Minute No. 358
Report – Executive Policy Committee – May 10, 2017

Item No. 2 **Subdivision and Rezoning – 376 Marion Street**
(St. Boniface Ward)
File DASZ 4/2017 [c/r DAV 104387/2017D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 4/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2017 dated April 25, 2017, to a "CMU" Commercial Mixed Use District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

            on the Owner‟s Land ("Works") to the City‟s Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

Report – Executive Policy Committee – May 10, 2017

COUNCIL DECISION (continued):

ii. That the maximum building height for any building within 150 feet from the southerly property line shall be limited to a maximum of 40 feet.

iii. That the Owner and all successors in title to the lots at 376 Marion Street shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the title to the lots at (legal description) 376 Marion Street a private cross-access agreement with the owners of the other lots at 382 Marion Street so as to ensure vehicular and pedestrian access to 382 Marion Street at all times, via streets or internal roads.

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 (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.

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 is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

Report – Executive Policy Committee – May 10, 2017

COUNCIL DECISION (continued):

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 this one (1)-year period and Council approves the extension.

10. 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.

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.

Report – Executive Policy Committee – May 10, 2017

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 10, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 1, 2017, the Riel 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 – 376 Marion Street**
File DASZ 4/2017

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **May 2, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 1, 2017, the Riel 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 under File DASZ 4/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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            f. landscaping; and
            g. free-standing signage

            on the Owner‟s Land ("Works") to the City‟s Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the

Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That the maximum building height for any building within 150 feet from the southerly property line shall be limited to a maximum of 40 feet.

iii. That the Owner and all successors in title to the lots at 376 Marion Street shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the title to the lots at (legal description) 376 Marion Street a private cross-access agreement with the owners of the other lots at 382 Marion Street so as to ensure vehicular and pedestrian access to 382 Marion Street at all times, via streets or internal roads.

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an extension of time is applied for prior to the expiry of this one (1)-year period and Council approves the extension.

10. 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.

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.

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

1. This is a beautiful project that has tremendous community support; the proponent has done outstanding outreach.
2. This is progress; bringing many units on a major arterial road in St. Boniface.
3. Really pleased to see this project come forward; it fits well with our plans and with the community.

PUBLIC HEARING SUMMARY

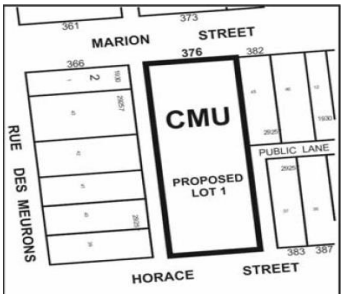
File: DASZ 4/2017

Before: Riel Community Committee
Councillor Lukes, Chairperson
Councillor Allard
Councillor Mayes

Public Hearing: May 1, 2017
Council Building, 510 Main Street

Applicant: Philip Andromidas

Subject:



RIEL COMMUNITY

APPLICANT : PHILIP ANDROMIDAS
FILE : DASZ 4/17
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C2' COMMERCIAL COMMUNITY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "CMU" COMMERCIAL MIXED-USE DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling and maintenance of a commercial building. **For information, phone Mr. R. Mahé, Planner at 204-986-8631.**
DEMANDEUR : PHILIP ANDROMIDAS
N° DE DOSSIER : DALZ 4/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) et de la catégorie R2 (SECTEUR RÉSIDENTIEL BIFAMILIAL) à la catégorie CMU (SECTEUR COMMERCIAL POLYVALENT) en vue de faciliter le remembrement des terres et de permettre la construction d'une habitation multifamiliale et le maintien d'un immeuble commercial. **Pour plus de renseignements, veuillez communiquer avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 376 Marion Street

Exhibits Filed:

1. Application dated February 2, 2017
2. Notification of Public Hearing dated March 13, 2017
3. Manitoba Status of Titles 2766806/1, 2766808/1, 2766810/1
4. Letter of authorization dated January 31, 2017 from Demetrios Andromidas, Peter Andromidas and Philip Andromidas to Philip Andromidas
5. Surveyor's Building Location Certificate and sketch dated February, 2017
6. Drawing of subject property
7. Plans (9 pages)
8. Access Declaration dated February 1, 2017 between Peter Andromidas, Jim (Demetrios Andromidas) and Philip (Phillipos Andromidas)
9. Report from the Urban Planning Division dated April 25, 2017
10. Inspection Report

REPRESENTATIONS:

In Support:

Phil Andromidas
Peter Andromidas

In Opposition

Nil

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 4/2017

ADMINISTRATIVE REPORT

Title: DASZ 4/2017 – 376 Marion Street

Issue: An application for consideration at the Public Hearing to consolidate and rezone six (6) lots and one (1) parcel into one (1) lot and to rezone from C2/R2 to CMU for a proposed multi-family building and the maintenance of a commercial building.

