**Minute No. 549**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016**

**Item No. 3 Rezoning – 641 St. Matthews Avenue**
**(Daniel McIntyre Ward)**
**File DAZ 210/2016 [c/r DAV 123932/2016D]**

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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210/2016 dated June 28, 2016 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the height of the existing building shall be limited to 75 feet.

        ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016**

COUNCIL DECISION (continued):

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the zoning section of the by-law comes into force when the Zoning Agreement and the Servicing Agreement are registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the City Solicitor/Manager of Legal Services 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 – September 20, 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 September 21, 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 September 20, 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 July 5, 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:** **Rezoning – 641 St. Matthews Avenue**
**File DAZ 210/2016**

**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:** **July 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210/2016 dated June 28, 2016 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the height of the existing building shall be limited to 75 feet.

        ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.

        iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the zoning section of the by-law comes into force when the Zoning Agreement and the Servicing Agreement are registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the City Solicitor/Manager of Legal Services 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 reason for its recommendation:

1. I like that it's creating more density, I like the affordable housing and I think it's a really great project for the area and I'm very much in favour of it.

## PUBLIC HEARING SUMMARY

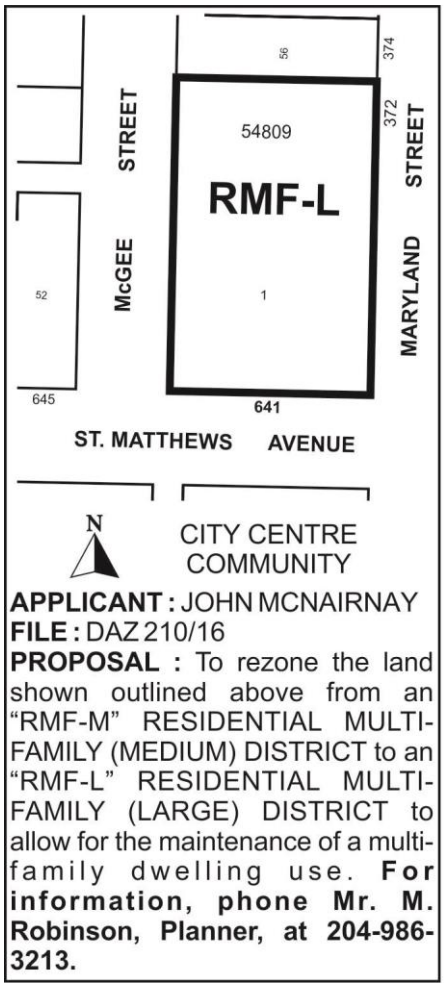
File: DAZ 210/2016

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

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

Applicant: John McNairnay

Subject:




Premises Affected: 641 St. Matthews Avenue

Exhibits Filed:

1. Application dated May 10, 2016
2. Notification of Public Hearing dated May 19, 2016
3. Manitoba Status of Title 2685954/1
4. Letter of authorization dated April 28, 2016 from The Anglican Church of Canada, Parish of Saint Matthews, within the Diocese of Rupert's Land, to John Deacon and John McNairnay
5. Surveyor's Building Location Certificate and sketch dated February 6, 2014
6. Plans (6 pages)
7. Report from the Urban Planning Division dated June 28, 2016
8. Inspection Report
9. Presentation submitted by the applicant at the Public Hearing
10. Recording of Representations

REPRESENTATIONS:

In Support:

John McNairnay
John Deacon
Noelle Campbell
Len Terlinski
Roger E. Gateson
Keith Anderson

In Opposition:

Lynne Somerville

For Information:

Nil

For the City:

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

Exhibit " 7 " referred to in File DAZ 210/2016

# ADMINISTRATIVE REPORT

**Title:** DAZ 210/2016 – 641 St. Matthews Avenue

**Issue:** For consideration at the public hearing for a rezoning for DAZ 210/2016 – 641 St. Matthews Avenue

**Critical Path:** City Centre Community Committee 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210/2016 dated June 28, 2016 to an "RMF-L" Residential Multi-Family District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

i. That the height of the existing building shall be limited to 75 feet

ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.

iii. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.
3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the zoning section of the by-law comes into force when the Zoning Agreement and the Servicing Agreement are registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the City Solicitor/Manager of Legal Services 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 Planning and Land Use Division are concurred in, the property will be rezoned.

