**Minutes – Executive Policy Committee – April 16, 2024**

**Report – Standing Policy Committee on Property and Development – April 11, 2024**

**Item No. 19 Rezoning – 1131 Nairn Avenue**
**(Elmwood-East Kildonan Ward)**
**File DAZ 224/2023 [c/r DAV 254531/2023D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 224/2023 by rezoning the subject land to a "RMU" Residential – Mixed-Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 8, 2024 and attached as Schedule "C" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping including sod in the front yard
            g. Free-standing signage

            on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 80 feet or 24.38 metres.

**Report – Standing Policy Committee on Property and Development – April 11, 2024**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 224/2023 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.

3. That the Developer shall meet all terms and conditions as outlined in Schedule “B”, the report of the Administrative Coordinating Group, dated March 18, 2024 to the satisfaction of the Director of Planning, Property and Development.

4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a by-law in accordance with this report (the “By-law”) and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

6. That Development Application No. DAZ 224/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

**Report – Standing Policy Committee on Property and Development – April 11, 2024**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

10. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 224/2023.

**Report – Standing Policy Committee on Property and Development – April 11, 2024**

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2024, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

**PUBLIC HEARING SUMMARY**

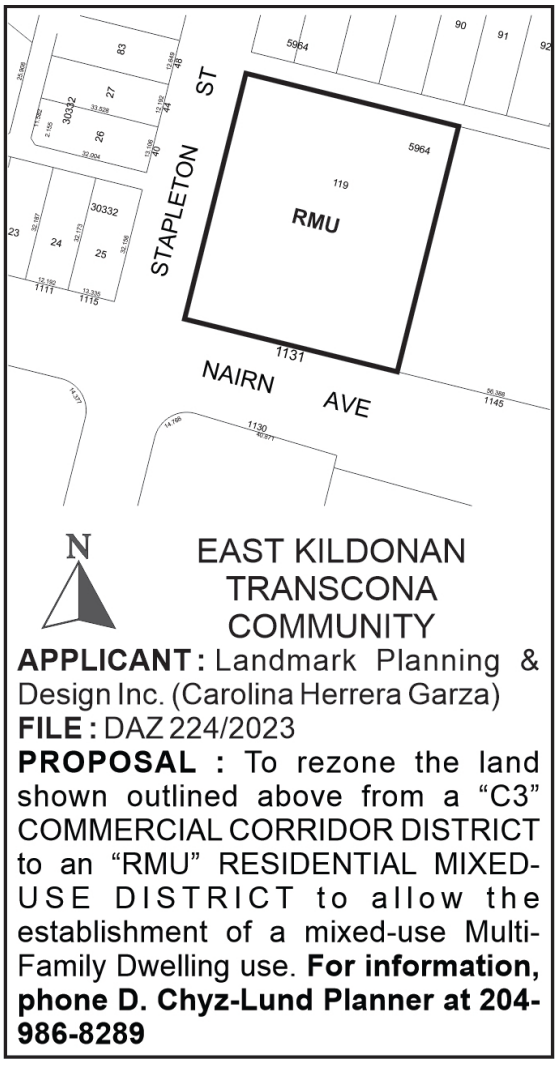
**File:** DAZ 224/2023

**Before:** East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Browaty

**Public Hearing:** April 8, 2024
Council Building, 510 Main Street

**Applicant:** Landmark Planning and Design Inc. (Carolina Herrera Garza)

**Subject:**



**Premises Affected:** 1131 Nairn Avenue

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

**Prepared by:** B. Harris, Committee Clerk
East Kildonan-Transcona Community Committee

**Report date:** April 8, 2024

**Community Committee Recommendation:**

On April 8, 2024, the East Kildonan-Transcona 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 224/2023 by rezoning the subject land to a "RMU" Residential – Mixed-Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 8, 2024 and attached as Schedule "C" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping including sod in the front yard
            g. Free-standing signage

            on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 80 feet or 24.38 metres.

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 224/2023 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.

3. That the Developer shall meet all terms and conditions as outlined in Schedule “B”, the report of the Administrative Coordinating Group, dated March 18, 2024 to the satisfaction of the Director of Planning, Property and Development.

