Agenda – Council – March 23, 2016

Report – Executive Policy Committee – March 9, 2016

Item No. 3 Subdivision and Rezoning – 588 Des Meurons Street (St. Boniface Ward) File DASZ 35/2015 [c/r DAV 155777/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 9, 2016, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 35/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2015 dated February 1st, 2016 with such minor changes as may be required, and 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 35/2015 dated February 1st, 2016, to a "RMF-M" Residential Multi-Family (Medium) District subject to the following:

    A. 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 signage within the lands zoned "RMF-M" Residential Multi-Family, 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, and landscaping to the Director of Planning, Property and Development 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 maximum height of any building on the land shall not exceed thirty-five (35) feet.

3. 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.

Report – Executive Policy Committee – March 9, 2016

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

9. 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.

10. 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.

11. 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 – Executive Policy Committee – March 9, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 9, 2016, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 588 Des Meurons Street**
File DASZ 35/2015

For submission to: **Executive Policy Committee**

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

Report date: **February 19, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 35/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2015 dated February 1st, 2016 with such minor changes as may be required, and 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 35/2015 dated February 1st, 2016, to a "RMF-M" Residential Multi-Family (Medium) District subject to the following:

    A. 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 signage within the lands zoned "RMF-M" Residential Multi-Family, 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, and landscaping to the Director of Planning, Property and Development 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 maximum height of any building on the land shall not exceed thirty-five (35) feet.

3. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

9. 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.

10. 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.

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

1. This is a good project that will be bringing new housing to St. Boniface.
2. St. Boniface needs more housing; particularly this type of housing. Many people are looking for new housing styles but can’t find it, so I think there will be a great demand for this.

PUBLIC HEARING SUMMARY

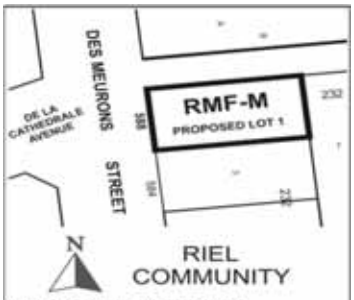
File: DASZ 35/2015

Before: Riel Community Committee
Councillor Lukes, Chairperson
Councillor Allard
Councillor Mayes

Public Hearing: February 18, 2016
Council Building, 510 Main Street

Applicant: Affinity Architecture Inc.

Subject:



APPLICANT : AFFINITY ARCHITECTURE INC.
FILE : DASZ 35/15
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling (6 unit row-housing development). **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**

DEMANDEUR : AFFINITY ARCHITECTURE INC.
N° DE DOSSIER : DALZ 35/15
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C1 (secteur commercial de quartier) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) en vue de faciliter le remembrement des terres pour permettre la construction d'une habitation multifamiliale (groupe d'habitations en rangée de six unités). **Pour plus de renseignements, communiquez avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 588 Des Meurons Street

Exhibits Filed:

1. Application dated October 28, 2015
2. Notification of Public Hearing dated December 17, 2015
3. Manitoba Status of Title 2697146
4. Letter of authorization dated April 6, 2015 from 6346651 Manitoba Ltd. to Affinity Architecture
5. Plans (5 pages)
6. Revised Report from the Urban Planning Division dated February 1, 2016
7. Inspection Report
8. Recording of Representations of public hearing held on February 18, 2016

REPRESENTATIONS:

In Support:

Daniel Serhal
Andrew Wilkinson
Walid Harb

In Opposition

Nil

For Information:

Nicolas Audette

For the City:

R. Mahé Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 35/2015

REVISED ADMINISTRATIVE REPORT

Title: DASZ 35/2015 – 588 Des Meurons Street

Issue: An application for consideration at the Public Hearing to consolidate the two lots into one and rezone to RMF-M to facilitate the construction of a multi-family dwelling.

