Minute No. 118
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

Item No. 2 Rezoning – 552 Sherbrook Street
(Daniel McIntyre Ward)
File DAZ 224/2015 [c/r DAV 159733/2015D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/2015 dated September 30, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan 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 be limited to forty (40) feet.

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

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

COUNCIL DECISION (continued):

5. That the zoning section of the by-law comes into force 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 by-law is passed.

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

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2015, 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 – 552 Sherbrook Street**
File DAZ 224/2015

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

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

Report date: **December 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/2015 dated September 30, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan 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 be limited to forty (40) feet.

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

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

5. That the zoning section of the by-law comes into force 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 by-law is passed.

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

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. It's creating more density and more affordable housing, which I think is really needed in the area.

PUBLIC HEARING SUMMARY

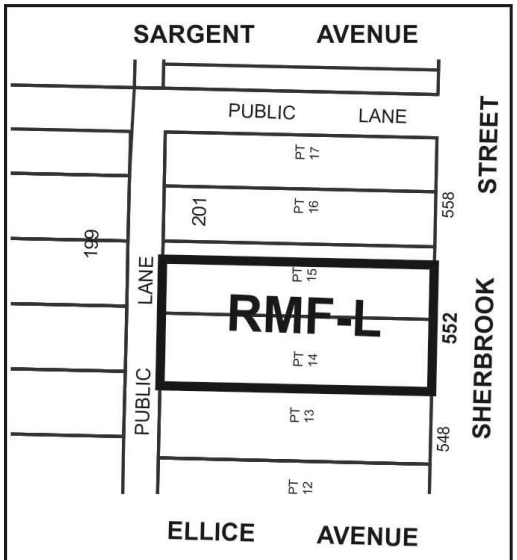
File: DAZ 224/2015

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

Public Hearing: December 15, 2015
Council Building, 510 Main Street

Applicant: Clearwater Properties (Jim Hardy)

Subject:



Premises Affected: 552 Sherbrook Street

Exhibits Filed:

1. Application dated September 29, 2015
2. Notification of Public Hearing dated October 6, 2015
3. Manitoba Status of Title 2795270/1
4. Letter of authorization dated September 1, 2015 from Mike Romani, Clearwater Investments Inc. to Jim Hardy
5. Caveat 4609653/1
6. Drawing of subject property (3 pages)
7. Plan (1 page)
8. Report from the Planning and Land Use Division dated November 20, 2015
9. Revised Report from the Planning and Land Use Division dated December 14, 2015
10. Inspection Report
11. Recording of Representations

REPRESENTATIONS:

In Support:

Jim Hardy, Clearwater Properties

In Opposition

Jennifer Altemeyer

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DAZ 224/2015

REVISED ADMINISTRATIVE REPORT

Title: DAZ 224/2015 – 552 Sherbrook Street

Issue: An application for consideration at the public hearing to rezone the property from an "RMF-M" Residential Multi-Family Medium District to an "RMF-L" Residential Multi-Family Large District to allow the expansion of an existing multi-family dwelling.

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
Femi Ojo	B. Smith	n/a	

RECOMMENDATIONS

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 224/2015 dated September 30, 2015 to an "RMF-L" Residential Multi-Family District, subject to the following:

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

i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development for plan 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 be limited to forty (40) feet

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

6. That the zoning section of the by-law comes into force 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 by-law is passed.

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

8. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “RMF-M” Residential Multi-Family Medium District to “RMF-L” Residential Multi-Family Large in order to add a six (6) more units to an existing building on the property consisting of twenty-two (22) dwelling 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 land will be rezoned from “RMF-M” Residential Multi-Family Medium District to “RMF-L” Residential Multi-Family Large District.

