Agenda – Council – January 28, 2015

Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 6 Subdivision and Rezoning – 198 Sherbrook Street (Fort Rouge-East Fort Garry Ward) File DASZ 30/2014 [c/r DAV 157499/2014D]

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 30/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2014 dated December 2, 2014 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 30/2014 dated December 2, 2014 to an "RMU" Residential Mixed Use 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 car and bike parking areas, garbage enclosures, fencing, landscaping, and lighting 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 sixty (60) feet.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

Report - Standing Policy Committee on Property and Development - January 13, 2015

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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 year period and Council approves the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

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 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 – January 13, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, the Standing Policy Committee on Property and 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 9, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 198 Sherbrook Street**
File DASZ 30/2014

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

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

Report date: **December 12, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 9, 2014, 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:

1. That the plan of subdivision under File DASZ 30/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2014 dated December 2, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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        ii. That the height of any building shall be limited to sixty (60) feet.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

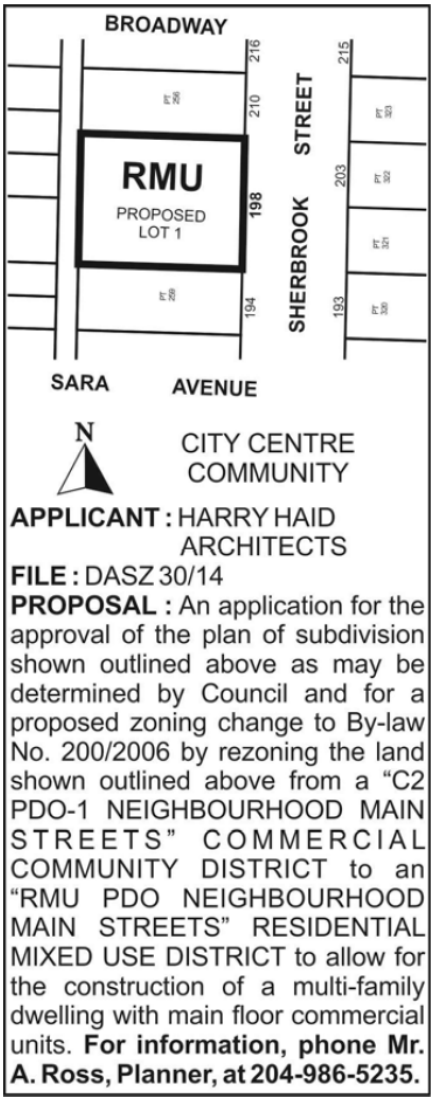
9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for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

10. That 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 reasons for its recommendation:

1. This is a very appropriate use in this location. It's subsidized, affordable housing right along the new Sherbrook bike path where we're seeing a real transformation in the City.
2. This is a really thriving neighbourhood and I know there has been a concerted effort to accommodate everybody but sometimes you do have to move forward.
3. Gardening is a significant part of this, and the agreement to have co-op car sharing is a really positive initiative on a relatively small project.
4. It's a non-profit organization and there's an effort to improve the community and provide the kind of housing that people want in this area.

PUBLIC HEARING SUMMARY

File:	DASZ 30/2014
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	December 9, 2014 Council Building, 510 Main Street
Applicant:	Harry Haid Architects (Harry Haid)
Subject:	
Premises Affected:	198 Sherbrook Street

Exhibits Filed:

1. Application dated October 9, 2014
2. Notification of Public Hearing dated October 21, 2014
3. Manitoba Status of Titles 1871839/1 and 1871835/1
4. Letter of authorization dated July 22, 2014 from Greg McPherson, Executive Director, West Broadway Development Corporation (WBDC) to Westminster Housing Society (WHS) and Harry Haid Architects
5. Drawing of subject property (4 pages)
6. Plans (8 pages)
7. Revised Plans (1 page)
8. Report from the Planning and Land Use Division dated December 2, 2014
9. Inspection Report
10. Communication dated November 26, 2014, from Jennifer Altemeyer, on behalf of the Garden, in opposition to the application
11. Communication dated December 5, 2014, from Debbie Wall in opposition to the application
12. Communication dated October 30, 2014, from Dean Syverson, West Broadway BIZ, in support of the application
13. Presentation submitted by the Applicant in support of the application at the public hearing
14. Letters of Opposition submitted by Jennifer Altemeyer, on behalf of the Garden, at the public hearing
15. Audio Recording of representations

REPRESENTATIONS:

In Support:

Todd Donohue
Harry Haid, Harry A. Haid Architect
Charles Huband
Audrey Logan
Greg MacPherson
Brent Mitchell
Fiona J. M. Plett
Ellen Smirl
Bruce Spielman
Ian Sunabacka
Dean Syverson, West Broadway BIZ
Marshall Wiebe

In Opposition:

Jean Altemeyer
Jennifer Altemeyer, on behalf of the Garden
Debbie Wall

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DASZ 30/2014

ADMINISTRATIVE REPORT

Title: DASZ 30/2014 – 198 Sherbrook St

Issue: For consideration at the public hearing for a Subdivision and Rezoning for DASZ 223/2014 – 1023 Wilkes Avenue

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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 30/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2014 dated December 2, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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    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 car and bike parking areas, garbage enclosures, fencing, landscaping, and lighting 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.

