Agenda – Council – October 28, 2015

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

Item No. 6 Subdivision – 166, 176, 178, 180 and 184 Roslyn Road (Fort Rouge-East Fort Garry Ward) File DAS 16/2015 [c/r DAC 3/2015 and DAV 127821/2015D]

STANDING COMMITTEE RECOMMENDATION:

On October 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 proposed under File DAS 16/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2015 dated September 9, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 8, 2015

2. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

3. 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.

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

5. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

Agenda – Council – October 28, 2015

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

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 documents in connection therewith.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2015, the Executive Policy Committee concurred in the recommendation 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 October 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 September 16, 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.

RE: **Subdivision – 166, 176, 178, 180 and 184 Roslyn Road**
File DAS 16/2015

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

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

Report date: **September 18, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 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:

1. That the plan of subdivision proposed under File DAS 16/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2015 dated September 9, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 8, 2015

2. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

3. 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.

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

5. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

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 documents in connection therewith.

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

1. This is difficult as I recognize the feelings and concerns of the community and I do feel that there is also another side to all of these that is very compelling.

2. By approving this today, we are supporting the Osborne Village Neighbourhood Plan because this particular spot was zoned high density in 2006 and it was envisioned for this sort of thing to happen there.

3. Most of the variances required are to accommodate concerns from the community like moving it further from the other residences and installing a sidewalk, which I believe is very important to have walkable, safe sidewalks in Osborne Village.

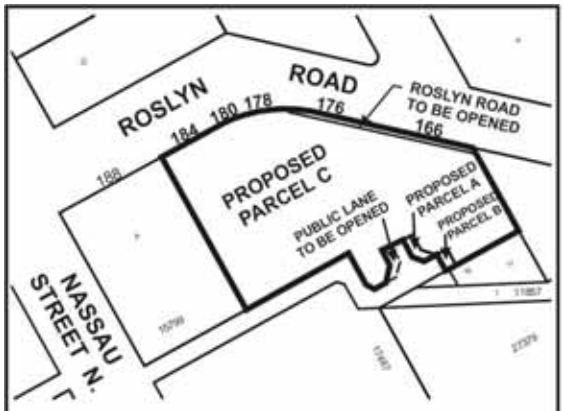
4. The current zoning would have allowed for a 15 storey building and this is a seven storey building and it follows the Osborne Village Neighbourhood Plan to a letter.

5. We can say we don't like them or don't agree with them, but the traffic studies say that it's not going to be a significant disruption to anybody's life. The existing condition is what it is and this project isn't going to have a big impact in terms of the traffic.

6. The benefits to the community include diversity, density and pedestrian environment improvement.

7. Looking at the facts in front of me, it's zoned for this, it provides better pedestrian amenities, and the questions that have been raised are all answered in the report.

PUBLIC HEARING SUMMARY

File:	DAS 16/2015
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	September 16, 2015 Council Building, 510 Main Street
Applicant:	Sunstone Resort Communities (Christine Wilson-MacLeod)
Subject:	 **APPLICANT :** SUNSTONE RESORT COMMUNITIES **FILE :** DAS 16/15 **PROPOSAL:** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling which includes the establishment of right-of-ways (sidewalk along Roslyn Road & closing/opening reconfiguration of the public lane). **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 166, 176, 178, 180 and 184 Roslyn Road

Exhibits Filed:

1. Application dated May 22, 2015
2. Notification of Public Hearing dated August 18, 2015
3. Manitoba Status of Titles 2445740/1, 2445737/1, 2445741/1, 2445735/1
4. Letter of authorization dated April 26, 2015 from Dennistoun Real Estate Holdings Inc. to Bill Coady and Christine Wilson McLeod, Sunstone Resort Communities LP
5. Surveyor's Building Location Certificate and sketch dated February 23, 2015
6. Drawing of subject property, titled "Existing"
7. Drawing of subject property, titled "Proposed Subdivision"
8. Plans (8 pages)
9. Report from the Planning and Land Use Division dated September 9, 2015
10. Communication dated August 26, 2015, from Gerry Cairns in opposition to the application
11. Communication dated September 1, 2015, from Kay and Gary Lally in opposition to the application
12. Communication dated September 1, 2015, from Jocelyn and Herman O. Thorvaldson in opposition to the application
13. Communication dated September 6, 2015, from Michael L. Phillips in opposition to the application
14. Communication dated September 9, 2015, from J. Hird in opposition to the application
15. Inspection Report
16. Photographs submitted by Gary Lally in opposition to the application
17. Communication dated September 13, 2015, from Joan Hodgson in opposition to the application
18. Communication dated September 3, 2015, from Jean Hird in opposition to the application
19. Communication dated September 15, 2015, from David Wilken, President, Winnipeg Condominium Corporation No. 136, in opposition to the application
20. Communication dated September 15, 2015, from Lisa Fraser in opposition to the application
21. Communication and petition in opposition to the application purporting to contain the signatures of 29 area residents, submitted by Gerald Cairns and Judy Lehn
22. Communication dated September 16, 2015, from Judy Lehn in opposition to the application
23. Recording of Representations

REPRESENTATIONS:

In Support:

Christine Wilson-MacLeod, Sunstone Resort Communities
Bill Coady
Robert Eastwood
Susan Feldman

In Opposition:

Kay and Gary Lally
Jocelyn Thorvaldson
Michael L. Phillips
Jean Hird
David Wilken, President, Winnipeg Condominium Corporation No. 136
Lisa Fraser
Jennifer Altemeyer
Sharon Buckley
Gerald Cairns
Bruce Cook
Lauren Cox
Carl Graham Evans
Maxine Fromkin
Jim Glen
Jacquie Glen
Frank Hechter
Elaine Henderson
Monique Henderson
Michele Henderson
Joan Hodgson
Heather Hogarth
Betje Jacobs
Brigitte Jeanson
Patricia Kendall
Judith Lehn
Richard Lemmon
Annette Lowe
Robert Lowe
Terena Mabon
Tara Mamchuk
Debbie Marantz
K. Mida Massey
Lynda Metcalfe
J. Palamartchuk

Jeremy Pierce
Laird Rankin
Stephanie Rurak
Sally Stephens
Herman Thorvaldson
Elizabeth (Betty) Turnbull

For Information:

Cindy Tugwell

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "9" referred to in File DAS 16/2015

ADMINISTRATIVE REPORT

Title: DAS 16/2015 – 166-184 Roslyn Road

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DAS 16/2015 – 166-184 Roslyn Road

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

AUTHORIZATION

Author	Division Head	CFO	CAO
Michael Robinson MCIP	Braden Smith MCIP		

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DAS 16/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2015 dated September 9, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 8, 2015

2. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

3. 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.

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

5. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

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.
documents in connection therewith.

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 may be subdivided

CONSULTATION

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

SUBMITTED BY

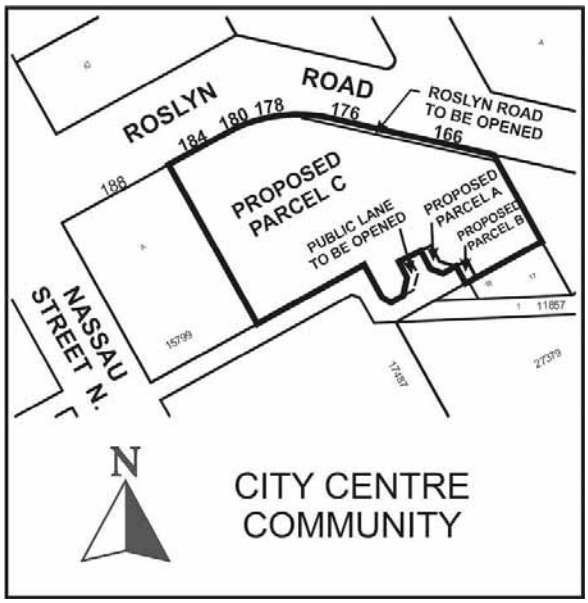
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, MCIP
Date:	September 9, 2015
File No.	DAS 16/2015

APPENDIX 'A'

DATE: September 9, 2015
FILE: DAS 16/2015
RELATED FILES: DAV 15-127281/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.117

SUBJECT: To consolidate four (4) residential lots into parcels A&B to facilitate the construction of a 7 storey, 78 unit multiple family building. Subdivision also includes reconfiguring the front lot line to establish a public sidewalk, closing an existing hammerhead in the back lane and opening a new hammerhead in the back lane.

