Minutes – Executive Policy Committee – December 9, 2020

REPORTS

Item No. 27 Zoning Agreement Amendment – 308 Colony Street (Daniel McIntyre Ward) File ZAA 3/2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and recommended to Council:

1. That City of Winnipeg caveat 82-6346/1, be removed in respect of the subject properties at 308 Colony Street (SP LOT 4 PLAN 33124 WLTO in RL 84 and 85 Parish of St. James, Lot 51 Plan 258 WLTO (W Div) in RL 85 Parish of St. James), to better align the properties with the intent of the Multiple-Use zoning designation and the corresponding zoning regulations.

2. That the City enter into, execute and deliver an agreement to remove the caveat in accordance with Recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File:	ZAA 3/2020
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Gilroy, Chairperson Councillor Lukes Councillor Klein Councillor Santos
Public Hearing:	December 7, 2020 Council Building, 510 Main Street
Applicant:	Cibinel Architecture Ltd. (Matt Cibinel)

Subject:

City of Winnipeg

NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter, the Standing Policy Committee listed below will conduct PUBLIC HEARINGS for the purpose of allowing interested persons to make submissions, ask questions or register objections in respect of the application(s) listed below. Information or documents concerning the applications and a description of the procedure to be followed at the public hearings are available for inspection by calling 204-986-2636 to make an appointment at Unit 15-30 Fort Street, or by visiting the City Clerk's Department, Susan A. Thompson Building, 510 Main Street between 8:30 a.m. and 4:30 p.m., Monday-Friday, excluding holidays; or on-line at http://www.winnipeg.ca

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE, AND DOWNTOWN DEVELOPMENT

PUBLIC HEARINGS

Date: Monday, December 7, 2020
Time: 9:30 AM
Location: City Hall
Hearing Body: Standing Policy Committee on Property and Development, Heritage, and Downtown Development
Applicant: Cibinel Architecture Ltd. (Matt Cibinel)
File: ZAA 3/2020

In order to participate in the Hearing, you must pre-register by phoning 204-986-8001 Or email kmcmillan@winnipeg.ca by 2:30 p.m. on Friday, December 4, 2020. You may also participate in the process by submitting your comments in writing.

THIS HEARING CAN BE VIEWED ON LINE AT: https://winnipeg.ca/council/video.asp



CITY CENTRE COMMUNITY

PROPOSAL: To discharge the existing Zoning Agreement Caveat No. 82-6346/1 for DAZ 252/1976 affecting the land shown outlined above to allow the construction of a mixed-use building. **For information, phone, K. Kliewer, Planner at 204-986-8635.**

Premises Affected: 308 Colony Street

For submission to: Executive Policy Committee

Prepared by: K. McMillan, Senior Committee Clerk
Standing Policy Committee on Property and Development, Heritage and Downtown Development

Report date: December 7, 2020

Standing Committee Recommendation:

On December 7, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee:

1. That City of Winnipeg caveat 82-6346/1, be removed in respect of the subject properties at 308 Colony Street (SP LOT 4 PLAN 33124 WLTO in RL 84 and 85 Parish of St. James, Lot 51 Plan 258 WLTO (W Div) in RL 85 Parish of St. James), to better align the properties with the intent of the Multiple-Use zoning designation and the corresponding zoning regulations.

2. That the City enter into, execute and deliver an agreement to remove the caveat in accordance with Recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The Standing Policy Committee on Property and Development, Heritage and Downtown Development provided the following supporting reasons for its recommendation:

1. With caveats back in the 1970's it was a different time and things are moving in the right direction and we would like to support the density that's being provided here at 308 Colony. It sounds like an amazing and innovative way of supporting what's occurring in that area.

2. Love to see the plans that have been provided and pretty excited to see some increase in density, especially walkability between the arts culture, the U of W, the Downtown Commons and we're always promoting higher density so I can't see a reason why the caveat can't be removed to support what is currently being submitted consistent with the downtown by-law.

Exhibits Filed:

1. Application dated October 16, 2020
2. Notification of Public Hearing dated October 22, 2020
3. Manitoba Status of Titles 2854239/1, 2854241/1
4. Letter of authorization dated July 28, 2020 from Shaun Mayberry, Director, Mayberry Holdings Ltd. to Matthew Cibinel, Cibinel Architecture Ltd.
5. Surveyor's Building Location Certificate and sketch dated February 4 and 5, 2014
6. Caveat 82-6346/1
7. Development Summary
8. Drawing of subject property
9. Plans (13 pages)
10. Report from the Urban Planning Division dated October 26, 2020
11. Inspection Report
12. Communication dated December 3, 2020 from Daniel Simeon in support of the application
13. Presentation in support of the application submitted by the Applicant at the public hearing
14. Recording of Representations

REPRESENTATIONS:

In Support:

George Cibinel
Jeremy Read
Daniel Simeone

In Opposition:

Nil

For Information:

Nil

For the City:

J. Kiernan, Director, Planning, Property and Development Department
K. Kliewer, Planner, Planning, Property and Development Department
K. Kowalke, Principal Planner, Planning, Property and Development Department

Exhibit "10" referred to in File ZAA 3/2020

ADMINISTRATIVE REPORT

Title: ZAA 3/20 – 308 Colony Street

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Jopling	J. Kiernan	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The Public Service recommends removal of a 1976 City of Winnipeg caveat (82-6346/1), which limits density on two properties at 308 Colony Street.

Removal of this caveat will better align the properties' development rights with the intent of the Downtown Winnipeg Zoning By-law's Multiple-Use zoning district and the corresponding zoning regulations.

Removal of this caveat will allow a current application for a 20-storey mixed-use development to proceed.