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10. 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 and subdivide the site from a “C2” Commercial Community District to an “RMU” Residential Mixed Use District in order to develop a four storey building with 19 residential units and 1 commercial unit on the property.
- 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 Planning and Land Use Division are concurred in, the property will be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

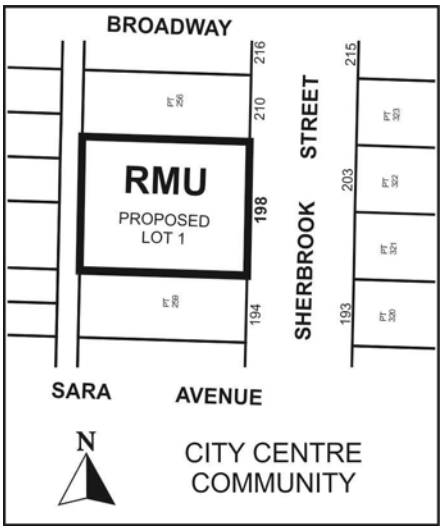
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Andrew Ross, MCP, MCIP
Date:	December 2, 2014
File No.	DASZ 30/2014

APPENDIX 'A'

DATE: December 2, 2014
FILE: DASZ 30/2014 198 Sherbrook STREET
RELATED FILES: DAV 14-157499/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.667

SUBJECT: To rezone and subdivide the subject land from a "C2" Commercial Community District to an "RMU" Residential Mixed Use District.

LOCATION: 198 Sherbrook STREET
LEGAL DESCRIPTION: EXC W 8F LOT 257/258 PLAN 49 79 ST JA



APPLICANT: Harry Haid Harry A. Haid Architect
600 CLIFTON ST UNIT A4
WINNIPEG MB R3G 2X5

OWNER: WEST BROADWAY DEVELOPMENT CORPORATION
608 BROADWAY
WINNIPEG MB R3C 0W8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the west side of Sherbrook Street between Sara Street and Broadway Avenue in the West Broadway Neighborhood of the Fort Rouge-East Fort Garry Ward.

- The subject site is 12,276 square feet in size and currently contains a community garden owned by the West Broadway Development Corporation.



Figure 1: Air photo of the approximate location of subject property and surrounding area (2012).

The immediate area is characterized primarily by office, commercial and residential uses. Adjacent land uses include:

North: Laundromat Uses (zoned “C2” Commercial Community).

South: Office Uses (zoned “C2” Commercial Community).

West: Two and Three Family residential Uses (zoned “RMF-M” Residential Multiple Family-Medium).

East: Office Uses (zoned “C2” Commercial Community).



Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning and subdivision in order to build a four-storey building with (18) residential units and (1) commercial unit on the subject property.

Reason for application

The proposed density exceeds what is allowed in the "C2" Commercial District. To accommodate the proposed density and also mixed use, a rezoning to "RMU" is required.

ANALYSIS AND ISSUES

OurWinnipeg

OurWinnipeg encourages affordable housing throughout the city, with a particular focus on locations near a variety of transportation options. OurWinnipeg also supports affordable units integrated with market housing.

By targeting half of the units for market rate and half targeted for subsidized rental through a partnership with the Province of Manitoba, this development provides market-integrated affordable housing close to diverse transportation options, fulfilling goals identified in *OurWinnipeg*.

Complete Communities Direction Strategy

Sherbrook Street has the characteristics of a Community Mixed Use Corridor. Mixed use corridors provide opportunities for residential intensification and for mixed use development, with the retail and commercial services at grade level to enliven the street. Key policies of *Complete Communities* that apply to Community Mixed Use Corridors are:

- Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification
- Promote small-scale, fine-grained development that is responsive to the surrounding community context
- Promote the conservation of traditional commercial storefronts where practical

By exhibiting moderate residential intensification, by providing mixed use, and by providing height, massing, and front setbacks that correspond to the existing context, the proposed development complies with the intent of *Complete Communities.*

Design

Setbacks
The setbacks are consistent with expectations for an urban context.

