Minutes – Executive Policy Committee – July 13, 2016

REPORTS

Item No. 2 Subdivision and Rezoning – 123 Doncaster Street (Charleswood-Tuxedo-Whyte Ridge Ward) File DASZ 25/2016 [c/r DCU 133149/2016D and DAV 116763/2016D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and recommended to Council:

1. That the plan of subdivision proposed under File DASZ 25/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2016 dated June 28, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated June 25, 2016.

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 25/2016 dated June 28, 2016; to be rezoned to the "RMF-M" Residential Multi Family – Medium zoning 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 freestanding signage 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, landscaping, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia Community Committee 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, prior to the issuance of any building permit, a heritage permit must be applied for in accordance with the requirements associated with the subject site being a Province of Manitoba Designated Heritage Site.

iii. That, any building on proposed Lot 1 shall be no taller than 60 feet, with the exception of permitted projections.

iv. That, on Proposed Lot 1, a maximum of 76 dwelling units shall be permitted.

3. That 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 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-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 has been registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, 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 the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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.

12. 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.

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, the Assiniboia 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 – 123 Doncaster Street**
File DASZ 25/2016 [c/r DCU 133149/2016D and DAV 116763/2016D]

For submission to: **Executive Policy Committee**

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **July 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, the Assiniboia 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 25/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2016 dated June 28, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

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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 25/2016 dated June 28, 2016; to be rezoned to the "RMF-M" Residential Multi Family – Medium zoning district, subject to the following:

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ii. That, prior to the issuance of any building permit, a heritage permit must be applied for in accordance with the requirements associated with the subject site being a Province of Manitoba Designated Heritage Site.

iii. That, any building on proposed Lot 1 shall be no taller than 60 feet, with the exception of permitted projections.

iv. That, on Proposed Lot 1, a maximum of 76 dwelling units shall be permitted.

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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.

12. 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.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. It will be an improvement for the area and a good fit.

2. There was consultation and working cooperation with the Rady Jewish Community Centre.

3. There is no opposition here today and this project provides a unique opportunity to maintain a heritage site and comply with Manitoba Heritage guidelines.

PUBLIC HEARING SUMMARY

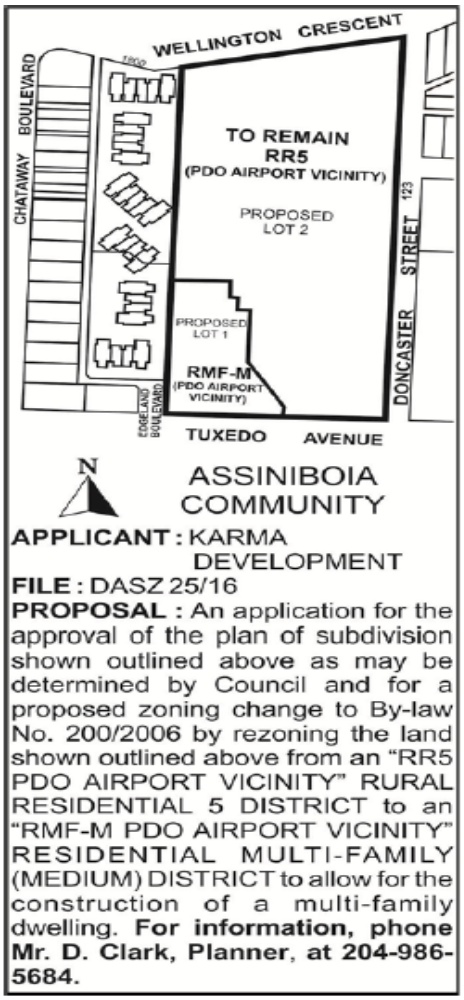
File: DASZ 25/2016

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson

Public Hearing: July 5, 2016
Council Building, 510 Main Street

Applicant: Karma Development
(Myles Kraut)

Subject:



Premises Affected: 123 Doncaster Street

Exhibits Filed:

1. Application dated April 19, 2016
2. Notification of Public Hearing dated April 25, 2016
3. Manitoba Status of Title 1383763/1
4. Letter of authorization dated March 31, 2016 from Jewish Community Campus of Winnipeg Inc. to Karma Development Corporation
5. Surveyor's Building Location Certificate and sketch dated November 5, 2015
6. Drawings of subject property (2 pages)
7. Plans (7 pages)
8. Report from the Urban Planning Division dated June 28, 2016
9. Inspection Report
10. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:

Myles Kraut
David Barley
Braydin Huynen
Mark Kipnes
Curtis Martin
Matthew Narvey
Yaron Walter

In Opposition

Nil

For Information:

Miriam Corne

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 25/2016

ADMINISTRATIVE REPORT

Title: DASZ 25/16 – 123 Doncaster St.

Issue: For consideration at the public hearing to subdivide the land at 123 Doncaster Street by creating two lots from one lot and rezoning the new lot to the RMF-M" Residential Multi Family – Medium zoning district.

Critical Path: Assiniboia 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 25/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2016 dated June 28, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated June 25, 2016.

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 25/2016 dated June 28, 2016; to be rezoned to the "RMF-M" Residential Multi Family – Medium zoning district, subject to the following:

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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, prior to the issuance of any building permit, a heritage permit must be applied for in accordance with the requirements associated with the subject site being a Province of Manitoba Designated Heritage Site.

iii. That, any building on proposed Lot 1 shall be no taller than 60 feet, with the exception of permitted projections

iv. That, on Proposed Lot 1, a maximum of 76 dwelling units shall be permitted.

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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.

12. 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.

REASON FOR THE REPORT

- The applicant intends to subdivide 123 Doncaster into two lots and rezone the newly created lot (Lot 1) to the "RMF-M" zoning district.
- Subdivisions and rezonings 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 land will be subdivided into 2 lots and Lot 1 will be rezoned to the "RMF-M" Residential Multi-Family Medium zoning district, while Lot 2 will remain zoned as the "RR5" Rural Residential zoning district.

HISTORY

- 1994 – A Conditional Use (DCU 27/94C) was approved to permit the following uses in the A-5 and RM1 zoning districts:
    a) Private school (day care to Grade 12);
    b) Seniors drop in centre;
    c) Library;
    d) Physical cultural establishment (YMHA time share) including gym, pool aerobics, squash and racquet courts, cardiovascular area and massage studio;
    e) Multipurpose use which include a theatre and dance group;
    f) Accessory uses which are not limited to but include offices, lounge, pro-shop, deli gift shop and ritual bath area, parking;
    g) Athletic fields and playground;
    h) Museum.

- 1995 - The subject site is designated as a Provincial Heritage site.

- January 28, 2016 - A Pre-application (PA 16 102096 000 00) is applied for by the subject applicant. The pre-application was reviewed by the City's Public Works, Water and Waste, Transit, Parks and Fire and Safety Departments. No significant concerns were identified from a servicing aspect. Many of the comments had to do with building height, setbacks, and design.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works
- Water and Waste
- Transit
- Parks
- Fire and Safety

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	June 28, 2016
File No.	DASZ 25/16

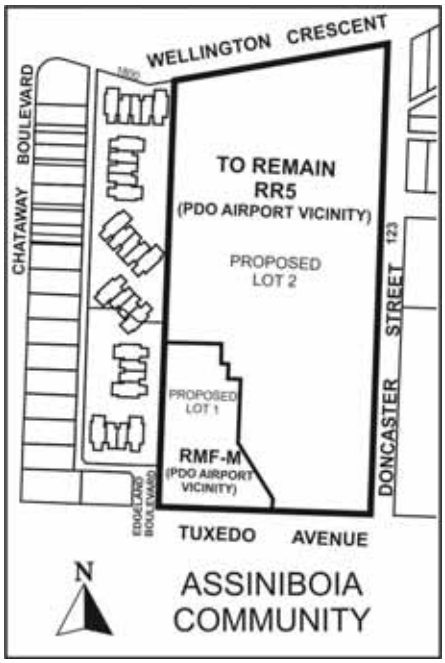
APPENDIX 'A'

DATE: June 28, 2016
FILE: **DASZ 25/16**
RELATED FILES: DAV 16-116763/D, DCU 16-133149D
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.621

SUBJECT: To subdivide the parcel of land at 123 Doncaster St. into two lots. Lot 1 is to be rezoned to the "RMF-M" Residential Multi-Family Large zoning district. Lot 2 is to remain zoned as the "RR5" Rural Residential zoning district.

