Residential (V-MDR) policies

The proposed development will have 8 residential units, which is consistent with "RMF-M", Residential Multi-Family Medium density.

6.1.1.B Commercial and employment uses in Mixed Use transition areas should be compatible in lot size, building scale, and character to the existing context

The lot size, building scale, and character are consistent with the area

6.1.1.C New development and additions will have a minimum height of two stories and a maximum height of four stories

The proposed development will be four stories and approximately 45 feet in height.

6.1.1.D Non-residential uses are not to emit any noise, odour, dust, smoke, or similarly objectionable operational characteristics detectable outside the building

The proposed commercial use will be an architecture office. It will not have operational characteristics that are incompatible with the area.

Design
The design meets character policies of the Osborne Village Neighbourhood Plan in the following ways:

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

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

3. The proposed massing and scale of the development is consistent with other buildings on the subject block. (See Policy 3.1.1.B.2)

4. The details of cladding materials will be addressed through final plan approval. (See Policy 3.1.1.B.2)

5. The Division is recommending that a minimum 5 foot front yard setback be provided, in order to maintain a more compatible building alignment to the sidewalk, unless the sidewalk in front of the property is moved west to be in alignment with the sidewalk to the immediate north. The applicant has indicated that he is willing to do this, subject to City approval. (See Policy 3.1.1.B.2)

Design Guidelines
As the detailed design of the building is yet to be finalized, the Winnipeg Public Service is recommending plan approval, prior to the issuance of any development permits.

Sidewalk
The applicant requested approval to move the sidewalk in front of his property so that it aligns with the sidewalk to the north. This realignment serves two purposes: it provides for a straight path of travel for pedestrians, which is a benefit to the neighbourhood, and it makes a slightly smaller front yard setback for the applicant possible. Conditions of approval are recommended in the servicing agreement to ensure that the existing boulevard trees are not harmed by the construction.

Lane
It should be noted that Public Works has concerns about snow storage and ideally, they would like to see the public lane widened to 6.25 metres. However, due to land constraints, a lane widening is not being recommended at this time.

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

- The rezoning is consistent with Complete Communities and the Osborne Village Neighbourhood Plan, subject to approval of the associated secondary plan amendment (SPA 5/2015)

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

Report Prepared by: Michael Robinson, MCIP
PPD File # DAZ 217/2015



Figure 1: Aerial Photo (Flown in 2014)

APPENDIX 'B'
Schedule "A" for File No. DAZ 217/2015, City Centre Community Committee, dated November 4, 2015

By-Law No. _____

File No. **DAZ 217/15**

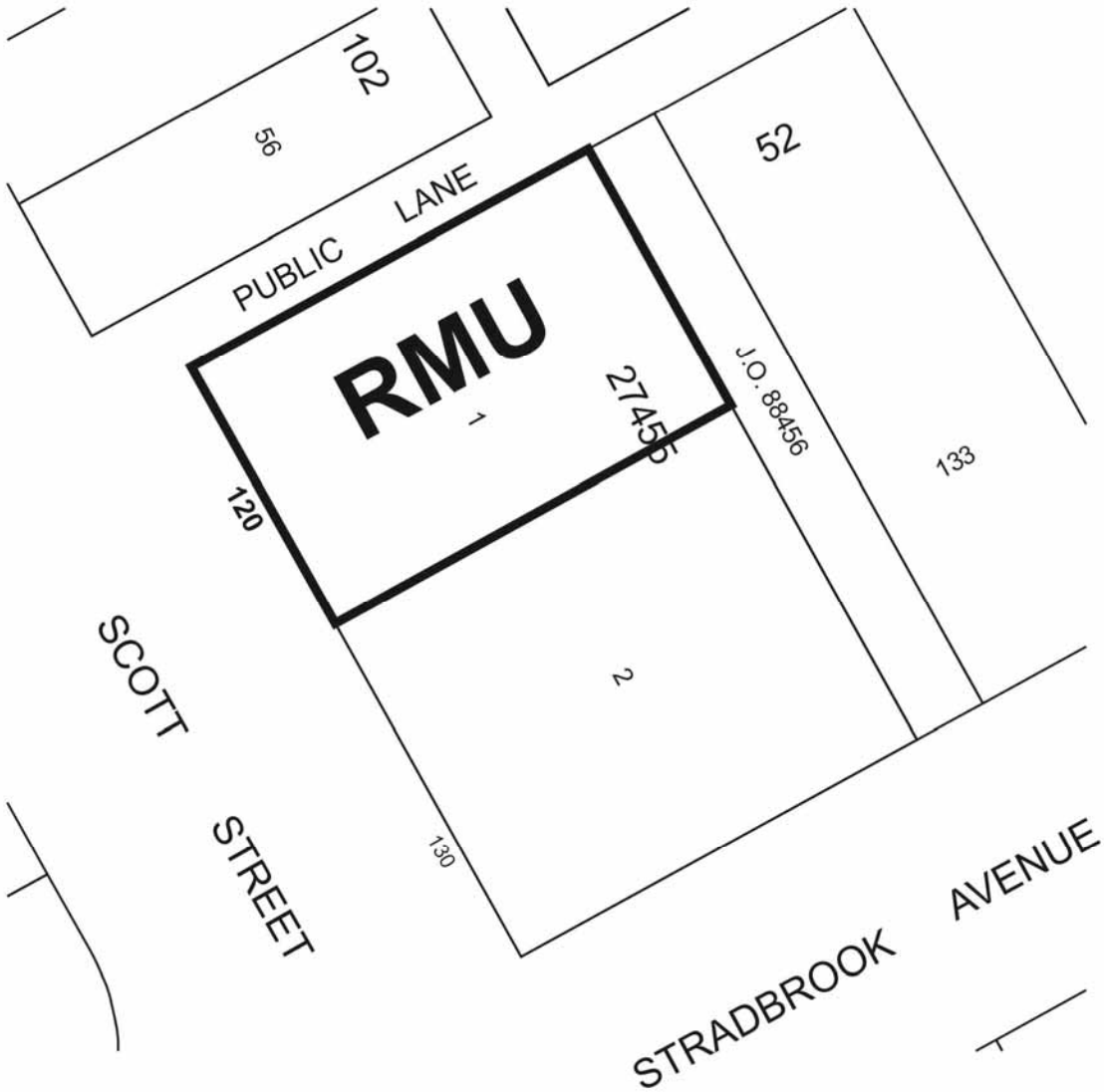
Atlas Sheet No.

