Minute No. 459
Report – Standing Policy Committee on Property and Development – June 12, 2012

Item No. 4 Rezoning – 269 Nassau Street North
(Fort Rouge-East Fort Garry Ward)
File DAZ 202/2012 [c/r DCU 105641/2012D and DAV 105629/2012D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and 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 202/2012 dated May 1, 2012 to an "R2" Residential Two-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 final 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 City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

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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 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 Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

The motion for adoption of the item was put.

Councillor Wyatt called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Katz, Councillors Browaty, Fielding, Havixbeck, Mayes, Pagtakhan, Sharma, Smith, Steen, Swandel, Vandal, Wyatt and Nordman 13

Nay: Councillors Eadie and Gerbasi 2

and the motion for adoption of the item was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 20, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2012, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee and concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 1 by adding the following at the end thereof:

  ", 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:

Report - Standing Policy Committee on Property and Development – June 12, 2012

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

i. That final 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 City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

- Add the following new Recommendations 5. and 6. and renumber the remaining Recommendation accordingly:

"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."

and the matter be forwarded to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 8, 2012, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 202/2012 be rejected.

RE: **Rezoning - 269 Nassau Street North**
File DAZ 202/2012

For submission to: **The Standing Policy Committee on Property and Development /**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **May 9, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 8, 2012, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 202/2012 [c/r DCU 105641/2012D and DAV 105629/2012D] be rejected.

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

1. There are concerns with the proposal in terms of the pedestrian orientation with cut outs across the sidewalk and a significant part of the pedestrian view being a screened parking area on Jessie Avenue, consideration of the proximity to an active transportation corridor on Nassau Street, and 10 parking stalls on what currently is a single family lot.

2. There are concerns with the angled 10 meter approach not having been vetted through Public Works.

3. The proposal is overbuilding and over massing the site, with 5 units being proposed on what is currently a single family lot.

4. The current proposal did not include adequate space for garbage bins and the impact of the new garbage collection system needs to be considered.

5. The open house held only a few days prior to the public hearing is not adequate public consultation.

6. Rezoning should not be done until we see a plan that is more acceptable.

7. The applicant has the opportunity to come back with another proposal in the future and work with the neighbourhood.

PUBLIC HEARING SUMMARY

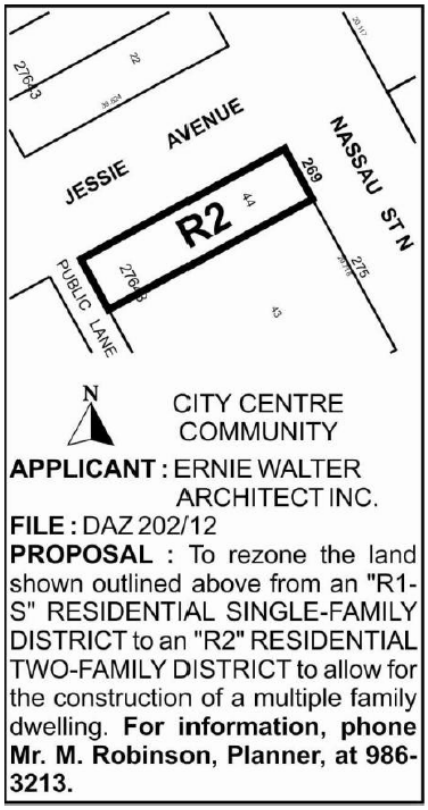
File: DAZ 202/2012

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

Public Hearing: May 8, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Ernie Walter Architect Inc.

Subject:



Exhibits Filed:

1. Application dated March 13, 2012
2. Notification of Public Hearing dated March 28, 2012
3. Manitoba Status of Title 2583800/1

4. Letter of authorization dated March 9, 2012 from Jun Yun Zhang, 6425845 Manitoba Ltd. to Ernie Walter Architect Inc.
5. Plans (13 pages)
6. Report from the Planning and Land Use Division dated May 1, 2012
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Ernie Walter, Ernie Walter Architect Inc.

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DAZ 202/2012

ADMINISTRATIVE REPORT

Title: DAZ 202/2012 – 269 Nassau Street North

Issue: For consideration at the public hearing for a Rezoning for DAZ 202/2012 –269 Nassau Street North

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
P. Regan	n/a	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 202/2012 dated May 1, 2012 to an "R2" Residential Two-Family District.

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.

5. 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 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 Planning and Land Use Division are concurred in, the property will be rezoned.

