Agenda – Council – April 27, 2016

Report – Executive Policy Committee – April 20, 2016

Item No. 1 Subdivision and Rezoning – 1274-1288 and 1310 Archibald Street (St. Boniface Ward)
File DASZ 1/2016 [c/r DAV 101465/2016D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 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 1/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2016 dated March 18th, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer shall transfer to the City and legally open, at no expense to the City, property required to widen Archibald Street, as per Drawing No. PR16-04 in Appendix B, to the satisfaction of the Director of Public Works.

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 1/2016 dated March 18th, 2016, to a "RMF-M" Residential Multi-Family (Medium) District and "C2" Commercial Community 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 for the lands zoned "RMF-M" Residential Multi-Family 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 subject property shall be limited to a maximum of two-hundred and twenty (220) dwelling units.

Report – Executive Policy Committee – April 20, 2016

iii. That in the event the existing building (a 220-unit multi-family building) is fully demolished and future residential development is proposed on the subject property, that development must, at the owner's expense, incorporate mitigation measures with respect to the CPR Emerson Rail Line consisting of the following so long as the CPR Emerson Subdivision is, in the opinion of the City, being used as an active rail line:

a. A 2.0 metre in height berm constructed entirely within the subject property along the entire east property line abutting the CPR Emerson Subdivision, with a 2.0 metre in height uniform noise attenuation fence atop the berm, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm and noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

b. A minimum setback of 30 metres to any habitable room or space within a building from the east property line abutting the CPR Emerson Subdivision;

c. A uniform fence 2.0 metres in height within private property along the entire east property line abutting the CPR Emerson Subdivision and to the east of the berm referred to in condition 2.A.iii.a., as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 – April 20, 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 – April 20, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 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 – 1274-1288 & 1310 Archibald Street**
File DASZ 1/2016 [c/r DAV 101465/2016D]

For submission to: **Executive Policy Committee**

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

Report date: **April 5, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2016, 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 1/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2016 dated March 18th, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That, the Developer shall transfer to the City and legally open, at no expense to the City, property required to widen Archibald Street, as per Drawing No. PR16-04 in Appendix B, to the satisfaction of the Director of Public Works.

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 1/2016 dated March 18th, 2016, to a "RMF-M" Residential Multi-Family (Medium) District and "C2" Commercial Community 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 for the lands zoned "RMF-M" Residential Multi-Family 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 subject property shall be limited to a maximum of two-hundred and twenty (220) dwelling units.

iii. That, in the event the existing building (a 220-unit multi-family building) is fully demolished and future residential development is proposed on the subject property, that development must, at the owner's expense, incorporate mitigation measures with respect to the CPR Emerson Rail Line consisting of the following so long as the CPR Emerson Subdivision is, in the opinion of the City, being used as an active rail line:

a. A 2.0 metre in height berm constructed entirely within the subject property along the entire east property line abutting the CPR Emerson Subdivision, with a 2.0 metre in height uniform noise attenuation fence atop the berm, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm and noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

b. A minimum setback of 30 metres to any habitable room or space within a building from the east property line abutting the CPR Emerson Subdivision;

c. A uniform fence 2.0 metres in height within private property along the entire east property line abutting the CPR Emerson Subdivision and to the east of the berm referred to in condition 2.A.iii.a., as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 for the area; the Planning Department did due diligence.
2. I’m pleased to see rail proximity guidelines now implemented at the community committee level, and this is the first time I have the opportunity to approve an application that is conforming to the new guidelines.
3. This development goes in the right direction in terms of the overall area.

PUBLIC HEARING SUMMARY

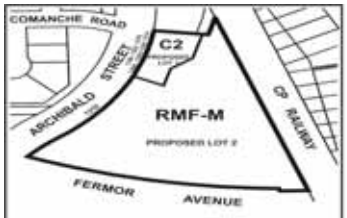
File: DASZ 1/2016

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

Public Hearing: April 4, 2016
Council Building, 510 Main Street

Applicant: 2 Architecture Inc.