4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a by-law in accordance with this report (the “By-law”) and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

6. That Development Application No. DAZ 224/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

8. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

10. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 224/2023.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is complicated and there's only so many moves we can do at this meeting. A lot has been put into this and it's serious and it's essentially good. A lot has been put into this community over the years by those who have lived here for decades, or whether they're new or for decades such as people in this room including my own family. So, what's the best we can do for the community for the future? On this basis I'm looking for a slight mitigation that will have consensus in this whole process here at City Hall. Not just this meeting, but the next meeting, and whether it goes to City Council having a vote there that I can say we've done our best at, kind of thing. It isn't very much, but essentially, this is good. Essentially, it is the right place to have development and then the rest is where we're at and how we optimize this. I believe this is the best I can do.

| | |
|---|---|
| **Objections under the Charter:** | Total number of **v**alid objections as per section 125(2) – 4<br><br>In accordance with section 236.1(1), the threshold for sufficient objection has not been met. |
| **Exhibits Filed:** | 1. Application dated January 3, 2024<br>2. Notification of Public Hearing dated February 12, 2024<br>3. Manitoba Status of Title 3269871/1<br>4. Letter of authorization dated November 20, 2023 from Geoff Milnes to Landmark Planning and Design Inc.<br>5. Title Plot<br>6. Shadow Study<br>7. Renderings of subject property<br>8. Landscape Plans<br>9. Plans (9 pages)<br>10. Report from the Urban Planning Division dated March 14, 2024<br>11. Inspection Report<br>12. Communication dated April 2, 2024, from Debbie Guppy in opposition to the application<br>13. Communication dated April 4, 2024, from Debbie Perdonic in opposition to the application<br>14. Presentation in support of the application submitted by Carolina Herrera<br>15. Communication dated April 4, 2024, from Kelly Lauze in opposition to the application<br>16. Recording of representations |

REPRESENTATIONS:

In Support:

Stephen Chapman
Carolina Herrera Garza
Geoff Milnes
Brenda Salakoh
Donovan Toews

In Opposition:

Debbie Guppy
Marc Guppy
Kelly Lauze
Debbie Perdonic

For Information:

Ben McGillivary

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development Department

Exhibit “10” referred to in File DAZ 224/2023

# ADMINISTRATIVE REPORT

**Title:** DAZ 224/2023 at 1131 Nairn Avenue

**Issue:** For consideration at the Public Hearing to rezone one (1) existing lot from “C3” Commercial – Corridor to “RMU” Residential – Mixed-Use for the construction of a mixed-use residential and commercial building.

**Critical Path:** East Kildonan > Transcona Community Committee > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

## AUTHORIZATION

| Author | Division Head | Department Head | CFO | CAO |
|---|---|---|---|---|
| Dylan Chyz-Lund, MCP | n/a | n/a | n/a | |

## RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 224/2023 by rezoning the subject land to a “RMU” Residential – Mixed-Use District in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated April 8, 2024 and attached as Schedule “C” to this report, subject to the following conditions:

    A. That the owner of the subject land (the “Owner”) enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

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            a. Buildings

            b. Accessory parking areas

            c. Private approaches

            d. Garbage enclosures

            e. Fencing

            f. Landscaping including sod in the front yard; and

            g. Free-standing signage

on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 80 feet or 24.38 metres.

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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9. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

10. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 224/2023.

## REASON FOR THE REPORT

- The applicant wishes to rezone one (1) existing lot from “C3” Commercial – Corridor to “RMU” Residential – Mixed-Use for the construction of a mixed-use residential and commercial building.
- 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 and Design Division are concurred in, the proposed plan of subdivision and rezoning **can** proceed in accordance with Schedule “C” to this report.

## CONSULTATION

In preparing this report there was consultation with:

Land Development Branch

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

**Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density**

- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS) and it was determined that the PRS is not applicable to this specific report.

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared By: | Dylan Chyz-Lund, MCP |
| Date: | March 14, 2024 |
| File No. | DAZ 224/ 2023 |

List of Schedules and Attachments:

- Schedule A: Planning Discussion
- Schedule B: Report of the Administrative Coordinating Group, dated March 18, 2024
- Schedule “C” of File No. DAZ 224 / 2023, East Kildonan – Transcona Community Committee, dated April, 2024