RECOMMENDATIONS

1. That City of Winnipeg caveat 82-6346/1, be removed in respect of the subject properties at 308 Colony Street (SP LOT 4 PLAN 33124 WLTO in RL 84 and 85 Parish of St. James, Lot 51 Plan 258 WLTO (W Div) in RL 85 Parish of St. James), to better align the properties with the intent of the Multiple-Use zoning designation and the corresponding zoning regulations.

2. That the City enter into, execute and deliver an agreement to remove the caveat in accordance with Recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Removal of a caveat requires Council approval.

Removal of this caveat will ensure the properties' development rights are as intended under the *Downtown Winnipeg Zoning By-law*'s Multiple-Use Sector.

The report is being submitted for the Standing Policy Committee's consideration at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the subject zoning agreement will be amended, the caveat will be removed, and the properties' bulk requirements will become as intended under Downtown Winnipeg Zoning By-law 100/2004.

HISTORY / DISCUSSION

In 1976, City of Winnipeg caveat 82-6346/1 was placed on the subject site (as shown on Figure 1, below). This caveat limits the height to 13 stories and limits the Floor Area Ratio (FAR) to 6.

On June 23, 2004, City Council approved Downtown Zoning By-law 100/2004, which designates the subject site and surrounding area as "M" Multiple-Use Sector. In this sector, the maximum FAR is 12, and there is no height limit.

The Multiple-Use zoning designation is intended to encourage the range of uses, sites, activities, and buildings typical to a diverse and vibrant central business district. This sector demonstrates a diversity of uses, a diverse built form, and can accommodate the highest density of all zoning districts downtown.

Both the applicant and the City were made aware of the caveat on the site during an application process for a new 156,000 square foot, 20-storey mixed-use (residential, commercial, and office) development fronting both Colony Street and Good Street.

The main floor would include commercial units facing Colony Street, with covered parking and building services facing Good Street. The second level would be medical offices, and the third level would contain amenities for 204 residential apartment units. An outdoor space would be available for building tenants on the third level.

The proposed development would comply with the FAR requirements for the Multiple-Use zoning district, and is compatible with the surrounding neighbourhood; high-rise multiple-use buildings are located to the north, south, and west of the site. These include 290 Colony (14 storeys), 320 Colony (14 storeys) and Colony Square (16 storeys).

The applicant is working with the Urban Design Advisory Committee, the City of Winnipeg Urban Planning and Design Division, and other City of Winnipeg departments to refine designs and ensure alignment with *OurWinnipeg* and *Complete Communities.*

In order to proceed with the development, the caveat must be removed.

Timely consideration of this request will ensure that external funding agencies are assured of the City's support, so development plans may proceed.

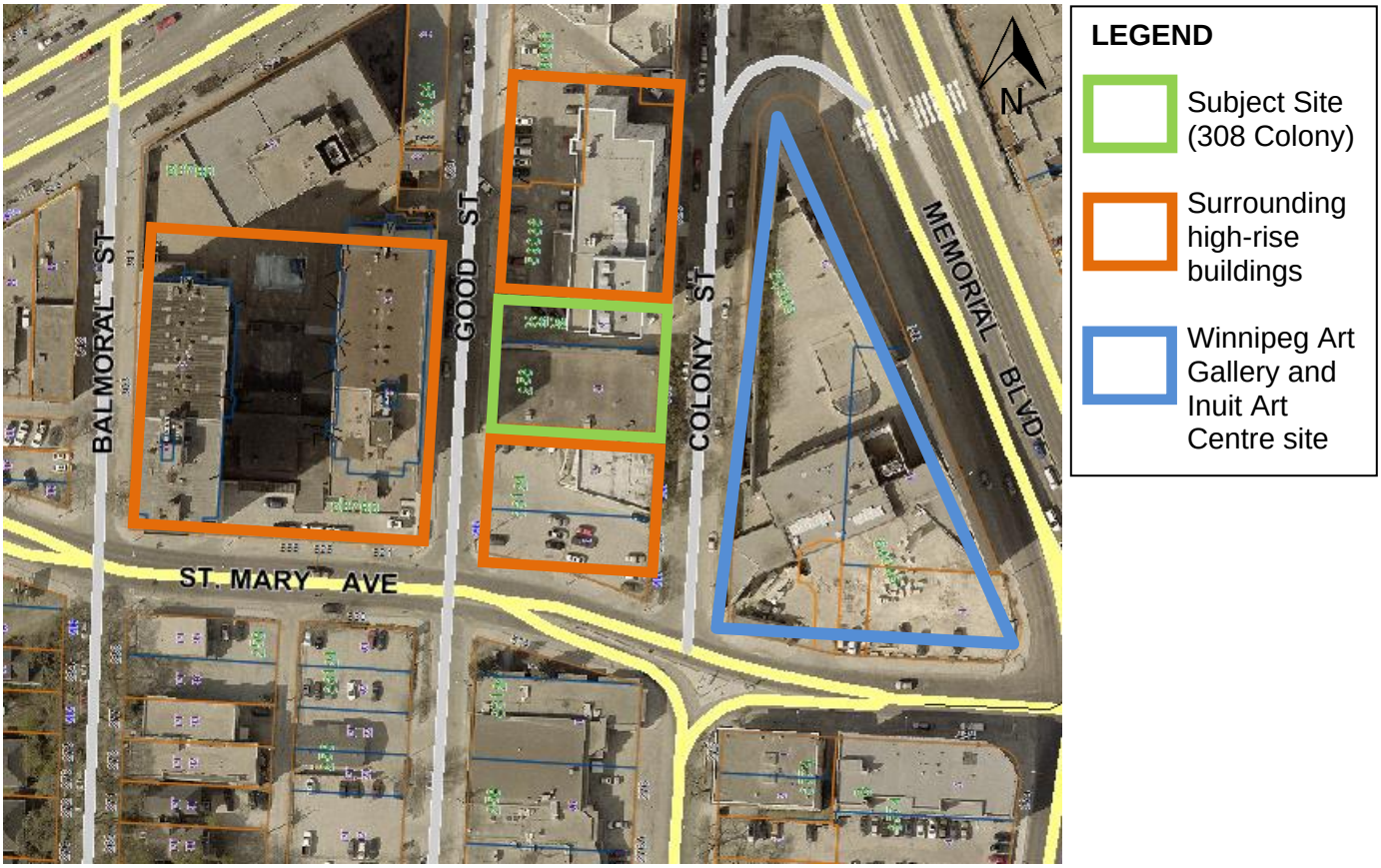


Figure 1: Air photo of the subject property and surrounding area (2018)

