Minute No. 286
Report – Executive Policy Committee – April 20, 2016

Item No. 2 Rezoning – 249-263 Bell Avenue
(Fort Rouge – East Fort Garry Ward)
File DAZ 200/2016 [c/r DAV 103653/2016D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 200/2016 dated April 12, 2016 to an "RMU" Residential Mixed Use District, subject to the following:

   A. That the Developer be required to address all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016.

2. 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.

3. 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.

4. That the zoning section of the by-law shall come into force when all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016 have been met to the satisfaction of the Director of Planning, Property and Development.

5. 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 readings.

6. 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:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2016, the City Centre 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: **Rezoning – 249-263 Bell Avenue**
File DAZ 200/2016 [c/r DAV 103653/2016D]

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Committee Clerk**
City Centre Community Committee

Report date: **April 14, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2016, the City Centre 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 200/2016 dated April 12, 2016 to an "RMU" Residential Mixed Use District, subject to the following:

   A. That the Developer be required to address all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016.

2. 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.

3. 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.

4. That the zoning section of the by-law shall come into force when all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016 have been met to the satisfaction of the Director of Planning, Property and Development.

5. 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 readings.

6. 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 City Centre Community Committee provided the following supporting reasons for its recommendation:

1. This is an infill project with sufficient parking.

2. It’s been through review with the department and is consistent with the Osborne Village Neighbourhood Plan.

PUBLIC HEARING SUMMARY

File: DAZ 200/2016

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Gerbasi
Councillor Orlikow

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

Applicant: Streetside Development Corporation (Brian Cornelsen)

Subject:



Premises Affected: 249 - 263 Bell Avenue

Exhibits Filed:
1. Application dated November 5, 2015
2. Notification of Public Hearing dated February 22, 2016
3. Manitoba Status of Title 2808694/1

4. Letter of authorization dated July 23, 2015 from Martin Maykut, Assistant Secretary, Streetside Development Corporation to Brian Cornelsen, Streetside Development Corporation
5. Plan of Survey for subject property (2 pages)
6. Plans (5 pages)
7. Report from the Urban Planning Division dated April 5, 2016
8. Inspection Report
9. Submission in support of the application submitted by the Applicant at the public hearing
10. Recording of Representations

REPRESENTATIONS:

In Support:

Brian Cornelsen
Paul Gray

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross Planner, Planning, Property and Development Department

Exhibit " 7 " referred to in File DAZ 200/2016

ADMINISTRATIVE REPORT

Title: DAZ 200/2016 – 255 Bell AVE

Issue: For consideration at the public hearing for a rezoning for DAZ 200/2016 – 255 Bell AVE

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Andrew Ross	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 200/2016 dated April 12, 2016 to an "RMU" Residential Mixed Use District, subject to the following:

   A) That the Developer be required to address all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016.

2. 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.

3. 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.

4. That the zoning section of the by-law shall come into force when all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated April 5, 2016 have been met to the satisfaction of the Director of Planning, Property and Development.

5. 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.

6. 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 rezone the site from "C2" – Commercial Community to "RMU" – Residential Mixed Use for the development of a 3 storey, 36 unit multifamily building.
- The applicant has applied for a Variance application (DAV 16-103653/D).
- Rezoning applications 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 land will be rezoned.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Andrew Ross, MCP, MCIP
Date:	Tuesday, April 5, 2016
File No.	DAZ 200/2016

APPENDIX 'A'

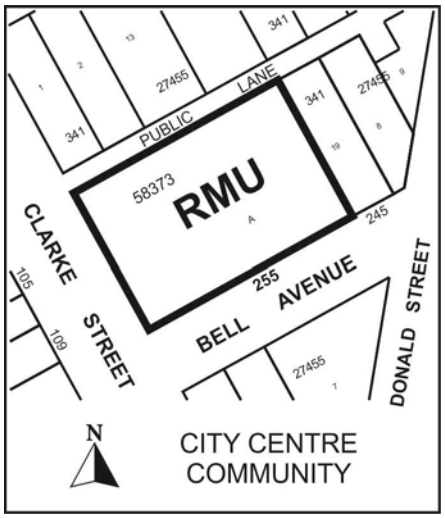
DATE: April 5, 2016

FILE: DAZ 200/2016
RELATED FILES: DAV 16-103653/D

COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.111

SUBJECT: To rezone the subject land from C2 to RMU for the development of a 3 storey, 36 unit multifamily building.

LOCATION: 255 Bell AVE
LEGAL DESCRIPTION: LOT 22 PLAN 341 37 ST B



APPLICANT: Brian Cornelsen
1 Dr. David Friesen DR
Winnipeg , Manitoba R3X 0G8

OWNER: 1 DR. DAVID FRIESEN DR
Winnipeg , Manitoba R3X 0G8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject property is located at the northeast corner of Bell Avenue and Clarke Street, in the River-Osborne neighbourhood of the Fort Rouge - East Fort Garry ward.

The site is designated as being within a Mature Community under the *Complete Communities Direction Strategy*. The property is currently zoned C2.

The property is 18,150 sq. ft. in size and currently contains an office building and four vacant lots.



Figure 1: Subject site and surrounding area (flown 2014)

SURROUNDING LAND USE AND ZONING

The site is between River Avenue and Stradbrook Street, and is two properties away from Donald Street to the east. The site is approximately 250 metres from the Harkness Rapid Transit Station. The immediate area is characterized by a mix of commercial and residential uses.

Immediately adjacent land uses include:

North: Office uses (zoned "C2" – Commercial Community)

South: Office uses (zoned "C2" – Commercial Community)

East: Office uses (zoned "C2" – Commercial Community)

West: Multifamily and two-family uses (zoned "RMF-M" – Residential Multi-Family Medium)

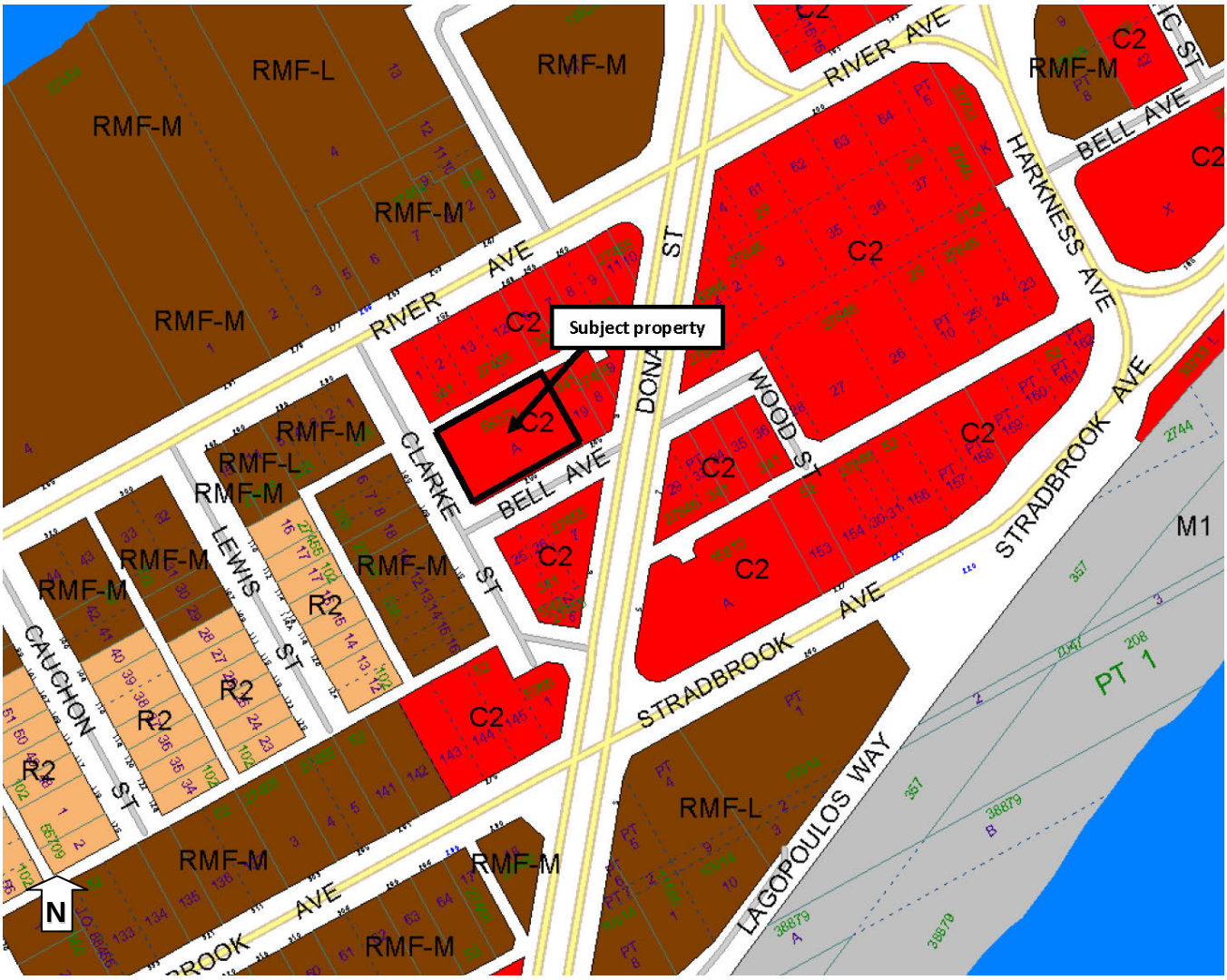


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning to "RMU" Residential Mixed Use" in order to develop a three storey multi-family building with 36 units on the subject property

Reason for application

To accommodate the proposed density, the applicant requires a rezoning to either RMF-L or RMU. Of these two options, the RMU zoning district is being sought because that district provides for the needed density while also allowing for the potential addition of small-scale limited commercial uses to the building in the future if appropriate.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy
As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within 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.
- 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.

This proposal adds moderate density to a Mature Community and provides a scale and form that is complementary to the neighbourhood.

Transit Oriented Development (TOD) Handbook
This property most closely aligns with the "Urban Neighbourhood" TOD typology identified in the City of Winnipeg TOD Handbook. The density, at approximately 70 units per acre, meets the target for this typology which is 40-100 units per acre. The site is a short distance (approximately 250 metres) from the Harkness Rapid Transit Station, however the building's pedestrian access to the station is somewhat hampered by Donald Street. The density is at an appropriate level given this factor and given the context on a medium density street. The density meets both the intent of a Mature Community and a Transit Oriented Development.

Osborne Village Neighbourhood Plan
This property falls within the Village Mixed-use Transition policy area of the Osborne Village Neighbourhood Plan. The following policies apply to this property:

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

- Commercial and employment uses in Mixed-Use Transition areas should be compatible in lot size, building scale, and character to the existing context (particularly that of the immediate block);

- New developments and additions will have a minimum height of two storeys and a maximum height of four storeys;

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

This development is three storeys in height and meets the policies of the Village Mixed-use Transition policy area.

The Osborne Village Neighbourhood Plan also contains policies guiding character, urban form and design (Section 3.1). Highlights relevant to this development include:

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

- Providing pedestrian access at the street level, and locating parking, loading, and services entrances at the rear of buildings;

- Ensuring building design reinforces activity and vitality at the ground level through use of architectural elements and accommodate features to create interest on the street level;

The applicant worked with the Urban Planning Division on design considerations. Active uses on the ground floor, which include a residents' gym and entryways, have been made visible to the street through the use of windows and adjustments to the balconies. Building facades are articulated. The indoor parking along Clarke Street is screened using a façade treatment similar to the Bell Avenue facade. Parking and loading are located inside or behind the building, and screening is provided for the portion of off-the-lane parking that will be visible from Clarke Street.

ZONING BY-LAW 200/2006

The development is proposed to be residential; however the zoning of "RMU" would support the introduction of appropriately-scaled commercial to the building in the future if appropriate. This is in alignment with the vision for this portion of Osborne Village as per policies of the Village Mixed-use Transition policy area.

OTHER CONSIDERATIONS
The Water and Waste Department noted that preliminary review indicates that non-combustible construction will be required for the proposed building for adequate water servicing. As a preliminary review, this requirement would need to be confirmed.

SUMMARY

The Urban Planning Division believes the proposed development and "RMU" zoning is suitable at this location and recommends that the rezoning be approved, for the following reasons:

- The development adds moderate density to a Mature Community and provides a scale and form that is complementary to the neighbourhood.
- The density meets both the intent of a Mature Community and a Transit Oriented Development.
- The zoning category and the building height are in alignment with policies of the Village Mixed-use Transition policy area.
- Setbacks and design are compatible with the area.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be rezoned to an "RMU" Residential Mixed Use District.

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

Report Prepared by: Andrew Ross, MCP, MCIP
PPD File # DAZ 200/2016 – 255 Bell Avenue

Schedule "A" for File DAZ 200/2016, City Centre Community Committee, April 12, 2016