Front
The proposed front yard setback is intended to bring the commercial component of the building close to the street. The helps to support a vibrant pedestrian experience from the street and is supportive of the vision of Sherbrook as a Neighbourhood Main Street. The development also includes community gardening options at the front of the building. The positioning of these gardening options close to the sidewalk helps to maintain their intent as public and accessible.

Rear
The rear yard setback of 9 feet, together with the additional buffer provided by the rear lane, provides a yard that is sufficient to reduce potential injurious effects on adjacent property owners. If the rear yard were reduced further than 9 feet, there would not be space to accommodate the residential units in this building at a height of storeys.

Sides
Side yards are reduced, but setbacks are varied in order to create visual interest and to provide wider spaces between buildings. The majority of the building on both the north and south sides is set back at least 7 feet from property lines.

Massing and Façade Treatment

Height
“RMU” allows a maximum height of 100 feet, however 4 storeys as proposed is an appropriate height on this stretch of Sherbrook, where most multiple family development is 3.5 or 4 storeys in

height. Due to the fact that in the "RMU" District a much higher building could potentially be allowed, the Urban Planning Division recommends placing a cap on the height of 60 feet to reflect what is currently allowed as a conditional use on the property under the existing "C2" zoning.

Façade and articulation

The front elevation provides significant visual interest through the following features:

1. Storefront retail at grade
2. Patio spaces and gardening options visible/accessible from the street
3. Vertical articulation – the building reads as a more fine grained structure due to the variation in the façade and the multi-functional uses of space at the front
4. Main floor built close the front sidewalk with upper floors stepped back
5. Variations in colour and texture in the plane of the building
6. Texturized exposed concrete surfaces at the front

Overall, the massing indicates the high level of detail that has been incorporated into the building's architecture, and the façade and cladding are of a high quality.

Parking and transportation

Sherbrook Street is a corridor that supports multiple modes of transportation in an exemplary way. The street is served by regular transit service, has a strong pedestrian presence and has a new traffic-protected bike lane. The applicant indicates that 60% of residents of West Broadway use either public transit, cycling or walking as their primary mode of transportation.

The applicant intends to provide 6 car parking spaces and will also enter into an agreement with a car share company to provide a car share vehicle on the property. The Agreement in Principle is detailed in Attachment "A" in cross-referenced report DAV 14-157499D.

This property is a good location for a car share vehicle as it is a relatively high density area that is currently underserved by car share options. Peg City Car Co-op states that this property is a viable location for a car share vehicle and the Co-op is ready to partner with the applicant at this location.

In addition to providing a car share vehicle, the applicant has provided the following parking analysis, which is further detailed in Attachment "B" in cross-referenced report DAV 14-157499D:

- In addition to outdoor bike lock ups, enhanced (indoor) bike parking will also be provided
- The area is well served by transit including high frequency service.
- A new protected bike lane was recently installed along the east side of Sherbrook Street and an existing bike lane (unprotected) exists along Maryland Street
- The development is in close proximity to downtown as well as many amenities within a four block radius including: 2 grocery stores, 2 schools, 3 walk-in clinics, 3 lounge bars, 3 coffee shops, 6 diner/restaurants, 1 hospital,2 clothing boutiques, 2 hairdressers, 3 convenience stores,3 pharmacies 1 dentist and 1 credit union
- On street car parking is unmetered and restricted only between the hours of 7:00 am and 9:00 am northbound on Sherbrook Street

Public Consultation

The applicant held the following community consultations:

1. Initial Design Charrette open to the public March 28th and 29th, 2008

2. Follow up meeting open to the public Monday, April 29 2013
3. Progress update open to the public Wednesday, July 16, 2014. The Urban Planning Division attended this open house and noted that while there was some representation opposed to the development due to the loss of the community garden, the majority of those in attendance were in support of the redevelopment project
4. Use of a website to provide updates to the public

Accessibility

The applicant is addressing accessibility, including through provision of wheelchair access to some of the community gardening options onsite.

Other

Plan Approval is recommended to ensure that the final design details are provided to the satisfaction of the Director of Planning, Property and Development.

SUMMARY

The Urban Planning Division supports the rezoning and subdivision for the following key reasons:

- The development helps address Winnipeg's shortage of rental housing and helps to generally increase residential density in a Mature Community
- The development is mixed use, which fits with the vision for Corridors as per *Complete Communities*
- The applicant has done a large amount of community consultation
- While the development takes the place of an existing community garden, it is apparent that the applicant has made efforts to maintain gardening options on site by including an option for a four-season rooftop garden as well as a small outdoor garden area.
- The project has visual interest from the street, and the height and massing support the character of the area
- The project provides a car share for the use of both residents and members of the wider community, which is a sustainable transportation option.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved with conditions and that the subject property be rezoned to "RMU" Residential Mixed Use District.

