Minute No. 97
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

Item No. 1 Rezoning – 956 and 958 McMillan Avenue
(River Heights - Fort Garry Ward)
File DAZ 211/2016 [c/r DCU 125650/2016D and DAV 125617/2016D]

COUNCIL DECISION:

Council concurred in the recommendation of the Winnipeg Public Service in the report dated November 1, 2016, contained in Item 1 of the Report of Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 5, 2016, namely:

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated November 1, 2016.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 211/2016 dated November 8, 2016 to an "RMF-M" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage, lighting and fencing shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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.

        ii. That the height of any building shall not exceed forty-five (45) feet.

3. In lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

COUNCIL DECISION (continued):

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. That the zoning section of the by-law shall come 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 – December 5, 2016

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendation of the Executive Policy Committee that the application for Rezoning under File DAZ 211/2016 be rejected.

The motion for adoption of item was put.

Councillor Wyatt called for the yeas and nays as follows:

Yea: Councillors Gerbasi, Gilroy, Mayes, Orlikow and Pagtakhan. 5

Nay: His Worship Mayor Bowman, Councillors Allard, Browaty, Dobson, Eadie, Gillingham, Lukes, Morantz, Schreyer, Wyatt and Sharma. 11

and the motion for adoption of the item was declared lost.

Moved by Councillor Gillingham,
Seconded by Councillor Browaty,

WHEREAS without concurrence of either the recommendation submitted by Executive Policy Committee to reject the application or concurrence with the recommendations by the Public Service to approve the application, there is no formal deciding outcome or decision on the application;

THEREFORE BE IT RESOLVED that Council concur in the recommendations of the Winnipeg Public Service in the report dated November 1, 2016, contained in Item 1 of the Report of Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 5, 2016, namely:

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule ‘B’ the report of the Administrative Coordinating Group dated November 1, 2016.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

DECISION MAKING HISTORY (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 211/2016 dated November 8, 2016 to an "RMF-M" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage, lighting and fencing shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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.

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4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. That the zoning section of the by-law shall come 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

DECISION MAKING HISTORY (continued):

8. 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 motion moved by Councillor Gillingham and seconded by Councillor Browaty was put.

Councillor Orlikow called for the yeas and nays as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Dobson, Eadie, Gillingham, Lukes, Morantz, Schreyer, Wyatt and Sharma. 11

Nay: Councillors Gerbasi, Gilroy, Mayes, Orlikow and Pagtakhan. 5

and the motion for adoption of the motion moved by Councillor Gillingham and seconded by Councillor Browaty was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2016, due to a tie vote, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to Executive Policy Committee and Council without recommendation.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2016, the City Centre Community Committee did not concur 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 – 956 and 958 McMillan Avenue**
File DAZ 211/2016

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

Prepared by: **K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **November 10, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2016, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for rezoning under File DAZ 211/2016 [c/r DCU 125650/2016D and DAV 125617/2016D] be rejected.

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

1. There was acknowledgement today that the area Councillor has never been in support of amalgamating the lots. I believe it's a bad precedent setting for the neighbourhood and I believe it's encroaching down the block by doing that. They should have kept them on two separate titles. I appreciate the fact that they want to have an elevator to sell these units and it works for their matrix but that's actually not my specific issue, I look at the context.

2. My issue is about how does it fit with the neighbourhood and I believe this is nothing more than encroaching down the street. I believe the other application we had with the three and the five units is viable, it was viable then and I hope it would be viable still. Maybe they have to have a little less parking and they can use transit that's why I didn't support it there.

3. I also believe that the administration's rationale for supporting this because it's at a corner lot is very precedent setting as well that I'm not too keen on. I don't know what that means - does this mean other blocks down Harrow also will be considered, including the ones down by Harvard and Yale? This would be precedent setting that Harrow should be densified to an RMF standard, not even an R2 standard. So that would be precedent setting. I do not support that.

4. I don't support the idea that the applicant, even though it was within their right but against the advice of the administration, did not go through a DASZ. I believe that it is

the City's job, especially considering the developer knew of my concerns about that. I do feel a little bit of a run-around and they say they didn't do it on purpose and I'll respect that, but that fact of the matter is they did know my concerns about doing that and we weren't given the fair opportunity to discuss that.