LOCATION: 123 Doncaster St.

LEGAL DESCRIPTION: PLAN 1383 WLTO



APPLICANT: KARMA DEVELOPMENT (MYLES KRAUT)
671 PEMBINA HWY.
WINNIPEG MB R3M 2L6

OWNER: JEWISH COMMUNITY CAMPUS OF WINNIPEG INC.
123 DONCASTER ST.
WINNIPEG, MB R3N 2B2

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

- The subject property is located between Wellington Crescent to the north, Doncaster Avenue to the east and Tuxedo Avenue to the south and falls within the Old Tuxedo neighbourhood of the Charleswood-Tuxedo-Whyte Ridge ward.
- The Asper Jewish Community Campus is located on the subject property.
- The subject property is 16.7 acres and is zoned “RR-5” Rural Residential 5 acre
- The subject property falls within the Mature Community Policy Area under the Complete Communities Direction Strategy and is located with Area 2 of the Airport Vicinity PDO.



Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Wellington Crescent then the Assiniboine River.

South: Tuxedo Avenue then Multifamily residential zoned “RMF-S” Residential Multi Family - Small

East: Doncaster Street then the Manitoba Youth Centre zoned “RMF-S” Residential Multi Family - Small

West: Multifamily residential zoned “RMF-S” Residential Multi Family - Small

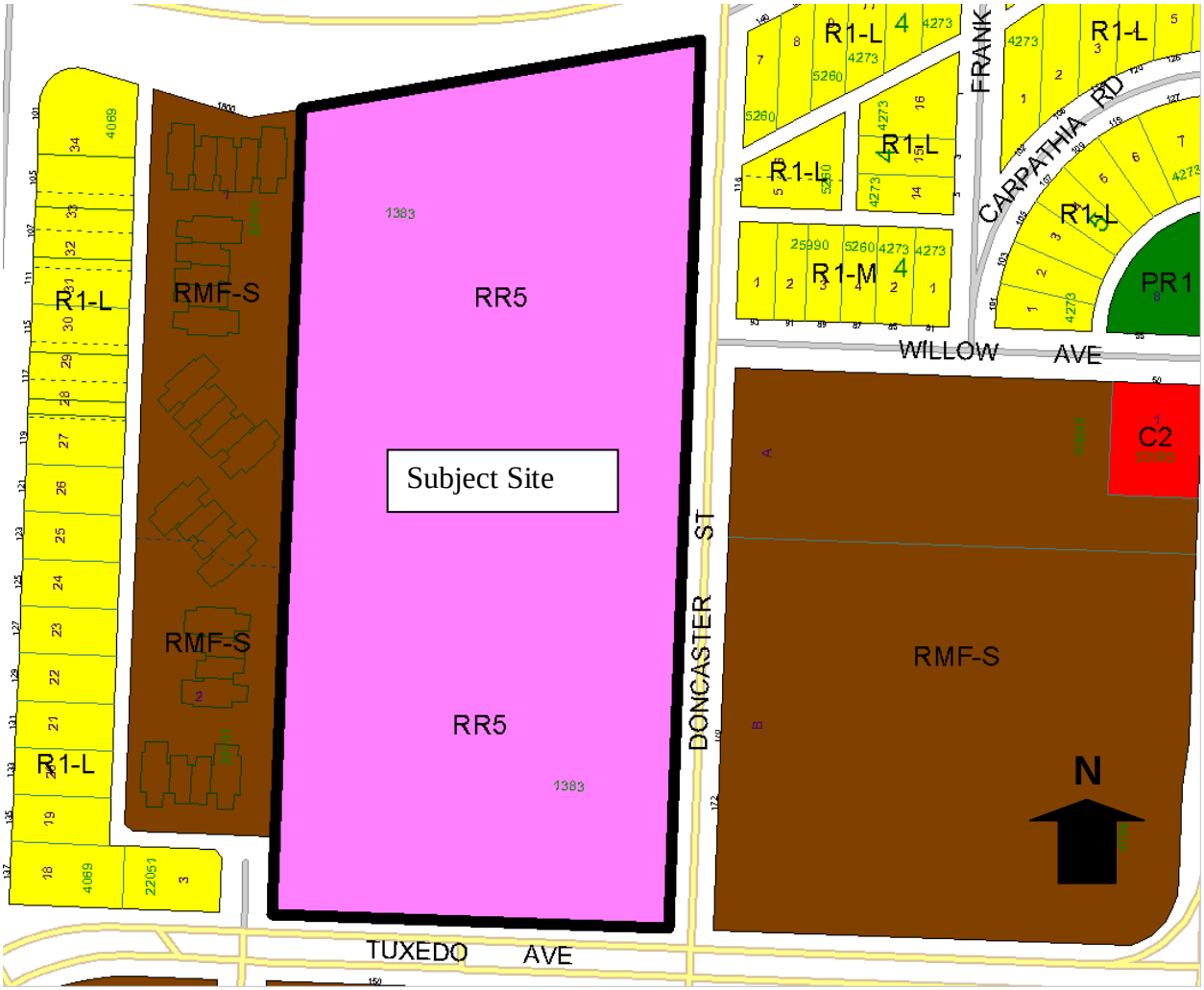


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant has made a subdivision and rezoning application with the intent of constructing a multi-family residential building on the newly established lot in the southwest corner of the property.
- The new lot (Lot 1) is to be approximately 1.94 acres.
- The intent is to establish a 76 unit residence that will be 56 feet in height with a 4’-9” parapet and a gable projection of 19 feet at the south end of the building. The gable projection is described as a decorative peak which is in keeping with the design guidelines for the site as a provincially designated heritage site.

- The submitted plans indicate that there will be 149 parking stalls provided on site, a total of nearly 2 stalls per dwelling unit.
- Variances are being requested for the decorative peak and yard setbacks and a conditional use is being requested to allow more density within Area 2 of the Airport Vicinity Protection Area.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability - Mature Communities policy area of the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Recent Communities include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Encourage intensification to occur at centres and along corridors.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational facilities.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - 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.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
    - Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as the creation of Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.

ZONING BY-LAW 200/2006

Current Zoning

‘RR5’ Rural Residential 5 Acre

Is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.

Proposed Zoning For Lot 1

'RMF-M' Residential Multi Family – Medium

Is intended to accommodate the development of multi-family units in areas with medium to high residential densities.