FINANCIAL IMPACT

Financial Impact Statement

Date: October 26, 2020

Project Name:

ZAA 3/20 – 308 Colony Street

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn October 26, 2020
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

- *OurWinnipeg* recognizes Downtown as offering “one of the best opportunities to create complete, mixed-use, higher-density communities in a way that promotes sustainable practices”.
- *Complete Communities*, Winnipeg’s land use plan, directs the City to “promote and enable sustainable, high-density residential development in strategic locations downtown”.

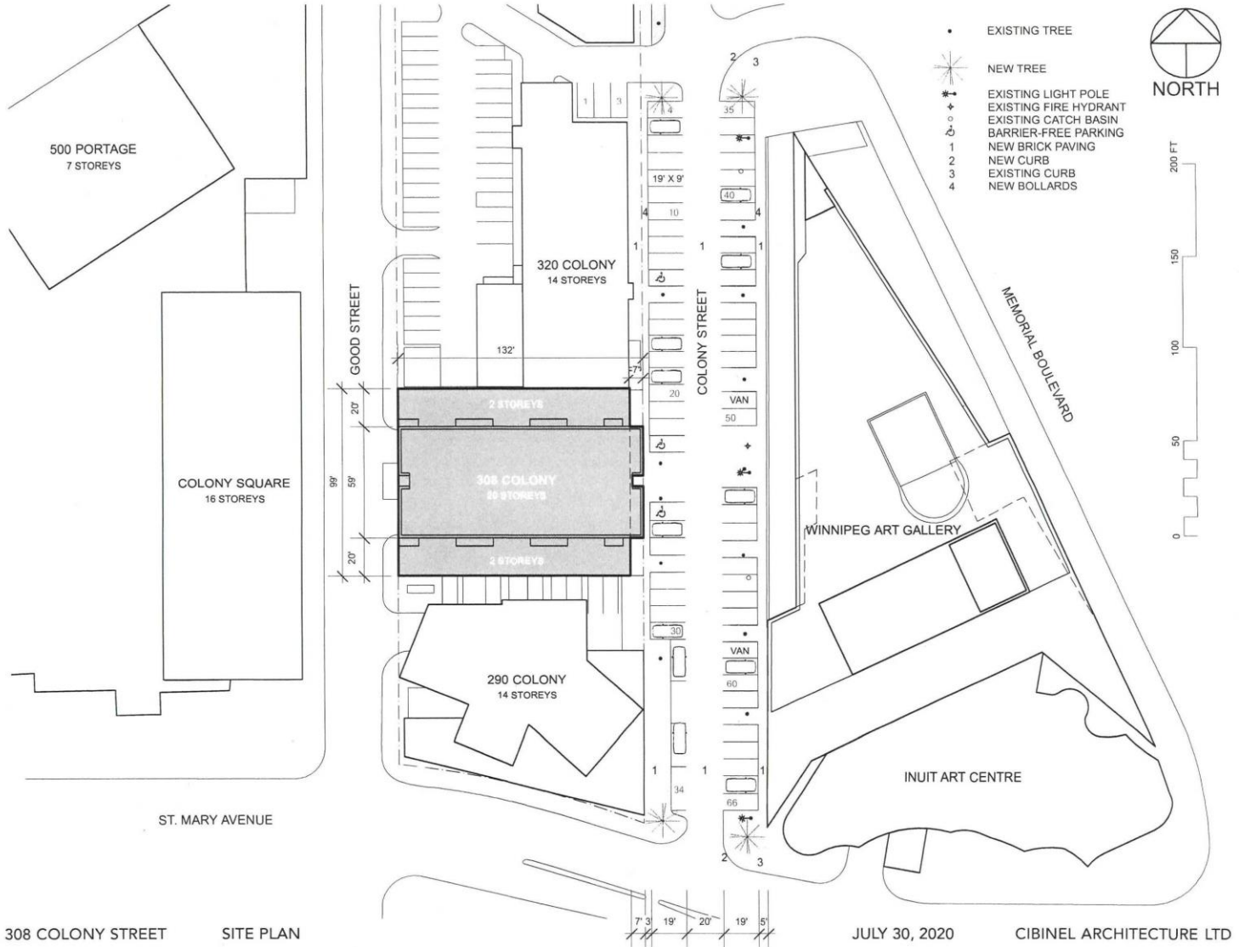
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

