Minutes – Executive Policy Committee – February 17, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 2 Subdivision and Rezoning – 1476 Portage Avenue and 7 Empress Street East
(St. James - Brooklands - Weston Ward)
File DASZ 28/2015

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 plan of subdivision under File DASZ 28/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2015 dated January 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 28/2015 dated January 6, 2016; to be rezoned to the "RMF-M" Residential Multi Family – Medium zoning district, subject to the following:

    A. That Caveat No. 87-66349/1 be partially discharged, that the obligations required under ZAA 6/90 and ZAA 16/97 be waived, and that 1476 Portage Avenue enter into a new Zoning Agreement.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

i. That for the development of any building and/or accessory parking area and/or freestanding signage 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, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.
The instrument must contain the substance of the following terms:

a. "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

b. Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Portage Avenue as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

c. The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

d. As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

3. That, 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

8. 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.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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 – February 16, 2016

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 February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Assiniboia 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: **Subdivision and Rezoning – 1476 Portage Avenue and 7 Empress Street East**
File DASZ 48/2015

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

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **January 13, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Assiniboia 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 plan of subdivision proposed under File DASZ 28/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2015 dated January 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 28/2015 dated January 6, 2016; to be rezoned to the "RMF-M" Residential Multi Family – Medium zoning district, subject to the following:

    A. That Caveat No. 87-66349/1 be partially discharged, that the obligations required under ZAA 6/90 and ZAA 16/97 be waived, and that 1476 Portage Avenue enter into a new Zoning Agreement.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or freestanding signage 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, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.
The instrument must contain the substance of the following terms:

a. "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

b. Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Portage Avenue as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

c. The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

d. As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

3. That, 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and 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.

8. 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.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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.

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

1. There is need for such a facility in west Winnipeg.
2. The Winnipeg Regional Health Authority has consulted with residents adjacent and there is support.
3. There is strong support represented here today for this project.

PUBLIC HEARING SUMMARY

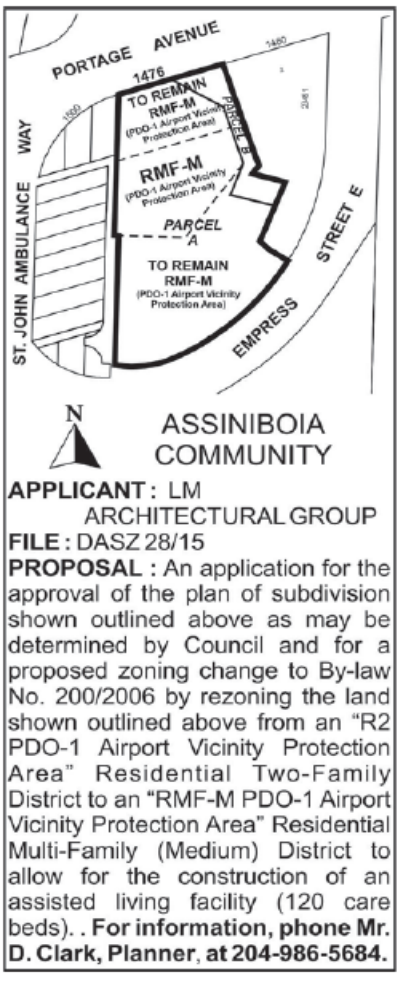
File: DASZ 28/2015

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Morantz
Councillor Dobson

Public Hearing: January 12, 2016
Council Building, 510 Main Street

Applicant: LM Architectural Group
(Matthew Bowering)

Subject:



Premises Affected: 1476 Portage Avenue and 7 Empress Street East

Exhibits Filed:

1. Application dated October 8, 2015
2. Notification of Public Hearing dated November 16, 2015
3. Status of Titles 2336332/1, 2336334/1, 2336338/1 and 2336341/1
4a. Letter of authorization dated June 19, 2015 from Ben Bruinooge (Trustee of the St. James Presbyterian Church) to Winnipeg Regional Health Authority and LM Architectural Group
4b. Letter of authorization dated June 20, 2015 from David G. Sanders (co-Trustee of St. James Presbyterian Church) to Winnipeg Regional Health Authority and LM Architectural Group
4c. Letter of authorization dated June 19, 2015 from Donald A. Dick (Trustee of the St. James Presbyterian Church) to Winnipeg Regional Health Authority and LM Architectural Group
5a. Caveat 87-66349/1
5b. Caveat 2324218/1
6. Surveyor's Building Location Certificate and sketch dated August 18, 2015 (2 pages)
7. Title Plot
8. Plan of Topographic Survey
9. Plans (5 pages)
10. Report from the Urban Planning Division dated January 6, 2016
11. Inspection Report

REPRESENTATIONS:

In Support:

Matthew Bowering
Ron Chan
Patrick Burke
Don White
Clarise Mare
Harry J. Kelly
Ann Campbell
Margot Colquhoun
T.A. Kilburn
Brent Fowler, on behalf of St. John Ambulance

In Opposition

Darryl James Cochrane

For Information:

Rick Bowering

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. J. Platt, Senior Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit “10” referred to in File DASZ 28/2015

ADMINISTRATIVE REPORT

Title: DASZ 28/15 – 1476 Portage Avenue

Issue: For consideration at the public hearing to subdivide the land at 1476 Portage Avenue by consolidating four lots into one lot and rezone the a portion of the lot to the RMF-M” Residential Multi Family – Medium zoning district.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council 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 plan of subdivision proposed under File DASZ 28/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 28/2015 dated January 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “A” for file DASZ 28/2015 dated January 6, 2016; to be rezoned to the “RMF-M” Residential Multi Family – Medium zoning district, subject to the following:

   A. That Caveat No. 87-66349/1 be partially discharged, that the obligations required under ZAA 6/90 and ZAA 16/97 be waived, and that 1476 Portage Avenue enter into a new Zoning Agreement.