CONSULTATION

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

SUBMITTED BY

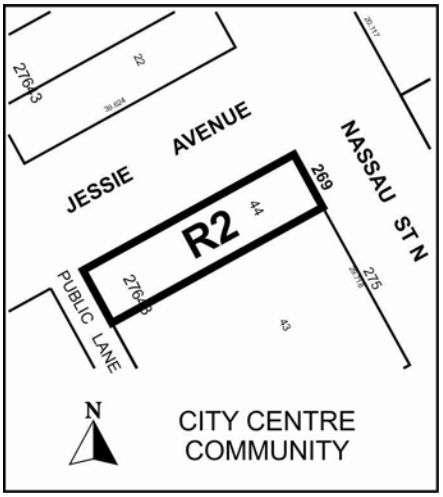
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	May 1, 2012
File No.	DAZ 202/2012

APPENDIX 'A'

DATE: May 1, 2012
FILE: DAZ 202/2012
RELATED FILES: DAV 12-105629D, DCU 12-105641D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from an "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

LOCATION: 269 Nassau Street North
LEGAL DESCRIPTION: Lot 44 Plan 27643 33/34 St. B



APPLICANT: Ernie Walter Architect Inc. (Ernie Walter)

OWNER: 6425845 Manitoba Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is zoned "R1-S" Residential Single-Family District, is located at the southwest corner of Jessie Avenue and Nassau Street North, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District
South: Multi-family and single-family residences zoned "R1-S" Residential Single-Family District
East: Multi-family residence zoned "RMF-L" Residential Multi-Family District
West: Multi-family and single-family residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to demolish the existing single-family dwelling and to construct a three-storey, five-unit dwelling on the subject property. Each unit will be approximately 1,000 square feet with two bedrooms. A total of 10 parking stalls are being provided (2 stalls per unit). Variance file DAV 12-105629/D deals with parking, and setback deficiencies and conditional use file DCU 12-105641/D deals with density.

Reason for application
In order to construct a multiple-family dwelling, the property must be rezoned.

ANALYSIS AND ISSUES
A. Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The larger multiple-family buildings are typically located on corner sites, which provide a transition in building mass and density between the interior of the block and the corner. Some examples of multiple-family buildings in the immediate area include:

275 Nassau Street North
260 Nassau Street North
554 Jessie Avenue
561 Warsaw Avenue
573 Warsaw Avenue

Immediately across the street from the subject property is the Deaf Centre Manitoba, which is a six storey building.

B. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) 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, and townhouses.

4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.*

iii. Infill Development Guidelines
A checklist provided in Appendix A identifies the applicable guidelines for this project from the *Infill Guidelines* and indicates whether they have been addressed by the applicant. The guidelines which are not fully met, with an explanation and recommended changes (if applicable) are as follows:

Guideline #1

2.2.2 iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood

The Zoning By-law requires a 25 foot rear yard setback. The principal reason for the rear yard setback is to allow for privacy and sunlight penetration at the rear of properties.

Neighbourhood Context
Many multiple-family buildings in the area have a reduced rear yard setback. The setbacks of the multiple-family buildings identified above are as follows:

Address	**Rear Yard Setback**
554 Jessie Avenue	6 feet
626 Jessie Avenue	0 feet
668 Jessie Avenue	20 feet
573 Warsaw Avenue	8 feet
613 Warsaw Avenue	20 feet
612 Mulvey Avenue	10 feet
635 Mulvey Avenue	6 feet

To that point, the proposed development is consistent with the setbacks of many multiple-family buildings in the area; especially multiple-family buildings that are located on corner sites.

Impact
The rear yard setback proposed will not compromise light penetration and privacy for the adjacent properties to the south and west.

Conclusion
Given that the subject property is located on the corner, that the reduced setback is consistent with the established pattern for many multiple-family buildings in the area, and that the reduced setback will not compromise light penetration and privacy for the adjacent properties to the south and west, it is recommended that this variance be approved.

Guideline #2

2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood

Multiple family buildings generally have reduced front yard setbacks, which provide a transition between the interior of the block and the corner.

Conclusion

It is appropriate to reduce the front yard setback slightly for this property. A reduced setback serves as a transition from the interior of the block to the corner, and as such, does not affect the overall visual harmony of the street wall[1]. With that said, the transition should be gradual and not abrupt. To that point, it is recommended that the front yard setback be increased to 12 feet, instead of the requested 7 feet. The applicant has indicated that they are amenable to this modification.

Guideline #3

2.2.3 i) The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street

Conclusion
The proposed development orients the main entrance to Jessie Avenue. However, there is an opportunity to introduce a second entrance on Nassau Street or to provide a deck/patio space on Nassau Street to encourage street level activity along that street frontage.

Guideline #4

5.2 i) Massing and height of new buildings should take into consideration the area context

Conclusion
Height
The subject property will be 33 feet 8 inches high, which is less than the maximum height permitted in both the "R2" Two-Family District and "R1-S" Single-Family District. (35 feet maximum) Consequently, the proposed height does not exceed what is currently allowed under Zoning By-law 200/2006.

Massing
Given that the property is a corner lot, the massing will be prominent from the sides. With that said, the side profile is broken up by a large glass entryway, balconies, glazing, a variable roof line, and changes in materials.

C. *Summary*
The Division supports the development of a five-plex at the subject location. While this typology would not be appropriate at a midblock location within the neighbourhood, at this particular location, which is on a corner, across the street from a large 6 storey institutional building, adjacent to several other multiple-family buildings, and in close proximity to the new rapid transit station on Osborne Street, the land use is appropriate and will continue the subtle transition in building typology which is a pattern at corners throughout the neighbourhood.