Subject:



APPLICANT : 2 ARCHITECTURE INC.
FILE : DASZ 1/16
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 an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the consolidation and subdivision of lands for the existing buildings/uses previously established. **For information, phone Mr. R. Mahé, Planner, at 204-986-8631.**
DEMANDEUR: 2 ARCHITECTURE INC.
N° DE DOSSIER : DALZ 1/16
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 RMF-M (secteur d'habitations multifamiliales moyennes) et de la catégorie C1 (secteur commercial de quartier) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) et à la catégorie C2 (secteur commercial communautaire) en vue de faciliter le remembrement et le lotissement des terres pour les bâtiments existants et les utilisations préalablement établies. **Pour plus de renseignements, communiquez avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 1274-1288 & 1310 Archibald Street

Exhibits Filed:

1. Application dated January 13, 2016
2. Notification of Public Hearing dated January 21, 2016
3. Manitoba Status of Titles 2479289/1, 2513184/1, 2705412/1, 2705355/1
4. Letter of authorization dated April 9, 2015 from 5183279 Manitoba Ltd. to 2 Architecture Group
5. Surveyor's Building Location Certificate and sketch dated August 19, 2014
6. Surveyor's Staking and Building Location Certificate dated October 29, 2014
7. Plans (2 pages)
8. Misc. Plan No. 14034
9. Report from the Urban Planning Division dated March 24, 2016
10. Inspection Report

REPRESENTATIONS:

In Support:

Andre Silva

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DASZ 1/2016

ADMINISTRATIVE REPORT

Title: DASZ 1/2016 – 1274-1288 & 1310 Archibald ST

Issue: An application for consideration at the Public Hearing to consolidate and subdivide as well as rezone to C2 and RMF-M to accommodate the existing buildings/uses.

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 1/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2016 dated March 18th, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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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.

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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.

REASON FOR THE REPORT

- The applicant is proposing to consolidate and subdivide as well as rezone the lands from C1 and RMF-M to C2 and RMF-M in order to better accommodate the existing buildings/uses.
- 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 subdivided and consolidated as well as 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:	March 24th, 2016
File No.	DASZ 1/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Appendix B — Drawing No. PR16-04
3. Schedule "A" — Recommended File No. DASZ 1/2016 Riel Community Committee, dated March 24th, 2016

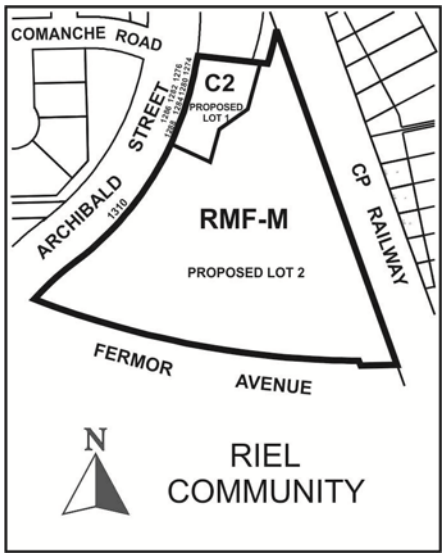
APPENDIX 'A'

DATE: March 24th, 2016

FILE: DASZ 1/2016
RELATED FILES: DAV 16-101465\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.550

SUBJECT: To consolidate and subdivide as well as rezone the lands to C2 and RMF-M in order to better accommodate the existing buildings/uses.

LOCATION: 1274 – 1288 & 1310 Archibald Street (see map below)



APPLICANT: ANDRE SILVA
70 Arthur ST Unit 485
Winnipeg , Manitoba R3B 1G7

OWNER: 1420 TAYLOR AVE 100
Winnipeg , Manitoba R3N 1Y6

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject lands are located on the northeast corner of the Archibald Street and Fermor Avenue intersection in the Niakwa Park neighbourhood of the St Boniface ward.
- The subject lands are approximately 5 acres and encompass 3 separate lots (see Figure 1).
- The lot zoned “C1” and “RMF-M” contains a seven (7) storey “Y” shaped apartment block originally constructed in 1967 comprising 220 units.
- The lot zoned “C2” has a two (2) storey commercial building comprising 7 units.
- The site is within the Areas of Stability – Mature Communities Policy Area under the *Complete Communities Direction Strategy* and is zoned “C2” Commercial Community, “C1” Commercial Neighbourhood and “RMF-M” Residential Multi-Family Medium.