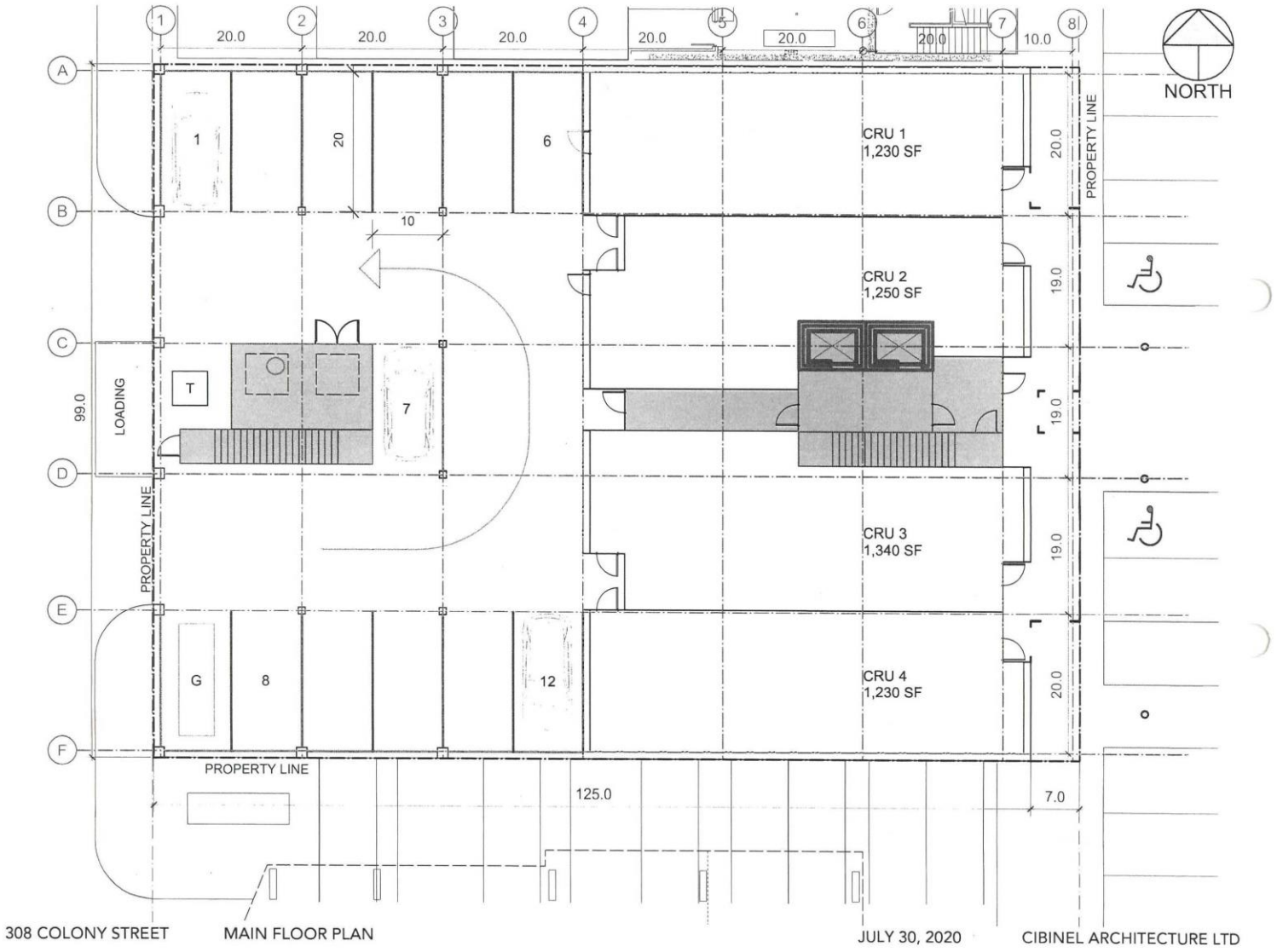
Removal of the 1976 caveat aligns with Climate Action Plan Strategic Opportunity # 4, which provides direction to “facilitate compact, complete development and increase density.”

SUBMITTED BY

Department: Planning, Property, & Development
Division: Urban Planning & Design
Prepared by: Karin Kliewer, Planner, MCIP, RPP
Date: October 26, 2020
File No: N/A