- dimensional standards are as follows:

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) (note a)	Maximum Building Height (Ft.)
RMF-M	9,000	800	25	25	8 (note B)	20	8	60

Note b – *where a 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.*

LAND USE BY-LAW

Subdivision and Rezoning

- The applicant is proposing to subdivide the property into two lots and rezone Lot 1 to the "RMF-M" zoning district. Lot 2, which is already developed, will remain zoned as the "RR5" Rural Residential Zoning District.
- Proposed Lot 1 is to be approximately 1.94 acres in size and proposed Lot 2 will be approximately 14.76 acres.
- Lot 2 will remain zoned as RR5. The current use on site is the Asper Jewish Community Centre. This use is classified as a Community/recreation centre in the RR5 zoning district and is allowed with conditional use approval. The site was approved for this conditional use in 1994 under file - DCU 27/94C to permit the following uses:
    a) Private school (day care to Grade 12);
    b) Seniors drop in centre;
    c) Library;
    d) Physical cultural establishment (YMHA time share) including gym, pool aerobics, squash and racquet courts, cardiovascular area and massage studio;
    e) Multipurpose use which include a theatre and dance group;
    f) Accessory uses which are not limited to but include offices, lounge, pro-shop, deli gift shop and ritual bath area, parking;
    g) Athletic fields and playground;
    h) Museum.

COMPATIBILITY WITH SURROUNDING USES

Site Selection

- The subject site and surrounding area is predominantly characterized by lower scale and high-rise multi-family residential developments as well as institutional uses. Further west of the subject site, the predominant character is defined as single family residential.
- Some examples of existing multi-family developments that are in close proximity to the subject site include:
    - 1800 Wellington Crescent – Located to the west of the subject site, the development consists of townhouse style residential units that one and two storeys in height. There are 27 units on site and the maximum height is approximately 25 feet.
    - 130 Tuxedo Avenue – Located to the south of the subject site across Tuxedo Ave., is a townhouse style residential development consisting of two storey units. There are 147 units on site and the max height is approximately 25 feet.
    - 160, 180 and 200 Tuxedo Ave. – Located to the southwest of the subject site on the other side of Tuxedo Ave. there are 3 high rise towers. 160 and 180 Tuxedo are approximately 160 feet in height with 54 dwelling units. 200 Tuxedo is approximately 174 feet tall with 94 units.
- The subject property falls within the Areas of Stability policy area of the '*Complete Communities Direction Strategy.'* Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure and services as well as enhance housing choice and affordability.
- Policies for *Areas of Stability* in *Complete Communities* that broadly apply to site selection and encourage a variety of housing types include:
    - Encourage intensification to occur at centres and along corridors.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - 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.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- The Urban Planning Division believes that the proposed site selection is in line with the above noted policies in the Complete Communities Direction Strategy.

Architectural Massing and Building Setbacks

- The proposed development on Lot 1 is to be a 76 unit multi-family residential building. Plans submitted with the application indicate that the intent is to construct a building that is approximately 56 feet tall with a 4 foot parapet and approximately 326 feet in length with various jogs and setbacks.
- Policies in *Complete Communities* that are associated with site and building design include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.
    - Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as the creation of Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
- The proposed development is to be located in an area with low-medium residential density characteristics. The subject site is an open field and the proposed building will have little impact as far as massing goes, to the north, east and south. The existing multi-family site to the west (1800 Wellington Crescent) is notably, the one site that could be impacted by the proposed development.
- During initial discussions with the applicant the Urban Planning Division indicated that the proposed height may impose some undesirable impacts upon residents at 1800 Wellington Cres. Planning recommended that public consultation and a shadow impact study be undertaken to better clarify what, if any, impacts there may be. The applicant indicated that an Open House was held on March 15th from 5-8 PM and the summary from that meeting was that the proposed development was generally supported by those in attendance.

Design Guidelines

- The City of Winnipeg does not have formally adopted design guidelines by which to review the finer points of development proposals. However, in the absence of adopted design guidelines the Urban Planning Division refers to draft infill guidelines that make recommendations for site selection, landscaping, building massing, etc.
- For building massing, one of the draft guidelines suggests that in low density neighbourhoods a 45 degree angular plane should be established between the property

line of the adjacent site and the top of the proposed building on the subject site, starting six feet above grade. See Figure 3 below.

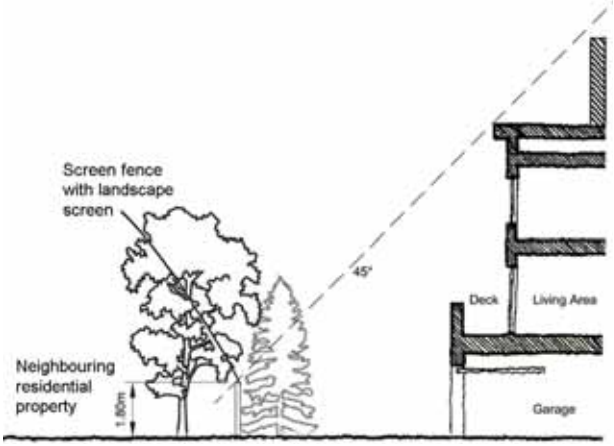


Figure 3: 45 degree angular plane

- For the subject proposal to meet this guideline the setback from the property line to the building would need to be established at 54 feet. The applicant is proposing a building setback of 43 feet with offsets up to 51 feet. Generally, the guidelines are in place for multi-family development in low density residential areas, whereas the subject site is located within an area that consists of a mix of low density and high-rise multi-family residential uses. As such, the Urban Planning Division believes that a slight variation to this guideline may be appropriate within the subject context.

Shadow Study

- Further to the 45 degree angular plane, the Urban Planning Division asked the applicant to conduct a shadow impact study. The City of Winnipeg does not have any formal policies on sun/shadow impacts; however, in previous applications reviewed by the Urban Planning Division, reference has been made to a study and the recommendations from the City of Toronto.
- The City of Toronto completed a detailed analysis of overshadowing and set minimum standards for sunlight access on different types of streets and open spaces. The study concluded that sunlight access controls should be developed to provide a minimum seven hour window of sunlight for residential properties, measured at the start of Fall (September 21), when the sun is lower in the sky but when people are still enjoying outdoor spaces and where radiation from the sun is still capable of compensating for cool air temperatures. The duration of the seven-hour window of sunlight in Winnipeg during the midday period on September 21st is from 9:50 am until 4:50 pm, when the sun is at its highest altitude in the sky.
- The sunlight access controls establish a benchmark for what constitutes a reasonable amount of shadowing; balancing the need for development with the rights of individuals for an adequate amount of light.

- For the proposed development, during this recommended period, the shadows cast by the proposed multi-family building will shadow a small portion of the adjoining residences to the west. See Figures 4 and 5 below.

