Minute No. 119
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

Item No. 3 Subdivision and Rezoning – 60 Osborne Street North (Portion) (Fort Rouge-East Fort Garry Ward) File DASZ 31/2015 [c/r DCU 157560/2015D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the plan of subdivision under File DASZ 31/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2015 dated December 8, 2015 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 31/2015 dated December 8, 2015 to a "C2" Commercial District, subject to the following conditions:

    A. That the applicant enters into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 Parcel A be maintained as a publically accessible green space, in substantial conformance with the plan identified as Attachment 'A' to File No. DASZ 31/2015 until and unless alternative development plans showing the location and design of proposed buildings, accessory parking areas, ingress and egress points, fencing, and landscaping, are submitted to and approved by the City Centre Community Committee and the Director of Planning, Property and Development prior to the issuance of any building or development permits.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

COUNCIL DECISION (continued):

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

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

5. 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.

6. 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.

7. That the subdivision section of the by-law shall come into force and upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

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 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.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

COUNCIL DECISION (continued):

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.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 15, 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, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 60 Osborne Street North (Portion)**
File DASZ 31/2015

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

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

Report date: **December 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 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, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 31/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2015 dated December 8, 2015 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 31/2015 dated December 8, 2015 to a "C2" Commercial District, subject to the following conditions:

    A. That the applicant enters into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 Parcel A be maintained as a publically accessible green space, in substantial conformance with the plan identified as Attachment 'A' to File No. DASZ 31/2015 until and unless alternative development plans showing the location and design of proposed buildings, accessory parking areas, ingress and egress points, fencing, and landscaping, are submitted to and approved by the City Centre Community Committee and the Director of Planning, Property and Development prior to the issuance of any building or development permits.

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

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

5. 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.

6. 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.

7. That the subdivision section of the by-law shall come into force and upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

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 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.

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

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.

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

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

1. I think what we heard today is that there's a great value put on the greenspace and the way we can keep that greenspace is approving the existing parking that's there now, as we're not expanding it.

2. I hope that the goodwill seen today in terms of respecting the existing needs will be an inducement in itself to work with the community and the City in the future as the market changes and parking becomes not the highest use in this situation.

3. I think it's important that that greenspace be preserved for the community. I've questioned the planning department about this and that really can't be changed because the greenspace is "R2" and there has to be a public process for anything to change.

PUBLIC HEARING SUMMARY

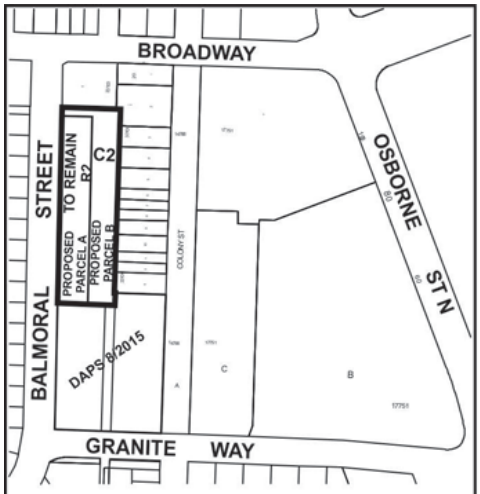
File: DASZ 31/2015

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

Public Hearing: December 15, 2015
Council Building, 510 Main Street

Applicant: Thompson Dorfman Sweatman LLP (Meghan Ross)

Subject:



APPLICANT : THOMPSON, DORFMAN, SWEATMAN LLP
FILE : DASZ 31/15
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 a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the maintenance of an existing non-accessory parking area. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 60 Osborne Street North (Portion)

Exhibits Filed:

1. Application dated September 21, 2015
2. Notification of Public Hearing dated September 29, 2015
3. Manitoba Status of Titles 1772426/1, 2386446/1, 2372411/1, 2431518/1, 2420199/1, 1420013/1
4. Letter of authorization dated September 17, 2015 from Don Lecuyer, Great-West Life Assurance Company to Thompson Dorfman Sweatman LLP
5. Title Plot Sketch of Great-West Life Assurance Company Properties dated September 3, 2014
6. City of Winnipeg By-law No. 2343/79

7a. Caveat 82-12583
7b. Caveat 82-12584
7c. Caveat 1618097
7d. Caveat 185136

8. Old System Easement No. 264712
9. Plans (2 pages)
10. Report from the Urban Planning Division dated December 8, 2015
11. Inspection Report
12. Photographs submitted by Robert Shaw at the public hearing
13. Recording of Representations

REPRESENTATIONS:

In Support:

Don Lecuyer
Dana Robins
John Stefaniuk

In Opposition

Robert Galston
Chris Krawchenko
David McKeigan
Mallory Richard
Robert Shaw

For Information:

Jennifer Altemeyer
Leah Goertzen
Brent Mitchell

For the City:

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

Exhibit "10" referred to in File DASZ 31/2015

ADMINISTRATIVE REPORT

Title: DASZ 31/2015 – 60 Osborne Street North

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 31/2015 – 60 Osborne Street North

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	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 31/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2015 dated December 8, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2015 dated December 8, 2015 to a "C2" Commercial District, subject to the following conditions:

    A. That the applicant enters into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions

        i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted 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 Parcel A be maintained as a publically accessible green space, in substantial conformance with the plan identified as Attachment 'A' to File No. DASZ 31/2015 until and unless alternative development plans showing the location and design of proposed buildings, accessory parking areas, ingress and egress points, fencing, and landscaping, are submitted to and approved by the City Centre Community Committee and the Director of Planning, Property and Development prior to the issuance of any building or development permits.

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

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

5. 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.

6. 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.

7. That the subdivision section of the by-law shall come into force and effect 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 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.'

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 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.

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

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.

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

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 and may be subdivided.

CONSULTATION

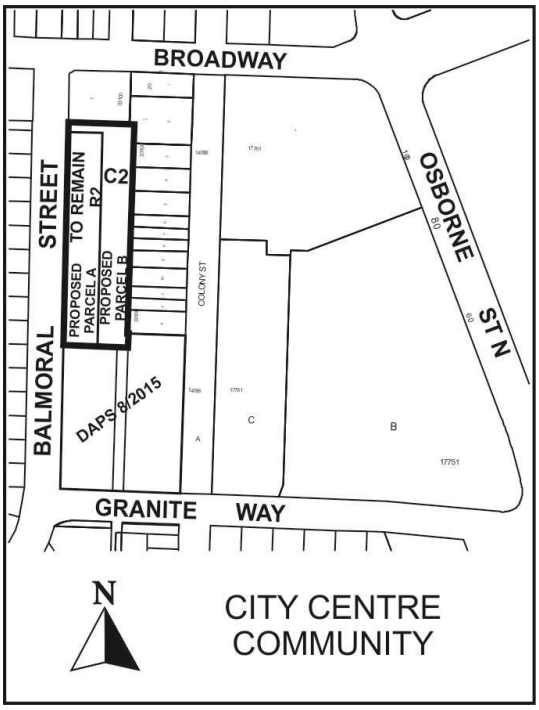
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, MCIP
Date:	December 8, 2015
File No.	DASZ 31/2015

APPENDIX 'A'

DATE:	December 8, 2015
FILE:	DASZ 31/2015
RELATED FILES:	DAV 15-157560/D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.166
SUBJECT:	To rezone the subject land from an "R2" Residential Two-Family District to a "C2" Commercial District to allow for the maintenance of a non-accessory parking lot.
LOCATION:	60 Osborne Street North
LEGAL DESCRIPTION:	Lots 3-11 Plan 726 WLTO RL 84 St. James; Part Pcl B Plan 14788 WLTO in RL 84 and 85 St. James and 1 St John; Part SP Lot 14 Plan 33100 WLTO in RL 84 & 85 St. James



APPLICANT:	Thompson, Dorfman, Sweatman LLP
OWNER:	The Great West Life Assurance Company
RECOMMENDATION:	Approval, with conditions

SITE DESCRIPTION

The subject property, which is currently zoned “R2” Residential Two-Family District, is located on the east side of Balmoral Street between Broadway Avenue and Granite Way in the West Broadway neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Parking lot zoned “C2” PDO-1 Neighbourhood Main Streets Commercial District
South: Proposed day care use zoned “R2” Residential Two-Family District
East: Parking lot zoned “C” Character Sector
West: Residences zoned “R2” Residential Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
Under DCU 194/89C, the property owner requested and was granted the right to maintain a non-accessory parking area for a period of five years. In 1994, a follow-up conditional use application (DCU 142/94) extended approval of the parking area until January 2002.

The current applicant, on behalf of the owner, is now proposing to rezone and subdivide a portion of these lands to a “C2” Commercial District to legitimize and legally permit the existing parking area.

The rezoning does not include the (1 acre) green space abutting Balmoral Street. That land will remain zoned “R2” Residential Two-Family District.

Reason for application
Although the subject land is used by Great West Life for employee parking, it is classified as non-accessory parking, for purposes of zoning, because it is not on the same legal parcel as the actual office building.

Non-accessory parking is a commercial use and consequently, the subject lands must be rezoned “C2” Commercial in order to continue to accommodate this use.

ANALYSIS AND ISSUES

***O*urWinnipeg (Complete Communities Direction Strategy)**

The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg.

Several of the objectives outlined in the Complete Communities strategy (relevant to this application) are as follows:

- Promote high quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community,
- Encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.
- Encourage the preservation and or planting of trees and other types of vegetation within and around surface parking lots.
- Provide street trees, landscaping and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of land uses, including public rights-of –way.

Parking Lot

In the near term, Great West Life still requires this land for surface parking. Given that it has been used for this purpose for some time, the Winnipeg Public Service has no objections to its continuing to be used in this way.

With that said, the subject lands are adjacent to Downtown and a surface parking lot in this location may not be the highest and best use in the long term. Consequently, the Winnipeg Public Service supports and encourages a review of these lands in the coming years, by the land owner, to determine if they can be redeveloped for other potential uses in the future.

Green Space

The green space on Balmoral Street was required to be maintained by Great West Life as a condition of approval of the conditional use order to allow surface parking.

The City is recommending that this condition remain in place (in the Zoning Agreement) as the open space serves as a buffer between the parking lot and the residential area to the west.

If Great West Life decides to redevelop the site in the future, plans are subject to approval by the City Centre Community Committee and the Director of Planning, Property, and Development.

RECOMMENDATIONS

The Urban Planning Division recommends approval for the following reasons:

- The use has been existence at this location for many years
- The proposed use is compatible with the area
- The proposed use will not have an adverse impact on adjoining properties
- The green space on Balmoral Street will be maintained as a buffer between the parking area and residences to the west

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

Report Prepared by: Michael Robinson, MCIP
PPD File # DASZ 31/2015



Figure 1: Aerial Photo (Flown in 2014)

APPENDIX 'B'
Schedule "A" for File No. DASZ 31/2015, City Centre Community Committee, dated December 8, 2015

By-Law No. _____

File No. **DASZ 31/15**

Atlas Sheet No.

N

AA24
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 60 Osborne Street from an "R2" RESIDENTIAL TWO FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the maintenance of an existing non-accessory parking area as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

ATTACHMENT 'A'
Site Plan