CONSULTATION

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

SUBMITTED BY

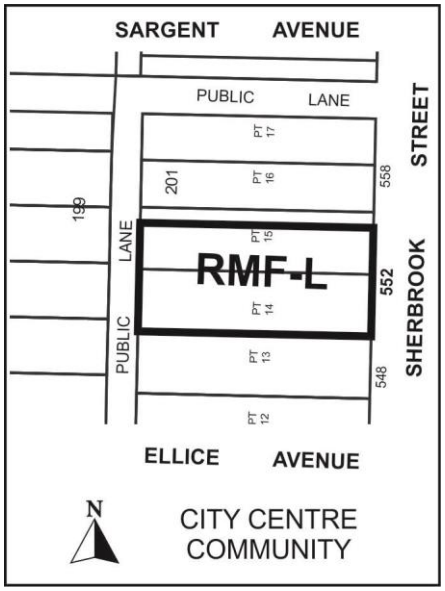
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo
Date:	December 14, 2015
File No.	DAZ 224/2015 (*Revised Report*)

APPENDIX 'A'

DATE: December 14, 2015
FILE: **DAZ 224/2015**
RELATED FILES: DAV 15-159733/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.108

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family Medium District to an "RMF-L" Residential Multi-Family Large District

LOCATION: 552 Sherbrook Street
LEGAL DESCRIPTION: EXC WLY 8F LOT 14; SLY 24 3/4F EXC WLY 8F LOT 15 PLAN 201 72 ST JA.



APPLICANT: 56 MYRTLES STREET
Winnipeg MB R3E 2R1

OWNER: 56 MYRTLES STREET
Winnipeg MB R3E 2R1

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from “RMF-M” Residential Multi-Family Medium District to “RMF-L” Residential Multi Family - Large in order to add six (6) more units to an existing building consisting twenty-two (22) dwelling units.
- The Urban Planning Division recommends approval of this application with conditions.

SITE DESCRIPTION

- The subject property is located on the west side of Sherbrook Street in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.
- Existing on the property is a multi-apartment building that is 7,182 square feet in size.
- Under the Complete Communities Direction Strategy, the site is located within Areas of Stability – Mature Communities.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USES AND ZONING

North: Residential uses zoned “RMF-M” Residential Multi-Family Medium.

South: Single family houses zoned “RMF-M” Residential Multi-Family Medium.

East: Sherbrook Street, then single-family houses zoned “RMF-M” Residential Multi-Family Medium.

West: Backlane, then single-family houses zoned “RMF-M” Residential Multi-Family Medium.