Critical Path: Riel 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 under File DASZ 4/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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            3. private approaches;
            4. garbage enclosures;

5. fencing;
6. landscaping; and
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on the Owner‟s Land (“Works”) to the City‟s Director of Planning, Property and Development (“Director”) for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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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.

REASON FOR THE REPORT

- An application for consideration at the Public Hearing to consolidate and rezone six (6) lots and one (1) parcel into one (1) lot and to rezone from C2/R2 to CMU for a proposed multi-family building and the maintenance of a commercial building.
- Subdivisions and re-zonings 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 site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

- N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé
Date:	April 25, 2017
File No.	DASZ 4/2017

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Recommended File No. DASZ 4/2017 Riel Community Committee, dated April 25, 2017

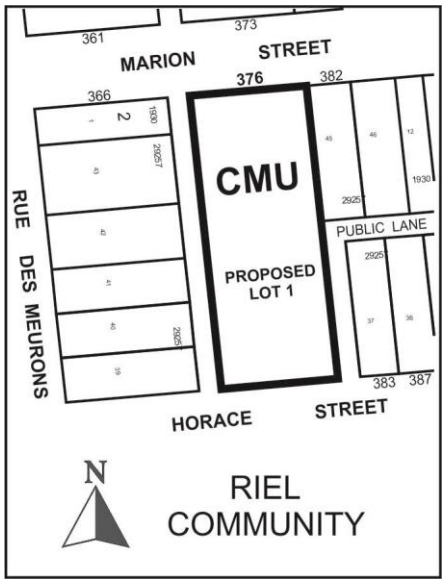
APPENDIX 'A'

DATE: April 25, 2017

FILE: DASZ 4/2017
RELATED FILES: DAV 17-104387/D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.513

SUBJECT: To consolidate and rezone six (6) lots and one (1) parcel into one (1) lot and to rezone from C2/R2 to CMU for a proposed multi-family building and the maintenance of a commercial building

LOCATION: 376 Marion Street (see map below)



APPLICANT: PHILLIPOS ANDROMIDAS
382 MARION ST
Winnipeg , Manitoba R2H 0V5

OWNER: PETER ANDROMIDAS
382 MARION ST
Winnipeg , Manitoba R2H 0V5

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on Marion ST, in the Norwood East neighbourhood of the St Boniface ward.
- The site is located on a Community Mixed Use Corridor under the Complete Communities Direction Strategy.
- The property is split zoned C2 and R2 (see figure 2 below).

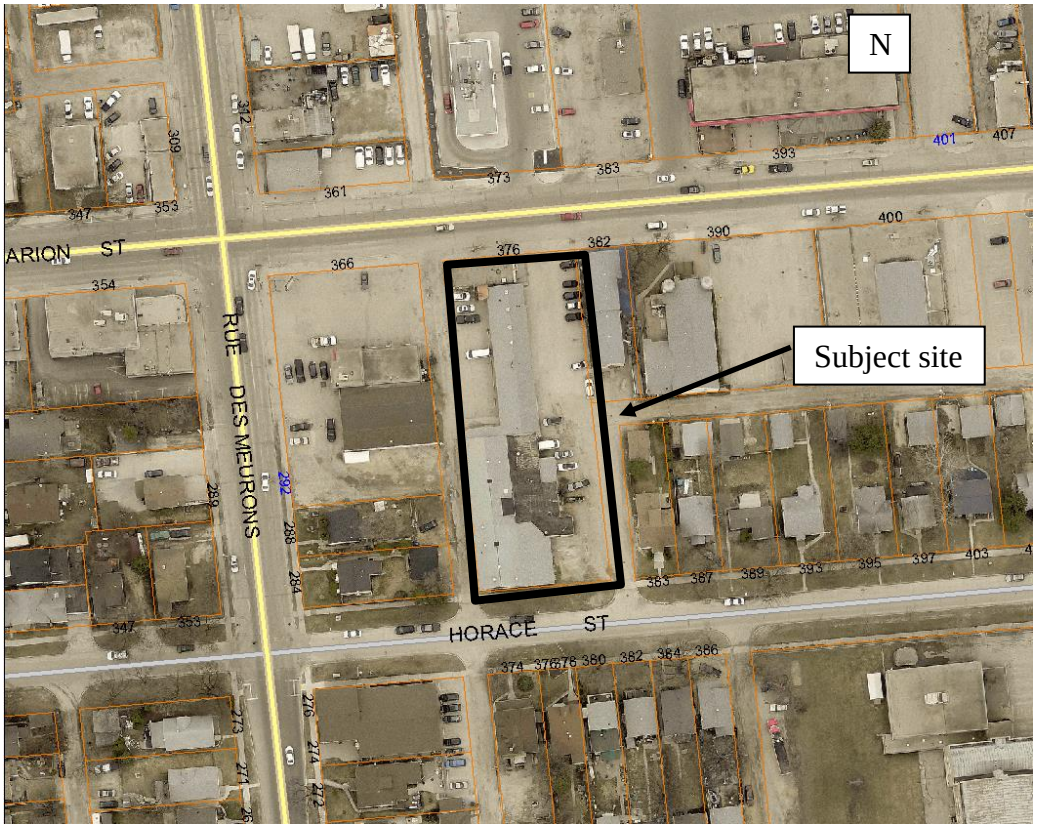


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Marion Street and commercial properties zoned C2