   B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building and/or accessory parking area and/or freestanding signage 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, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.

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agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

- Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Portage Avenue as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

- The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

- As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

3. That, 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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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8. 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.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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 intends to subdivide 1476 Portage Avenue by consolidating four underlying lots into 1 lot with two parcels and rezone a portion of one of the underlying lots to the “RMF-M” zoning district.
- Subdivisions and rezonings 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 subdivided into 1 lot with two parcels and will be rezoned to the “RMF-M” Residential Multi-Family Medium zoning district.

HISTORY

DAZ 289/85 – to rezone a part of the land to the “R3” Multiple Family District. The current equivalent of the “R3” zoning district is the “RMF-M” zoning district.

Zoning Agreement Conditions for DAZ 289/85 relevant to this application include:

3) No private approach for motor vehicles shall be constructed or used connecting the land to Empress Street or Doreen Street or to the public lane located along the west limit of Lots 1 and 3 of the land, and there shall be no vehicular access to or from the land except from Portage Avenue by one pair of angular approaches connecting Portage Avenue and Lot 3 but vehicular access may be constructed connecting to that lane at any time after it has been widened for its entire north/south length from the south limit of Lot 1 of the land to the south limit of Lot 29 in Plan 2268 and Portland cement concrete pavement completed therein to a width of 6 metres (19.7 feet) along that full length. It shall be the responsibility of the Owners of the land from time to time to arrange appropriate rights-or-way or easements to ensure adequate continuing vehicular access to each of the Lots within the land via Lot 3 and no connection of Lots 1, 2 or 3 to Empress Street or Doreen Street shall be established regardless of any failure to do so.

4) It is understood that no building shall be constructed on Lot 3 which is to be used for the purpose of a common driveway and turnaround serving the land and therefore it shall not be considered a buildable site in computing the dedication required.

ZAA 6/90

That Zoning Agreement DAZ 289/85 was amended by deleting clause 2 headed “Permitted Uses” and substituting the following new clause 2:

Permitted Uses:

2) The land and any building or structure thereon shall not be used for, and no building or structure shall be erected, placed, altered or enlarged on the land for any se except:
   (a) A multiple dwelling for elderly persons containing not more than one hundred fifty-five (155) dwelling units and occupied only by elderly persons
   (b) For the purpose of this agreement the term “elderly persons” shall mean
      a. Persons fifty-five (55) years of age and over;
      b. Persons fifty (50) years of age or more and involuntarily retired from the work force;
      c. The spouse of any such person.
   (c) Uses accessory to those uses as defined in the applicable zoning by-law.

3) A new clause 2.1 is added to that Zoning Agreement as follows:
   2.1 a minimum of one hundred thirty-nine (139) parking spaces shall be established and maintained on the land.

ZAA 16/97

The Zoning Agreement was amended to allow church and accessory uses as an additional permitted use on the land.

May 20, 1998 - Right of Way and Easement Agreement between Donwood West Inc. and the St. James Presbyterian Church .

That the most northerly portion of Lot 3 (which has been paved by Donwood) functions as a vehicle driveway for entrance and exit purposes from and to Portage Avenue to service the requirements of Donwood as well as the requirements of the Church.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works
- Water and Waste
- Transit
- Parks
- Fire and Safety

SUBMITTED BY

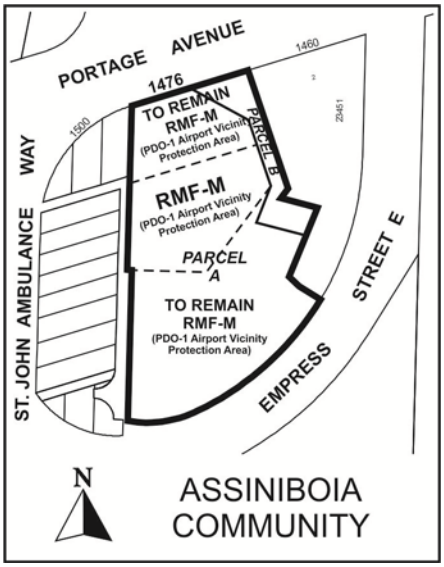
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	January 6, 2016
File No.	DASZ 28/15

APPENDIX 'A'

DATE: January 6, 2016
FILE: **DASZ 28/15**
RELATED FILES:
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.226

SUBJECT: To subdivide the parcel of land at 3081 Portage Avenue into two lots. Lot 1 is to be rezoned to the "RMF-L" Residential Multi-Family Large zoning district.

