Minute No. 393
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 5 Subdivision and Rezoning – 254/256 Wellington Crescent (Fort Rouge – East Fort Garry Ward) File DASZ 47/2016 [c/r DAV 177415/2016D]

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 planned area as shown on Schedule "A" for File No. DASZ 47/2016 dated April 13, 2017 to an "RMF-M" Residential Multi-Family (Medium) District.

2. That the plan of subdivision proposed under File No. DASZ 47/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 47/2016, dated April 7, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

3. That Zoning Agreement Caveat #1884860/1 under File No. DAZ 225/94 dated October 25, 1994 be discharged in its entirety.

4. 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.

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.

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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, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

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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 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: **Subdivision and Rezoning– 254 and 256 Wellington Crescent File DASZ 47/2016**

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

Prepared by: **K. McMillan, Committee Clerk**

Report date: **April 19, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2017, 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 planned area as shown on Schedule "A" for File No. DASZ 47/2016 dated April 13, 2017 to an "RMF-M" Residential Multi-Family (Medium) District.

2. That the plan of subdivision proposed under File No. DASZ 47/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 47/2016, dated April 7, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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4. 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.

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, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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 City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The project does fit within the Osborne Village Neighbourhood Plan.

2. While I do appreciate some of the concerns raised, I do believe that having a car share on site as well as the stalls, it's also very attractive to have the stalls not visible except for the car share. I believe it will be a very attractive project for the area and it does fit within the medium density area that it is.

3. I think the impact is going to be relatively minimal and it's adding more density in an appropriate manner in the neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ 47/2016

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

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

Applicant: 2 Architecture Inc. (Chris Burke)

Subject:



Premises Affected: 254 and 256 Wellington Crescent

Exhibits Filed:

1. Application dated January 10, 2017
2. Notification of Public Hearing dated February 7, 2017
3. Manitoba Status of Titles 2817035/1 and 2340274/1
4. Letter of authorization dated August 15, 2016 from James Buhler, 7204060 Manitoba Ltd., to 2 Architecture Inc.
5. Letter of authorization dated August 15, 2016 from Korwynn Buhler to 2 Architecture Inc.
6. Surveyor's Building Location Certificate and sketch dated September 2, 2016
7. Caveat 1884860
8. Plans (7 pages)
9. Report from the Urban Planning Division dated April 7, 2017
10. Communication dated April 7, 2017, from Susan Mason in opposition to the application
11. Inspection Report
12. Revised Report from the Urban Planning Division dated April 13, 2017
13. Recording of Representations

REPRESENTATIONS:

In Support:

James Buhler
Andre Silva

In Opposition:

Susan Mason
Diane Naaykens
Mark Naaykens
Megan Naaykens
Robert Nicol

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 "12" referred to in File DASZ 47/2016

REVISED ADMINISTRATIVE REPORT

Title: DASZ 47/2016 – 254 Wellington Crescent

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 47/2016 – 254 Wellington Crescent

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Michael Robinson, RPP	B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 47/2016 dated April 13, 2017 to an "RMF-M" Residential Multi-Family (Medium) District.
2. That the plan of subdivision proposed under File No. DASZ 47/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 47/2016, dated April 7, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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4. 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.
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.
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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.

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 may be rezoned and subdivided.

CONSULTATION

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

SUBMITTED BY

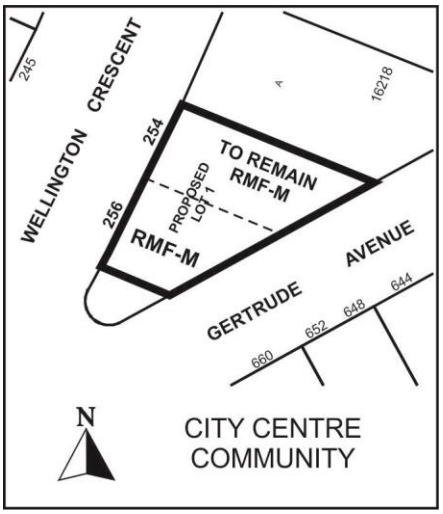
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Michael Robinson, RPP
Date:	April 13, 2017
File No.	DAZ 47/2016

APPENDIX 'A'

DATE: April 13, 2017
FILE: DASZ 47/2016
RELATED FILES: DAV 16-177415/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

SUBJECT: To subdivide and rezone the land from an "R2" Residential Two Family District and an "RMF-M" Residential Multi-Family (Medium) District to an "RMF-M" Residential Multi-Family (Medium) District.