Critical Path: Riel 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 35/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2015 dated February 1st, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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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 is proposing to consolidate and rezone the property from C1 to RMF-M in order to accommodate the construction of a 6 unit rowhouse development.
- Subdivisions and re-zonings 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 site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	February 1st, 2016
File No.	DASZ 35/2015

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 35/2015 Riel Community Committee, dated February 1st, 2016

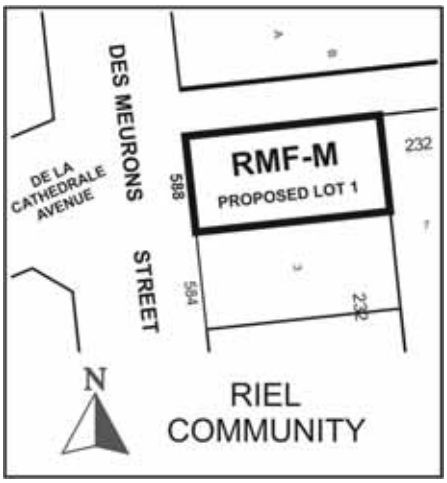
APPENDIX 'A'

DATE: February 1st, 2016

FILE: DASZ 35/2015
RELATED FILES: DAV 15-155777/D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.502

SUBJECT: To consolidate two lots into one and rezone to RMF-M to facilitate the construction of a multi-family residential dwelling

LOCATION: 588 Des Meurons Street (see map below)



APPLICANT: Daniel Serhal
4 Fort ST 200
Winnipeg , Manitoba R3C 1C4

OWNER: 244 JARVIS AVE
Winnipeg , Manitoba R2W 3A2

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the east side of Des Meurons Street at the intersection with De la Cathedrale Avenue, in the Central St. Boniface neighbourhood of the St Boniface ward
- The property is comprised of two (2) lots of a plan of subdivision, SP Lot 32 and Lot 33, Plan 20121.
- The subject site is **approximately 5,000** square feet in area and is currently vacant land.
- The site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. The property is zoned C1 and is within an Urban Infill Area under Zoning By-law 200/2006.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Public land; then a mixed office space and bowling alley development zoned “M1” Manufacturing Light.

South: Day care centre zoned “C1” Commercial Neighbourhood.

East: Duplex zoned “R2” Residential Two-Family; then triplex zoned “R2”.

West: Des Meurons Street; then office uses zoned “C1” Commercial Neighbourhood and a 142 unit retirement home zoned “RMF-L” Residential Multi-Family Large.

