Agenda – Council – May 24, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 6 Rezoning – 570 Stradbrook Avenue
(Fort Rouge – East Fort Garry Ward)
File DAZ 219/2016 [c/r DAV 176203/2016D]

STANDING COMMITTEE RECOMMENDATION:

On May 17, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the application for rezoning under File DAZ 219/2016 [c/r DAV 176203/2016D] be rejected.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 17, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 9, 2017, 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 April 13, 2017, 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 – 570 Stradbrook Avenue**
File DAZ 219/2016

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: **April 18, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2017, 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 219/2016 [c/r DAV 176203/2016D] be rejected.

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

1. The concern about approving a high density designation of zoning in a medium density area is sending a message, I think that's concerning, that could be somewhat precedent setting for future decisions that come before us, and I have seen that where they say "well in this spot we now have a high density zoning in this area" and then that's used as an argument.

2. The character of the plan is quite clear that it should be medium density, having said that I understand where the staff is coming from – they're looking at the specific impact of a couple more units there, it's not going to change the footprint and it might not have a big impact, in that sense it would be a relatively minor impact. But having said that, it has an impact on the way development is being approved and in that sense can really impact the neighbourhood in future ways.

3. I think that's also an important consideration that we have to make as Councillors is rezoning something that is out of sync with the intent of the plan. I don't think it's violating or breaking the plan, I think it is a matter of interpretation and I don't think anyone has made any error or anything because it is a matter of interpretation but it's our job as Councillors to interpret it as well and this is my interpretation; that we gave the maximum density. It's a pretty maxed out project on that site and I don't think necessary to add more. The risk of proceeding with a rezoning to that level of density in that part of the plan is perhaps not wise.

PUBLIC HEARING SUMMARY

File: DAZ 219/2016

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

Public Hearing: April 13, 2017
Council Building, 510 Main Street

Applicant: Pre-Con Builders Ltd. (Robin Lee)

Subject:



Premises Affected: 570 Stradbrook Avenue

Exhibits Filed:
1. Application dated January 18, 2017
2. Notification of Public Hearing dated March 13, 2017
3. Manitoba Status of Title 2849755/1

4 Letter of authorization dated November 29, 2016 from Guan Sun, Stradbrook Development Ltd., to Pre-Con Builders Ltd.
5. Plans (10 pages)
6. Report from the Urban Planning Division dated March 31, 2017
7. Communication dated April 11, 2017, from Susan Prentice in opposition to the application
8. Revised Plans (3 pages)
9. Inspection Report
10. Communication dated April 12, 2017, from David Wilken in opposition to the application
11. Presentation in opposition to the application submitted by Elaine Henderson at the public hearing
12. Recording of Representations

REPRESENTATIONS:

In Support:

Robin Lee

In Opposition:

Elaine Henderson
Cheryl Hobbs
Robert Nicol
Susan Prentice
Laird Rankin
Frank Steele
Elizabeth Turnbull
David Wilken

For Information:

Franca De Grazia

For the City:

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

Exhibit " 6 " referred to in File DAZ 219/2016

ADMINISTRATIVE REPORT

Title: DAZ 219/2016 – 570 Stradbrook Ave

Issue: For consideration at the public hearing for a rezoning for DAZ 219/2016 – 570 Stradbrook Ave

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Andrew Ross, RPP	B. Smith, RPP	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 219/2016 dated April 13, 2017 to an "RMF-L" Residential Multi-Family (Large) 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 include the following conditions:
      i. That the building height shall be limited to forty-six (46) feet
      ii. That the number of dwelling units shall be limited to forty-three (43)
2. That, 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
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 by-law shall come into force and effect when the Zoning Agreement is 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 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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the land from an "R2" Residential Two-Family District to a “RMF-L” Residential Multi-Family (Large) District in order to add 2 units to an existing multi-family building with 41 units, for a total of 43 units.
- 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 may be rezoned.

HISTORY

On September 25, 2013, the Board of Adjustment approved a conditional use and variances for a 41 unit multi-family development on the subject property (DCU 13-154381/C & DAV 13- 154382/C). On November 14, 2013, Appeals Committee upheld the decision of Board of Adjustment.

The development was then substantially changed from the approved proposal.

On November 4, 2015, the Board of Adjustment approved a new conditional use and variances to permit a multi-family building with 41 units on the subject property (DCU 157942A/2015C & DAV 157946A/2015C). On January 14, 2016, Appeals Committee upheld the decision of the Board of Adjustment.