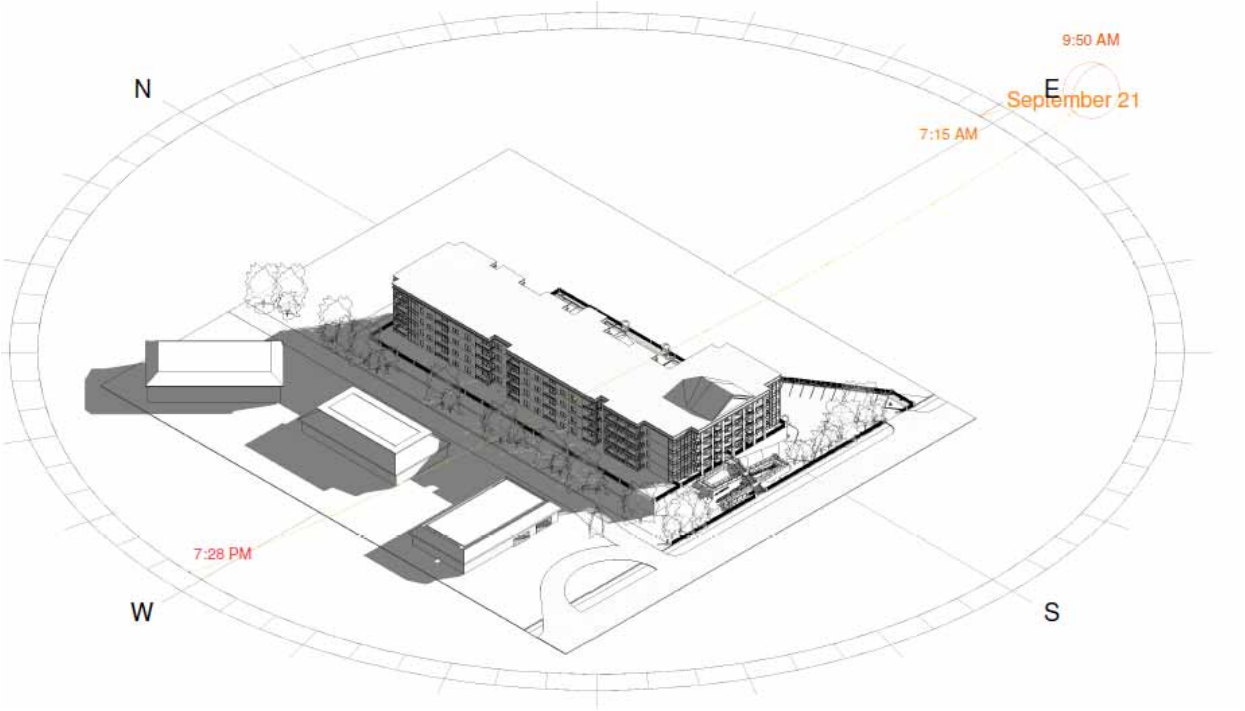


Figure 4: Shadows at 9:50 AM

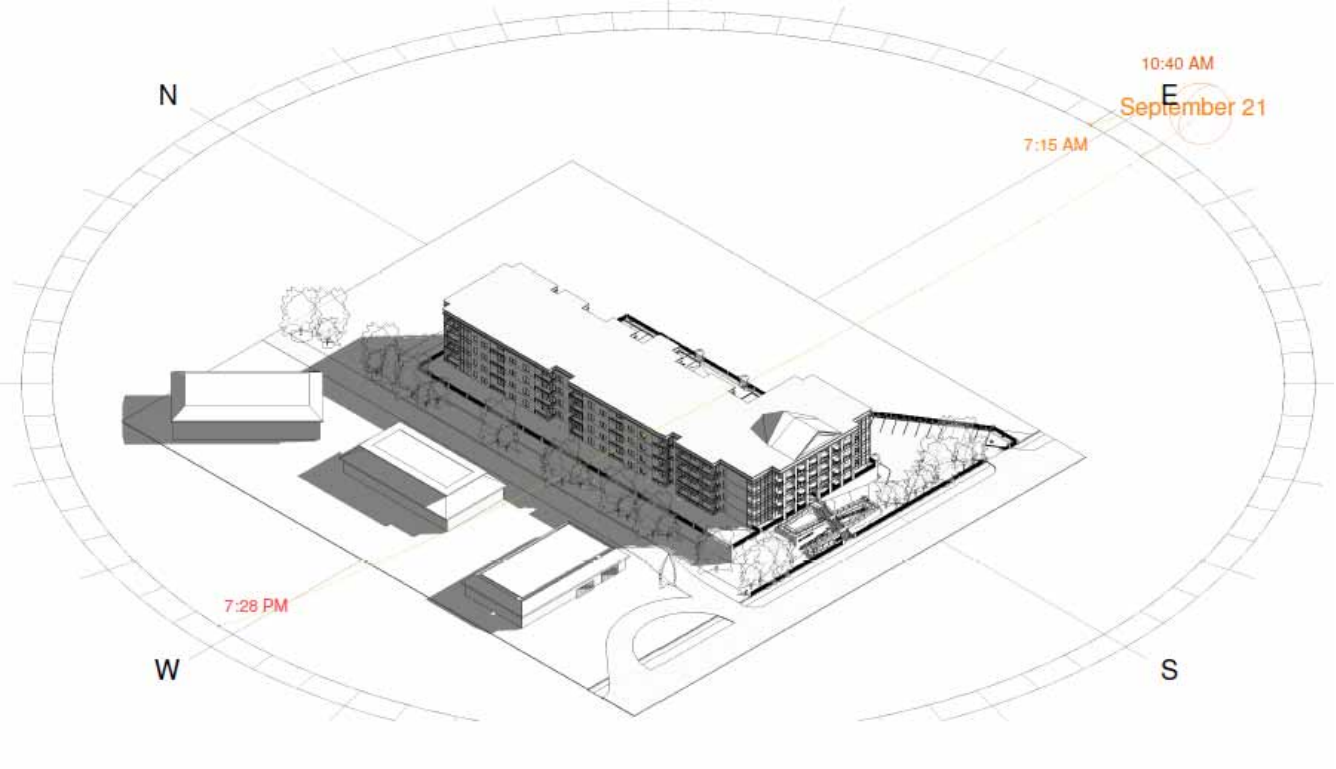


Figure 5: Shadows at 10:40 AM

- The shadow study indicates that the proposed building will have some impact on the adjacent property between the recommended 9:50 AM and 4:50 PM window. The shadowing model indicates that the shadow will no longer cast on the adjacent building at 10:40 AM. For the time that shadow is cast upon the dwellings at 1800 Wellington, the Urban Planning Division notes that it falls upon the private driveway rather than naturalized green/amenity space where people may choose to recreate or relax. Additionally, there are two noted dwelling units at 1800 Wellington that have windows oriented toward the proposed development. Most of the dwellings do not have windows facing the proposed dwelling, which may be a consideration as to whether or not the impacts are deemed significant.

Yard Setbacks

- The proposed development concept requires variance approval for a reduced east side yard setback to a parking area of 2 feet instead of 16 feet, a front yard of 20 feet instead of 25 feet to the parking area and a front yard setback of 5 feet instead of 25 feet to a loading area for garbage pickup. These variances will be discussed in more detail within the associated report for file DAV 16-116763/D.
- The development proposal shows that the west yard setback will be 20 feet from the property line to the 1st floor, which is where the parking is to be located, contained within the building. The main bulk of the building will have a setback of 43 feet from the property line with building offsets of up to 51 feet. As such, the proposed development

meets the “RMF-M” zoning district side yard setbacks of 16 feet for the proposed development.

- Within the 20 foot west side yard setback between the property line and the ground floor parking area, the Urban Planning Division encourages a substantial amount of landscaping that will act as a visual screen between the existing multi-family units to the west of the proposed building. The intent is to maintain privacy between the uses.
- Along the east side yard the Urban Planning Division recognizes that there may be potential conflicts between the existing baseball diamond and surface parking stalls. The Urban Planning Division has discussed this with the applicant and the Asper Jewish Community Centre and has confirmed that both parties are aware and believe it will not be an issue. The baseball diamond is primarily used by children and the distance from the home plate to the parking lot is approximately 300 feet.

HERITAGE

Provincial Heritage Review

The Provincial Heritage Resources Act identifies the Former Manitoba Agricultural College – Fort Osborne Barracks site as a Provincial Heritage Designation Site. The campus became designated in 1995 and was sold and developed as the Asper Jewish Community Campus in 1997.