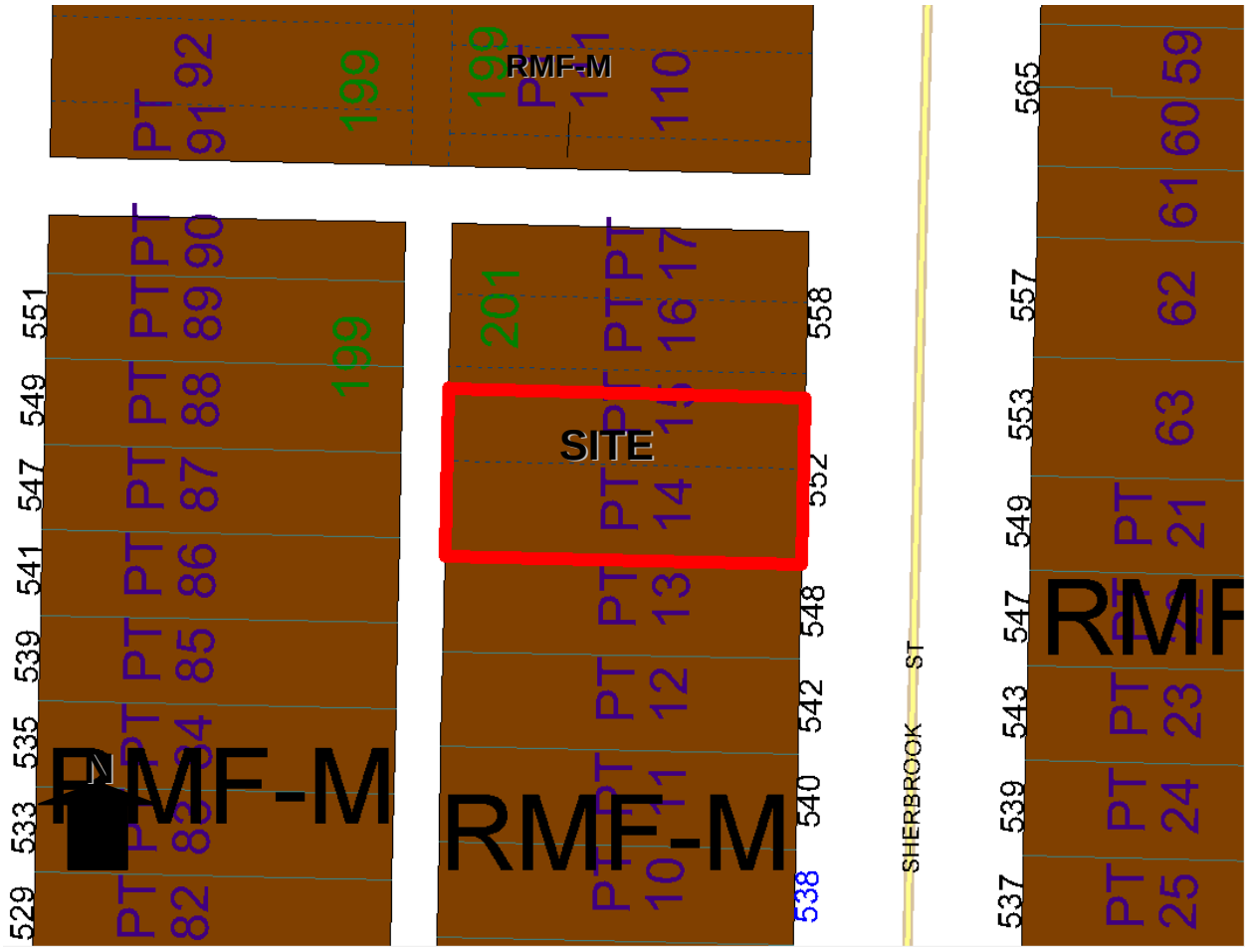


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from “RMF-M” Residential Multi-Family Medium District to “RMF-L” Residential Multi-Family – Large.
- The applicant wishes to add six (6) units to an existing 22 unit multi-family dwelling
- This proposed addition will be located within the basement of the existing building. However, because the applicant is rezoning from “RMF-M” to “RMF-L”, the proposed addition will have to meet the “RMF-L” dimensional standards.
- There is an associated variance application. (See DAV 15-159733D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policy guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* includes:
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - 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.

LAND USE ZONING BY-LAW

"RMF-L" Residential Multi-Family Large Development Standards

- The "RMF-L" zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (note b)[1] and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.
- Though the structure in question exists and zoned "RMF-M", the rezoning application is such that it must meet the new zoning district (RMF-L) development standards.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages modest intensification of land uses within mature neighbourhoods when done in a context sensitive manner. The proposed increase in density by adding six (6) dwelling units to an existing 22 units is consistent with this policy.
- There are multiple variances required in association with the proposed expansion. Many of these variances are unavoidable because the applicant is maintaining the existing building, which has to meet the dimensional standards of the zoning district in which it's being rezoned. (See planner's report for DAV 15-159733/D).
- The height cap is necessary to make sure that any future redevelopment of the site is consistent with the existing neighborhood form and character.
- The proposed expansion will be in the basement of the existing structure without any changes to the footprint of the building.

- The Urban Planning Division is supportive of the rezoning application.