- Appendix B: Draft by-law

- Appendix C: Public Engagement Report

- Appendix D: Shadow Impact Study

**SCHEDULE A**

**DATE:** March 14, 2024

**FILE:** **DAZ 224/2023**

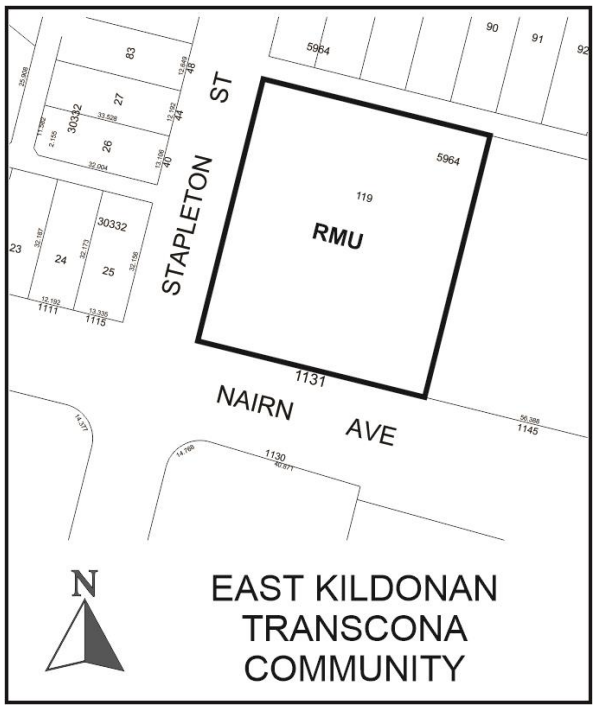
**RELATED FILES:** DAV 23-254531/D

**COMMUNITY:** East Kildonan – Transcona

**NEIGHBOURHOOD #:** 405 - East Elmwood

**SUBJECT:** DAZ - rezoning to rezone an existing lot from “C3” Commercial – Corridor to “RMU” Residential – Mixed-Use for the construction of a mixed-use residential and commercial building.

**LOCATION**: 1131 Nairn Avenue




**LEGAL DESCRIPTION:** THE WLY 200 FEET PERP OF LOT 119 PLAN 5964 WLTO IN RL 67 AND 68 PARISH OF ST BONIFACE

| | |
|---|---|
| **APPLICANT:** | Landmark Planning & Design Inc. (Carolina Herrera)<br>298 Waterfront Drive<br>R3B 0G5 |
| **OWNER:** | 10145825 MANITOBA LTD.<br>227 Stafford Street<br>R3M 2J1 |
| **RECOMMENDATION:** | **Approval** |

**SITE DESCRIPTION**

The subject site is located at the northeast corner of Nairn Avenue and Stapleton Street in the East Elmwood neighbourhood of the Elmwood – East Kildonan ward.

The subject property is currently zoned “C3” Commercial – Corridor District.

The subject property is located in a “Regional Mixed Use Corridor” policy area as designated in *Complete Communities 2.0*.

The subject property has an assessed area of 46,256 square feet.

Currently on the property is a vacant one-storey commercial building.




**Figure 1: Subject site and surrounding area (flown 2021).**

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

The subject area is characterized by a mix of single family uses and commercial uses of varying scale.

**North:** Rear lane, then single-family dwellings zoned “R1-M” Residential Single-Family – Medium.

**South:** Nairn Avenue, then a restaurant zoned “C3” Commercial – Corridor.

**East:** A commercial building zoned “C3” Commercial – Corridor.

**West:** Stapleton Street, then a single family dwelling zoned “R1-M” Residential Single-Family – Medium.




**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant wishes to rezone the existing lot to the “RMU” Residential – Mixed-Use for the construction of a mixed-use residential and commercial building.
- The proposed building would:
    - Include 99 dwelling units.
    - Be six stories in height.
    - Be setback from Nairn Avenue by 7’, from Stapleton Street by 6’ 6”, from the east property line by 16’ and from the rear property line by 25’.
    - Be clad in a mixture of fibre cement siding and acrylic stucco
    - Include an underground parking structure.
    - Include commercial uses on the ground floor, and residential uses on the second through sixth floors
    - Include two access points to Stapleton Street, as well as parking accessed from the rear lane.
- The proposed site plan shows:
    - 115 parking stalls, including six accessible stalls and two van accessible stalls.
    - 14 indoor bicycle parking spaces and six outdoor bicycle parking spaces.
    - A 3’ tall black metal fence along the west property line.
    - Direct pedestrian connection to Nairn Avenue from the proposed commercial uses, as well as direct pedestrian connections to Stapleton Street.
    - A garbage enclosure located at the rear of the property, abutting the rear lane.
    - A total of 220 plants located along the building foundation, within the parking area, and along the Nairn and an Stapleton street edges.
- The existing accesses to Stapleton Street and Nairn Avenue will be closed.