On February 16, 2016, City Centre Community Committee approved the plans for the development (Plan Approval), subject to the following condition:

1. That the main street entrances to the building on Stradbrook Avenue and Nassau Street be clad in masonry, to the satisfaction of the Director of Planning, Property, and Development and that final plans showing the masonry cladding be submitted to and approved by the Director of Planning, Property, and Development prior to the issuance of any development permits.

The applicant subsequently added masonry to the plans as requested in the above condition.

CONSULTATION

In preparing this Report there was consultation with:

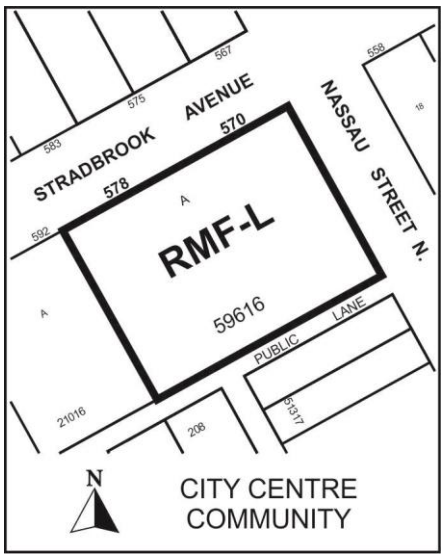
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, RPP, MCIP
Date:	March 31, 2017
File No.	DAZ 219/2016

APPENDIX 'A'

DATE:	March 31, 2017
FILE:	DAZ 219/2016
RELATED FILES:	DAV 16-176203/D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.110
SUBJECT:	To rezone the land from an "R2" Residential Two-Family District to a "RMF-L" Residential Multi-Family (Large) District.
LOCATION:	570 Stradbrook AVE
LEGAL DESCRIPTION:	PCL A PLAN 59616



APPLICANT: Robin Lee
405 Fort Whyte WAY Unit 100
Oak Bluff , Manitoba R4G 0B1

OWNER: Stradbrook Development Ltd.
1-589 JESSIE AVE
Winnipeg , Manitoba R3L 0R1

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject property is located on the southwest corner of Stradbrook Avenue and Nassau Street North, in the McMillan neighbourhood of the Fort Rouge - East Fort Garry ward.

The site is designated as Mature Community under the Complete Communities Direction Strategy. The property is currently zoned "R2" - Residential Two-Family. The subject property is 29,502 sq. ft. in size.