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

Report Prepared by: Andrew Ross, MCP, MCIP
PPD File # DASZ 30/2014 198 Sherbrook St

Schedule “A” for File No. DAZ 30/2014, City Centre Community Committee December 2, 2014

By-Law No. _____

File No. **DASZ 30/14**

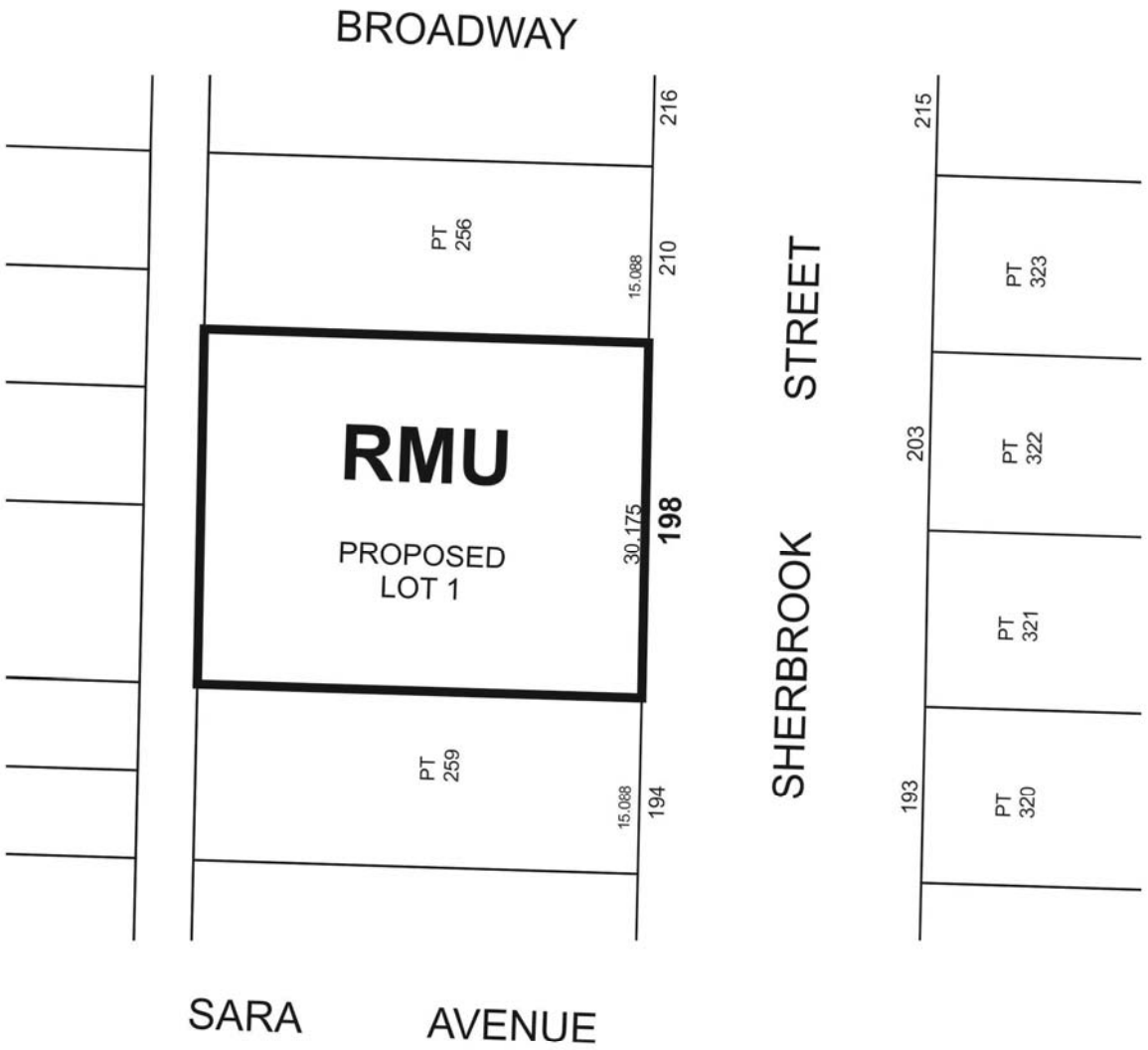
Atlas Sheet No.

N

AA23
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 198 Sherbrook Street from a “C2 PDO-1 NEIGHBOURHOOD MAIN STREETS” COMMERCIAL COMMUNITY DISTRICT to an “RMU PDO NEIGHBOURHOOD MAIN STREETS” RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a multi-family dwelling with main floor commercial units as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____