Exhibit “9” referred to in File ZAA 3/2020

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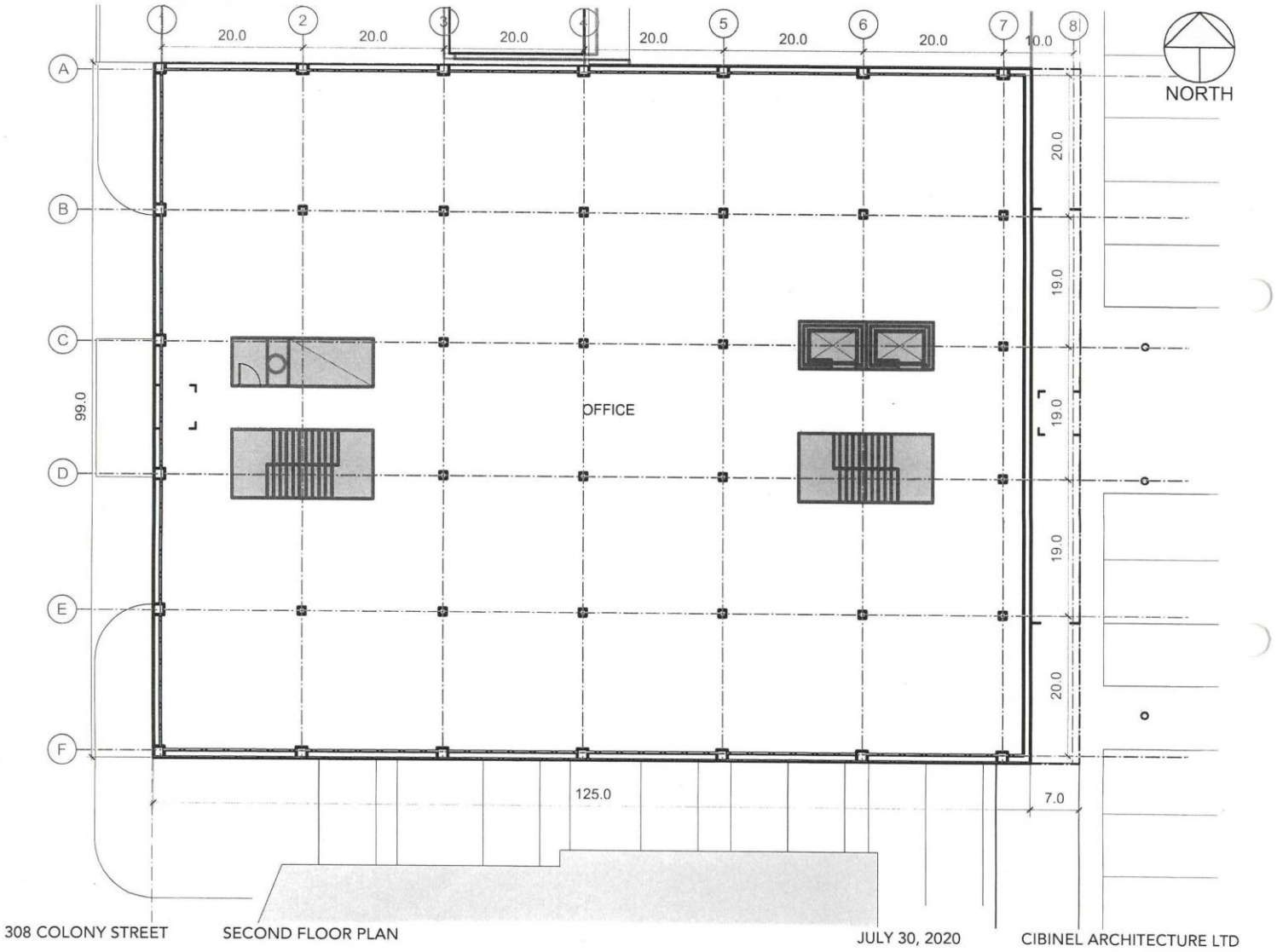
MAIN FLOOR PLAN
JULY 30, 2020
CIBINEL ARCHITECTURE LTD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SECOND FLOOR PLAN
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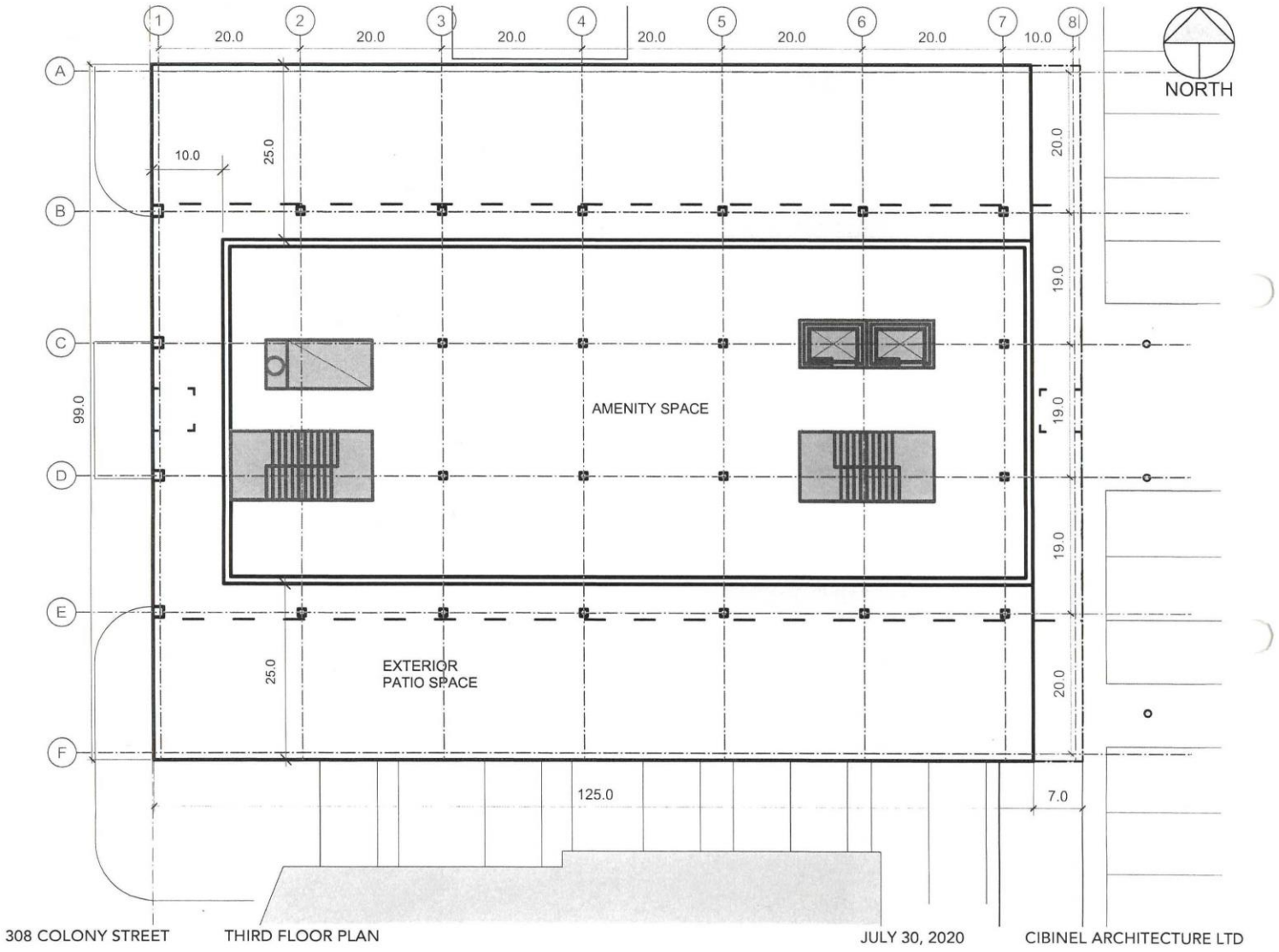