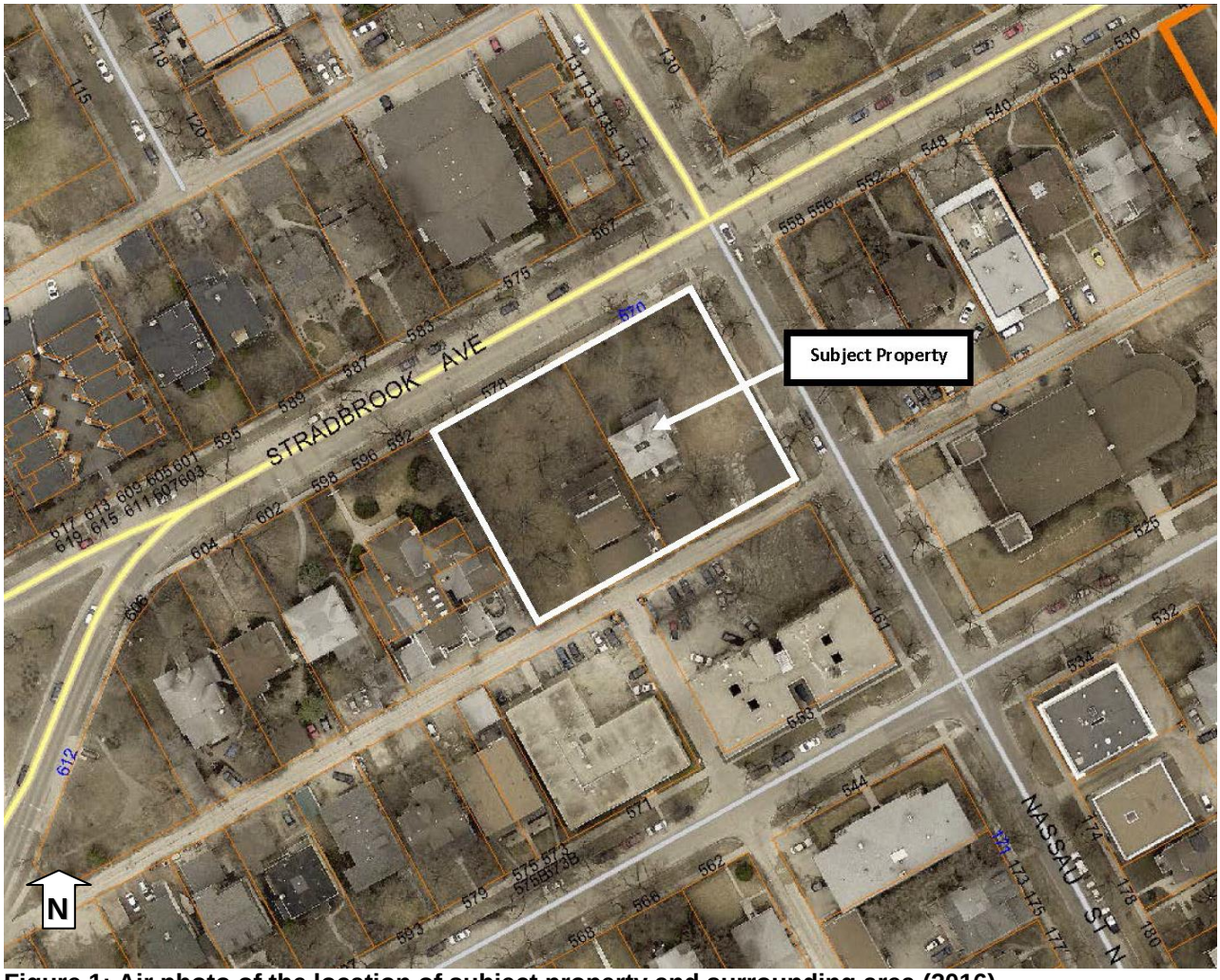


Figure 1: Air photo of the location of subject property and surrounding area (2016).

North: Stradbrook Avenue, then multi-family development (Zoned “R2” – Residential Two-Family)
South: Multi-family development (Zoned “R2” - Residential Two-Family)
East: Nassau Street, then two-family and multi-family development (Zoned “R2” - Residential Two-Family)
West: Multi-family development (Zoned “R2” - Residential Two-Family)