**REASON FOR APPLICATION**

- The subject property is currently zoned “C3” Commercial – Corridor. This district does not permit the establishment of a mixed-use residential and commercial development.
- The applicant wishes to construct a new building with a mixture of residential uses and commercial uses, and therefore must rezone the subject property to the “RMU” Residential – Mixed-Use District to accommodate the uses.
- In order to rezone the lot to accommodate the new use, a rezoning application is required.
- Additional variances are required for:
    - A reduced front yard.
    - A reduced west side yard.
    - A reduced lot area per dwelling unit.
    - Insufficient parking lot interior landscaping.
    - Insufficient buffering of a parking area abutting a residential zoning district.
    - Insufficient lot area per dwelling unit.
- The variances are analyzed in greater detail in the accompanying report for DAV 23-254531D
- The Public Service is recommending approval of the proposed variances.

**Collaboration with the Public Service:**

- The applicant worked with the Public Service in advance of their application, undertaking a Pre-Application and making changes to their site and building plans.

**ANALYSIS AND ISSUES**

OURWINNIPEG

*OurWinnipeg* is the City of Winnipeg’s long-range development plan. Applicable Policies for Regional Mixed Use Corridors include the following:

6.1 Sustainable Urban Growth

- *The City must accommodate physical development that reflects this Plan’s goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.*

6.20 Corridors

- *Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term*.

6.21 Regional Mixed Use Corridors

- *Recognize that a primary function of designated Regional Mixed-Use Corridors is for the efficient movement of people, goods and services, while transitioning the functional design over time to support mixed-use intensification and transit-orientation.*

The proposed development application **aligns** with *OurWinnipeg* for the following reasons:

- The proposal introduces a mixed use development of six stories along a regional mixed use corridor, providing commercial uses at grade with residential uses above the commercial uses
- Multiple access points to the street for pedestrians, active ground floor uses, and substantial landscaping all contribute to a vibrant pedestrian environment
- The location is well served by the primary transit network.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg 2045*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject site is located in a "Regional Mixed-Use Corridor" policy area of *CCDS 2.0*. Certain goals and policies of CCDS 2.0 apply to the proposal.
- Goal 3 - *Ensure Corridors provide a comfortable pedestrian environment and attractive public realm.*
    - *3.7 Encourage development on Regional Mixed Use Corridors to enable a comfortable pedestrian environment and attractive public realm through the use of design elements which may include, but are not limited to the following:*

        *3.7.1 Providing minimal building setbacks from the public right-of-way to define the street edge.*

        *3.7.2 Having entrances provide direct access to the public sidewalk.*

        *3.7.3 Promoting a fine-grained and transparent street-level façade with active ground floor uses.*

        *3.7.4 Minimizing impacts of vehicular access and parking on the pedestrian environment.*

The proposed building will have a 7' front yard setback towards Nairn Avenue, along with landscaping in the front yard. Together, this creates a defined street edge.

The proposed building includes multiple at-grade entrances to the commercial spaces in the building as well as to the lobby of the residential portion, along with direct connections to the sidewalk along Nairn Avenue.

While the upper floors of the building are reserved for residential uses, the main floor is proposed to include several commercial spaces with floor to ceiling windows.

Vehicular access will not be taken from Nairn Avenue, and the existing approach from Nairn Avenue will be removed and restored. In its place, access will be provided from Stapleton Street and the rear lane. Together, these features minimize vehicular impacts on the corridor.

- *3.8 Mitigate negative shadow impacts and ensure adequate sunlight penetration experienced by rear- and side-adjacent residential properties and the public sidewalk by:*

  *3.8.1 Using Corridor right of way width as a guide to determine maximum building height, where appropriate.*

  *3.8.2 Using upper-level building step backs, where appropriate.*

The proposal will be six stories in height. The closest building lies to the east, which is a bowling alley built to the property line with minimal outdoor space. A shadow impact is not a concern here.

To the north, the building has a rear yard setback of 25', followed by a rear lane, and then properties with single family dwellings. This creates a separation space of approximately 45' between the building and the start of the properties to the north, providing ample buffer space.

To the west, the building is setback 6' 6", followed by a street and boulevards that total approximately 65'. This provides ample buffer space to the properties to the west.

To the south, the property abuts Nairn Avenue, which is approximately 85' in width including the public sidewalks, followed by commercial uses. This is a substantial separation distance, and a shadow impact is not a concern here.

A shadow impact study was submitted with the application, demonstrating that if the proposed building were constructed, all of the surrounding residences would maintain a minimum of five hours of continuous sunlight per day.