LOCATION: 254 Wellington Crescent
LEGAL DESCRIPTION: PCL B Plan 10 34/35 St. B



APPLICANT: 2 Architecture (Chris Burke)
485-70 Arthur Street
Winnipeg , Manitoba R3B 1G7

OWNER: 7204060 Manitoba Ltd.
90 Lowson Crescent
Winnipeg, Manitoba R3P 2H8

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property is located on Wellington Crescent, in the McMillan neighbourhood of the Fort Rouge - East Fort Garry ward

The site is Mature Communities under the Complete Communities Direction Strategy. The property is zoned "RMF-M" Residential Multi-Family (Medium) District and "R2" Residential Two-Family District.

SURROUNDING LAND USE AND ZONING
North: Residences zoned 'R2' Residential Two-Family District
South: Gertrude Avenue, then residences zoned "R2" Residential Two-Family District
East: Residences zoned 'R2' Residential Two-Family District
West: Residences zoned "RMF-L" Residential Multi-Family (Large) District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to construct a 4 storey, 13 unit multi-family residential development on the subject properties.

Reason for application
The subject properties, which are being consolidated, currently have two zoning classifications. The north half of the property is zoned "RMF-M" and the south half is zoned "R2". In addition, the north half of the property currently has a zoning agreement which restricts the density to 3 units.

The application, if approved, will create one property with one zoning district and remove the restriction to only allow 3 units – which is well below what the zoning allows.

ANALYSIS AND ISSUES
Osborne Village Neighbourhood Plan
The subject property is located within the Village Medium Density Residential area of the Osborne Village Neighbourhood Plan (OVNP).

Density
The Urban Planning Division interprets the density for this area to correspond with the density allowed in the medium density multi-family category. The proposed rezoning and density proposed for this development are consistent with the Plan.

Height
The OVNP limits height to 4 stories in this area. The proposed development meets the Plan.

Zoning Agreement
The previous zoning agreement, which limits the north half of the property to 3 units, was enacted in 1994, well before the development of the Osborne Village Neighbourhood Plan. This cap on density is overly restrictive, compared to what is allowed under the Plan, and is no longer needed.

Trees
The Forestry Branch has provided the following information:

There are a number of fairly significant trees on the adjacent City owned park site. The closest (located approx. 1 m from the property line) is an American Elm (45cm dbh), in fair condition, plus a couple of other trees approximately 3m off of the property line.

It appears the American Elm nearest the property line is leaning towards the subject site, such that the trunk and crown would be impacted by construction of a 4 story building in the proposed location. Given that, Forestry advises that they would support a reduced side yard, so long as the developer undertakes to remove the 1 close Elm tree, utilizing a contractor approved by the Urban Forestry Branch plus pay compensation for its loss. The current compensation valuation is $2825.00. The removal methods and timing must be in accordance with local best practices, which should be confirmed through the Urban Forestry Branch.

The other trees should be ok if proper Tree Protection Measures area implemented. That said, given the proximity of this construction area to park space with valued trees, the developer shall be required install construction fencing at the property line to prevent any accidental encroachment onto or storage of materials on the park property.

Because this will necessitate work on and will impact the adjacent City Lands, normally the developer would be expected to negotiate an cross access agreement with Parks, Parks has advised that so long as Urban Forestry is consulted as outlined, Parks will not make the Park Crossing Permit a requirement for this project.

As Conditions:

- It is understood that pruning and removals will be required for trees on City Land, by the developer. The developer shall obtain written authorization from the City Forester prior to any trees being pruned or removed on the adjacent City property. (72 hours minimum notice required). Payment of the Compensation Value must be received by Urban Forestry Branch prior to tree removals.