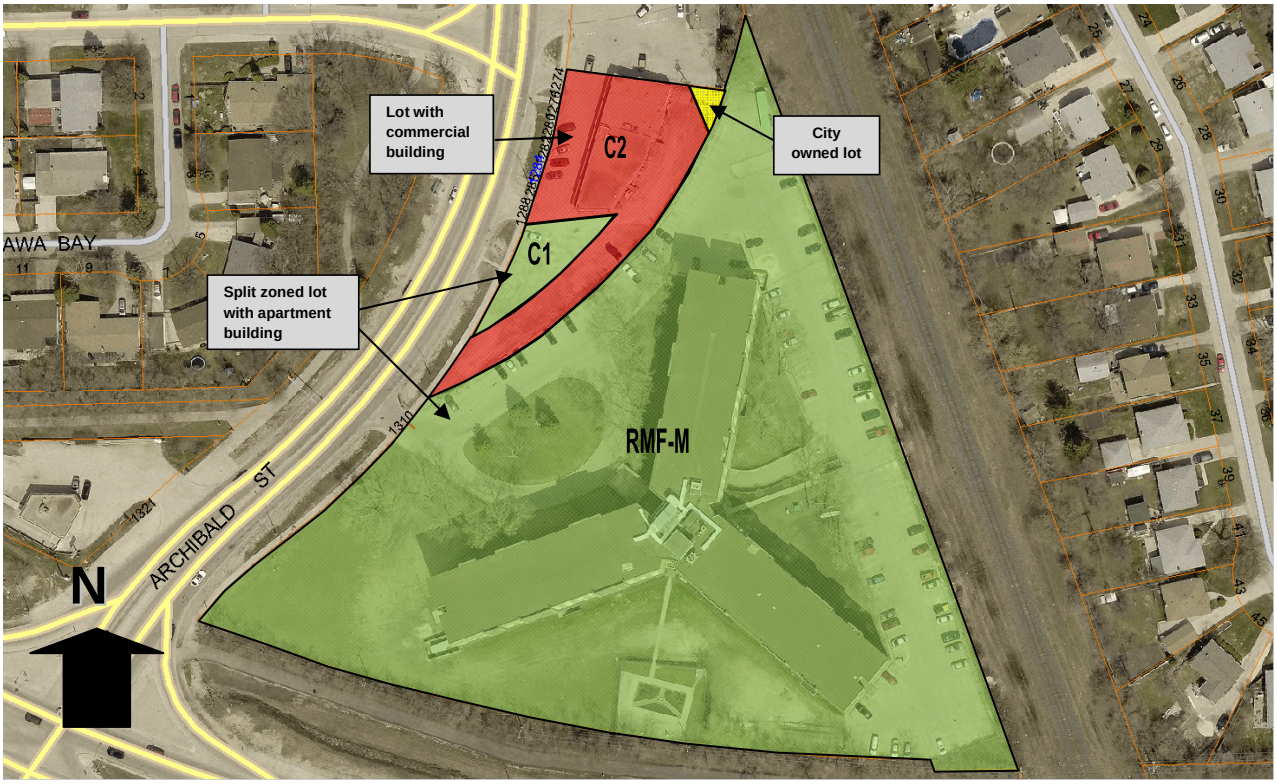


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Commercial development zoned C2.

South: Fermor Avenue and detached single-family homes zoned R1-M.

East: A Canadian Pacific Railway line and detached single-family homes zoned R1-M.

West: Archibald Street and a one storey commercial development zoned C2 as well as park space zoned PR-1.

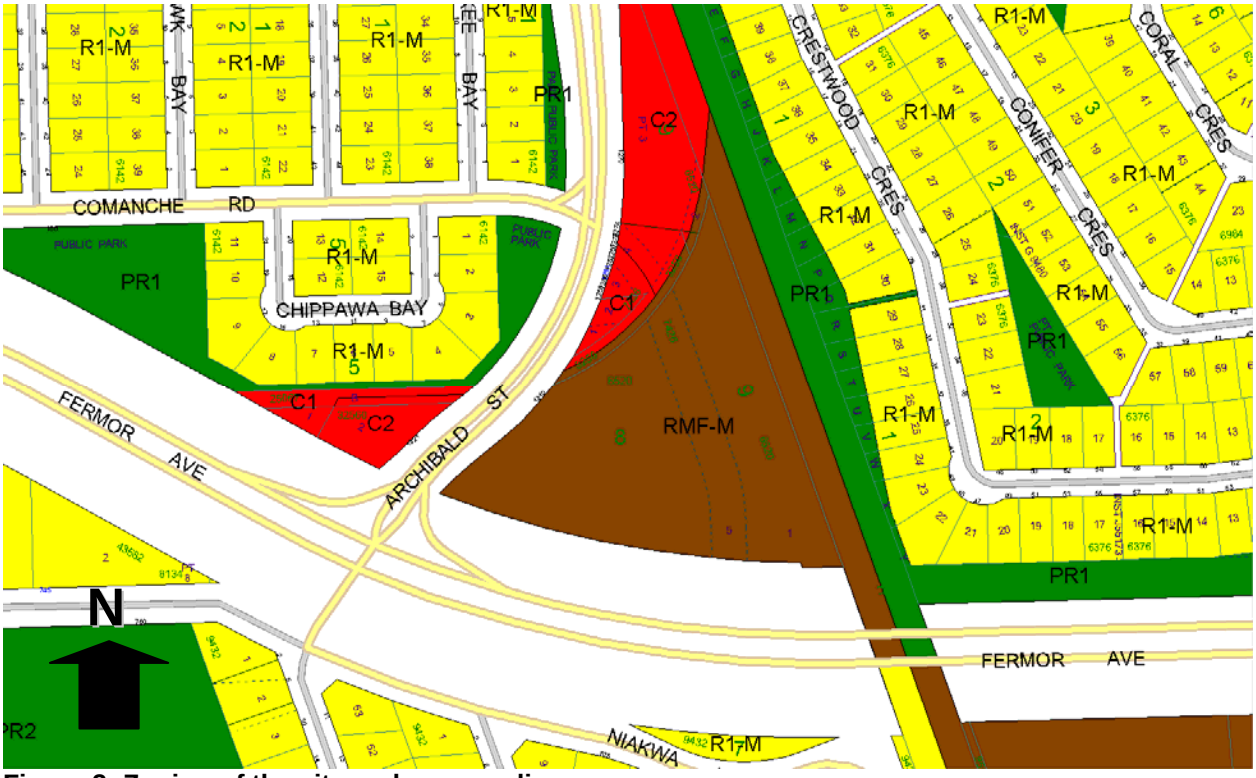


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The subject lands currently comprise three zoning districts and have abnormal lot lines due to old plans involving the extension of a railway corridor over the properties that never materialized. The applicant would like to "clean-up" the lot lines as well as the zoning designations to properly reflect the existing uses on the properties.
- The applicant is proposing to build a pedestrian pathway from the main entrance of the apartment building to the public sidewalk.
- The applicant is proposing to install additional landscaping (14 trees) in the parking areas.
- An associated Variance application (DAV 16-101465\D) has been applied for in concurrence with the subject subdivision and rezoning application.

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.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The Urban Planning Division is supportive of the rezoning and subdivision as it will result in the elimination of a split zoned lot and better reflect the existing uses on the properties.
- "Split zoned" lots, or lots with more than one zoning designation, can be problematic for the City as they pose regulatory/administrative challenges.
- It is also noted the applicant is proposing some improvements (i.e., landscaping and the addition of a pedestrian pathway) to the site which will help improve the appearance of the properties as well as pedestrian access.

RECOMMENDED ZONING AGREEMENT

Rail Proximity Considerations

- For applications involving a rezoning and/or subdivision, the Urban Planning Division often requires new development adjacent to rail operations incorporate the guidelines identified in *The Guidelines for New Development in Proximity to Railway Operations* (2013) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring line is a Secondary Main Line. The recommended setback from Secondary Main Lines is 30 metres (98.4feet) including a 2.0 metre (6.5 feet) high berm.
- In the case of the subject application the Urban Planning Division is not requiring the applicant to incorporate the guidelines noting:
    - The subject proposal does not involve any new development and no intensification of the residential use is proposed.
    - The proposal is beneficial to the City in that it eliminates the existing split zoned property which can pose regulatory/administrative challenges.
    - Incorporation of the guidelines would significantly impact the overall number of parking spaces on the RMF-M zoned property which already fails to meet the required 330 parking spaces per the Zoning By-law.
- To avoid intensifying the existing proximity issues the Public Service is recommending the multi-family building not be allowed to increase the number of units beyond what currently exists (i.e., 220 units).
- In the event the existing multi-family building is demolished the Public Service is recommending any future development be required to incorporate mitigation measures.