5. I believe the sidewalk idea is a terrible idea on the Harrow side. I didn't appreciate what the developer said, if you want to do a chip or a little bit of a winding pathway that's fine but the idea of taking down trees to put a concrete sidewalk in with the Dutch elm problems we're having right now would be counterintuitive so I know it's not theirs but it was part of this development agreement so I don't support that.

6. The developer indicated that scaling it down from an RMF-M to an RMF-S would not be financially viable to them, nor would dealing with the setback. Having the setback lined up properly like has happened in all the other developments; they don't believe that's doable either and the height has to remain at 44 feet so there was no movement that I saw that I could support the rezoning.

PUBLIC HEARING SUMMARY

File: DAZ 211/2016

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

Public Hearing: November 8, 2016
Council Building, 510 Main Street

Applicant: Ventura Developments Inc. (Tim Comack)

Subject:



Premises Affected: 956 and 958 McMillan Avenue

Exhibits Filed:
1. Application dated June 23, 2016
2. Notification of Public Hearing dated September 19, 2016
3. Manitoba Status of Titles 2670780/1, 2670782/1 and 2855613/1

4. Letter of authorization dated July 21, 2014 from Cliff Penner, President, 6622322 Manitoba Inc. to Ventura Developments Inc.
5. Plans (7 pages)
6. Report from the Urban Planning Division dated November 1, 2016
7. Inspection Report
8. Communication dated November 7, 2016, from Fred Curry in opposition to the application
9. Communication dated November 7, 2016, from Tim Duprey in opposition to the application
10. Communication dated November 8, 2016, from Marion Chyzzy with respect to the application
11. Communication dated November 8, 2016, from Blanche Obradovic in opposition to the application
12. Communication dated November 8, 2016, from Zbig Novak in opposition to the application
13. Communication dated November 8, 2016, from Alison Haugh in opposition to the application
14. Submissions in support of the application submitted by the Applicant at the public hearing
15. Presentation in opposition to the application submitted by Fred Curry at the public hearing
16. Communication dated November 8, 2016, from Jeff Frank with respect to the application
17. Recording of Representations

REPRESENTATIONS:

In Support:

Tim Comack, Ventura Developments
Jonathan Freed, Venture Developments
Brent Lauman, 701 Architecture
Alden Neufeld
Michael Workman

In Opposition

Kara Bashytski
Marion Chyzzy
Fred Curry
Franca De Grazia
Cheryl Hobbs
Kelsey Huth
Carolee Neufeld
Ken Neufeld
Blanche Obradovic
Myra Tait
George Weaver
Tim Duprey
Zbig Novak
Alison Haugh

For Information:

Jeff Frank

For the City:

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

Exhibit " 6 " referred to in File DAZ 211/2016

ADMINISTRATIVE REPORT

Title: DAZ 211/2016 – 956-958 McMillan Ave

Issue: For consideration at the public hearing for a rezoning for DAZ 211/2016 – 956-958 McMillan Ave

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
Andrew Ross	B. Smith	n/a	

RECOMMENDATIONS

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated November 1, 2016.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 211/2016 dated November 8, 2016 to an "RMF-M" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage, lighting and fencing shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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.

        ii. That the height of any building shall not exceed forty-five (45) feet.

2. In lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is

applied for prior to the expiry of the two (2)-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
5. That the zoning section of the by-law shall come 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.
6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
7. 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

- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property will be rezoned.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

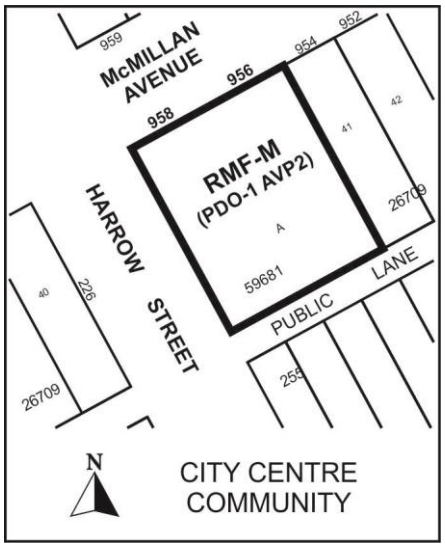
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	November 1, 2016
File No.	DAZ 211/2016

APPENDIX 'A'

DATE: November 1, 2016
FILE: DAZ 211/2016
RELATED FILES: DAV 16-125617/D, DCU 16-125650/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.601

SUBJECT: To rezone the land from an "R1-M" Residential Single Family (Medium) District to an "RMF-M" Residential Multi-Family (Medium) District.