South: Horace Street and single family dwellings zoned R2

East: a public lane and single family dwellings zoned R2

West: a public lane and single family dwellings zoned R2 and Dégagner Motors zoned C2.

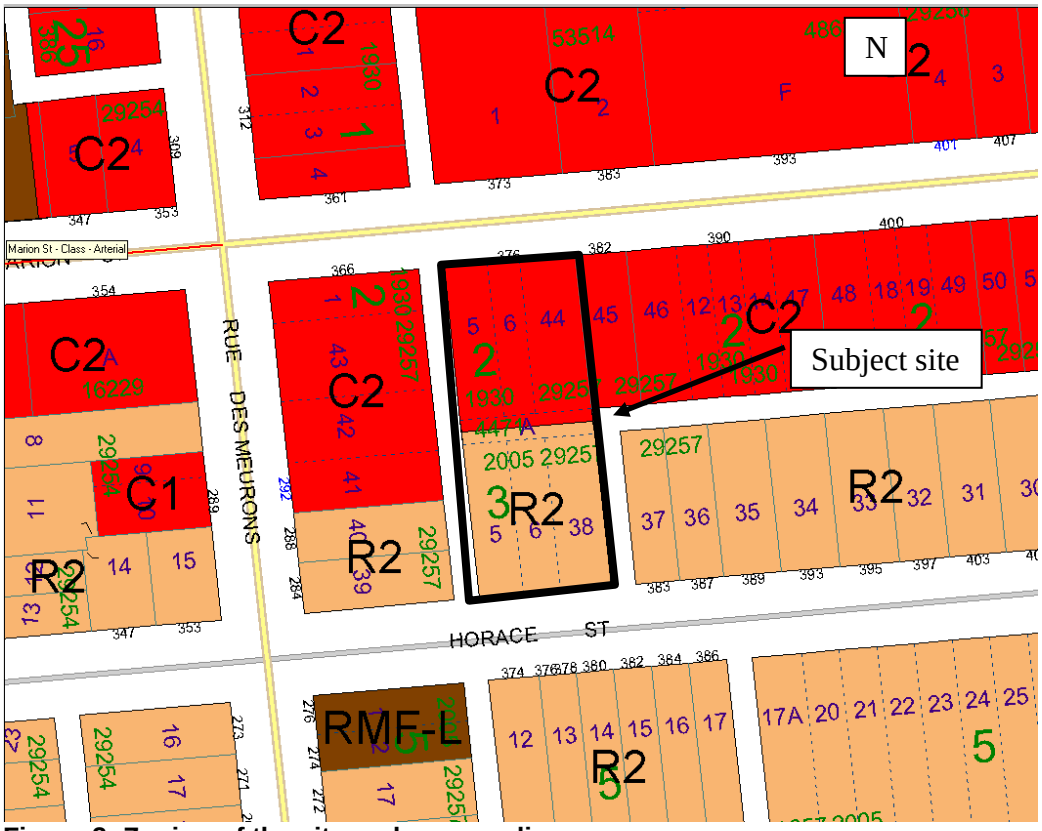


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone and consolidate the property to CMU to construct a 30-unit apartment building with frontage onto Horace Street.
- The multi-family building will be approximately 35 feet in height and consist of 24 one-bedroom suites and 6 two-bedroom suites.
- The project will also consist of the following variances:
  - a front yard facing Marion Street of 8 feet (2.44 metres) instead of 25 feet (7.62 metres);
  - a front yard facing Horace Street of 10 feet (3.05 metres) instead of 25 feet (7.62 metres); and

- for the establishment of an accessory parking area to permit parking spaces within 10 feet (3.05 metres) of a window to a habitable room where the sill is located 5 feet or less from grade.