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 Lot 2. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before any future development takes place on the properties.

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.*
- *The City is requesting cash in lieu for this application.*

RECOMMENDATION

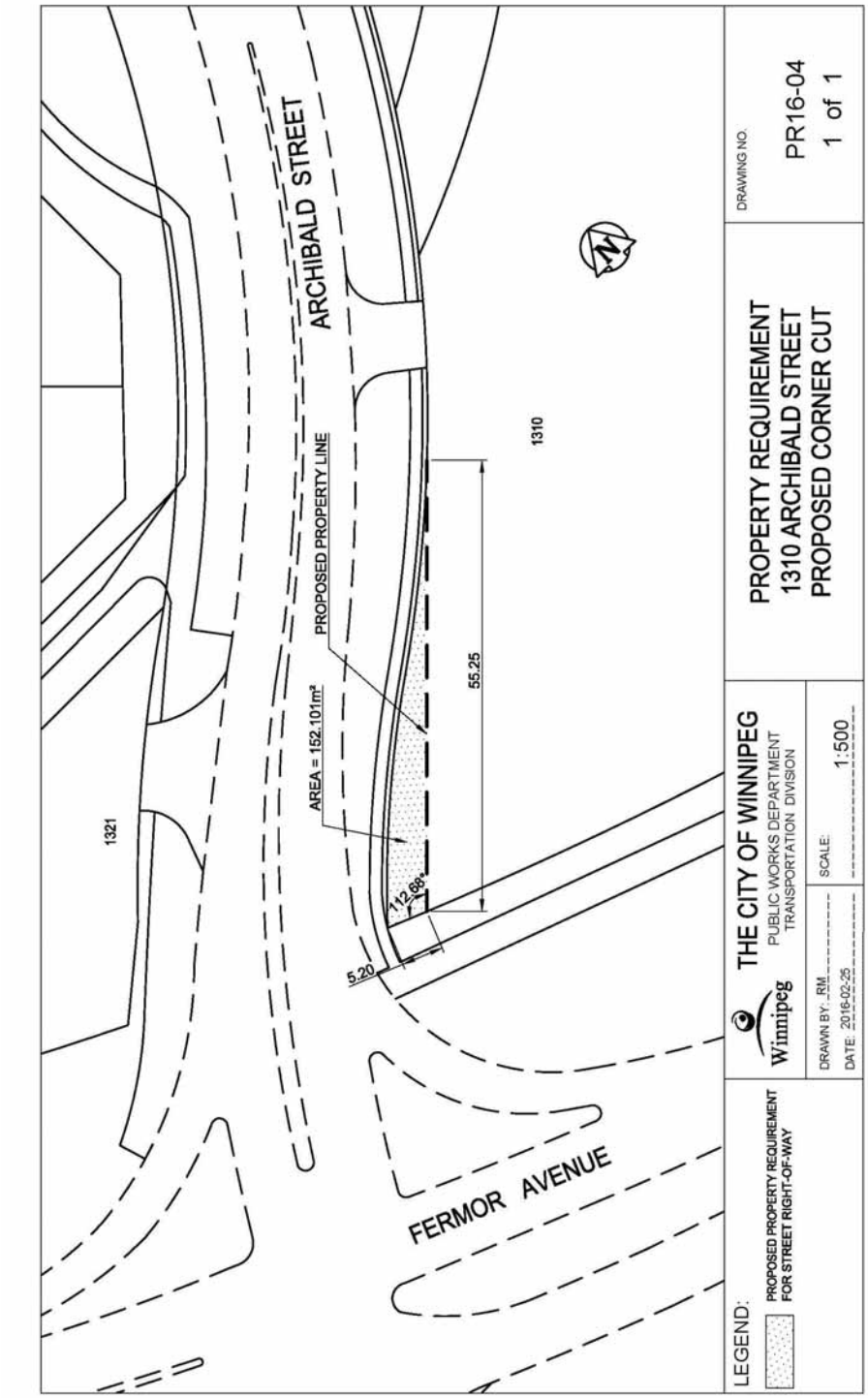
The Urban Planning Division recommends **approval** for the following reasons:

- The proposal will result in the elimination of a split zoned lot and better reflect the existing uses on the properties.
- 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 development.