LOCATION: 958 McMillan AVE
LEGAL DESCRIPTION: PCL A PLAN 59681



APPLICANT: Tim Comack
475 Dovercourt DR Unit 2
Winnipeg , Manitoba R3Y 1G4

OWNER: 27 TERRACON PL
Winnipeg , Manitoba R2J 4B3

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property, currently zoned "R1-M" Residential Single Family (Medium), is located on the southeast corner of McMillan Avenue and Harrow Street, in the Crescentwood neighbourhood of the River Heights - Fort Garry ward.

- On August 12, 2016, the applicant consolidated the previous two lots on the property (which were 6.045 sq. ft. each) into one parcel, through the Land Titles Office (Property Registry).

- The subject property is 12,089 sq. ft. in size and is currently vacant.



Figure 1: Air photo of the location of subject property and surrounding area (2016).

The immediate area is characterized primarily by single family residential, duplexes, and some higher-density residential development primarily on corner lots. The site is one block north of Corydon Avenue – a vibrant commercial spine and a Community Mixed Use Corridor as identified in the Complete Communities Direction Strategy. Nearby development on Corydon Avenue includes a mix of commercial, office, residential and mixed use development. Immediately adjacent land uses include:

North: Single family and two-family residential uses zoned "R1-M" Residential Single-family Two-Family (Medium)

South: Mixed commercial and office uses zoned “C2” – Commercial Community

East: Single family residential uses zoned "R1-M" Residential Single-family Two-Family (Medium)

West: Single family residential uses zoned "R1-M" Residential Single-family Two-Family (Medium)