- *3.9 Encourage pedestrian-oriented improvements to the design of the public realm and right-of-way.*
- *3.11 Promote simple, quick, direct, and universal access to transit stops, junctions, hubs, and stations through site design.*

The building will enhance pedestrian orientation of the public realm by establishing active, at-grade commercial uses with substantial windows, increased landscaping, and direct access from the building to the public sidewalk.

- Goal 4 - *Use Corridors to provide local commercial amenities and opportunities for the surrounding neighbourhood and community.*
  - *4.4 Support and protect Corridors' continued retail and service function by encouraging retail and service use intensification and by supporting reinvestment in existing Corridors.*

- *4.5 Encourage the location of the most active retail and service uses to ground floor commercial spaces, and direct less active uses above-grade.*

The submitted plans show small-scale, ground oriented commercial uses facing Nairn Avenue, with the residential spaces located above it. This is consistent with the policies for Regional Mixed Use Corridors.

**ZONING BY-LAW 200/2006**

- The "RMU" Residential – Mixed-Use District is intended to facilitate mixed use projects with small-scale commercial uses and residential densities that are similar to the "RMF-L" Residential – Multi-Family (Large) District, provided they are consistent with the surrounding context.
- The subject site is located in an area characterized by a mixture of land uses, including higher intensity regional corridor oriented commercial uses, as well as lower intensity single-family dwellings.
- The proposed office uses can be accommodated in the "RMU" district.
- The "RMU" designation was chosen because it enables a higher density residential structure paired with ground-floor commercial uses, which is consistent with the policies and context of a Regional Mixed Used Corridors.
- Proximity to high frequency transit, location along an arterial road, and adjacency to a range of higher intensity commercial land uses are supporting factors in the use of the "RMU" zoning district.
- The applicant has submitted a site plan and elevations that have responded to feedback from the Urban Planning Division.
- The submitted design is of high quality and is consistent with policies guiding residential and commercial development on this section of Nairn Avenue.
- Based on these considerations, the "RMU" zoning district is the most appropriate zoning district to enable the proposed development.

**ADDITIONAL CONSIDERATIONS**

***Parking***

- No variances to the number of parking stalls are being sought by the applicant

***Plan Approval***

- Given the development potential of the "RMU" district, Plan Approval by the Director of Planning Property and Development and the East Kildonan-Transcona Community Committee is recommended as a condition of subdivision and rezoning approval.
- The applicant has provided colour renderings depicting building and site improvements.

- These improvements are satisfactory to the Urban Planning Division. It is the expectation of the Public Service that final plans will at minimum match the quality of submitted plans.
- At time of Plan Approval, the Urban Planning Division will review submitted drawings to ensure these acceptable cladding materials and landscape improvements are employed.
- Establishment of a Plan Approval clause will also enable Community Committee to review any future development concepts on site, ensuring contextual sensitivity will be maintained in the long term.

***Shadow study***

- At the request of the Urban Planning Division the applicant submitted a sun shadow study as part of their development application (Appendix D).
- Based on the proposed 72' tall building with an associated 25' foot rear yard setback the study found:
    - Relatively minor shadow impact to residential uses to the north at equinox (12:00 pm), with the most substantial impact occurring for the properties located northeast of the subject site at equinox (6:00 pm).
    - Shadow impact ending at the properties to the west at equinox (12:00 pm).
    - Relatively minor shadow impact to the commercial use to the east at equinox (6:00 pm)

***Site servicing***

- The proposed development will be required to meet the conditions outlined in the report by the Administrative Coordinating Group (ACG) as outlined in Schedule B of this report. The report identifies a servicing agreement is required.
- As identified in the ACG report, there is current sewer capacity to accommodate the proposed development at 1131 Nairn Avenue.

**SUMMARY**

The Urban Planning Division recommends a**pproval** for the following reasons:

- The rezoning will result in the establishment of a mixed-use development that is consistent with policies in *OurWinnipeg 2045* and *Complete Communities 2.0*.
- The proposed development will enable residential and small-scale commercial activity along a Regional Mixed Use Corridor that is complimentary to the existing land uses.

**RECOMMENDATION**

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned to the "RMU" Residential – Mixed-Use District.

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

Report Prepared by: Dylan Chyz-Lund, MCP
*PPD File # DAZ 224/2023*

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

**RE: PROPOSED REZONING OF LAND LOCATED AT 1131 NAIRN AVENUE**

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 224/2023. The applicant should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

### Section I – General Comments

1) The Water and Waste Department advises there is adequate water servicing for the proposed development. Additional review will be required by the Department should the plans of development change during the design process.