Key elements defining the heritage character of the Manitoba Agricultural College site include:

- Its location south of the Assiniboine River amidst mixed development, bordered by Tuxedo Avenue, Doncaster Street and Wellington Crescent
- The well-groomed Edwardian campus with grassed expanses, mature trees and simple stone gateposts flaking the site’s entrance and corners along Tuxedo Avenue, with largely unobstructed sightlines to the Administration Building.
- Shared elements found throughout and defining the college’s functional yet carefully detailed structures include:
    - The symmetrical sand-coloured brick and limestone exteriors on heavily rusticated and raised stone foundations, the classical proportions, massing and detailing, the elongated rectangular plans, etc.
- Key elements that define the Administration Building’s (1905-06) dignified Italian Palazzo style include:
    - The imposing three-storey form with a low-pitched hip roof and large octagonal cupola in the centre
    - The elaborate north and south entrance pavilions featuring Ionic columns, upper-level Doric Order porticos and classical pediments with centred oculi.

Asper Jewish Community Campus - New construction guidelines

- New development should be compatible with the original Manitoba Agricultural College buildings in areas such as size, scale, material, style and colour.
- The preferred maximum height for new construction is the height of the roof peak of Building 30 (approximately 62 feet).
- Within the above guidelines, new development must be sympathetic to the Beaux Arts design of the original College Plan concept as regard to scale, proportions, landscaping and materials. The design of individual new buildings should be sympathetic in particular to Building 30 with regard to proportions, balance/symmetry, rhythm, and materials.
- The concept design has been reviewed by the Province and is generally supported as it aligns with the requirements of new construction on site. Final plans will be reviewed concurrently by the City of Winnipeg and Province.

City of Winnipeg Heritage Review

The Manitoba Agricultural College Main Gates at 139 Tuxedo Avenue (123 Doncaster Street) are nominated to be added to the List of Historical Resources by the City of Winnipeg under the Historical Resources By-law No. 55/2014. Under the By-law, any element that is proposed to be listed is prohibited from demolition until the Historical Buildings and Resources Committee (HBRC) makes a recommendation concerning the nomination. The HBRC is an advisory committee to the City comprised of heritage experts. The nomination of this resource is deemed to include all elements of the gates.

Should these gates become added to the List of Historical Resources, they would become protected from demolition and alterations, and any alterations to these would require a heritage permit.

As per the By-law, the demolition of the original features of the gates is prohibited, and therefore, the proposed relocation/reconstruction of the gates will require review and approval by the Historical Buildings and Resources Committee.

The HBRC has adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as a guiding document for best practices in heritage conservation. The City has not prepared a historical report on the gates at this time, but there are some historical images on file, which are attached, for use during the proposed relocation/reconstruction project. The Province may have more images in their collection.

Some guiding heritage standards applicable to this project include:

Standard 1: Conserve the heritage value of an historic place. Do not remove or substantially alter its intact character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.

Standard 3: Conserve heritage value by adopting an approach calling for minimal intervention.

Standard 5: Find a use for an historic place that requires minimal or no change to its character-defining elements.

Standard 11: Make new work physically and visually compatible, subordinate to and distinguishable from the historic place.

Because these gates are currently protected by the Province as a component of the heritage site at the Manitoba Agricultural College, the Province and the City's Historical Buildings and Resources Committee will work together to perform a joint heritage design review. It is strongly encouraged that drawings are submitted for heritage review at the schematic design stage with follow up submissions showing more detail as the project progresses.

TRANSPORTATION

- The Public Works Department typically requests a transportation impact study whenever a proposed development will generate 100 or more new peak direction auto trips to or from the site during the adjacent roadway's peak hour or the development's peak hour (i.e. 100 new trips inbound/outbound) or due to localized safety or roadway/intersection capacity deficiencies.
- At this time the Public Works Department does not anticipate significant traffic or roadway/intersection capacity deficiencies.

Vehicle Approach

- Vehicle access to the site is planned to be through the existing approach located at the south end of the property off of Tuxedo Ave.

Vehicle Parking

- The applicant indicates that there will be approximately 150 parking stalls in total. Parking requirements for multi-family dwellings are 1.5 stalls per unit. For the proposed 76 units this would mean 114 stalls are required. The proposed development far exceeds this minimum requirement and is to provide close to 2 stalls per unit. This should allow more than enough space for most parking to be accommodated on site, which will limit the need for street parking. The first storey of the building is planned to be indoor parking consisting of approximately 100 parking stalls.
- Visitor parking requirements in the RMF-M zoning district are 10 percent of the required number of parking stalls. As such, with 114 stalls required, the visitor parking count will be 11 stalls.

Bicycle Parking

- In accordance with the Zoning By-law the proposed development will be required to provide 1 lockable bicycle space per 10 required automobile parking spaces. Required bicycle parking must be located with convenient access to major building entrances, within a visible, high traffic area outside of pedestrian paths of travel, and be well-lit.
- The proposed development requires 114 vehicle parking stalls. As such, 11 bicycle parking spaces must be provided.
- With regard to the policy in *Complete Communities* supporting multi-modal transportation, the Urban Planning Division would encourage an indoor bicycle storage

facility within the enclosed vehicle parking area for residents, in an effort to allow for easy access to bicycle use.

Transit

- A transit stop servicing westbound transport is located to the east of the subject site, approximately 450 feet from the main entrance of the proposed development. The transit stop is serviced by three routes: 67, 79 and 95. Directly across the street from the proposed development is a transit stop serving eastbound transport. This stop is serviced by four routes: 18, 67, 79 and 95. These transit routes cover a broad range of destinations including Downtown, north Main St., Polo Park and the Riverview neighbourhood.
- The subject site is well serviced by transit and further supports the rationale as to why multi-family residential is appropriate in this location.