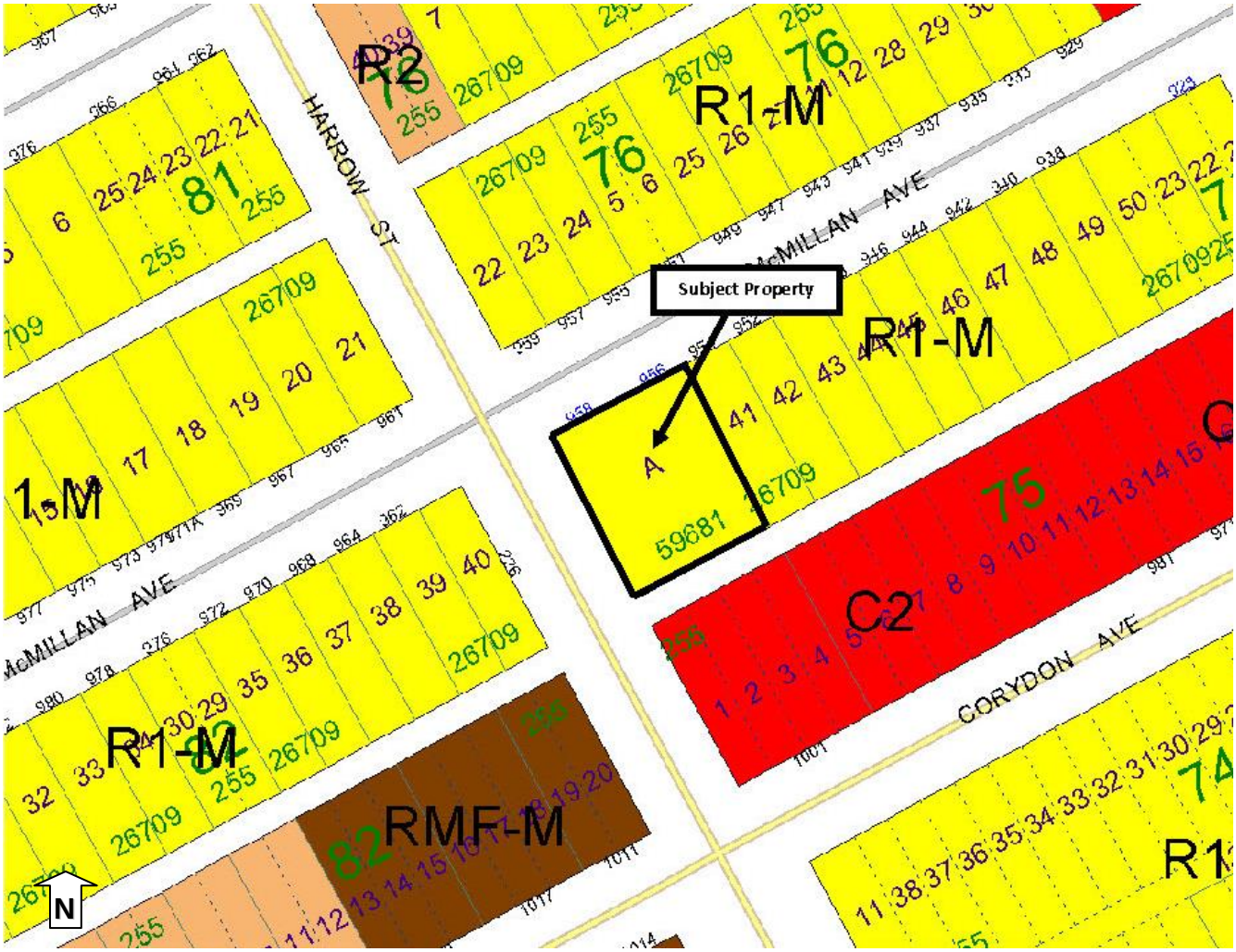


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning from "R1-M" Residential Single Family (Medium) to “RMF-M” Residential Multi-Family (Medium) in order to develop a four storey multi-family building with 12 units on the subject property.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

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

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

The proposal to rezone this property to “RMF-M” supports a moderate density increase to a Mature Community, and adds to the mix of housing types in the neighbourhood, in alignment with goals of Complete Communities.

Neighbourhood Compatibility

Density

Figure 3 shows dwelling unit counts in the immediate area.

Two blocks east, at the corner of McMillan Avenue and Wentworth Street (an intersection of two residential streets), there is a multifamily building containing 22 dwelling units on a lot the same size as the subject lot. Two blocks north, at the corner of Harrow Street and Grosvenor Avenue (an intersection of 2 collector streets) there is a multifamily building containing 21 dwelling units on a lot the same size as the subject lot.

The proposed development, at 12 units, is lower in density than these nearby similar corner lot examples, and is compatible with the historic multifamily development context of the area.