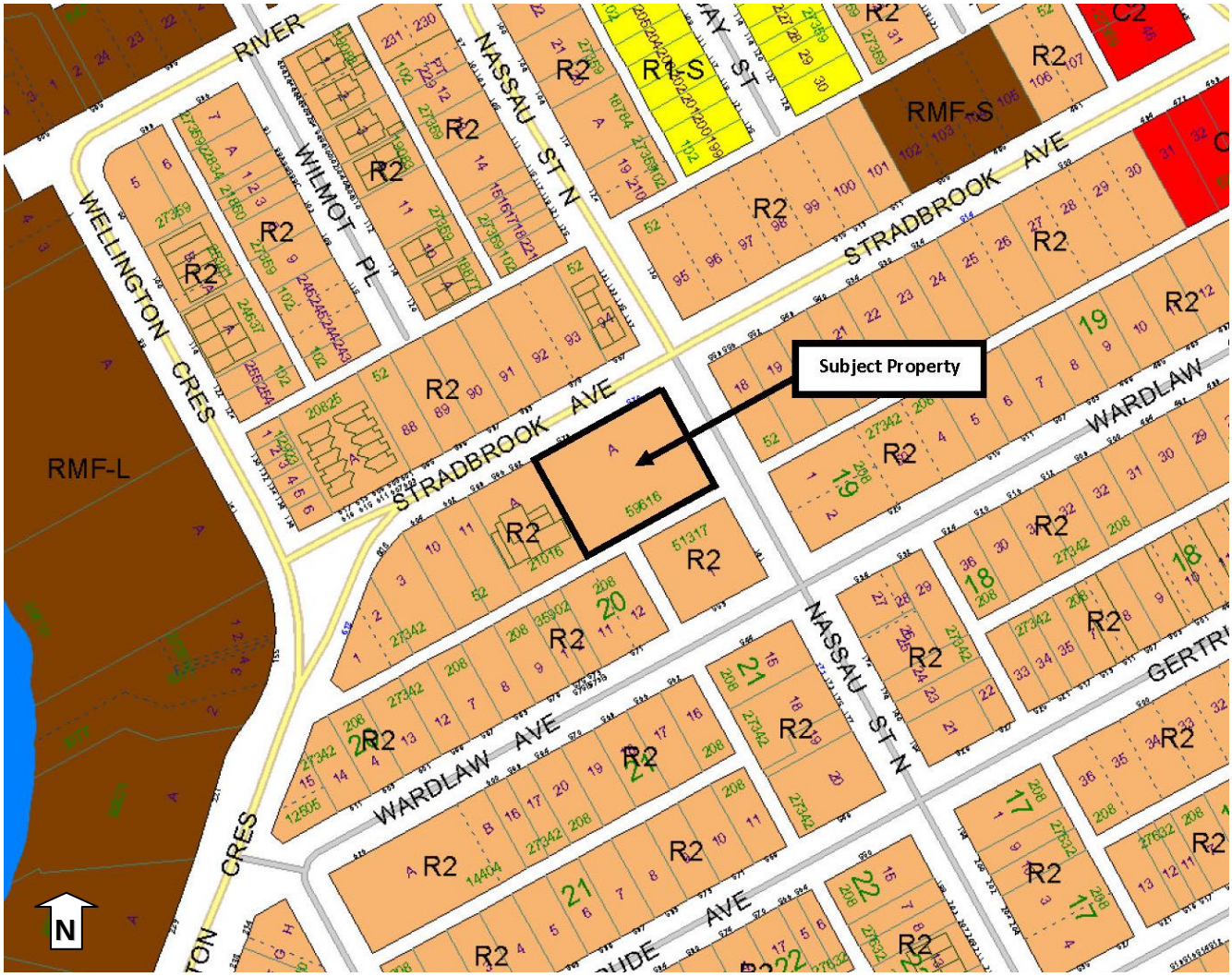


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks to rezone the property to “RMF-L” Residential Multi-Family (Large) in order to add 2 units to a multi-family building. The building was previously approved for a conditional use for 41 units by the Board of Adjustment on November 4, 2015 and is under construction.

The applicant wishes to convert 2 storage rooms within the building to create the 2 additional dwelling units. The dwelling units will be located on the second and third floors of the building.

Reason for application

The addition of 2 units to the building slightly exceeds the density allowed as a conditional use in the R2 District and requires a rezoning to RMF-L.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy
As per the *Complete Communities Direction Strategy,* the proposed development falls within the 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.*

  The addition of two units represents a minor increase in density with no visible change from the street.

- *Support Complete Communities by ensuring diverse and high quality housing stock.*

  The two additional units are being added to an existing approved building.

- *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 maintains the mid-density profile of this building which is consistent with the diverse housing options found in the Osborne Village neighbourhood.

Osborne Village Neighbourhood Plan

The Urban Planning Division believes that the proposal aligns with the intent and policies of the Osborne Village Neighbourhood Plan for the following reasons:

4.1.3 Village Medium Density Residential Policies

- Policy 3.1.4.B of the OVNP indicates that within the Village Medium Density Residential Area, new development will have a minimum of 2 storeys and a maximum of 4 storeys in height in order to preserve the scale and pedestrian-oriented character of this area.

  This proposal maintains the approved building height of 4 storeys. A Zoning Agreement being placed on this application will ensure that this height cap is maintained.

3.1 Character Policies

- The proposal does not alter the building's character.

9.1 Transportation Policies

- The proposal will not have a measurable impact on transportation, nor does it require additional parking stalls because the plan provides more than the required number of parking stalls. See Associated File No. DAV 16-176203/D for more information on variances.

Zoning

There are examples within the Village Medium Density Residential (VMDR) Area of the Osborne Village Neighbourhood Plan in which RMF-L zoning has been supported. Recent examples include 290 River Avenue, 522 River Avenue and 93 Nassau St N.

RMF-L zoning in the VMDR Area can be supported in cases where the building height is consistent with the policies for that area (2-4 storeys). This is the case with the subject proposal.

For the above reasons, the Urban Planning Division supports the addition of two units to the building.

OTHER CONSIDERATIONS

Zoning Agreement

The Urban Planning Division recommends a Zoning Agreement restricting the building height to 4 storeys and the number of units to 43, in order to maintain alignment with the context and the Osborne Village Neighbourhood Plan. The plans show 45 ft. in height which is a standard metric for 4-storey buildings. 46 ft. is the limit recommended in the Zoning Agreement in order to allow for construction margins.

SUMMARY

The Urban Planning Division supports the rezoning for the following key reasons:

- The addition of 2 units represents a minor increase in density without introducing any visible change to the building from the street.

