Minute No. 188
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 4 Zoning Agreement Amendment – Southeast Corner of Leila Avenue and Mandalay Drive (Old Kildonan Ward) File ZAA 8/2015 [c/r DAV 174496/2015D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That Zoning Agreement under File DAZ 18/2010, (By-law No. 756/2011), be amended as follows:

   A. That the words: "and maximum number of stories" & "and three (3) storeys" be deleted from Clause 9 (b) with the effect that the maximum building height is regulated in feet and not by the number of storeys.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 18/2010, (By-law No. 756/2011) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Lord Selkirk-West Kildonan 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.

On December 8, 2015, the Lord Selkirk-West Kildonan Committee did not hear any representation on the application and adjourned the public hearing to its meeting on January 12, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Zoning Agreement Amendment – Southeast Corner of Leila Avenue and Mandalay Drive**
File ZAA 8/2015 [c/r DAV 174496/2015D]

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **January 14, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Lord Selkirk-West Kildonan 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 Zoning Agreement under File DAZ 18/2010, (By-law No. 756/2011), be amended as follows:

   A. That the words: "and maximum number of stories" & "and three (3) storeys" be deleted from Clause 9 (b) with the effect that the maximum building height is regulated in feet and not by the number of storeys.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 18/2010, (By-law No. 756/2011) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. It is important that we provide a range of housing types in our communities, and in this community, there are amenities that are lacking.

2. This proposal provides residential as well as an opportunity for commercial development.

PUBLIC HEARING SUMMARY

File: ZAA 8/2015

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: January 12, 2016
December 8, 2015
Council Building, 510 Main Street

Applicant: Symon Honeyborne

Subject:



Premises Affected: Southeast Corner of Leila Avenue and Mandalay Drive

Exhibits Filed:

1. Application dated September 16, 2015
2. Notification of Public Hearing dated October 1, 2015
3. Manitoba Status of Title 2734945/1
4. Letter of authorization dated July 7, 2015 from Matthew Nicolas, President, 6318984 Manitoba Ltd. to Symon Honeyborne, Matthew Nicolas, Pardeep Buhllar and Hijab Mitra
5. Caveats 4240953/1 and 4240951/1
6. Plans (2 pages)
7. Report from the Urban Planning Division dated November 24, 2015
8. Inspection Report
9. Communication dated December 4, 2015 from the Applicant, Symon Honeyborne requesting an adjournment of the Public Hearing
10. Notice of Adjournment dated December 10, 2015
11. Communication dated January 12, 2016, from Otto Gebhardt in opposition to the application
12. Recording of Representations of public hearing held on January 12, 2016

REPRESENTATIONS:

In Support:
Symon Honeyborne
Leon Reimer
Daniel Serhal

In Opposition:
Otto Gebhardt
Raphaela Lecomte
Les Witkowski
Magda Witkowski

For Information:
Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 8/2015

ADMINISTRATIVE REPORT

Title: ZAA 8/2015 – South East Corner of Leila and Mandalay

Issue: For consideration at the public hearing to amend clause 9 (b) of the zoning agreement under file DAZ 18/2010 by removing the words "and maximum number of stories" & "and three (3) storeys".

Critical Path: Lord Selkirk/ West Kildonan 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 Zoning Agreement under File DAZ 18/2010, (By-law No. 756/2011), be amended as follows:

   A. That the words: "and maximum number of stories" & "and three (3) storeys" be deleted from Clause 9 (b) with the effect that the maximum building height is regulated in feet and not by the number of storeys.

2) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 18/2010, (By-law No. 756/2011) as approved in aforesaid Recommendation 1.

3) That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4) 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 amend the subject clause to allow for the construction of a 4 story building by removing the references to 3 storeys.
- A Zoning Agreement Amendment requires 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 Zoning Agreement under DAZ 18/2010 will be amended as proposed.

HISTORY

The subject zoning agreement dates back to a rezoning in 2010 (DAZ 218/2010). The conditions of the zoning agreement affect land uses, building heights and dwelling unit counts on specific lots. The clause in question is written in such a way that it allows a maximum building height of 45 feet but limits the number of storeys to three. The applicant wishes to construct a four storey building that will not exceed the maximum height but will exceed the maximum number of storeys.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Noah Yauk
Date:	Nov. 24, 2015
File No.	ZAA 8/2015

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: Nov. 24, 2015

FILE: ZAA 8/2015

COMMUNITY: Lord Selkirk/ West Kildonan Community

NEIGHBOURHOOD #: 3.313 (The Maples)

SUBJECT: For consideration at the public hearing to amend clause (b)

LOCATION: SE corner of Leila and Mandalay

LEGAL DESCRIPTION: Block 4 PLAN 53026 WLTO in OTM Lots 14 and 15 Parish of Kildonan



APPLICANT: Symon Honeyborne
6 Faraway Lane
Winnipeg, MB R2N 4H4

OWNER: 6318984 Manitoba Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is zoned "RMU" Residential Mixed Use District, is located on the south east corner of Mandalay Drive and Leila Avenue, in the Maples neighbourhood of the Old Kildonan Ward.

North: Leila Avenue, then single family homes zoned "R1-M" Residential District.
South: An undeveloped property zoned "RMU" Residential Mixed Use District.
East: An undeveloped property zoned "RMF-M" Residential Multi-Family District.
West: Mandalay Drive then an undeveloped property zoned "RMU" Residential Mixed Use District.



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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to amend the Zoning Agreement associated with DAZ 218/2010. The intent is to allow for a 4 storey building. The existing zoning agreement under clause 9 (b) allows for a maximum height of 45 feet which accommodates a four storey building, but the same clause also limits the maximum number of storeys to three. In contemplating development on the site the applicant is requesting that future development proposals be limited to the maximum building height as stated in the zoning agreement but not the number of stories.

OurWinnipeg, Complete Communities

It is noted that subject site is located in Recent Community Policy Area of *Complete Communities*. The Recent Community Policy designation is meant for neighbourhoods that have been planned within the last few decades and are building out. The subject site is a good example as it has been rezoned to allow for mixed use multi-family development. Complete Communities Policies with respect to Recent Communities includes the following:

> Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment and community facilities.
>
> Support amendments to adopted plans in these areas which further the goals and objectives of Complete Communities.

ANALYSIS AND ISSUES

Zoning by-law 200/2006

- The subject site is zoned “RMU” Residential Mixed use District.
- The site is further regulated by a zoning agreement associated with DAZ 218/2010
- The zoning agreement limits the height (to 45 feet) and number of stories (to 3 stories), whereas the base “RMU” zone would otherwise permit a maximum building height of 100 feet.
- The applicant wishes to delete the reference to number of stories so as to enable the construction of a 4 storey building. The proposed building will consist of main floor commercial uses and upper story residential units.

Compatibility with Existing Land Uses

- The subject site is currently vacant and is zoned to allow for a mixed use building not to exceed 45 feet in height.
- The site is adjacent to other undeveloped sites that were also approved for multi-family and mixed use developments.
- Also within the neighbouring context is low density residential developments on the north side of Leila Avenue – these lots have been developed to back onto Leila rather than face it.
- The rezoning of the subject site included a height limitation so as to ensure any proposed building will be compatible with the existing low density development. The maximum height of 45 feet is more than appropriate given the distance from which the proposed building will be set back from the public right of way. Whether the development is 3 or 4 storeys it does not change the maximum height of 45 feet. Most zoning agreements regulate the building height and not the number of stories because the two

are interrelated. For example, zoning by-law 200/2006 regulates buildings by maximum height and not the number of stories.

- The Urban Planning Division supports the maximum building height in the context in which it is situated. Given that the building can already be 45 feet does not materially change any impacts on adjacent properties and the building setback from the neighbouring residential development on the north side of Leila Avenue is sufficient.
- As per the existing zoning agreement any development plan on the subject site will require approval by the Director, Planning, Property and Development.

RECOMMENDATION

1) That Zoning Agreement under File DAZ 18/2010, (By-law No. 756/2011), be amended as follows:

    A. That the words: “and maximum number of stories” & “and three (3) storeys” be deleted from Clause 9 (b) with the effect that the maximum building height is regulated in feet and not by the number of storeys.

2) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 18/2010, (By-law No. 756/2011) as approved in aforesaid Recommendation 1.

3) That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4) 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.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Noah Yauk
PPD File # ZAA 8/15