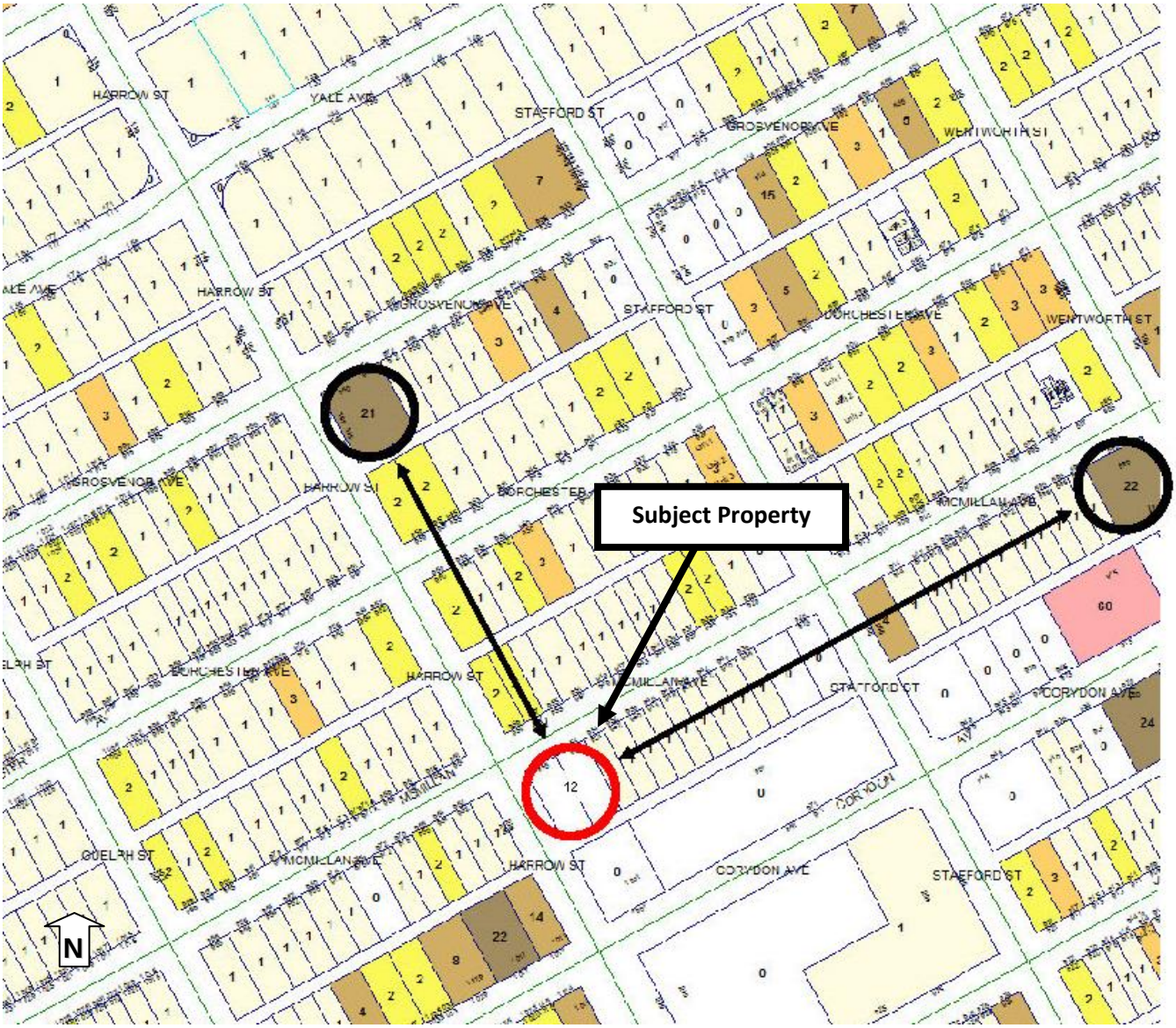


Figure 3: Dwelling unit counts in immediate area.

Design

At four storeys and with the yards as proposed (detailed in the report for Associated File No DAV 16-125617D), the form and scale of the development is complementary to the context.

The Urban Planning Division communicated to the applicant that the preferred exterior façade treatment is as shown on the plans; which was arrived at through collaborative discussions. Plan Approval is recommended in order to ensure that final design details are implemented. This will include façade materials, brick relief pattern as shown at grade, signage including indication for small car parking off-lane, landscaping, fencing and other details.

Other

Public Engagement
The applicant held an open house on April 26, 2016 at 7:00pm at Kelvin High School. Invitations were sent out to neighbours on the street and other nearby properties and the applicant indicates that ten residents attended.

Zoning Agreement
To ensure compatibility with multifamily building heights in the area, the Urban Planning Division recommends a Zoning Agreement limiting the height to 45 feet.

SUMMARY

The Urban Planning Division supports the rezoning, because the proposal adds density to a Mature Community and adds to the mix of housing types in the neighbourhood in a context-sensitive manner.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be rezoned to a “R2” Residential Two-Family District.

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

Report Prepared by: Andrew Ross, MCP, MCIP
DAZ 211/2016 – 956-958 McMillan Ave

Schedule "A" for File No. DAZ 211/2016, City Centre Community Committee, November 8, 2016