Building Height

- With the rezoning of the property from “RMF-M” to “RMF-L”, a future redevelopment of the property could potentially see structures up to a maximum of 150 feet tall.
- The Urban Planning Division feels that because the neighbourhood is primarily characterized as single family residential, the condition to limit height to a maximum of 60 feet will help preserve the character of the neighbourhood while accommodating the expansion of this multi-family development.

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and the City Centre Community Committee should there be a redevelopment of the site, for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the City Centre Community Committee to review final plans before development takes place for any future developments on the site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

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

- Increasing residential density and helping to achieve a compact urban form are key policies of Our Winnipeg and Complete Communities Direction Strategy that are fulfilled by this application.
- Being that the proposed expansion/intensification is within the existing building, the Urban Planning Division does not foresee any adverse impact on surrounded properties.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Femi Ojo, MCIP
PPD File # DAZ 224/2015 (Revised Report)

APPENDIX "B"
Schedule "A" for File No. DAZ 224/2015, City Centre Community Committee, dated November 20, 2015

By-Law No.

File No. **DAZ 224/15**

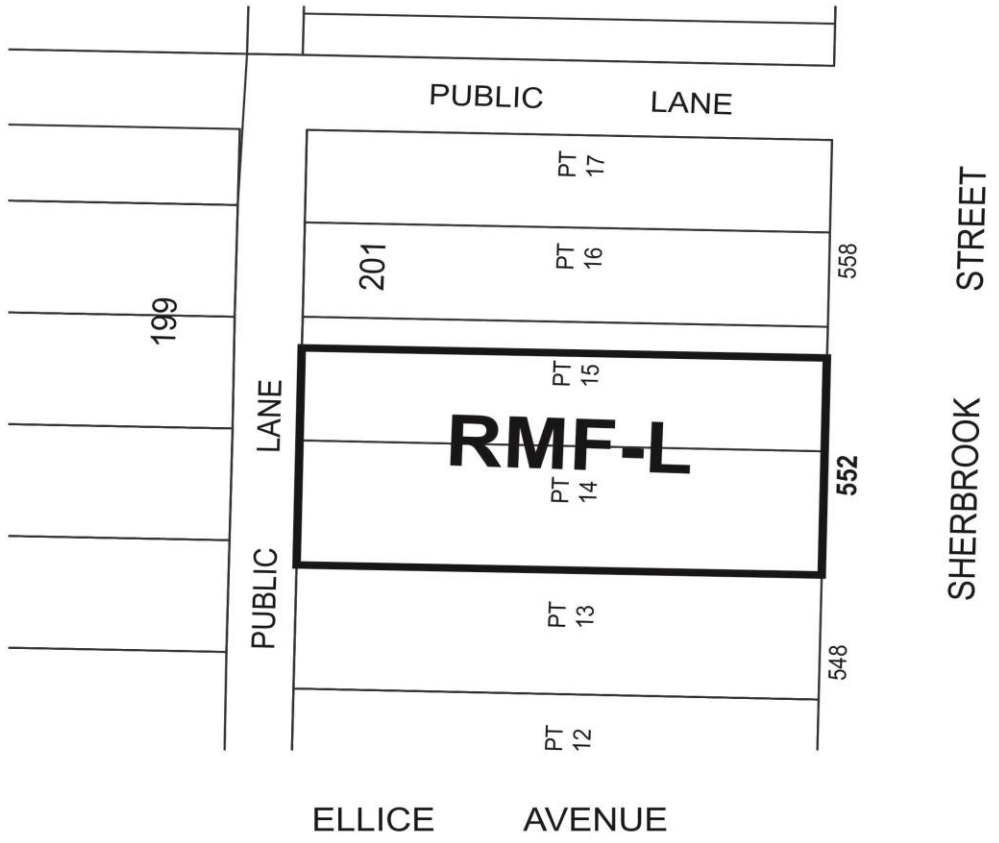
Atlas Sheet No.

N

Z23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 552 Sherbrook Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for the establishment of six (6) additional dwelling units within an existing multi-family use as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.