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

Report Prepared By: Elise Finnigan
PPD File # DASZ 1/2016

Appendix B - Drawing No. PR16-04



Schedule "A" for File No. DASZ 1/2016, Riel Committee, dated March 24th, 2016

By-Law No. _____

File No. **DASZ 1/16**

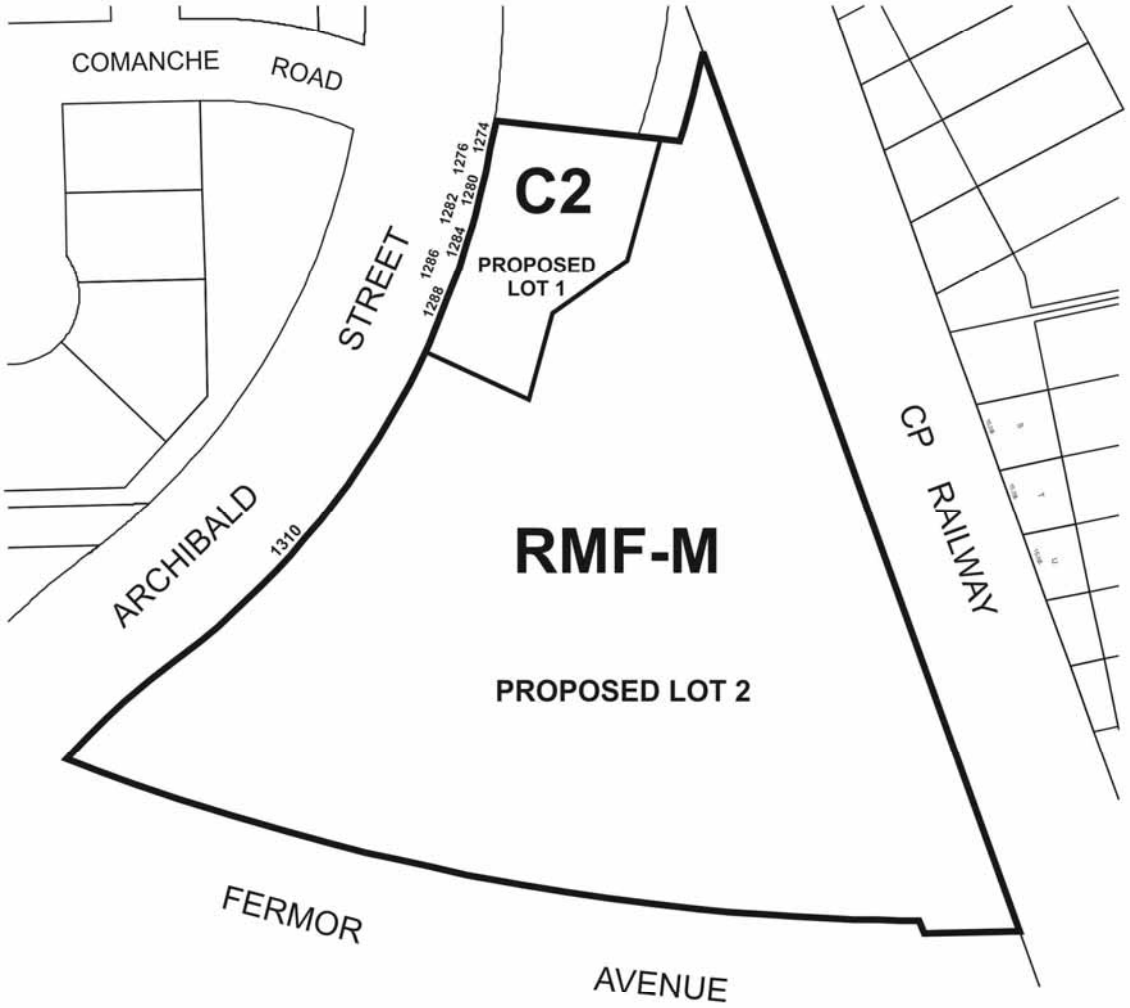
Atlas Sheet No.

N

AD29
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 1274-1288 & 1310 Archibald Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the consolidation and subdivision of lands for the existing buildings/uses previously established as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____