By-Law No. _____

File No. **DAZ 211/16**

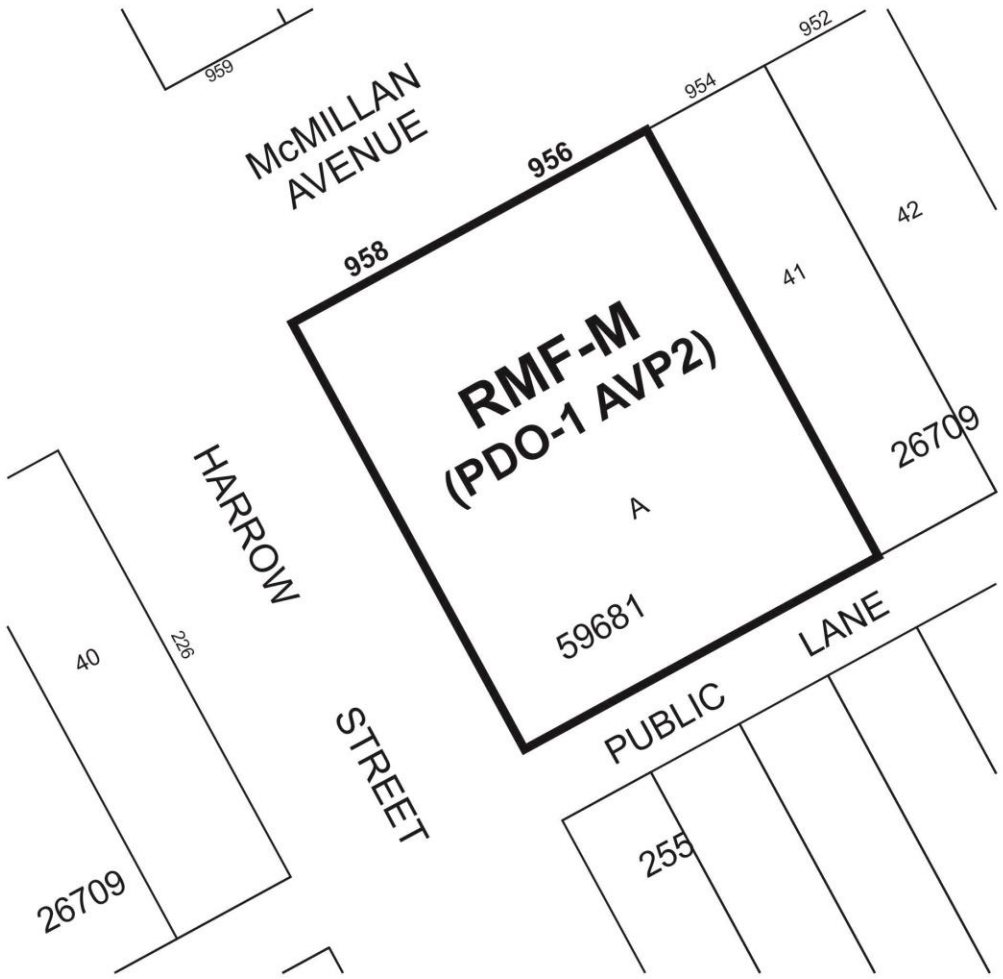
Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 956 & 958 McMillan Avenue from an "R1-M PDO-1 AVP2" RESIDENTIAL SINGLE FAMILY (MEDIUM) DISTRICT to an "RMF-M PDO-1 AVP2" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to allow for the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Coordinating Group, November 1, 2016

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED OF LAND LOCATED AT 956 & 958 MCMILLAN AVENUE – DAZ 211/2016

It is recommended that the approval of DAZ 211/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Compensation of Trees

Prior to the issuance of a building permit, the Developer shall pay to the City as compensation for the following trees that have been identified as requiring removal to facilitate the construction of the project:

a)	43 cm. Diameter Bur Oak appraised at	$3,030.00
b)	54 cm. Diameter Bur Oak appraised at	$3,350.00
	Total Compensation	$6,380.00

2) Removal of Trees

The Developer shall, at no expense to the City, remove the two boulevard trees in accordance with construction procedures and standards as approved by and to the satisfaction of the Director of Public Works.

3) Protection of Trees

The Developer shall implement tree protection measures in accordance with City Standards for remaining boulevard trees abutting the property to the satisfaction of the Director of Public Works.

4) Sidewalk

The Developer shall, at no expense to the City, construct a 1.5 m wide by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, on the east side of Harrow Street from McMillan Avenue to the public lane south of McMillan Avenue, abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) 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.

6) 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, if and as required, 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.

7) 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. DAZ 211/2016
November 1, 2016

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

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

"O*riginal signed by D. Beaton"*
D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj