Agenda – Council – January 25, 2017

Report – Executive Policy Committee – January 11, 2017

Item No. 3 Subdivision and Rezoning – 93 Nassau Street North (Fort Rouge – East Fort Garry Ward) File DASZ 41/2016 [c/r DAV 155756/2016D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 11, 2017, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated December 6, 2015.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 41/2016 dated December 13, 2016 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

    A. That the applicant enter into, execute and deliver 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, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage and lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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 not exceed forty-five (45) feet.

3. That the plan of subdivision proposed under File No. DASZ 41/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/2016, dated December 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

4. In lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

Report – Executive Policy Committee – January 11, 2017

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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

7. 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.

8. That the zoning section of the by-law shall come 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.

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

10. 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.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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.

Report – Executive Policy Committee – January 11, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 11, 2017, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2016, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 93 Nassau Street North**
File DASZ 41/2016

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Committee Clerk**
City Centre Community Committee

Report date: **December 15, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2016, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated December 6, 2015.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 41/2016 dated December 13, 2016 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

    A. That the applicant enter into, execute and deliver 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, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage and lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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 not exceed forty-five (45) feet.

3. That the plan of subdivision proposed under File No. DASZ 41/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/2016, dated December 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

4. In lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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

7. 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.

8. That the zoning section of the by-law shall come 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.

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

10. 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.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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.

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

1. The project fits within the Osborne Village Neighbourhood Plan.

2. Efforts have been made to consult with the community and to work closely with the Planning Department and it appears to be a high quality design.

3. Adding increased density infill project to the area within the Neighbourhood Plan so it's a good news story.

PUBLIC HEARING SUMMARY

File: DASZ 41/2016

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

Public Hearing: December 13, 2016
Council Building, 510 Main Street

Applicant: Lount Corporation (Ben Lount)

Subject:



APPLICANT : LOUNT CORPORATION
FILE : DASZ 41/16
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 93 Nassau Street North

Exhibits Filed:

1. Application dated September 27, 2016
2. Notification of Public Hearing dated October 18, 2016
3. Manitoba Status of Title 2834336/1
4. Letter of authorization dated June 22, 2016 from Ben Lount, 7289961 Manitoba Ltd. to Ben Lount, Lount Corporation
5. Surveyor's Building Location Certificate and sketch dated August 5, 2016
6. Site Plan
7. Plans (11 pages)
8. Report from the Urban Planning Division dated December 6, 2016
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Ben Lount, Lount Corporation
Neil Cooper

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit " 8 " referred to in File DASZ 41/2016

ADMINISTRATIVE REPORT

Title: DASZ 41/2016 – 93 Nassau St N

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 41/2016 – 93 Nassau St N

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Andrew Ross	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated December 6, 2015.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 41/2016 dated December 13, 2016 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:
    A. That the applicant enter into, execute and deliver 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, showing the location and details of buildings, elevations, parking, landscaping, signage, garbage and lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for 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 not exceed forty-five (45) feet.
3. That the plan of subdivision proposed under File No. DASZ 41/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/2016, dated December 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
4. In lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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8. That the zoning section of the by-law shall come 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.

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

10. 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.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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.

REASON FOR THE REPORT

- 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 property may be rezoned and subdivided.

CONSULTATION

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

SUBMITTED BY

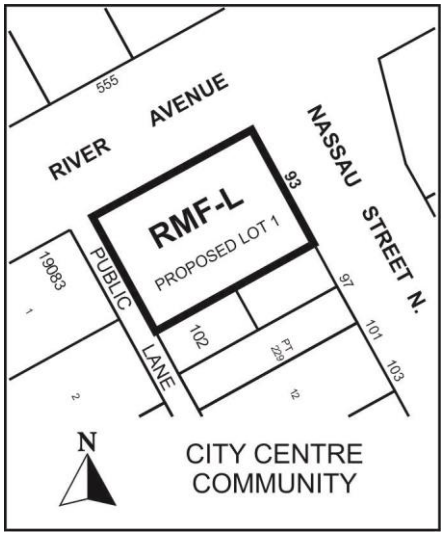
Department *Planning, Property and Development*
Division *Urban Planning*
Prepared by Andrew Ross, MCP, RPP, MCIP
Date: December 6, 2016
File No. DAZ 41/2016

APPENDIX 'A'

DATE: December 6, 2016
FILE: DASZ 41/2016
RELATED FILES: DAV 16-155756/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

SUBJECT: To rezone the land from an "R2" Residential Two Family District to an "RMF-L" Residential Multi-Family (Large) District.

LOCATION: 93 Nassau ST N
LEGAL DESCRIPTION: NLY 72F LOT 230/231 PLAN 102 37 ST B



APPLICANT: Ben Lount
1712 PORTAGE AVE 1810
Winnipeg , Manitoba R3J 0E3

OWNER: 1712 PORTAGE AVE 1810
Winnipeg , Manitoba R3J 0E3

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property, currently zoned "R2" Residential Two Family, is located on the southwest corner of Nassau Street N. and River Avenue, in the McMillan neighbourhood of the Fort Rouge - East Fort Garry ward.

- The subject property is 7,219 sq. ft. in size and currently contains a single-family dwelling.

- The site is designated a Mature Community under the *Complete Communities Direction Strategy.*



Figure 1: Air photo of the location of subject property and surrounding area (2016).

The immediate area is characterized primarily by multi-family residential development, with some two-family and single family residential along Nassau, Wilmot and Norquay Streets. There is regular east/west transit service on River Avenue and high-frequency north-south service on Osborne Street. The Osborne Village commercial strip is three blocks to the east. Immediately adjacent land uses include:

North: Multi-family residential uses (zoned "RMF-L" Residential Multi-family -Large)

South: Two-family residential uses (zoned "R2" Residential Two-family)

East: Nassau Street, then two-family residential uses (zoned "R2" Residential Two-family)

West: Multi-family residential uses (zoned "R2" Residential Two-family)

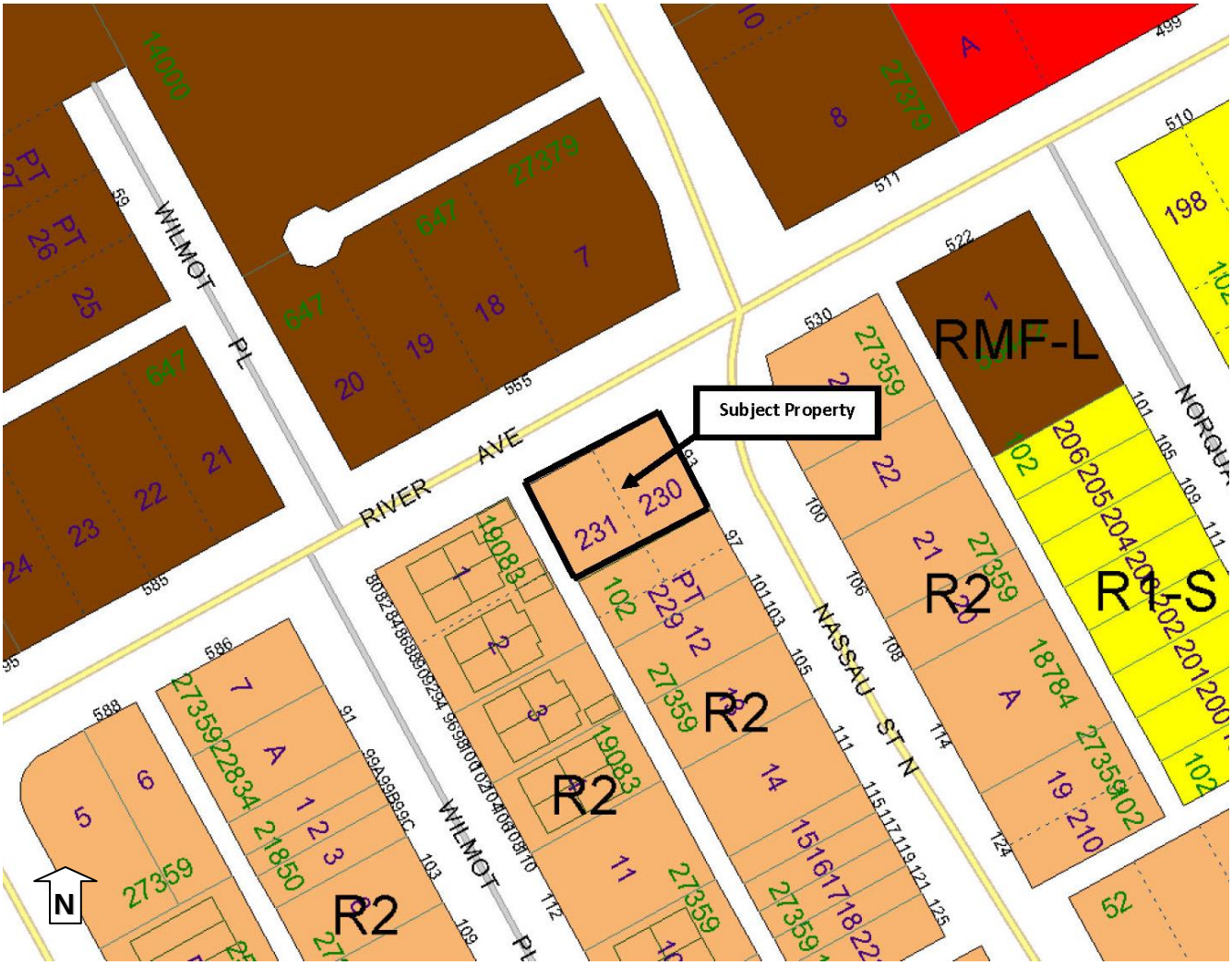


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning from "R2" Residential Two-Family to “RMF-L” Residential Multi-Family (Large) in order to develop a four storey multi-family building with 13 units on the subject property. The building will have parking on the ground floor taking vehicular access from the lane.

A subdivision is required in order to consolidate the underlying lots on the property.

ANALYSIS AND ISSUES

OurWinnipeg
Direction 9 of *OurWinnipeg* states:

- Collaborate with developers, community organizations and other partners to foster an age-friendly and accessible urban environment.

That Direction sets out the following Enabling Strategy:

- With guidance from Complete Communities, encourage age-friendly and accessible new development in existing neighbourhoods.

The proposed development provides an elevator which enables access to those living with mobility challenges and supports universal accessibility, identified as a priority in *OurWinnipeg*.

Housing that supports universal accessibility allows for 'aging-in-place' – an option for residents to remain in their neighbourhood of choice as they move through different stages of life related to age and ability.

Complete Communities Direction Strategy
As per the *Complete Communities Direction Strategy,* the proposed development falls within the Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

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

The proposal to rezone this property to "RMF-M" supports a moderate density increase to a Mature Community, and adds to the mix of housing types in the neighbourhood, in alignment with goals of Complete Communities.

Osborne Village Neighbourhood Plan
This property falls within the Village Medium Density Area of the Osborne Village Neighbourhood Plan. The Plan encourages a mixture of single-family homes, duplexes, townhouses and muli-family buildings; and restricts the height of buildings in this location to four storeys. This development, at four storeys, meets the intent of these Plan policies.

The Osborne Village Neighbourhood Plan also contains policies guiding character, urban form and design (Section 3.1). Key highlights relevant to this development include:

- Respecting the traditional character of the area and surrounding properties in terms of pedestrian orientation, mass and scale of surrounding properties, compatible building materials, orientation of entrances to the street, and incorporation of compatible alignment, setbacks, and height of building(s) along the street;

- Providing pedestrian access at the street level, and locating parking, loading, and services entrances at the rear of buildings;

- Ensuring building design reinforces activity and vitality at the ground level through use of architectural elements and accommodate features to create interest on the street level;

Taking in to account the immediate context on River Avenue, which includes heights and densities mostly at or above those of this proposal, the development is reflective of contextual mass and scale.
Setbacks, further described in Associated File No. DAV 155756D, are designed to minimize adverse effect on the abutting residential dwelling to the south, and are similar to the recently approved development at 522 River Avenue.

The development builds on the local pedestrian orientation of buildings by providing entrances facing the street, including a glazed corner entrance adding presence to River and Nassau.

The development locates the parking inside the building and hides the garbage/recycling enclosure from view of the street.

The applicant worked with the Urban Planning Division to enhance the vitality at ground level along Nassau Street. Specifically, the applicant agreed to increase the interplay between the interior and exterior of the building on this side by adding a dwelling unit with windows and a door facing Nassau, as well as a small outdoor seating area. This involved adjustments to the main floor plan.

It should be noted that the Urban Planning Division plans to work further with the applicant on the ground-level façade facing River Avenue, with the goal of enhancing the visual interest along the street. This will be addressed through plan approval, which is a condition of the zoning agreement on this application.

The development meets the policies of the Osborne Village Neighbourhood Plan.

OTHER CONSIDERATIONS

Parking
The development provides a little over a 1:1 ratio of parking stalls per dwelling unit (further detailed in Associated File DAV 155756D). The Urban Planning Division considers this to be a functional ratio for Osborne Village, which has walkable access to high-frequency transit service, and multiple car-sharing options including three vehicles across the street near 511 River Avenue.

Trees
At the request of the Division, the applicant provided an arborist report. Green Drop Tree Care was retained and recommends that all trees on the property be removed in advance of any construction commencing, and that City of Winnipeg boulevard trees be protected prior to commencement of construction. The report further recommends that the applicant retain a project arborist, to monitor tree protection and provide recommendations during demolition and construction.

Public Engagement
The applicant held an open house on May 25, 2016 at Holy Rosary Church at 510 River Avenue. The applicant indicates that the open house was advertised to all properties on the street and across the lane, about twenty properties. There were no attendees of the open house.

Zoning Agreement

To ensure compatibility with the Osborne Village Neighbourhood Plan which specifies a height of four storeys, the Urban Planning Division recommends a Zoning Agreement limiting the height to 45 feet.

SUMMARY

The Urban Planning Division supports the subdivision and rezoning, because the development:

- Meets policies of the Osborne Village Neighbourhood Plan including character policies
- Adds density to a Mature Community in a context-sensitive manner in alignment with Complete Communities
- Adds to the mix of housing types in the neighbourhood
- Supports universal accessibility and aging-in-place
- Will have its height capped at 45 feet and will undergo plan approval

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be subdivided and rezoned to an “RMF-L” Residential Multi-family (Large) District.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross, MCP, MCIP, RPP
DASZ 41/2016 – 93 Nassau St. N.

Schedule “A” for File No. DASZ 41/2016, City Centre Community Committee, December 13, 2016

By-Law No. _____

File No. **DASZ 41/16**

Atlas Sheet No.

N

AB24
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 93 Nassau Street North from an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to an “RMF-L” RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling with accessory indoor parking on the main floor as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 93 NASSAU STREET NORTH – DASZ 41/2016

It is recommended that the approval of DASZ 41/2016, if granted, be subject to the applicant entering into a Servicing Agreement to address the following item:

1) Sidewalk

The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, and all related works, from the existing sidewalk on the west side of Nassau Street North, approximately 7m south of the existing sidewalk on the south side of River Avenue to the existing sidewalk on the south side of River Avenue, approximately 5m east of the existing sidewalk on the west side of Nassau Street North, at the location of the existing pedestrian desire line, as determined by and to the satisfaction of the Director of Public Works.

2) Cleanup

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 Work

3) 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.

4) 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.

5) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00 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. DASZ 41/2016
December 2, 2016

"*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