LOCATION: 1475 Portage Avenue
LEGAL DESCRIPTION: LOT 1 PLAN 21151 WLTO in RL 43 and 44 PARISH OF ST.JAMES
LOT 3 PLAN 21151 WLTO in RL 43 and 44 PARISH OF ST. JAMES
LOT 4 PLAN 21151 WLTO in RL 43 and 44 PARISH OF ST. JAMES
LOT 1 PLAN 23451 WLTO in RL 43 and 44 PARISH OF ST. JAMES



APPLICANT: LM ARCHITECTURE GROUP (MATTHEW BOWERING)
500-136 MARKET AVE.
WINNIPEG MB R3B 0P4

OWNER: TRUSTEES OF THE ST. JAMES PRESBYTERIAN CHURCH (DONALD DICK, JOANNE INSTANCE, BEN BRUINOOGE)
1476 PORTAGE AVE.
WINNIPEG, MB R3G 0W3

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

- The subject property is located on the south side of Portage Avenue in the West Wolseley Neighbourhood of the St. James – Brooklands – Weston ward.
- Currently there is a church on the subject property.
- The subject property is 3.3 acres.
- The underlying zoning is both 'RMF-M' Residential Multi-Family Medium and 'R2' Residential Two-Family.
- The subject property falls within the Regional Mixed Use Corridor Policy Area under the Complete Communities Direction Strategy.

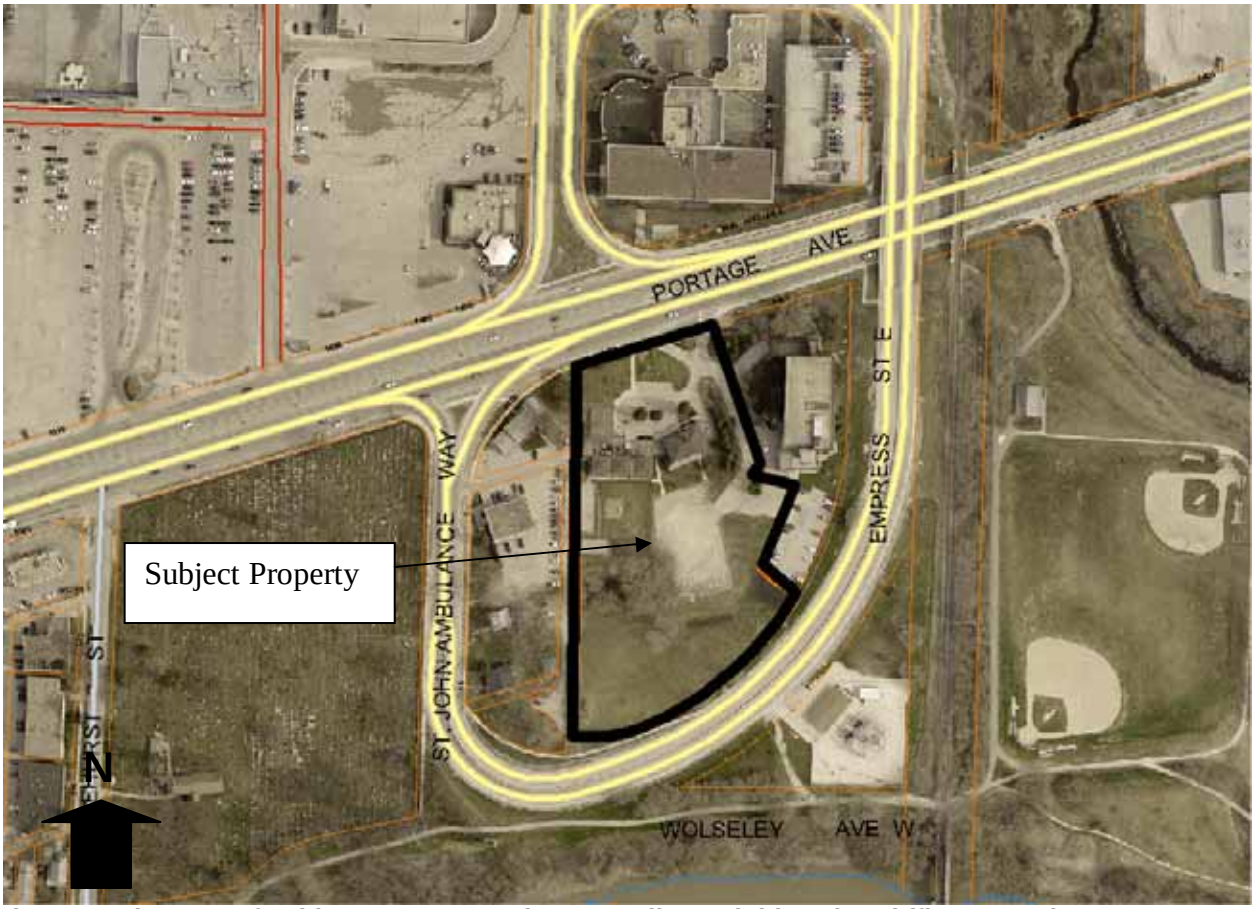


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Portage Avenue then commercial uses zoned "C3" Commercial Corridor

South: Empress Street then a Manitoba Hydro substation zoned "R2" Residential Two-Family