LOCATION: 166-184 Roslyn Road
LEGAL DESCRIPTION: LOTS 13, 14, 15 & 16 PLAN 27379 42 ST B



APPLICANT: Sunstone Resort Communities (Christine Wilson-MacLeod)

OWNER: Dennistoun Real Estate Holdings, Inc.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "RMF-L" Residential Multiple Family District, is located on the south side of Roslyn Road, between Nassau and Osborne Streets, in the Osborne Village neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned “R2” Residential Two-Family District and “R1-M” Residential Single-Family District
South: Commercial use zoned “C2” Commercial District and residences zoned “RMF-L” Residential Multiple-Family District
East: Commercial use zoned “C2” Commercial District
West: Residence zoned “RMF-L” Residential Multiple-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to consolidate four (4) contiguous lots, with an approximate total land area of 32,036 square feet for the purpose of constructing a 7 storey, 78 unit multiple-family building.

The land is currently zoned “RMF-L” Residential Multi-Family District and is designated as Village High Density Residential (V-HDR) in the Osborne Village Neighbourhood Plan.

This application does not include any change to the zoning of the property; only the consolidation of the four lots.

Reason for application
In light of the fact that the proposed consolidation includes a servicing agreement as a condition of approval, a public hearing is required per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

ANALYSIS AND ISSUES
OurWinnipeg and the Complete Communities Direction Strategy
The proposed consolidation of land is intended to facilitate a new multiple-family development, which complies with the Osborne Village Neighbourhood Plan.

The Urban Planning Division is broadly supportive of infill development, as it helps increase density and achieves a more compact urban form. These objectives address key policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* with respect to minimizing the spatial use of land and providing a wider range of housing options in existing neighbourhoods.

Dimensional standards
The proposed new lot complies with all dimensional standards in the Winnipeg Zoning By-law (200/2006).

Servicing agreement
A public hearing is required due to the fact that the City is recommending a servicing agreement. The servicing agreement covers both the installation of a public sidewalk on Roslyn Road in front of the subject property and an upgrading of a portion of the lane with concrete. The sidewalk will finish the connection on the south side of Roslyn Road between Osborne and Nassau Streets.

Given that the proposed sidewalk will be close to existing mature boulevard trees, the City is still reviewing specific materials and installation methods to ensure that the trees are protected.

RECOMMENDATIONS
The Urban Planning Division recommends approval for the following reasons:

- The proposed lot consolidation will facilitate infill development that complies with the Osborne Village Neighbourhood Plan

- The proposed lot complies with the Winnipeg Zoning By-law (200/2006) for dimensional standards

- The installation of a sidewalk at this location will complete an important pedestrian route on the south side of Roslyn Road between Osborne and Nassau Streets

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAS 16/2015

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – July 22, 2015

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 166,167,178,180 AND 184 ROSLYN ROAD – DAS 16/2015

It is recommended that the approval of DAS 16/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, transfer and legally open, property required for a sidewalk along the south side of Roslyn Road, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, transfer and legally open, property required for a hammerhead turnaround at the east limit of the public lane, as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall dedicate and legally open property for a right-of-way corner cut measuring 4.0m by 4.0m where the proposed public lane intersects with the existing east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

B. SERVICING OBLIGATIONS

1) Public Lane

The Developer shall, at no expense to the City, construct a 150mm thick Portland cement concrete pavement and all related works, within the existing public lane consisting of gravel surface and the proposed hammerhead turnaround, all as determined by and to the satisfaction of the Director of Public Works.