- Before any demolition or construction activity commences at 256 Wellington, protection measures in accordance with City Principles and Guidelines: must be applied and adhered to. Failure to do may result in damage to trees or roots - the developer is reminded that any damage caused to publicly owned trees, will be assessed and an appraised value will be charged to the Developer, as compensation.

- The developer is responsible to restore to as good or better, any damage done to the city owned land, to the satisfaction of the Director of Public Works.

These conditions will be included in the development permit, when construction commences.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be subdivided and rezoned to an “RMF-M” Residential Multi-family (Medium) District.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Michael Robinson, RPP
DASZ 47/2016

Schedule “A” for File No. DASZ 47/2016, City Centre Community Committee, April 13, 2017

By-Law No.

File No. **DASZ 47/16**

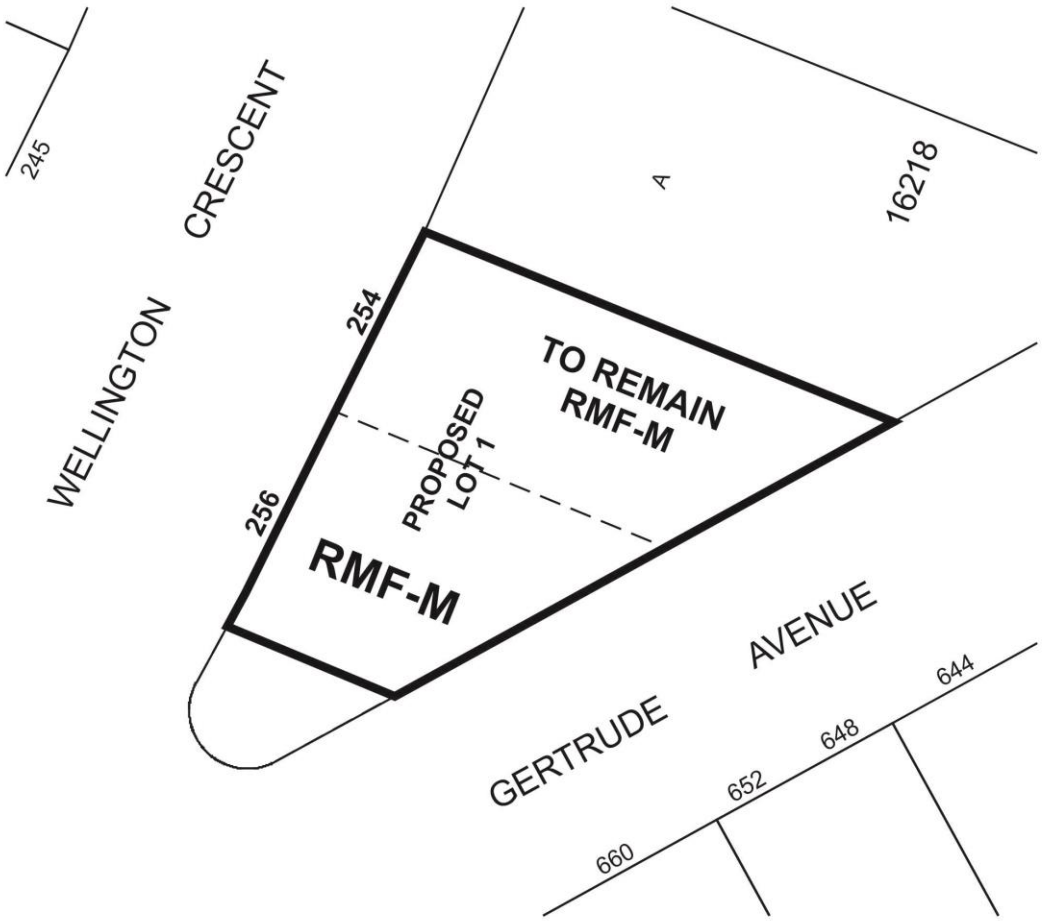
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 254 & 256 Wellington Crescent from an “R2” RESIDENTIAL TWO FAMILY DISTRICT to an “RMF-M” RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of land for the construction of a multi-family dwelling as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.