East: Multifamily residential zoned "RMF-M" Residential Multi Family - Medium

West: Commercial uses zoned "C2" Commercial Community

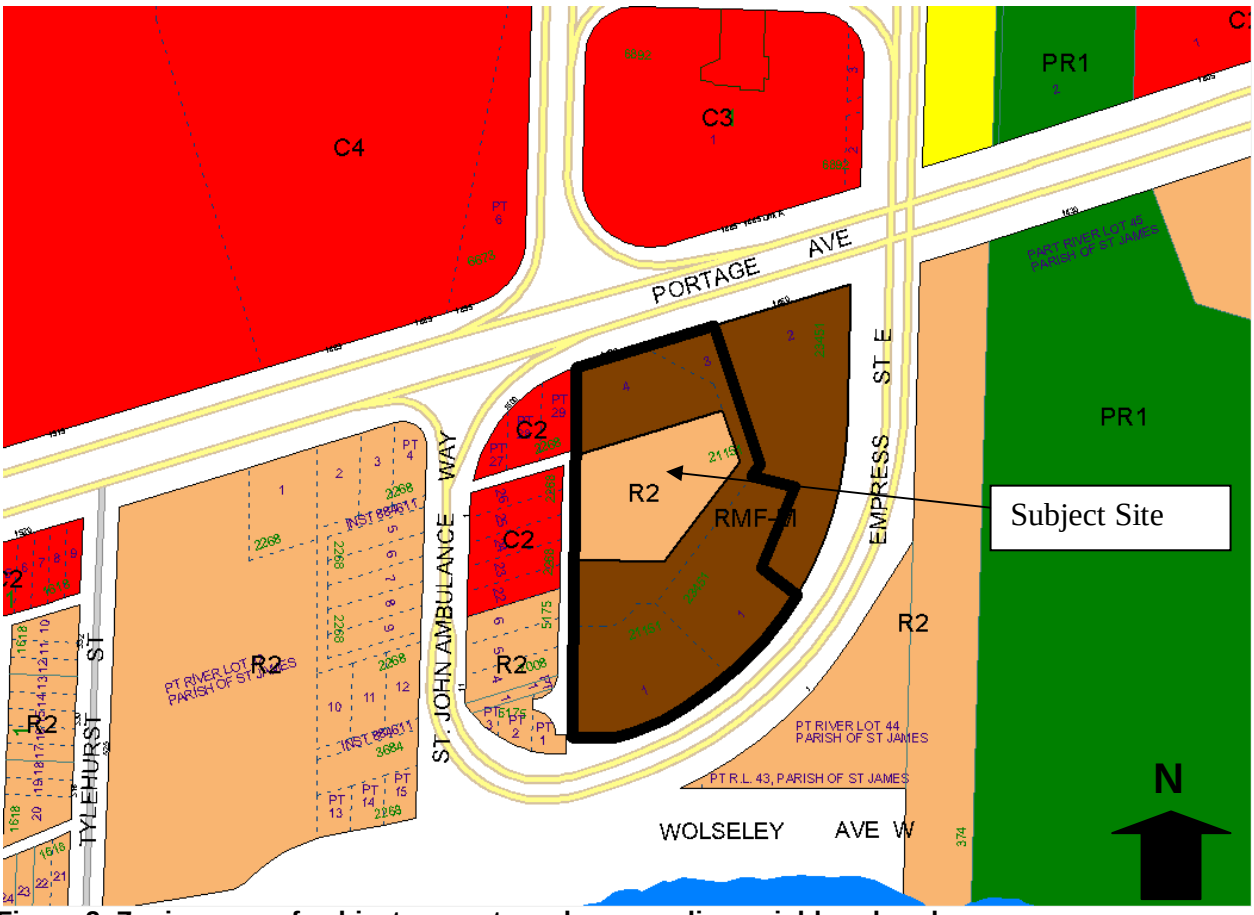


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant has made a subdivision and rezoning application to consolidate the four underlying lots into one property that consists of two parcels and rezone one of the underlying lots from the “R2” zoning district to the “RMF-M” zoning district
- The intent is to establish a 120 bed Assisted Living Facility.
- The applicant has indicated that the anticipated floor area of the development will be as follows:
    - Basement: 807 square feet (75 sq. m)
    - Main floor: 34,616 square feet (3,216 sq. m)
    - Resident floors: 32,550 square feet (3,024 sq. m) (x3)
    - Mechanical penthouse on roof: 2152 square feet (200 sq. m)
    - Total: 135,227 square feet (12,563 square metres)
- The intent is to provide 62 vehicle parking stalls as well as covered and secure bicycle parking in order to meet environmental LEED rating requirements.
- The proposed height of the building is 53 feet or 16.2 metres.
- No variances are being requested at this time.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located on a Regional Mixed Use Corridor (Portage Avenue). The key relevant policy guiding the development of Regional Mixed Use Corridors under the *Complete Communities Direction Strategy* includes:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Mitigate the potential impacts of new development on neighbouring streets, parks and properties
    - Encourage urban design and/or form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.
    - Focus improvements to the public realm, including pedestrian elements, such as street trees, street furniture, wide sidewalks and bicycle parking and public art
    - Encourage environmentally friendly design and construction
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING BY-LAW 200/2006

<u>Current Zoning</u>

'R2' Residential Two-Family

Is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower density areas.