With that said, the proposed development must be consistent with the Multiple Family Infill Guidelines. In that way, the Winnipeg Public Service is recommending that the front yard setback be increased to 12 feet and that the interior side yard setback be increased to 3 feet. (see DAV 12-105629/D)

RECOMMENDATIONS
The Planning and Land Use Division recommends approval for the following reasons:

[1] A street wall is the part of a building that faces the street, but it generally refers to how and where several buildings line up to define a proper walking environment. At the most basic level, buildings should be set back an equal distance so that facades are even for as far as a pedestrian can see. A well-defined street wall is considered essential for walkable neighborhoods because it forms a protected and uninterrupted pedestrian zone.

- The subject site is an appropriate location for a development with a higher density than the community norm

- The Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home.

- The proposal is consistent with *OurWinnipeg, Complete Communities*, and with the recommended modifications, *the Infill Guidelines*

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 202/2012

APPENDIX "B"

Schedule "A" for File No. DAZ 202/2012, City Centre Community Committee, dated May 1, 2012

By-Law No. _____

File No. **DAZ 202/12**

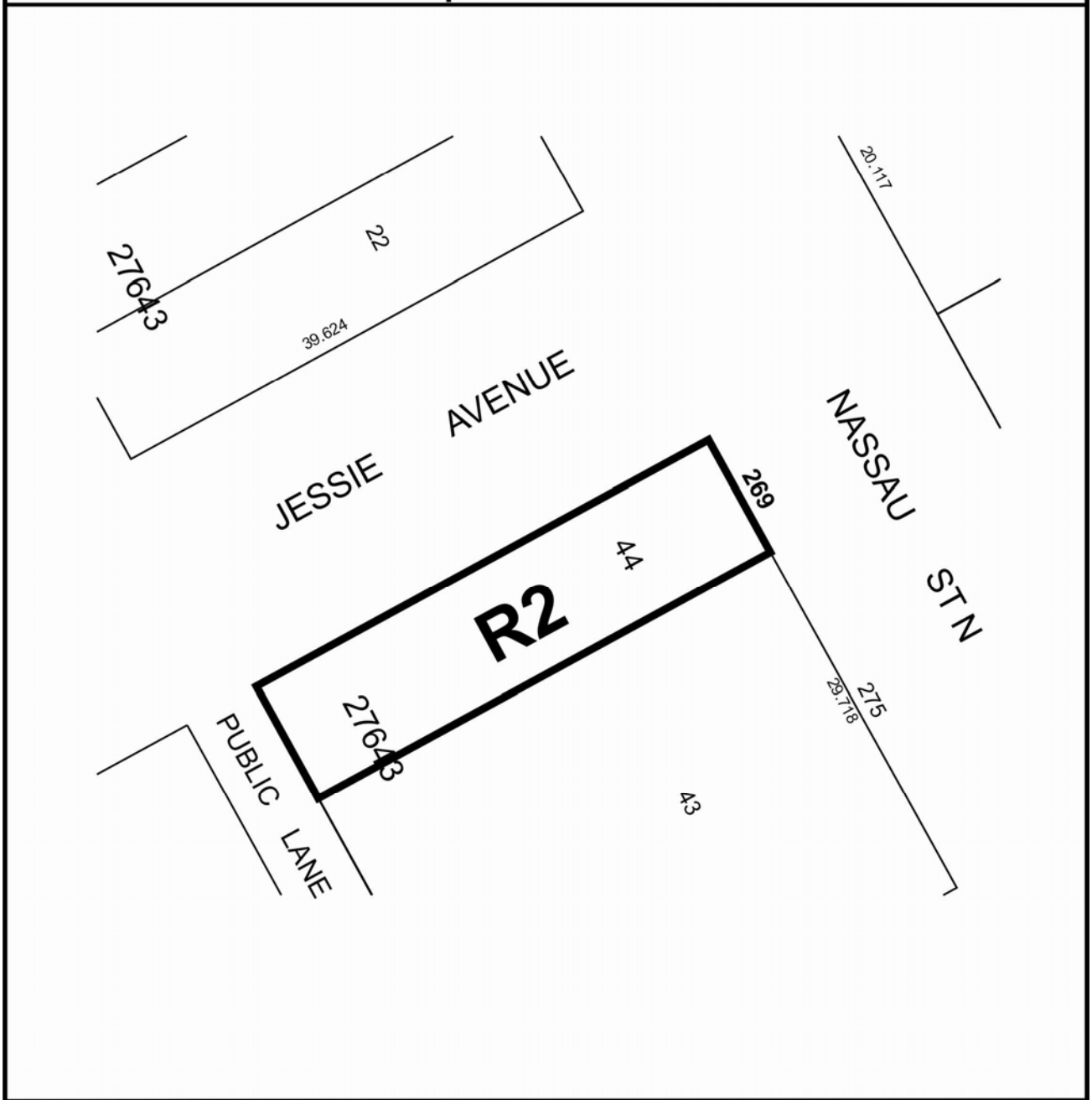
Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 269 Nassau Street from an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)