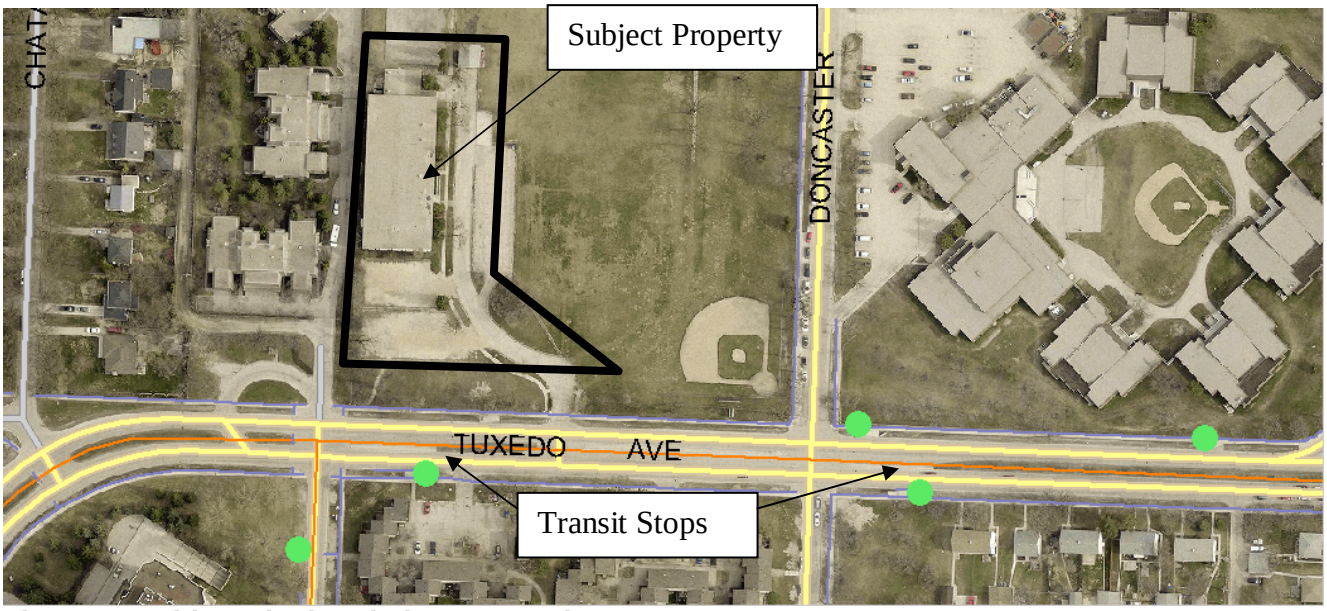


Figure 6: Subject site in relation to transit stops

AIRPORT PDO

- The Airport Vicinity Protection Area is intended to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including noise, to minimize risks to public safety from aircraft accidents, and to discourage traffic congestion and incompatible land uses proximate to, and within, airport influence areas. In addition, the District is intended to ensure that the 24-hour operation of Winnipeg's airport continues to contribute to the economic vitality of the city and the region by avoiding or mitigating potential land use conflicts.
- The subject site falls within Area 2 of the Overlay District. The Zoning By-law states that within that part of the AVP Area overlay district shown as Area 2 on the Map:

(a) New multiple-family dwellings may be constructed not exceeding a density of 85 units per hectare (35 units per acre) inclusive of any dwelling units referred to in clause 3(a) above of that portion of lots falling within Area 2, excluding any part of that area designated Floodway, and new multiple-family dwellings in excess of that density may be approved as conditional uses under the *City of Winnipeg Charter.*

- Under these criteria the subject property would be permitted a maximum of 67 dwelling units. The applicant is applying for the establishment of 76 units. The 76 units fall within the permitted density of the "RMF-M" zoning district. The "RMF-M" dimensional standards would permit a maximum of 105 dwelling units if the site were not located within the Airport Vicinity PDO Area 2.
- The applicant has applied for a Conditional Use to allow a density greater than the permitted 67 dwelling units. This discussion can be found in the associated conditional use report (DCU 16-133149D).

PUBLIC CONSULTATION

- The applicant indicated that they held a community information meeting regarding the proposed development (marketed as 139 Tuxedo) at the Asper JCC. The meeting was in a board room on the main floor and was attended by approximately 12 individuals. It was held on Tuesday March 15th from 5-8PM. This meeting was advertised through both an advertisement in the Winnipeg Free Press and direct mail (See Appendix C). The information booklet provided was placed in approximately 100 dwellings that would be impacted by this development (Located on Chataway, Nanton, Edgeland and the 1800 Wellington condo development). Some of the information provided was:

    - What was being built
    - Size and height
    - How many units
    - Where on the property
    - Building materials
    - Unit pricing
    - Start of construction, selling date and ability to move in
    - How much parking, and the amount of indoor spots
    - Where will the Egress and Regress be located
    - Trees and shrubbery
    - Shadow study information

According to the applicant, once the questions were answered, all in attendance were satisfied.

PLAN APPROVAL

The Urban Planning Division is recommending Plan Approval as a condition of approval for this application. Because the site is currently protected by the Province as a heritage site, the Province and the City's Planning Department will work together to perform a joint heritage design review and to ensure that the development is compatible with the adjacent existing developments.

As part of the plan approval condition the Urban Planning Division expects the following:

- Building location and elevations – If any new building is established on the land, plans showing the location of the building and elevations with colour renderings should be provided as part of the plan approval package.
- Landscaping – Significant landscaping should be incorporated throughout the site. In particular, landscaping along the west edge of the subject property should be established to help buffer the proposed development from the existing multi-family to the west. Species, quantities and location of plants should be clearly identified on submitted plans.
- Garbage bins and enclosures should be located on site in a manner that is accessible for waste collection. The garbage enclosures should be constructed of wood, brick, stone, or another compatible material, and should be sufficiently screened and not visible from the public street.
- Lighting – any lighting on site should not provide glare or spill over onto any adjacent property. Plans shall include location and design of light standards.
- Fencing - Any proposed fencing should be constructed of high quality materials and design and details shall be submitted with the plan approval package.
- Heritage Features – Any and all heritage features shall be reviewed by the City of Winnipeg Heritage Planner and Provincial Heritage Planner for compliance with heritage requirements and permits.

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.
- 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.

RECOMMENDATION

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

- The "RMF-M" zoning district and the proposed development is consistent and compatible with existing land uses in the immediate vicinity.

- The proposed building height complies with the limits prescribed by the Province as well as the City of Winnipeg Zoning By-law.
- Plan approval is a recommended condition that would allow the Urban Planning Division and Provincial Heritage Planners to review the final design concept prior to the issuance of any building permits.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 25/2016

Schedule "A" for File No. DASZ 25/2016 Assiniboia Community Committee, dated June 28, 2016

By-Law No. _____

File No. **DASZ 25/16**

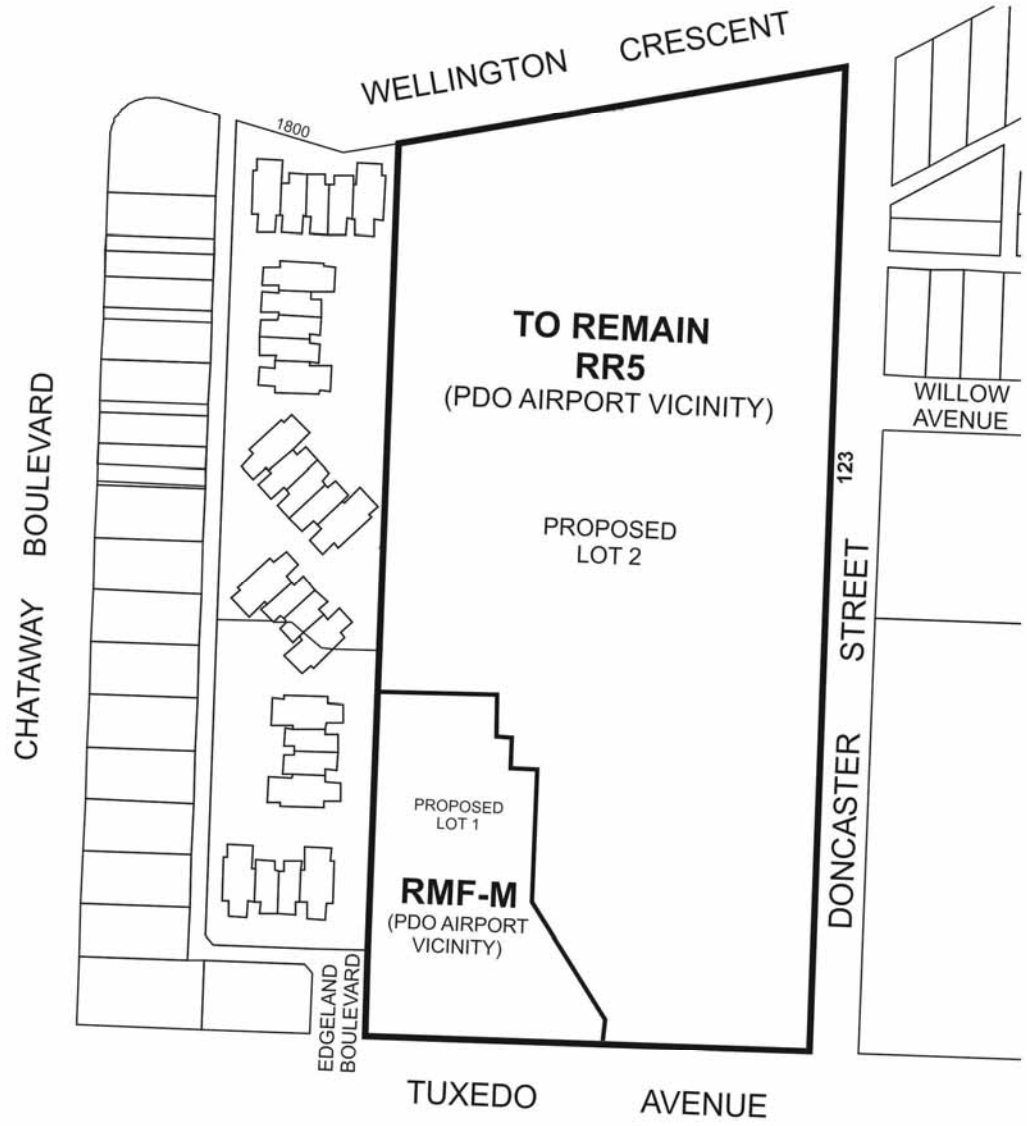
Atlas Sheet No.