RMF-M' Residential Multi Family - Medium

Is intended to accommodate the development of multi-family units in areas with medium to high residential densities.

Proposed Zoning

'RMF-M' Residential Multi Family - Medium

- dimensional standards are as follows:

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) (note a)	Maximum Building Height (Ft.)
RMF-M	9,000	800	25	25	8 (note B)	20	8	60

Note b – *where a 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.*

LAND USE BY-LAW

Subdivision and Rezoning

- The applicant is proposing to consolidate the property into one (1) lot and rezone the property to the RMF-M zoning district. The majority of the property is currently zoned as RMF-M, however a small portion of the property is zoned 'R2'
- The subdivision of lands will result in the consolidation of four (4) underlying lots into one (1) lot that will consist of two parcels: Parcel A and Parcel B.

COMPATIBILITY WITH SURROUNDING USES

The proposal is to subdivide and rezone the lands for the purpose of establishing an assisted living facility. The building height and massing limitations would be consistent with and compatible in the surrounding context.

Zoning

The subject property is already primarily zoned "RMF-M" with a small portion that is zoned "R2." In order for the entire site to have development rights of the RMF-M zoning district the R2 portion must be rezoned. The proposed rezoning to the RMF-M zoning district is consistent and compatible with the surrounding zoning districts and aligns with policies of intensification along corridors.

Built Form

A design concept has been submitted with this application, indicating that the building will be 4 storeys in height with a footprint of approximately 34,616 square feet. Parking is being considered within the front yard, pushing the building back to the southern portion of the lot.

The building to the east is on land that is zoned "RMF-M" and is approximately 90 feet tall. Buildings to the west are smaller in scale ranging between one and two storeys; however, the lands have recently been approved for a rezoning to 'C2' under file DASZ 1/14 for the purposes of establishing a larger office and training facility for St. John Ambulance. The 'C2' zoning district permits a building height of

49 feet which is consistent and compatible with the maximum building height of the RMF-M zoning district which is 60 feet. Plans submitted with this application indicate the development is to be approximately 53 feet in height.

The Urban Planning Division recommends that a plan approval condition be attached to the zoning agreement for the purposes of evaluating final plans prior to the issuance of building permits.

Vehicle Approach

Vehicle access to the site will be through the existing approach. Presently, this approach is located on the church lands; however, it is used by both the church and residents at 1460 Portage Avenue. Under the current zoning agreement and a Right of Way and Easement Agreement between Donwood West Inc. and the St. James Presbyterian Church, there is a requirement that this approach be shared by both properties.

With the proposed modifications to the underlying Lots, change of ownership and creation of parcels, specific references within the current Right of Way and Easement Agreement would no longer be valid. The applicants have worked closely with City administration to redefine the property parcels and understand that a new Right of Way and Easement Agreement will need to be entered into between both parties to ensure that the approach and driveways are available to both sites.

Parking

The subject property falls within the Urban Infill Area, which means that total parking requirements are reduced to 80 percent of the minimum required parking. The proposed Assisted Living Facility parking requirements are based on parking category 5 in the Zoning By-law which states that 1 guest parking space is required per 10 residents or resident care beds but not less than 1 space, plus 1 stall for every 3 employees on the maximum shift. This means that for 120 residents at a ratio of 1:10, 12 stalls are required. For the employee parking the applicants anticipate a max staff shift of 80 workers, which means at a ratio of 1 stall for every 3 employees, 27 stalls are required. With the urban infill reduction to 80 % of required parking this means that a total of 32 parking stalls are required.

The applicants have indicated that they intend to provide 62 stalls for the development. In addition bicycle parking is to be provided that is close to staff entries, covered and secure in order to meet LEED (Leadership in Energy and Environmental Design) building requirements.

Transit

A transit stop is located immediately to the north of the subject site on Portage Avenue. This stop is serviced by two routes (11 and 12) with eastbound access to Downtown. For westbound transit use there is no stop on the opposite side of Portage Avenue in this location; however, further west at the Polo Park shopping centre there is a transit hub that is serviced by numerous routes from all over the city, including routes: 11, 12, 20, 21, 24, 25, 26, 66, 67, 77, 78, 79 and 95. For those using transit who arrive at the Polo Park transit hub. there is available pedestrian crossing at the intersection of Tylehurst St. and Portage Avenue. These stops are within a 250 – 300 metre walking distance of the subject site and should serve public transportation needs of employees and visitors to the Assisted Living Facility.