ANALYSIS AND ISSUES

OUR WINNIPEG

- OurWinnipeg identifies our Centres and Corridors as ideal locations to accommodate growth. In particular, our Key Direction for these areas is to focus a significant share of growth to Centres and Corridors in a manner that:
  - provides compact, mixed-use, high-quality urban development.
  - concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
  - concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
  - encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Community Mixed Use Corridor policy area. Community Mixed Use Corridors act as "main streets" for one or more neighbourhoods and have assumed significant transportation functions over time and typically support a mix of uses within a pedestrian-friendly environment. Community Mixed Use Corridors provide opportunities for moderate levels of intensification of both population and employment over time. Intensification efforts could include an increased proportion of clustered multiple storey buildings with retail and commercial services at grade level. Additionally, they are intended to provide the option to choose from a variety of different housing types – from apartments, to single-family homes, to towhnhouses – as an individual's housing needs change, without leaving the neighbourhood where an individual feels familiar and has built social networks.
- The Key Direction guiding development along our Centres and Corridors includes the following:
  - Provide compact, mixed-use, high-quality urban development;
  - Concentrate people and jobs in areas well-served by transit service, located close to transit stops;
  - Concentrate urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
  - Encourage built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

- Key policies guiding the development of Community Mixed Use Corridor policy areas include:
  - Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification.
  - Promote the conservation of traditional commercial storefronts where practical.
  - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
  - Support a range of housing opportunities in terms of type, tenure, unit size.
  - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-story developments.
  - Encourage the tallest buildings and highest densities close to major transit stops and stations.
  - Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.
  - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Rezoning

- The property is split zoned C2 and R2. The property needs to be rezoned to accommodate a mixed use development with residential and commercial uses. In this case, the property is proposed to be rezoned to CMU- Commercial Mixed Use.
- The CMU district is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The CMU district is intended for use in Community and Regional Mixed Use Centres and Corridors. The district is intended to include attractive commercial, institutional, recreational and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and non-residential uses.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is unique in a couple of different ways. First, it is unique in that it has double frontage, meaning that the property fronts onto both Marion Street and Horace Street. Typically lots that are located along the city's Corridors are either separated from a parallel local street (in this case Horace Street) by either a public lane or another lot. Second, the site is also separated from the fabric and rhythm of Horace Street (a local residential street) because of two north/south public lanes on either side of the property. Together, these unique physical characteristics have contributed to how this property has been used and operated. Historically, this property has been commercial in nature and connects more closely with Marion Street than it does with Horace Street.
- The proposed application which seeks to rezone the property from a split zoned C2/R2 lot to a CMU zoned lot meets the policy intent for our Community Mixed Use Corridors in OurWinnipeg and Complete Communities documents.
- The context sensitivity of that redevelopment is key in determining whether the project "fits" or is compatible with the existing neighbourhood and surrounding uses. The applicant is proposing to build a three (3) storey multi-family building with 30 residential units which front onto Horace Street and maintain the commercial unit which fronts onto Marion Street.
- The Urban Planning Division is supportive of this kind of horizontal mixed use development instead of a vertical mixed-use development because it respects the existing fabric of both streets, while not "backing" onto one of the streets. In other words, the commercial frontage is maintained on Marion Street and residential uses front Horace Street. By maintaining a building presence of both streets, the proposed development contributes to the vibrancy and built form of both streets.
- With regards to building height the proposed three (3) storey building is line with what can be built within the R2 zoning district (i.e. maximum building height of 35 feet), which is the predominant zoning district on Horace Street and the East Norwood Community as a whole. It should be noted that the maximum building height for the residential component of the building within the CMU zoning district is 60 feet (which is the same height as the RMF-M zoning district). The Urban Planning Division considers a 60 foot building on Horace Street to be too tall given its neighbourhood context. As such, limiting the building height for the portion of the site that aligns with the single family dwelling property to the east would help to ensure that any future building that is built on the site is compatible with the properties on Horace Street.
- With regards to parking, the proposed project makes efficient use of the site and the roadway network by parking directly off the lane. Having the on-site parking utilize the existing public lanes as a drive aisle, much in the same way as the other properties in the neighbourhood do, it eliminates the need to provide the drive aisle onsite. Additionally, by orienting the parking in this way, it pushes the proposed building further away from the property lines. The effect of this it to help mitigate the impact of a taller building adjacent to the single family dwellings on either side of the subject property.

- Given the proposed site plan layout requires cooperation with the adjoining commercial property for the functioning of the subject property and the abutting commercial property to the east, it is recommended that a cross access agreement be entered into between this property and the property at 382 Marion Street. This would allow for parking, vehicular access and required to allow for pedestrian connectivity that shows

RECOMMENDED ZONING AGREEMENT

- The Urban Planning Division recommends the following elements to be included into a zoning agreement in order to meet key planning objectives:
    - A building height maximum of 40 feet for any building located within 150 feet from Horace Street.
    - Plan approval should be a condition of approval where the development of any building, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, 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, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit. This will provide additional oversight to ensure that what is built at this location is context sensitive and compatible with the surrounding neighbourhood.

RECOMMENDATION

The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy; and
- The proposed development is compatible with surrounding properties.

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

Report Prepared By: Richard Mahé
PPD File # DASZ 4/2017

Schedule "A" for File No. DASZ 4/2017, Riel Committee, dated April 25, 2017