- The proposal maintains the mid-density profile of the building which is consistent with the diverse housing options in the Osborne Village neighbourhood.

- The proposal meets the policies of the Osborne Village Neighbourhood Plan.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved with a Zoning Agreement and that the subject property be rezoned to an “RMF-L” Residential Multi-Family – Large District.

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

Report Prepared by:
Andrew Ross, RPP, MCIP
PPD File # DAZ 219/2016 – 570 Stradbrook Ave

Schedule “A” for File No. DAZ 219/2016, City Centre Community Committee, April 13, 2017

By-Law No. _____

File No. **DAZ 219/16**

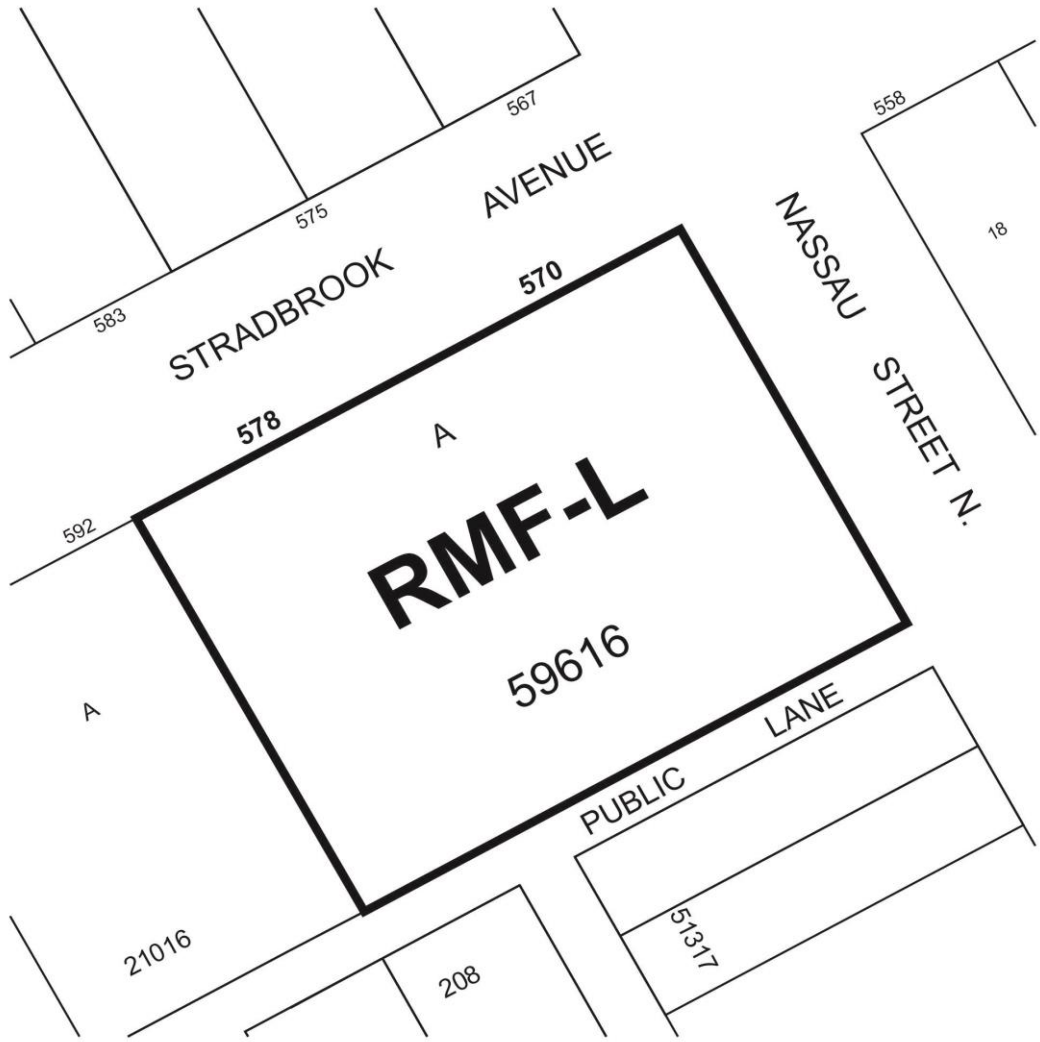
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 570 & 578 Stradbrook Avenue from an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to an “RMF-L” RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the expansion of a proposed Multi-Family Dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____