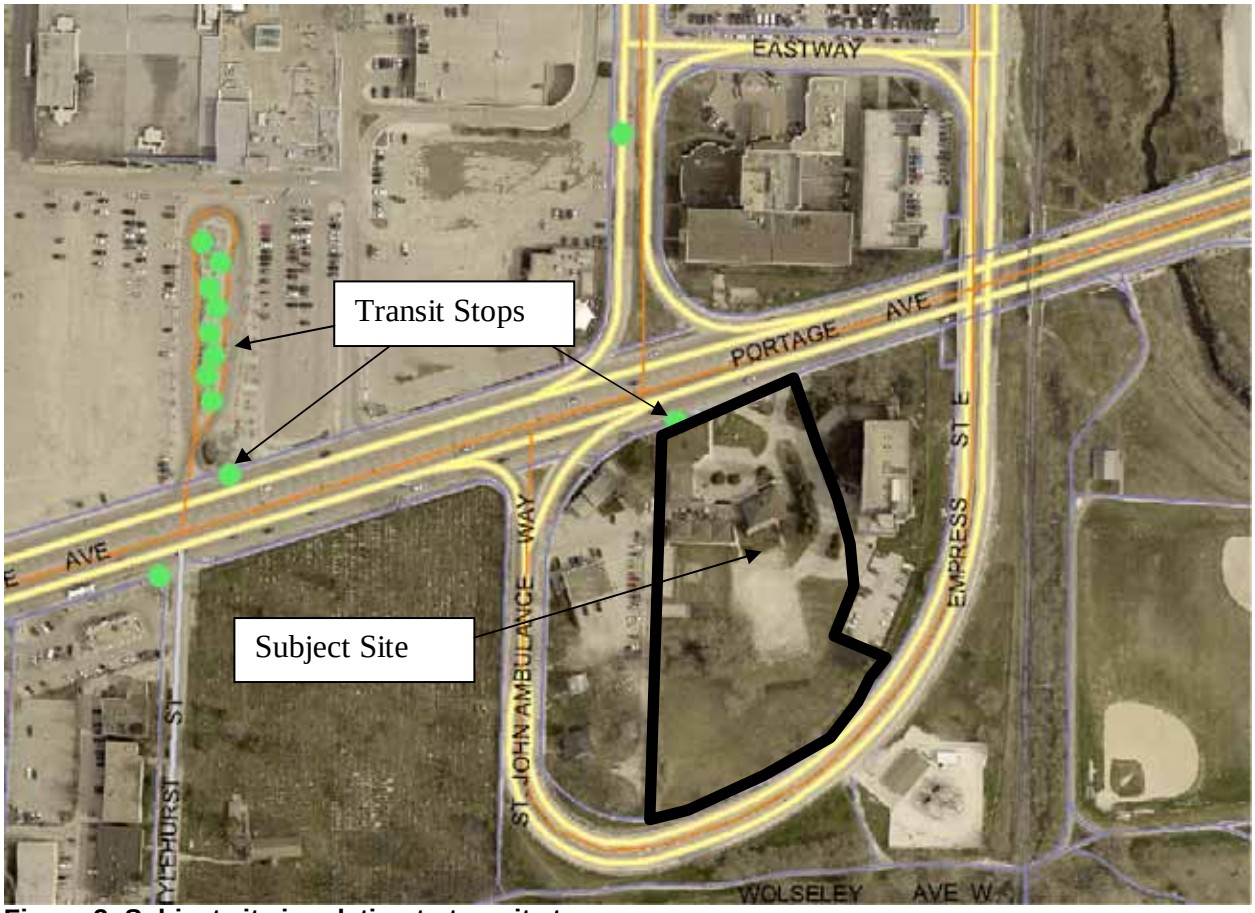


Figure 3: Subject site in relation to transit stops

AIRPORT PDO

The Airport Vicinity Protection Area is intended to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including noise, to minimize risks to public safety from aircraft accidents, and to discourage traffic congestion and incompatible land uses proximate to, and within, airport influence areas. In addition, the District is intended to ensure that the 24-hour operation of Winnipeg's airport continues to contribute to the economic vitality of the city and the region by avoiding or mitigating potential land use conflicts.

The subject site falls within Area 1 of the Overlay District. The Zoning By-law states that within that part of the AVP Area overlay district shown as Area I on the Map:

(a) No new residential development is permitted (subject to statutory non-conforming rights and any variance Order related thereto) except replacement of existing dwellings, if destroyed or demolished, with new dwellings which in the case of multiple-family dwellings must not exceed the original number of dwelling units; and

City Administration has determined that the proposed use would not be considered a multiple-family dwelling given that it is institutional in nature and that rooms for tenants would not contain kitchens, meaning that they would not be defined as dwelling units.

OPEN HOUSE

An open house was held on October 22nd between 6:00 and 8:30 PM at the Donwood Manor West main floor lounge. A total of 48 people registered in attendance with a general consensus of support. A summary of the Open House is attached to this report as APPENDIX 'B' – OPEN HOUSE SUMMARY.

PLAN APPROVAL CONDITION

Plan Approval – The Urban Planning Division is recommending Plan Approval as a condition of approval for this application. As part of the plan approval condition the Urban Planning Division expects the following:

- Building location and elevations – If any new building is established on the land, plans showing the location of the building and elevations with colour renderings should be provided as part of the plan approval package.
- Landscaping – Policies for development along Regional Mixed Use Corridors promote the establishment of high quality plazas, parks and streetscapes as well as landscaping within and around surface parking areas. With the plan submission the Urban Planning Division will expect a landscape design that applies a consistent theme that is well integrated throughout the site and is useful in mitigating impacts with adjacent properties. Species, quantities and location of plants should be clearly identified on submitted plans.
- Garbage bins and enclosures should be located on site in a manner that is accessible for waste collection. The garbage enclosures should be constructed of wood, brick, stone, or another compatible material, and should be sufficiently screened and not visible from the public street.
- Lighting – any lighting on site should not provide glare or spill over onto any adjacent property. Plans shall include location and design of light standards as well as an index of distribution of light intensity on the site.
- Fencing - Any proposed fencing should be composed of high quality materials and design and details shall be submitted with the plan approval package.

