Minute No. 392
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 7, 2016

Item No. 1 Zoning Agreement Amendment – 373 River Avenue
(Fort Rouge – East Fort Garry Ward)
File ZAA 1/2016 [c/r DAV 107715/2016D]

COUNCIL DECISION:

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

1. That the Zoning Agreement for the subject property under File DASZ 2/2014 dated May 27, 2014 be amended as follows:

   That Clause 3 be deleted and replaced with a new Clause 3, which states:

   A. That the building shall include an enclosed and glazed staircase on River Avenue, an enclosed and glazed lobby at grade on River Avenue, a glazed office or multipurpose space fronting onto River Avenue, and an entrance to the interior of the building that shall be located at grade on the River Avenue (south) side of the building.

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 2/2014, 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 – June 7, 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 June 8, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 2016, the City Centre 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: **Zoning Agreement Amendment – 373 River Avenue**
File ZAA 1/2016

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

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

Report date: **May 12, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 2016, the City Centre 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 Zoning Agreement for the subject property under File DASZ 2/2014 dated May 27, 2014 be amended as follows:

   That Clause 3 be deleted and replaced with a new Clause 3, which states:

   A. That the building shall include an enclosed and glazed staircase on River Avenue, an enclosed and glazed lobby at grade on River Avenue, a glazed office or multipurpose space fronting onto River Avenue, and an entrance to the interior of the building that shall be located at grade on the River Avenue (south) side of the building.

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 2/2014, 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 City Centre Community Committee provided the following supporting reasons for its recommendation:

1. This was a complicated one and I do hear the concerns about parking in the community and what we're trying to judge here is whether this makes the existing situation worse. From the many things that come in front of us, if we have faith that what we have been told what's in front of us is accurate, and it seems like it is, I think it's showing that it's not going to be adding to the already existing problem.
2. They've said there's not going to be a handicap loading zone, there's 10 people and 15 spots
3. It does sound like it's a unique facility and people need a place to live and this a good place for people to recover and move on. There's certainly some public good that Osborne Village does their part to welcome diversity, which I think is also valuable.
4. This could have much less impact than what was already approved two years ago. It's not going to be a bunch of staff and other workers coming and going; it's the staff up to 10.
5. I think that many of the concerns that the community raised, and I totally understand them raising, seems like it'll be okay. The bigger question is that we have an ongoing parking problem.
6. In terms of this particular application, I don't feel it's going to be adding to the current situation in terms of parking, which is a primary concern. There are protections in place in terms of this use being maintained as one that's residential with people who are recovering not using vehicles.

PUBLIC HEARING SUMMARY

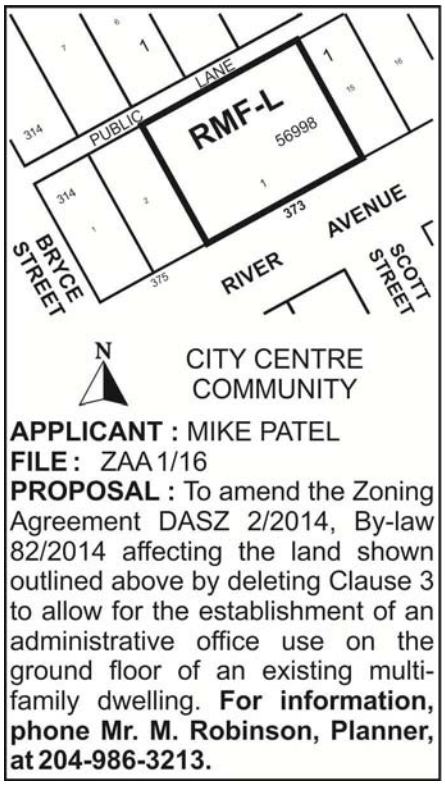
File: ZAA 1/2016

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

Public Hearing: May 10, 2016
Council Building, 510 Main Street

Applicant: Mike Patel

Subject:



Premises Affected: 373 River Avenue

Exhibits Filed:
1. Application dated March 8, 2016
2. Notification of Public Hearing dated March 16, 2016
3. Manitoba Status of Title 2761555/1
4. Letter of authorization from M.P. Belkin to Mike Patel
5. Caveat 4565283/1

6. Plans (10 pages)
7. Report from the Urban Planning Division dated May 4, 2016
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Mehul Patel
Gordon G. Sones
Randall Ranick
Chris Sones

In Opposition:

Stephen N. Rosenfield
Joe Nocita
Richard Baronins
Hilla Schnellert
Dan Enns
Robin Dwarka

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 1/2016

ADMINISTRATIVE REPORT

Title: ZAA 1/16 – 373 River Avenue

Issue: Zoning Agreement Amendment to remove Clause 3 from the Zoning Agreement for DASZ 2/2014, which states "Development on the owner's land must be done in substantial conformance with plans attached to this agreement as "Schedule A", and must provide:

- An enclosed and glazed staircase within;
- An enclosed and glazed lobby at grade, within;
- An entrance at grade, to the interior of any building to be developed on the owner's land, and located on the River Avenue side of the building"

In order to permit an administrative office and group space on the ground floor of the building

Critical Path: City Centre 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	Division Head	CFO	CAO
Michael Robinson, MCIP	Braden Smith, MCIP	N/A	

RECOMMENDATIONS

1) That the Zoning Agreement for the subject property under File DASZ 2/2014 dated May 27, 2014 be amended as follows:

That Clause 3 be deleted and replaced with a new Clause 3, which states:

a) That the building shall include an enclosed and glazed staircase on River Avenue, an enclosed and glazed lobby at grade on River Avenue, a glazed office

or multipurpose space fronting onto River Avenue, and an entrance to the interior of the building that shall be located at grade on the River Avenue (south) side of the building.

2) That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 2/2014, 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 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 will be amended.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Robinson, MCIP
Date:	May 4, 2016
File No.	ZAA 1/2016

APPENDIX 'A'

DATE: May 4, 2016
FILE: ZAA 1/2016
RELATED FILES: DAV 16-107715\D, DASZ 2/2014, DAV 14-107622/D
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.111

SUBJECT: The applicant is proposing to amend the Zoning Agreement on the property by removing Clause 3, in order to permit an addition/modification to the building.

LOCATION: 373 River Avenue

LEGAL DESCRIPTION: Lot 1 Plan 56998 WLTO in RL 41 Parish of St. Boniface



APPLICANT: Mike Patel

OWNER: 373 River Avenue Inc.

RECOMMENDATION: Amend Zoning Agreement

SITE DESCRIPTION:
The subject property is located on River Avenue, in the River-Osborne neighbourhood of the Fort Rouge - East Fort Garry ward

The site is Mature Communities under the Complete Communities Direction Strategy. The property is zoned "RMF-L".

SURROUNDING LAND USE AND ZONING
North: Residences zoned "RMF-M" Residential Multi-Family District
South: Residences zoned "RMF-M" Residential Multi-Family District
East: Residences zoned "RMF-M" Residential Multi-Family District
West: Residences zoned "RMF-M" Residential Multi-Family District

HISTORY
DASZ 2/2014 – The subject property was rezoned from an "RMF-M" Residential Multi-Family District to an "RMF-L" Residential Multi-Family District in order to construct a 30 unit multi-family building. At the time of approval, a Zoning Agreement was included as a condition of approval. The Zoning Agreement included the following zoning clauses:

2. That for the development of any building or structure, plans showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, landscaping, pathways, seating, bicycle parking, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.
3. That the development shall be in substantial conformance with plans submitted and attached hereto and identified as Sheets 1-7 for DAV 14-107622/D, dated March 11, 2014, including an enclosed and glazed staircase on River Avenue, an enclosed and glazed lobby at grade on River Avenue, and an entrance to the interior of the building that shall be located at grade on the River Avenue (south) side of the building.

4. That the maximum height shall be limited to five (5) stories and sixty (60) feet

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to convert the existing 30 unit multi-family building into a facility that provides residential rehabilitation services to adults. In order to make this modification to the building, the applicant is proposing to add offices and group space on the ground floor. (see letter of intent in Appendix 'A' for more information)

Reason for application:
Currently, Clause 3 of the zoning agreement of the property reads as follows:

That the development shall be in substantial conformance with plans submitted and attached hereto and identified as Sheets 1-7 for DAV 14-107622/D, dated March 11, 2014, including an enclosed and glazed staircase on River Avenue, an enclosed and glazed lobby at grade on River Avenue, and an entrance to the interior of the building that shall be located at grade on the River Avenue (south) side of the building.

This clause refers to the previous plans for the site, which reflected an intention to have only parking at grade.

Given that they wish to change these plans, this condition must be removed in order to proceed with the proposed addition/modification to the building.

ANALYSIS AND ISSUES

A. Policies

Osborne Village Neighbourhood Plan

The proposed development complies with the Osborne Village Neighbourhood Plan, provided that the multipurpose room fronting onto River Avenue is extensively glazed at pedestrian level. In fact, provided that the additional glazing is added, the proposal will be a significant improvement and in better alignment with the plan – in that it provides more windows and active uses facing River Avenue and provides a greenspace/patio area on the east side of the building, rather than concrete for parking.

B. Amendment

Reason for condition #3

From the perspective of the Winnipeg Public Service, the condition which required the site to be developed in substantial conformance with the previous plans was not intended to freeze the property in time, so that no modifications could ever occur.

It was intended to ensure that if there are significant changes to the plans, that a public process would be triggered and that elected officials would have a formal process for decision making.

Parking reduction

The reduction in parking is discussed in more detail in the associated variance report (DAV 16-107715\D). The Division is supportive of the change provided that the applicant submits evidence of a long term lease with the subject tenant, who has a significantly reduced parking requirement due to the nature of the use.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # ZAA 1/2016



Figure 1: Aerial Photo (Flown in 2012)