N

AC20 ASSINIBOIA 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 123 Doncaster Street from an "RR5 PDO AIRPORT VICINITY" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M PDO AIRPORT VICINITY" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to allow for the construction of a multi-family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 123 DONCASTER STREET – DASZ 25/2016

It is recommended that the approval of DASZ 25/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Reports

The applicant shall submit a detailed technical memorandum, prepared by a qualified municipal engineer, outlining the provision of land drainage services for the Planned Area and adjacent lands.

2) Wastewater Sewer

The applicant shall construct, at no expense to the City, a Wastewater Sewer in Tuxedo Avenue from Doncaster Street to the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewer

The applicant shall construct, at no expense to the City, a Land Drainage Sewer in Tuxedo Avenue from Doncaster Street to the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

4) Tuxedo Avenue Regional Street Charges

The Developer shall, pay to the City, in cash, on demand, its share of the cost of the following services installed in Tuxedo Avenue along the full length of the Planned Area, abutting the north side of Tuxedo Avenue:

a) 4.0 m wide by 200mm thick Portland cement concrete lane of pavement and related works;
b) 1.5 m Portland cement concrete sidewalk;
c) street lighting in the north boulevard;
d) boulevard sodding in the north boulevard; and
e) boulevard trees in the north boulevard,

5) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

6) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

7) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

8) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

9) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

10) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and

specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

11) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2250 to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 25/2016
June 25, 2016

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

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

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj

‘Appendix B’ – Heritage Permit

Manitoba
Tourism, Culture, Heritage, Sport and Consumer Protection

HOW TO APPLY FOR A HERITAGE PERMIT

FOR A PROVINCIALLY DESIGNATED HERITAGE BUILDING OR SITE

It is important to realize that, once a building or a site has been provincially designated under *The Heritage Resources Act,* a ***Heritage Permit*** must be granted by the Historic Resources Branch (Manitoba Tourism, Culture, Heritage, Sport and Consumer Protection) before any physical alterations can take place.

In the Province of Manitoba, any work to provincially designated heritage buildings or sites must meet the *Standards and Guidelines for the Conservation of Historic Places in Canada*, a version of which can be viewed online at http://www.historicplaces.ca. If you have questions on how these *Standards and Guidelines* relate to your project, please contact:

Jeff Gauley
Heritage Building Conservation Officer
Historic Resources Branch
Main Floor, 213 Notre Dame Ave
Winnipeg, MB R3B 1N3

Phone: 204 945-1464
Fax: 204 948-2384
Email: jeff.gauley@gov.mb.ca

The process of having the ***Heritage Permit*** approved by the Historic Resources Branch (HRB) can be done efficiently if time is budgeted for the following steps:

CONCEPTUAL PROPOSAL

Early in the development of a project, a conceptual proposal (idea) of what is being considered for the site/building should be submitted for review to the HRB *Heritage Building Conservation Officer* at the above address. The *Heritage Building Conservation Officer* will give the proponents feedback on how their idea might impact the heritage values of the building or site and, if necessary, suggest alternative approaches that are more appropriate to the historic place.

DESIGN STAGES

As the project proposal is developed into a set of drawings outlining its form and materials, copies of the preliminary drawings and any updated versions of these drawings should be submitted to the *Heritage Building Conservation Officer* for review. Through an open and collaborative process the basic design will be developed to a final form that is acceptable to all parties. Any further details regarding materials and construction (these may take the form of outline specifications prepared by a design/ engineering professional) should be submitted to the *Heritage Building Conservation Officer* for review as well.

CONTRACT DOCUMENTS

Prior to tendering the project, a copy of the contract documents (working drawings and specifications) must be forwarded to the *Heritage Building Conservation Officer* for final review. A ***Heritage Permit*** would be prepared and issued at this time.