## CONSULTATION

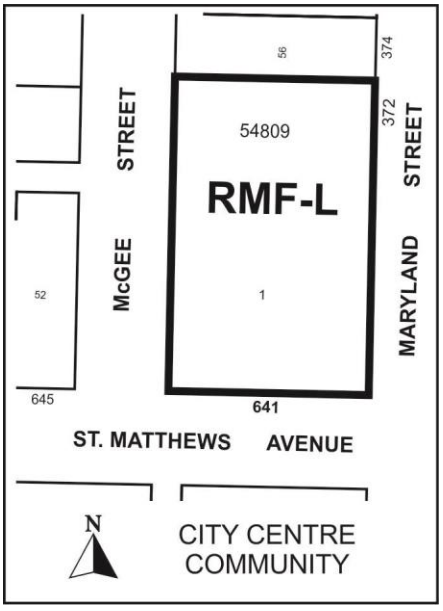
In preparing this Report there was consultation with:
N/A

## SUBMITTED BY

| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Urban Planning* |
| *Prepared by* | Michael Robinson, MCIP |
| *Date:* | June 28, 2016 |
| *File No.* | DAZ 210/2016 |

**APPENDIX 'A'**

| | |
|---|---|
| **DATE:** | June 28, 2016 |
| **FILE:** | DAZ 210/2016 |
| **RELATED FILES:** | DAV 16-123932D |
| **COMMUNITY:** | City Centre Community |
| **NEIGHBOURHOOD #:** | 1.112 |
| **SUBJECT:** | To rezone the subject land from an "RMF-M" Residential Multi-Family District to an ""RMF-L" Residential Multi-Family District |
| **LOCATION:** | 641 St. Matthews Avenue |
| **LEGAL DESCRIPTION:** | Lot 1 Plan 54809 41 St. James |




| | |
|---|---|
| **APPLICANT:** | John McNairnay |
| **OWNER:** | The Anglican Church of Canada – Parish of St. Matthews |
| **RECOMMENDATION:** | Approval |

**SITE DESCRIPTION**

The subject property is located on St Matthews AVE, in the St. Matthews neighbourhood of the Daniel Mcintyre ward

The site is Mature Communities under the Complete Communities Direction Strategy. The property is zoned "RMF-M" Residential Multi-Family District.

**SURROUNDING LAND USE AND ZONING**

**North:** Residences zoned “RMF-M” Residential Multiple-Family
**South:** St. Matthews Avenue, then residences zoned “RMF-M” Residential Multiple-Family
**East:** Residences zoned “RMF-M” and “RMF-L” Residential Multiple-Family
**West:** Residences zoned “R2” Two-Family Residential

**HISTORY**

In 2010, City Centre Community Committee approved a rezoning (DAZ 205/2010) and variances (DAV 10-116212/D) to allow the conversion of the existing place of worship into a mixed use building with 24 dwelling units, a place of worship, and office/community meeting spaces.

There were several conditions of approval for the rezoning:

i. That the height of the existing building shall be limited to 75 feet

ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.

iii. That the residential density shall not exceed twenty-four (24) units;

iv. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

Subsequent, to the approvals, the applicant changed the legal boundaries of the property by acquiring the property to the immediate north and consolidating it with the property containing the church building. In addition, the rezoning of the property containing the church building was never finalized by the applicant and lapsed after two years.

For these reasons, the previous applications are null and void and have to be reconsidered by City Centre Community Committee.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant has converted the upper three floors of the existing church building into a housing complex that includes 26 rental dwelling units.

As currently designed, the complex includes:

- 4 one bedroom units
- 15 two bedroom units
- 5 three bedroom units
- 2 four bedroom unit

All of the units are visitable. Sixteen of the units are subsidized by Manitoba Housing (rent-geared to income) and four units are for WRHA's mental health housing support program, whose clients have portable rent support.

In addition to the residential component, there is a central plaza on the main floor for the use of the complex. The lower level of the building, recently renovated as a Neighbourhood Resource Centre, has been retained with only minor modifications. A small worship space has been maintained, as well.

*Reason for application*
In light of the fact that the density exceeds the number of units that are permitted in the "RMF-M" Residential Multi-Family District, a rezoning to the "RMF-L" Residential Multi-Family District, which allows higher density, is required.

**ANALYSIS AND ISSUES**
The Urban Planning Division recommends approval of the rezoning for the same reasons that were cited in 2010. They are as follows:

- The use is the repurposing of an important neighbourhood landmark that has seen a decline in church attendance over the last number of years. The development provides much needed affordable rental units for the community, in a safe environment.

- Given the size of both the site and the building in comparison to other properties in the area, it is justifiable to rezone this property to an "RMF-L" Residential Multiple-Family District to accommodate this project.

***Zoning***
While most of the residential properties on Maryland and Sherbrook Streets are zoned "RMF-M", two of the larger residential properties in the area are zoned "RMF-L". These properties include the Lions Manor at Portage and Sherbrook and the Greenheart development at 279 Sherbrook, which was rezoned in 2007.

Consequently, given the size of the property, the zoning does not appear to be out of step with the area or inconsistent with past zoning approvals.

***Conditions***
The Planning and Land Use Division is recommending several conditions to ensure that any future development is sensitive to the scale of existing buildings in the area.