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THIRD FLOOR PLAN
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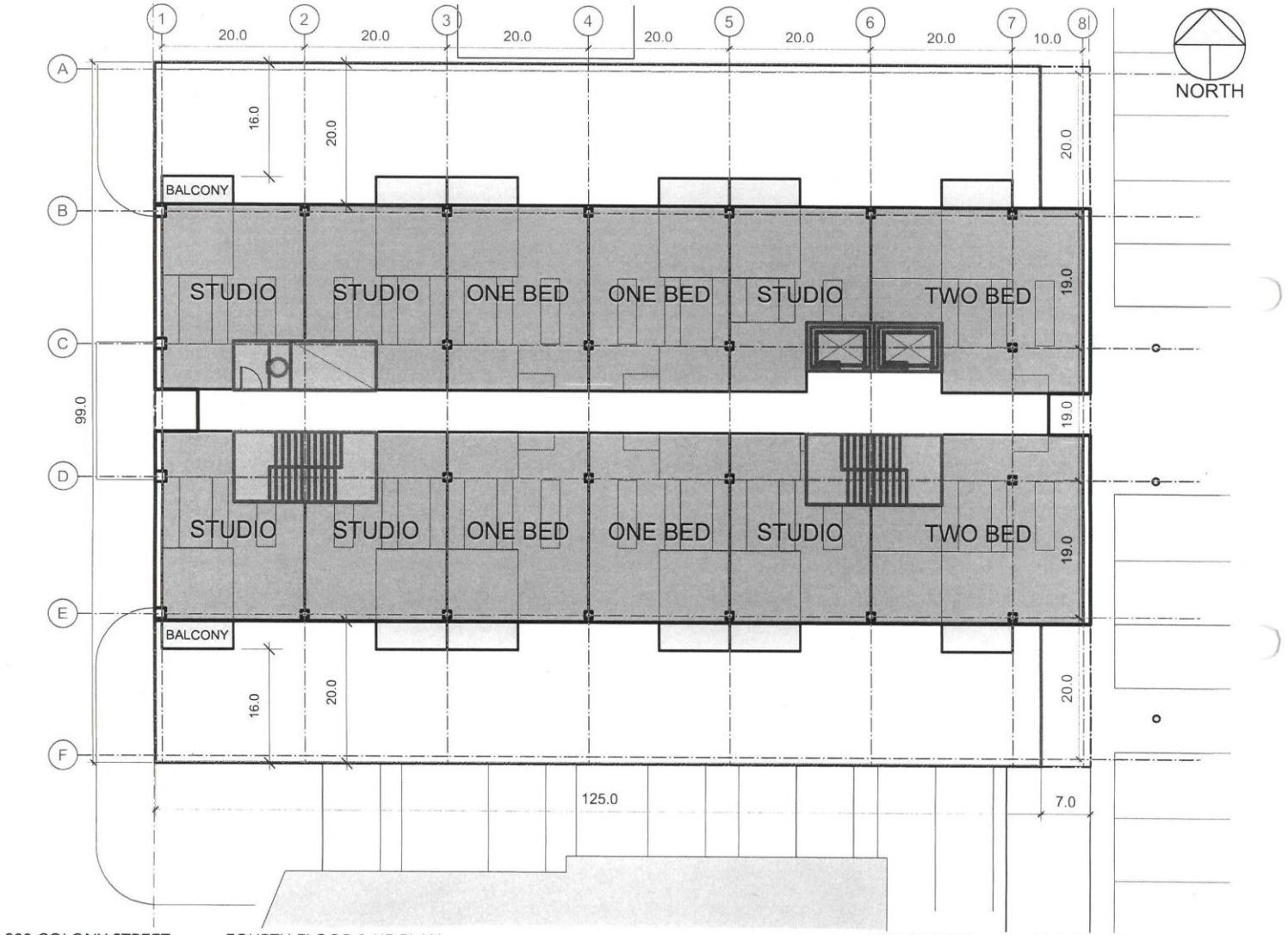
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FOURTH FLOOR & UP PLAN
JULY 30, 2020
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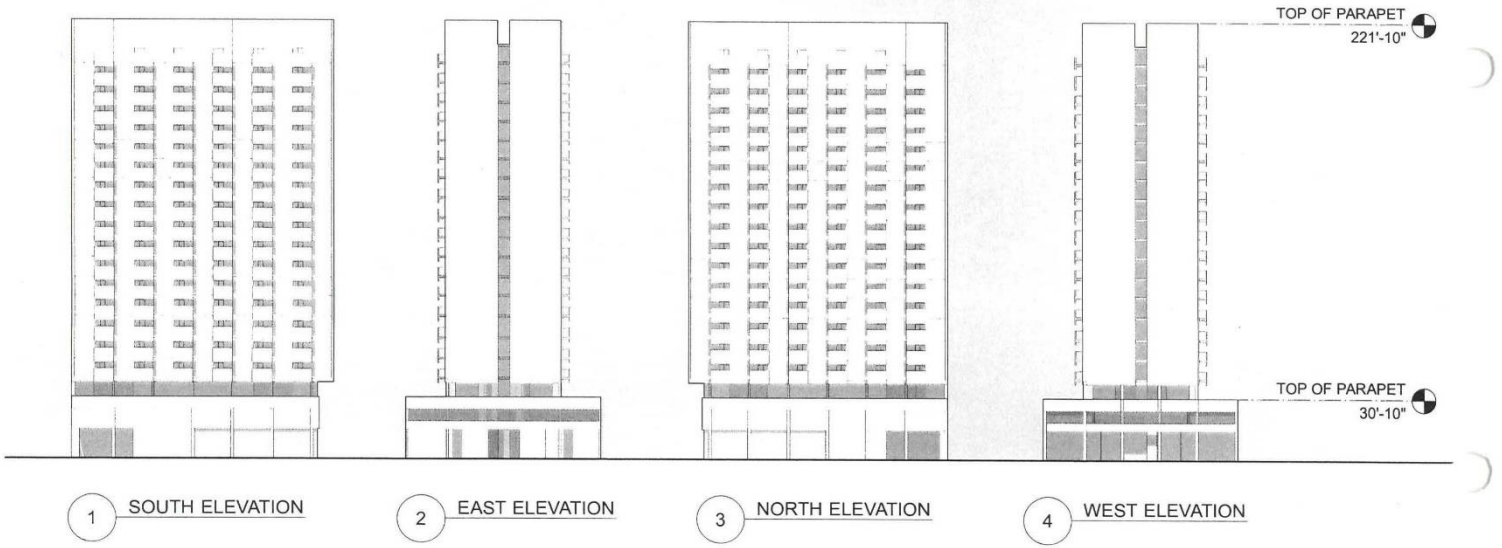