By-Law No. _____

File No. **DAZ 200/16**

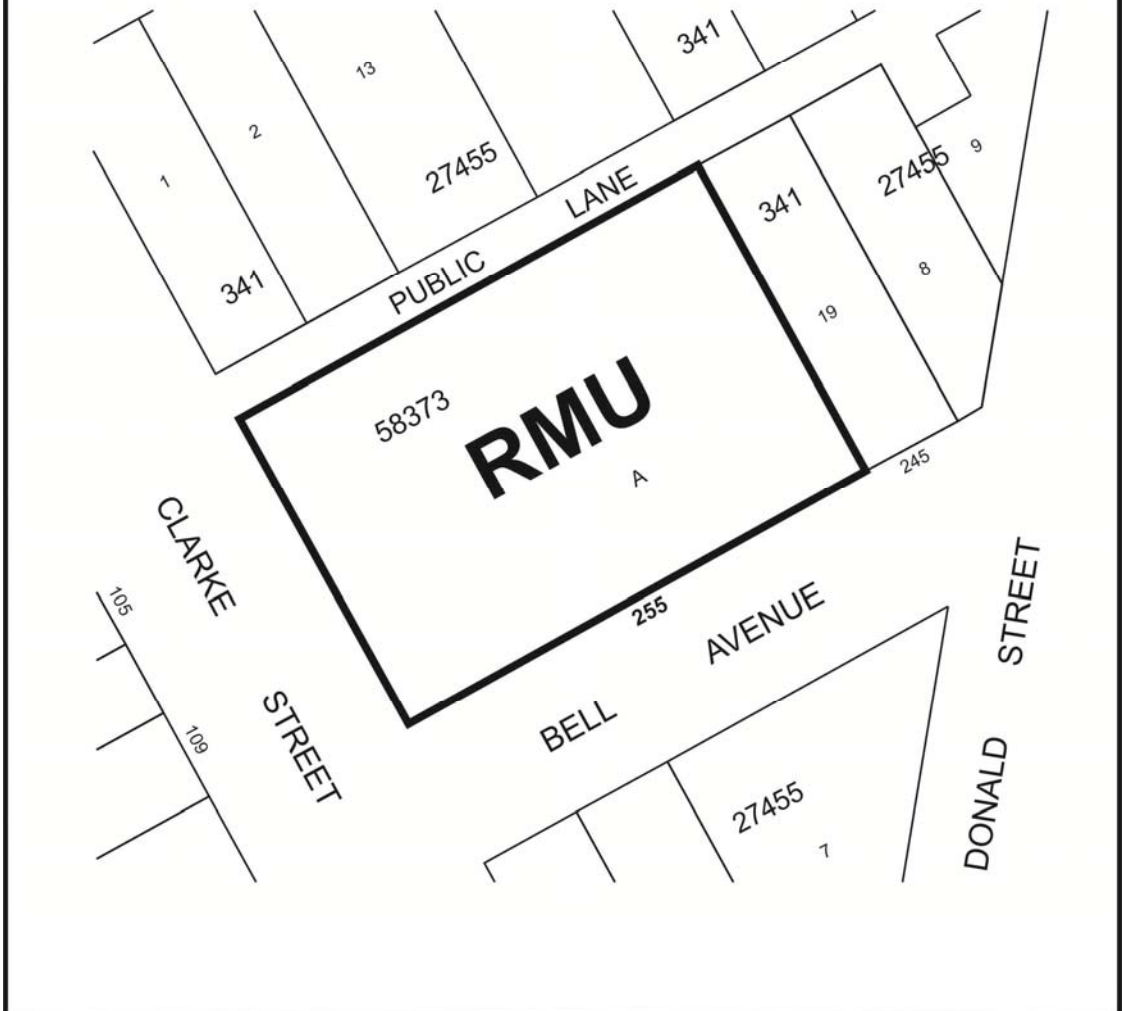
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 249 - 263 Bell Avenue from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the establishment of a multiple family dwelling use as shown outlined below.

Atlas Sheet No.

N

AD25 CITY CENTRE COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING (ACG) GROUP

RE: PROPOSED AND REZONING OF LAND LOCATED AT 249 – 263 BELL AVENUE – DAZ 200/2016

This above noted application was reviewed by the ACG Group on March 9, 2016. The following comments were noted:

1) The Public Works Department has requested that the Developer shall, at no expense to the City, transfer to the City and legally open, property required for a 0.687m widening to the existing east-west public lane right-of-way, along the full length of the existing east-west public lane, abutting the north limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall file a street opening (DAO) application with the City that will result in:

    a) Council approving the subject widening;
    b) Council passing a by-law to legally open the subject property as public lane; and
    c) The Developer subsequently registering the by-law in series with an opening plan in the Winnipeg Land Titles Office to effect the intent of the foregoing.

3) Obtaining this property will provide the City with half of the property required for a total lane right-of-way width of 6.25m.

4) The Water and Waste Department noted that preliminary review indicates that non-combustible construction will be required for the proposed building for adequate water servicing.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 200/2016
April 5, 2016

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"Original Signed by C.J. Desjardine"

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

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

GJ/gj