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.

RECOMMENDATION

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

- The rezoning of the land is only necessary for a small portion of the subject property which is already primarily zoned “RMF-M.”
- The Assisted Living Facility is not considered to be a multiple family dwelling as there are no kitchens in the individual units and as such, the proposal is compliant with the Airport Vicinity PDO
- The proposed development is consistent and compatible with existing land uses in the immediate vicinity.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 28/2015

Schedule "A" for File No. DASZ 28/2015 Assiniboia Community Committee, dated January 5, 2015

By-Law No. _____

File No. **DASZ 28/15**

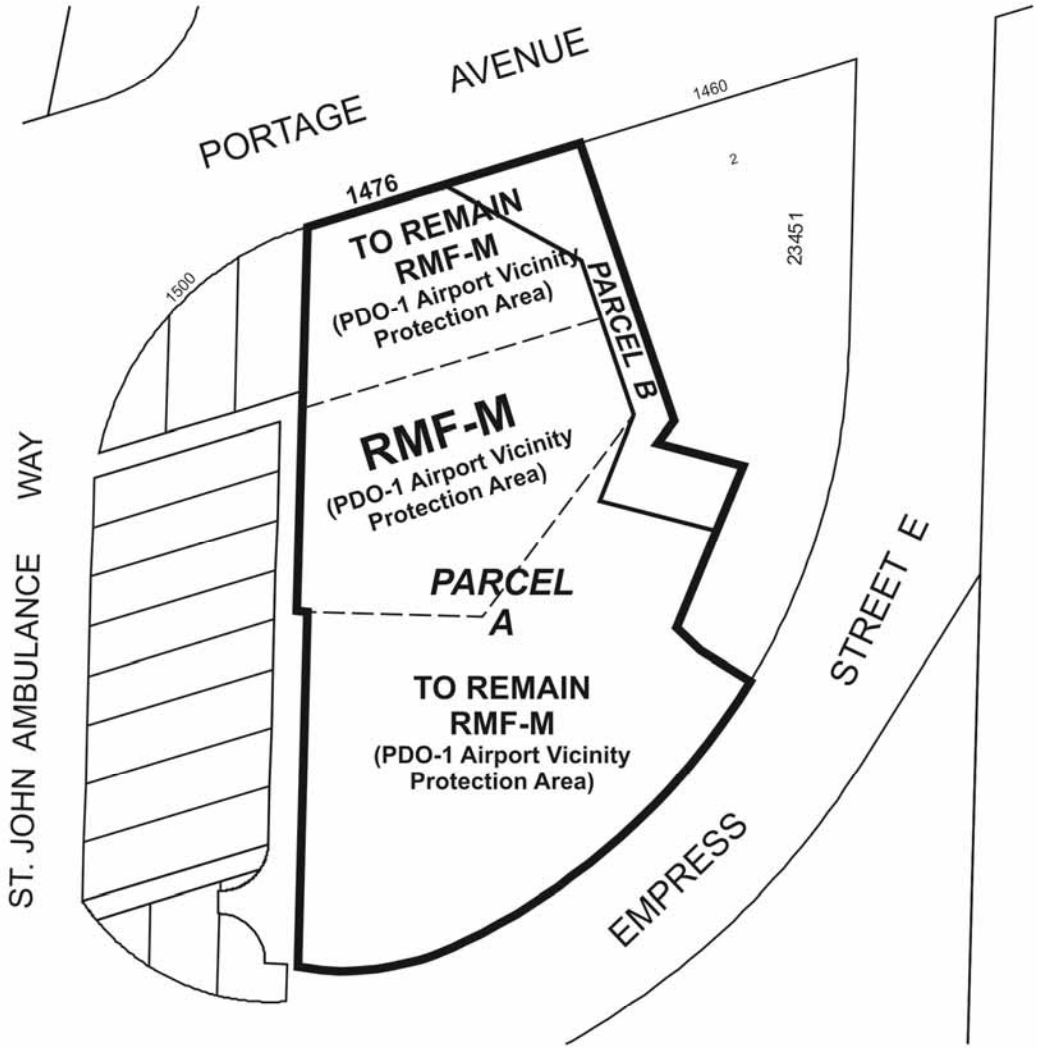
Atlas Sheet No.

N

AB20 ASSINIBOIA 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 1476 Portage Avenue from an "R2 PDO-1 Airport Vicinity Protection Area" Residential Two-Family District to an "RMF-M PDO-1 Airport Vicinity Protection Area" Residential Multi-Family (Medium) District to allow for the construction of an assisted living facility (120 care beds) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dec. 16, 2015

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 1476 PORTAGE AVENUE AND 7 EMPRESS STREET EAST – DASZ 28/2015

It is recommended that the approval of DASZ 28/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following:

1) Hydrant Installation

That the applicant shall, at no expense to the City, construct, a fire hydrant fronting the property, on 350 mm diameter at a location approved by and to the satisfaction of the Director of Water and Waste.

2) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

3) Litter and Refuse Control and Clean-Up

The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular clean-up 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.
The clean-up 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.

4) 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.

5) 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.