It should also be noted that the previous approval limited the density to 24 units and the current density is 26 units. The Winnipeg Public Service has no concern with the modest increase in density, as it is well within the density permitted in the "RMF-L" Residential Multi-Family District.

**RECOMMENDATIONS:**

The Planning and Land Use Division recommends **approval** for the following reasons:

- The proposed use is a creative repurposing of an important neighbourhood landmark
- The proposed development provides much needed affordable rental units for the community
- The proposed zoning does not appear to be out of step with the area or inconsistent with past zoning approvals.
- The proposed development has broad support from neighbourhood stakeholders

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

Report Prepared by: Michael Robinson, MCIP
PPD File # DAZ 210/2016

**APPENDIX 'B'**
Schedule "A" for File No. DAZ 210/2016, City Centre Community Committee, dated June 28, 2016

By-Law No. _____

File No. **DAZ 210/16**

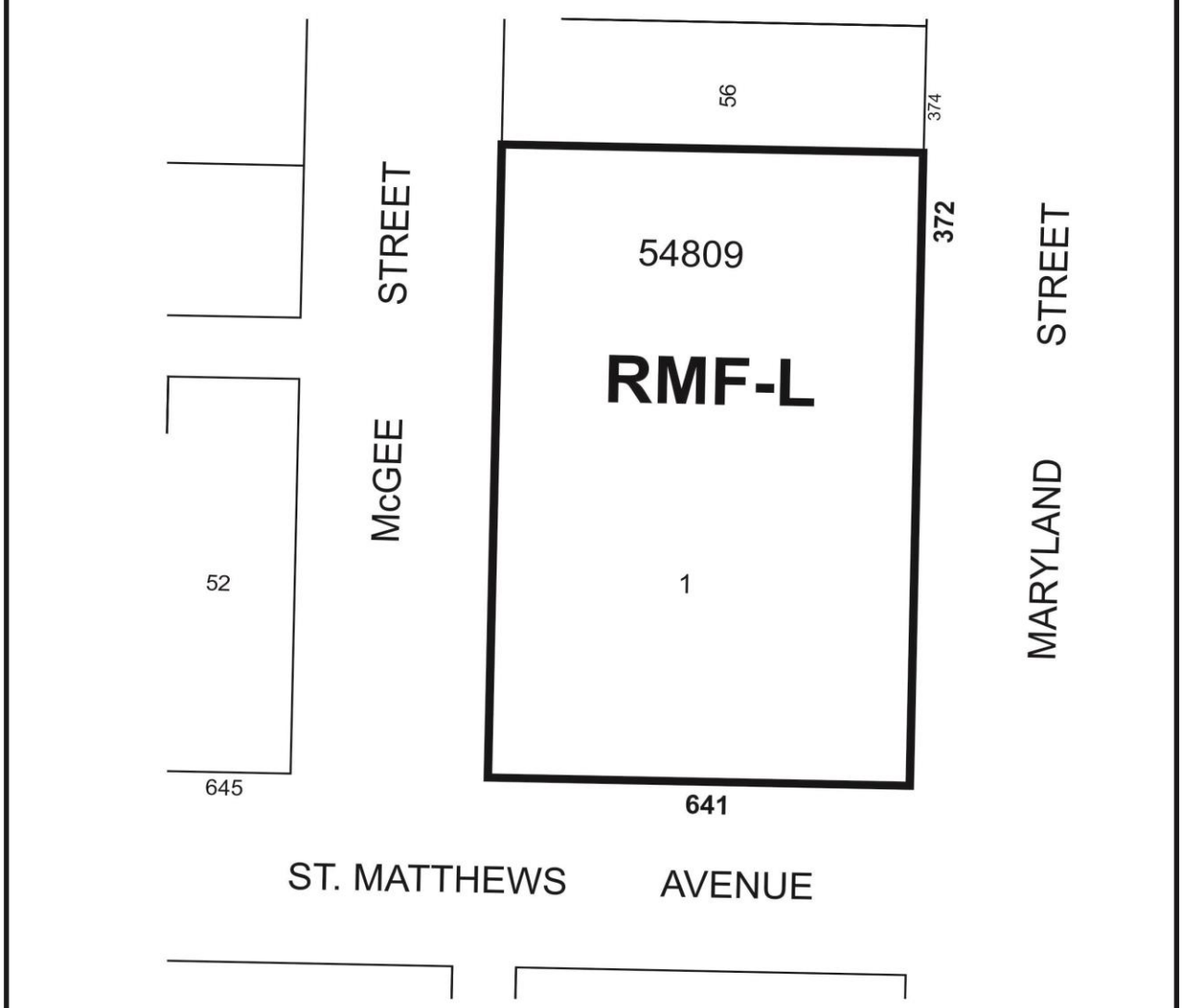
Atlas Sheet No.

N

**AA23**
**CITY CENTRE**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 641 St. Matthews Avenue from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the maintenance of a multi-family dwelling use as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____