N

AB25
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 120 Scott Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the development of a mixed use building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 23, 2015

RE: PROPOSED REZONING OF LAND LOCATED AT 120 SCOTT STREET - DAZ 217/2015

It is recommended that the approval of DAZ 217/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

If the existing sidewalk is to be relocated, the Public Works Department requires the following:

1) The Developer shall, at no expense to the City, remove the existing sidewalk on the east side of Scott Street between Stradbrook Avenue and the first public lane approximately 50m north of Stradbrook Avenue and restore the boulevard as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, on an alignment as determined by the Director of Public Works, on the east side of Scott Street between Stradbrook Avenue and the first public lane approximately 50m north of Stradbrook Avenue, and all associated works, all as determined by and to the satisfaction of the Director of Public Works, including but not limited to the following:

    a) The alignment is planned to provide maximum allowable distance from the base of the trees, especially the curbside row;
    b) A certified arborist be on site during all excavation activity to ensure that there is minimal impact on the root structures of healthy trees; and,
    c) That alternative and innovative sidewalk construction technology is considered that minimizes impact on the root systems of the boulevard trees.

If the project moves forward and standard tree protection and preservation guidelines are not adhered to the expectation will be to recover the appraised value on any tree considered to be damaged beyond repair, which will be a the sole discretion of the Urban Forestry Branch.

1. Administration Fee

   The Developer shall, prior to the execution of the Servicing Agreement, pay to the City, to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement, a lump sum administration fee (minimum), as follows:

i.	Administration fee	$1,650.00
ii.	G.S.T. (5%)	82.50
	TOTAL ……..	$1,732.50

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
Nov. 3, 2015
File No. AG 217/2015

"Original Signed by"

G.V. Jasper, P. Eng.,
Planning, Property and Development, Land Development Branch

"Original Signed by"

C.J. Desjardine, P.Eng.
Public Works Department, Transportation Division

Appendix "C"
Selected Osborne Village Neighbourhood Plan Character Policies

3.1.1.B.1
Orienting buildings to the street to restore traditional mature neighbourhood character. New buildings are to be oriented to the front and corner side property lines and have a street front orientation

3.1.1.B.2
Respecting the traditional character of the area and surrounding properties in terms of pedestrian orientation, mass and scale of surrounding properties, compatible building materials, orientation of entrances to the street, and incorporation of compatible alignment, setbacks, and height of building(s) along the street

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

3.1.1.C.1
Ensuring pedestrian access is a predominant feature in site design

3.1.1.C.2
Ensuring building design reinforces activity and vitality at the ground level through use of architectural elements and accommodate features to create interest at street level