6) 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 plus GST to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 28/2015
December 22, 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

"*Original Signed by M. Gajda"*
M. Gajda P. Eng.
Water and Waste Department

GJ/gj

APPENDIX 'B' - OPEN HOUSE SUMMARY

Winnipeg Regional Health Authority | Office régional de la santé de Winnipeg
Caring for Health | À l'écoute de notre santé

October 15, 2015

Invitation to Participate in an Open House for the Redevelopment of 1476 Portage Avenue

The Winnipeg Regional Health Authority is beginning an exciting project. It is the Region's intent to purchase land at 1476 Portage Avenue from St. James Presbyterian Church with the intent to develop a 120 bed, Winnipeg Regional Health Authority owned and operated Personal Care Home.

It is the Winnipeg Regional Health Authority's mission to co-ordinate and deliver safe and caring services that promote health and well-being.

We would now like to invite you to participate in a "Come and Go" Open House session where the design team will be present to review the proposed project, provide a first-hand look at current conceptual plans, and gain direct feedback on the project.

Location: Donwood Manor West | 1460 Portage Avenue | Main floor lounge

Date: Thursday, October 22, 2015

Time: 6 to 8:30 p.m.

Thank you for your participation and we look forward to seeing you there.

Sincerely,

Capital Planning
Winnipeg Regional Health Authority

Winnipeg Regional Health Authority | Office régional de la santé de Winnipeg
Caring for Health | À l'écoute de notre santé

Join us for an Open House about the Winnipeg Regional Health Authority's Redevelopment Project of 1476 Portage Avenue

Location: Donwood Manor West | 1460 Portage Avenue | Main floor lounge
Date: Thursday, October 22, 2015
Time: 6 to 8:30 p.m.



The Winnipeg Regional Health Authority is beginning an exciting project. It is the Region's intent to purchase land at 1476 Portage Avenue from St. James Presbyterian Church with the intent to develop a 120 bed, Winnipeg Regional Health Authority owned and operated Personal Care Home.

We would like to invite you to participate in a "Come and Go" Open House session where the design team will be present to review the proposed project, provide a first-hand look at current conceptual plans, and gain direct feedback on the project.

LM Architectural Group
500 –136 Market Avenue
Winnipeg Manitoba
Canada R3B 0P4
t. (204) **942.0681**
f. (204) 943.8676
www.lm-architects.com

MEMORANDUM

Date: October 22, 2015

To: **Devin Clark – Planner, City of Winnipeg, PP&D**

From: Matt Bowering

Copy to: Ron Chan, WRHA
Scott Gillingham, Winnipeg Councilor

Re: 1476 Portage Avenue DASZ 28-2015

This is a summary of the Public Consultation process that WRHA has undertaken for the subdivision and re-zoning of 1476 Portage Ave. An open house information session was held at Donwood West 1460 Portage Avenue on Thursday, October 22 from 6:00 to 8:30. The response was favourable with everyone noting support for the proposed PCH.

Invitation:
Invitations to the Open House were distributed on October 14 to the following groups.

- Donwood Manor West (60 invites / 60 Suites) - James Heinrich, Chief Executive Officer
- St. John Ambulance - Brent Fowler, Interim Vice President
- Blinds are Beautiful - Ryan Gilmour, General Manager
- City Councilor - Scott Gillingham, St James-Brooklands-Weston ward
- City of Winnipeg, Urban Planning - Devin Clark
- Manitoba Health Capital Planning - Norman Blackie, Executive Director

Attendance:
Based on the attendance sheet there were 48 participants, plus anyone who may have not signed in. This consisted of 43 Donwood West tenants, 3 Donwood administrative staff, 1 person from Blinds are Beautiful, and 1 person from St. John Ambulance.

On hand to discuss the project and respond to inquiries were the following people: Ken Kollinger and Ron Chan from WRHA Capital Planning, Hana Forbes from WRHA Long-Term Care, Pat Burke from Colliers, as well as James Orlikow and Matt Bowering from LM Architectural Group.

Open House:
The Open House was held in the Donwood West main floor lounge. The choice of venue was recommended in consultation with Donwood West to facilitate the participation of as many tenants as possible.

There were five presentation boards on easels showing the proposed development plan (see attached). The evening was an open come-and-go format with representatives answering questions and joining in discussion with those in attendance.

Survey Comments:
As people departed they were asked to provide their input on the proposed development by filling in a short survey. Copies of the survey responses are attached for your use.

In total, 33 surveys were filled in. Of note, all 33 responses are in favour of the proposed 120 bed Personal Care Home redevelopment at 1476 Portage Avenue. Other comments include:

- 19 comments related to concerns that Donwood West will not have a space for visitor parking. Currently they use the fire lane on 1476 Portage property for visitor parking,
- 10 comments related to the existing approaches off of Portage Avenue. In particular the danger of exiting eastbound back onto Portage without a merge lane,
- 3 comments regarding snow removal, however there is no indication of what the concern is,
- 1 resident is concerned with views of the parking lot,
- and well wishes from St John Ambulance and Donwood Manor.

We trust that this feedback from the community consultation will be helpful in progressing this zoning and consolidation application. Please feel free to contact us with any questions or comments you may have.

Regards,



Matthew Bowering, MRAIC, MAA
Architect

LM Architectural Group

MB/mb

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