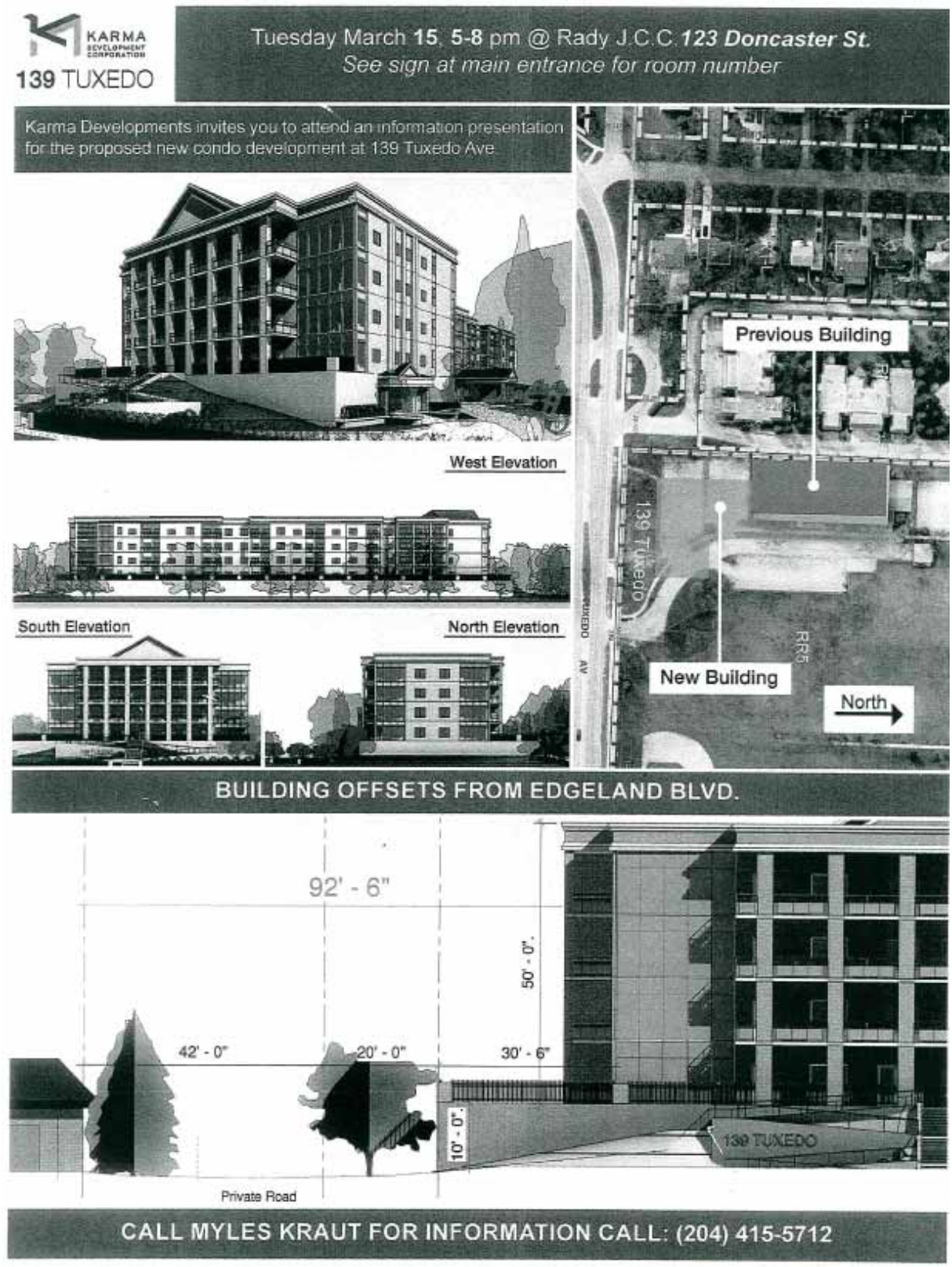
CONSTRUCTION

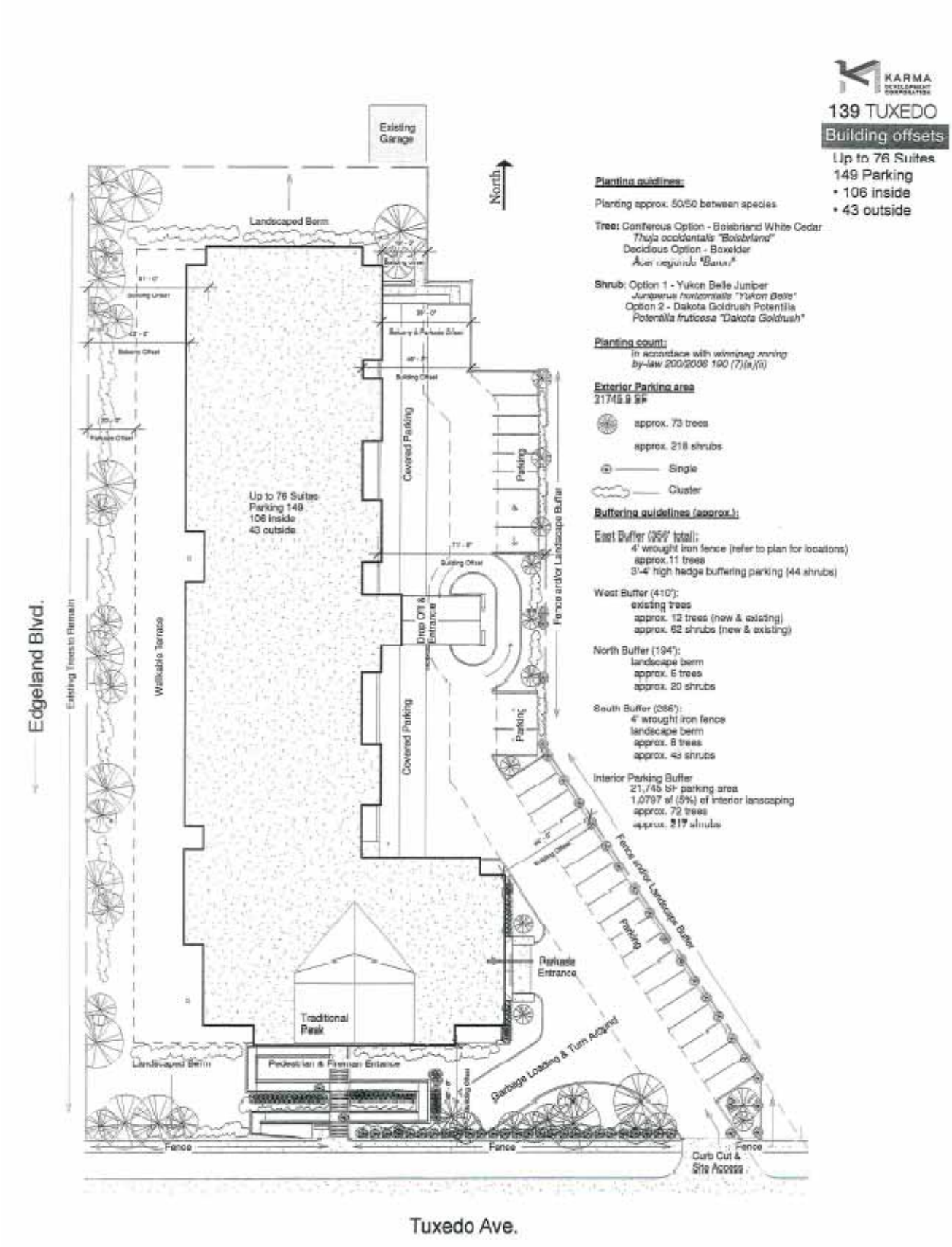
Periodically, the *Heritage Building Conservation Officer* will need to review the work being done on the building to ensure that it is following what has been allowed in the ***Heritage Permit***. Additionally, the *Heritage Building Conservation Officer* must be notified of all changes to the contract documents being considered during the construction process (i.e. contemplated change notices/orders).

NOTES:

1. Building owners must also seek any building permits and other licenses/permits as required by local authorities.
2. The process for applying for a ***Heritage Permit*** can be simplified for smaller projects.
3. Due to the complex and specialized nature of building conservation design, it is highly recommended that a design/ engineering professional be consulted to prepare designs, cost estimates, and contract documents.

‘Appendix C’ – Copy of Mail Out




KARMA
139 TUXEDO
Building offsets
Up to 76 Suites
149 Parking
• 106 inside
• 43 outside
Planting guidlines:
Planting approx. 50/50 between species
Tree: Coniferous Option - Boisbriand White Cedar
Thuja occidentalis "Boisbriand"
Decidious Option - Boxelder
Shrub: Option 1 - Yukon Belle Juniper
Juniperus horizontalis "Yukon Belle"
Option 2 - Dakota Goldrush Potentilla
Potentilla fruticosa "Dakota Goldrush"
Planting count:
in accordace with winnipeg zoning
by-law 200/2006 190 (7)(a)(ii)
Exterior Parking area
21745 9 SF
approx. 73 trees
approx. 218 shrubs
Single
Cluster
Buffering guidelines (approx.):
East Buffer (356' total):
4' wrought iron fence (refer to plan for locations)
approx.11 trees
3'-4' high hedge buffering parking (44 shrubs)
West Buffer (410'):
existing trees
approx. 12 trees (new & existing)
approx. 62 shrubs (new & existing)
North Buffer (194'):
landscape berm
approx. 6 trees
approx. 20 shrubs
South Buffer (286'):
4' wrought iron fence
landscape berm
approx. 8 trees
approx. 43 shrubs
Interior Parking Buffer
21,745 SF parking area
1,0797 sf (5%) of interior lanscaping
approx. 72 trees
approx. 217 shrubs
Existing Garage
North
Landscaped Berm
Up to 76 Suites
Parking 149
106 inside
43 outside
Covered Parking
Parking
Drop Off & Entrance
Fence and/or Landscape Buffer
Walkable Terrace
Existing Trees to Remain
Edgeland Blvd.
Parkade Entrance
Traditional Peak
Landscaped Berm
Pedestrian & Fireman Entrance
Garbage Loading & Turn Around
Fence
Curb Cut & Site Access
Tuxedo Ave.