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308 COLONY STREET VIEW 1 JULY 30, 2020 CIBINEL ARCHITECTURE LTD



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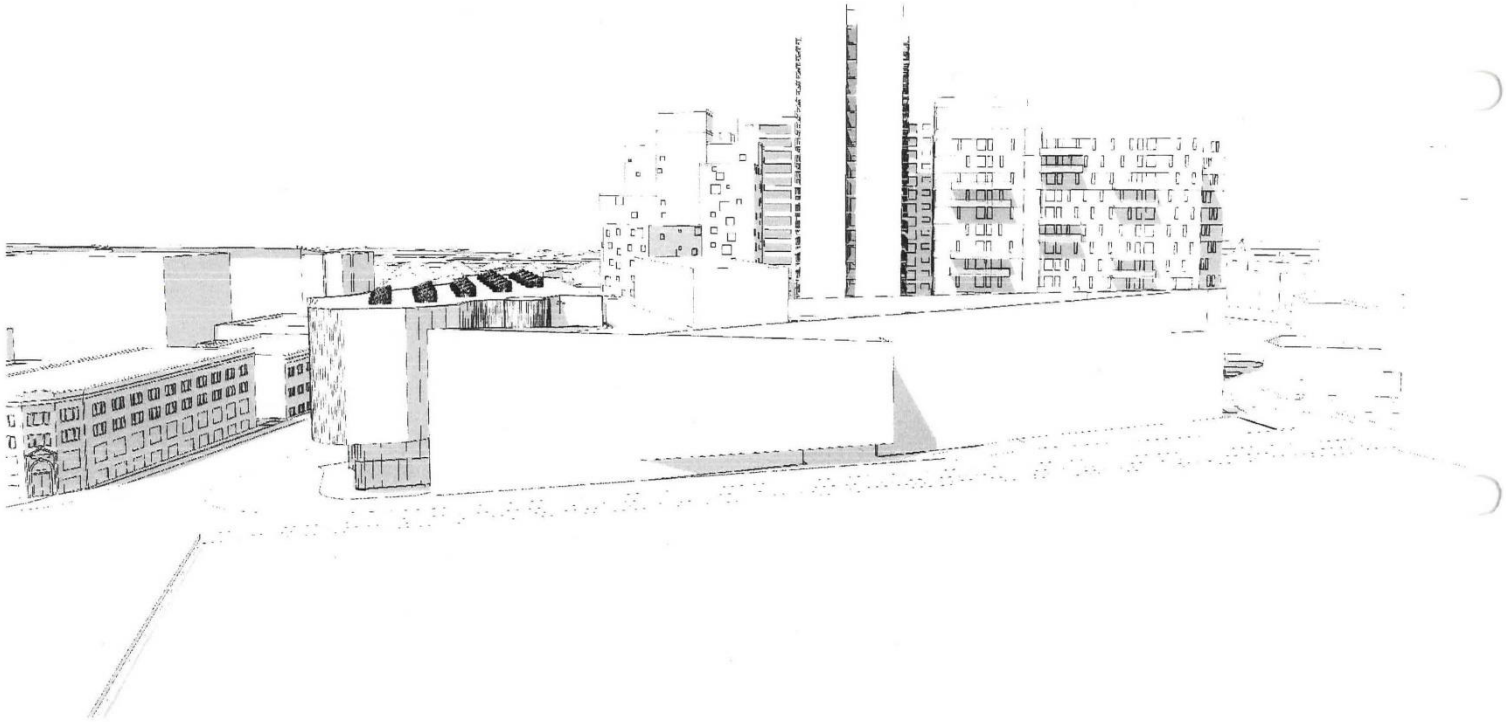