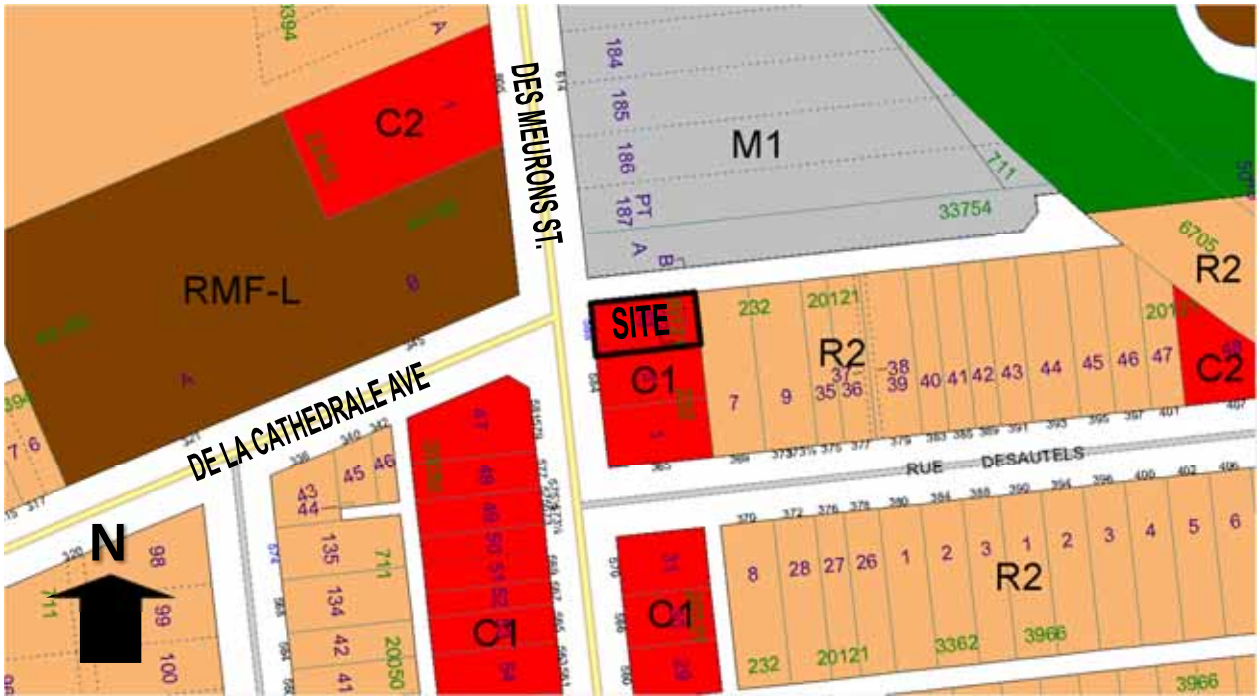


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone from “C1” Commercial Neighbourhood to “RMF-M” Residential Multi-Family Medium.
- The purpose of consolidating the lots and rezoning it to RMF-M is to accommodate the construction of a 6 unit rowhouse development.
- The development will be 3 storeys tall (approximately 31.5 feet at its highest point) and comprising of six 2-bedroom units approximately 1,275 square feet in area. All the units will have an attached garage.
- Six (6) parking stalls are proposed to be located on the north side of the development directly off of the public lane.
- The proposed development requires variances for substandard lot area, yard setbacks, as well as insufficient parking (see associated variance application DAV 15-155777/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key policies guiding development in Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and that address the transition between new and existing development.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

CURRENT ZONING DISTRICT:

"C1" Commercial Neighbourhood

- The C1 zone is intended to accommodate small, compact commercial uses within or surrounded by residential areas that area attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. The dimensional standards for commercial structures in the C1 zone are: a maximum building height of 39 feet, a minimum front yard, rear yard, and side yard of 0 feet.

PROPOSED ZONING DISTRICT:

"RMF-M" Residential Multi-Family Medium

- The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The Urban Planning Division is supportive of rezoning the subject property to RMF-M. It is recognized that the subject site is located along a commercial collector street with transit service (route #10 and #56) and across the street from a multi-family development zoned RMF-L. It is within walking distance to a number of community amenities and commercial uses.

- The proposal to develop a 6 unit rowhousing development with reduced setbacks on the site is consistent with the compact urban character of the area and the policies guiding development in the *Areas of Stability – Mature Communities policy area* in *Complete Communities* which supports context sensitive infill development.

RECOMMENDED ZONING AGREEMENT

Height

- To ensure compatibility with the abutting R2 and C1 zoned properties to the east and south, the Public Service is recommending that the maximum height of any building on the site be restricted to 35 feet.

Plan Approval

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

RECOMMENDATION

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

- The subject property is located along a commercial collector street (Des Meurons Street) and in close proximity to existing residential multi-family development.
- The proposal is consistent with the policies guiding development in the *Areas of Stability – Mature Communities policy area* in the *Complete Communities Direction Strategy* which supports context sensitive infill development.

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

Report Prepared By: Elise Finnigan
PPD File # DASZ 35/2015

Schedule "A" for File No. DASZ 35/2015, Riel Committee, dated February 1st, 2016

By-Law No. _____

File No. **DASZ 35/15**

Atlas Sheet No.

N

AA27
RIEL
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 588 Des Meurons Street from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling (6 unit row-housing development) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DASZ 35/2015 – 588 Des Meurons Street

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (Des Meurons Street) and surrounding developments and create a cohesive visual identity for the neighbourhood.

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

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

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

1.5 Universally accessible connections should be linked to the proposed sidewalk along Des Meurons Street.

2. Building Orientation and Design

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

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

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

3. Landscaping

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

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

3.3 The design of the parking area along the north side yard should be comprised of high-quality paving, "bump-outs", and landscaping.