2) Sidewalk

The Developer shall, at no expense to the City, construct a sidewalk with a material as determined by the Director of Public Works, to a width and thickness as determined by the Director of Public Works, along an alignment as determined by the Director of Public Works, and all related works, on the south side of Roslyn Road abutting the subject property, all as determined by and to the satisfaction of the Director of Public Works.

3) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

4) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.
b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.
b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

C. COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and

specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1650.00 plus GST to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 16/2015
September 8, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj

APPENDIX 'B'
Schedule "A" for File No. DAS 16/2015, City Centre Community Committee, dated September 9, 2015

By-Law No. _____

File No. **DAS 16/15**

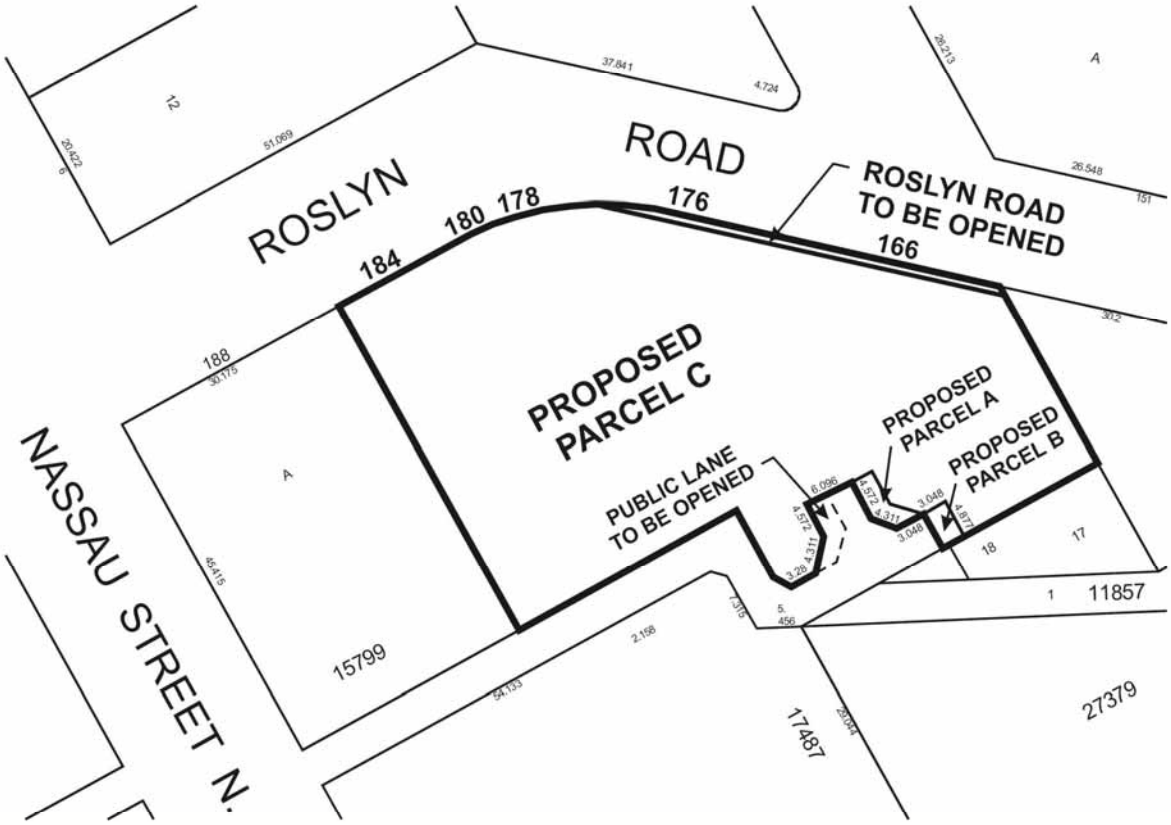
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located at 166, 176, 178, 180 & 184 Roslyn Road to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling which includes the establishment of right-of-ways (sidewalk along Roslyn Road & closing/opening reconfiguration of the public lane).



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2014)