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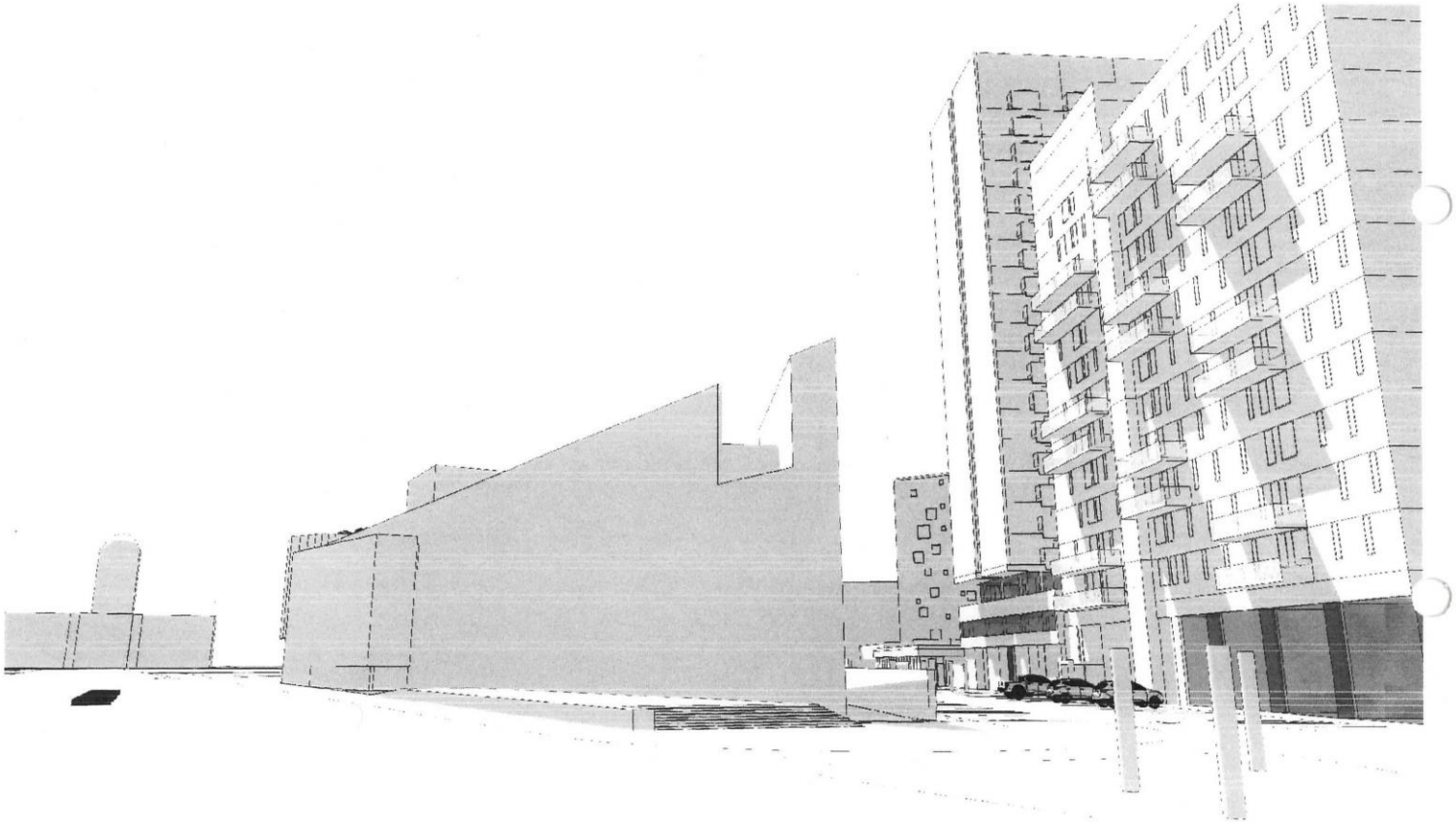

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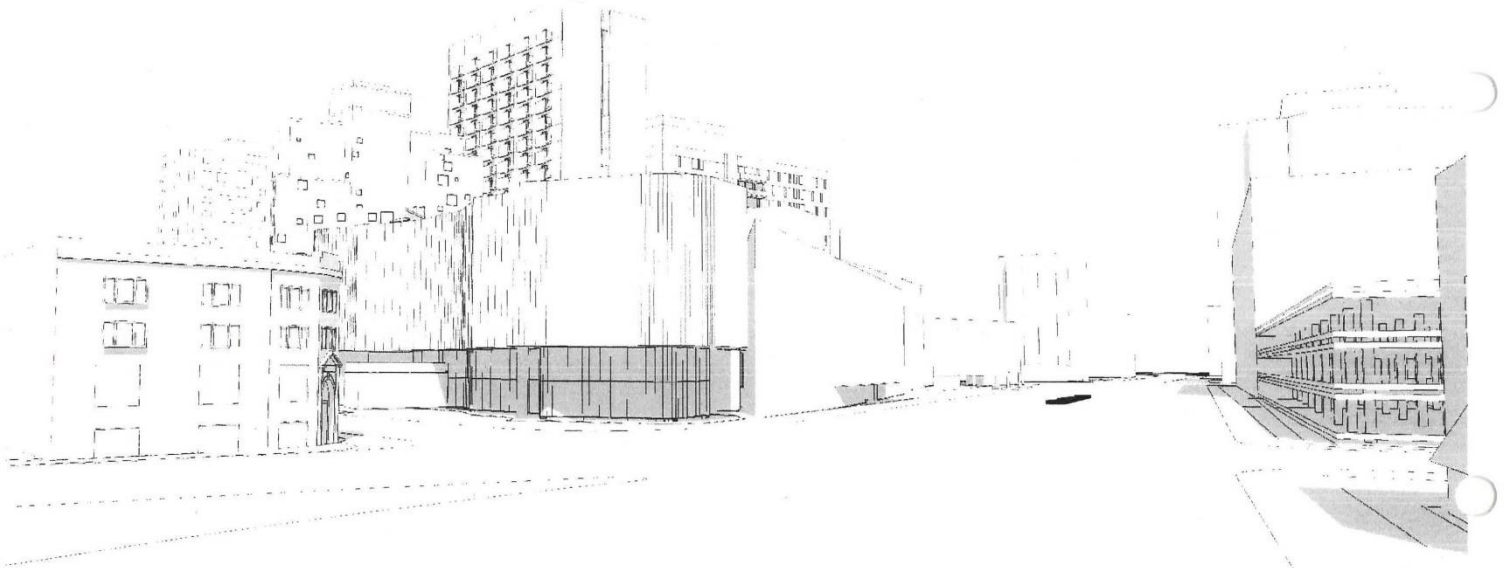

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308 COLONY STREET VIEW 7 JULY 30, 2020 CIBINEL ARCHITECTURE LTD