### Section II – Plan Considerations

1) The subject land is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed future development cannot exceed the allowable discharge rate:
   i. The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.
   ii. The peak land drainage discharged from the site must be based on a c-value of 0.55, with a 25 year rainfall event applied providing on-site storage.
   iii. The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm), unless otherwise approved.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 224/2023
March 18, 2024

"*Original Signed by K. Kowalyk"*
K. Kowalyk, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

**SCHEDULE "C" OF FILE DAZ 224/2023, East Kildonan – Transcona Community Committee,**
**dated April 8, 2024**

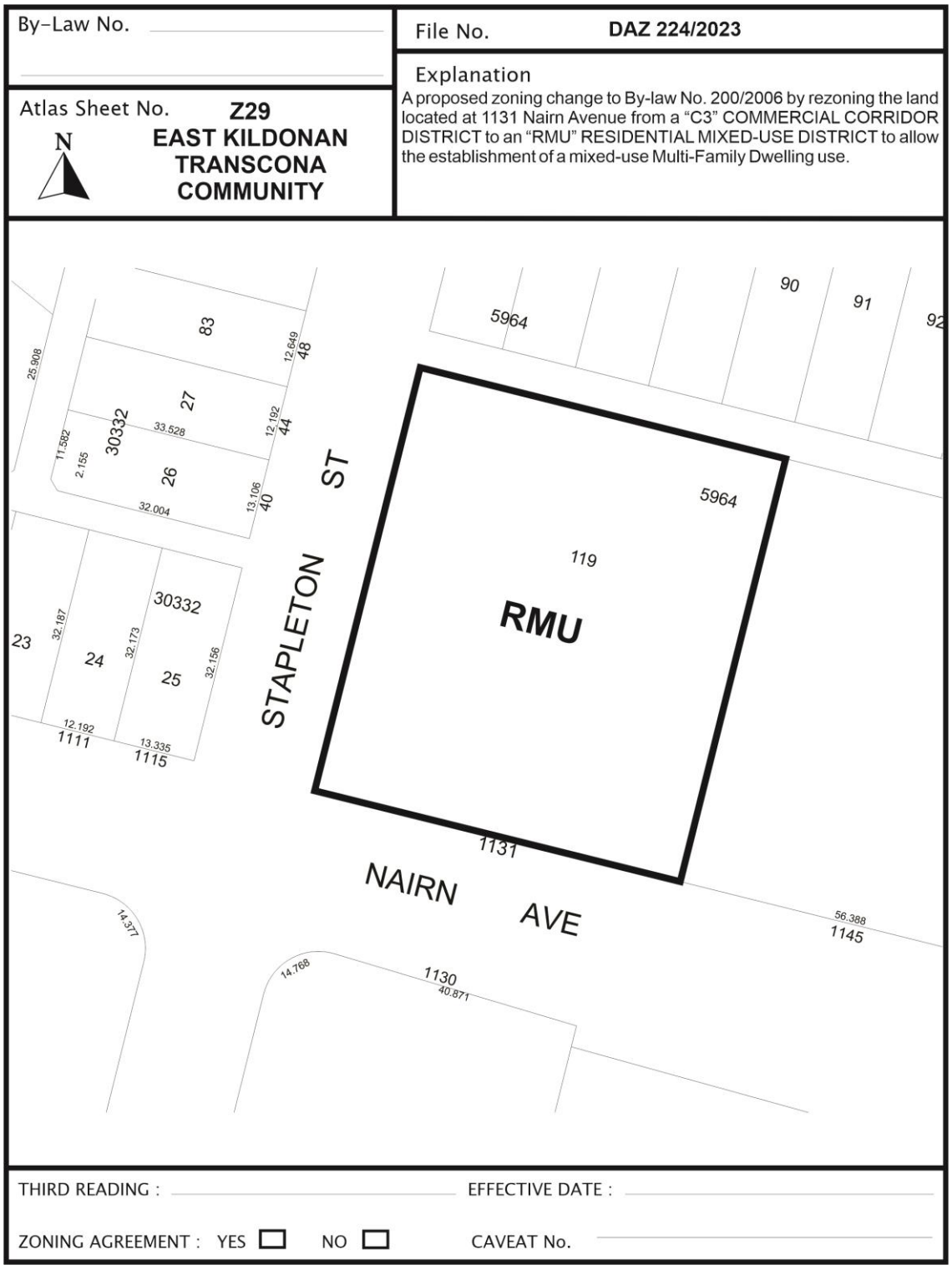
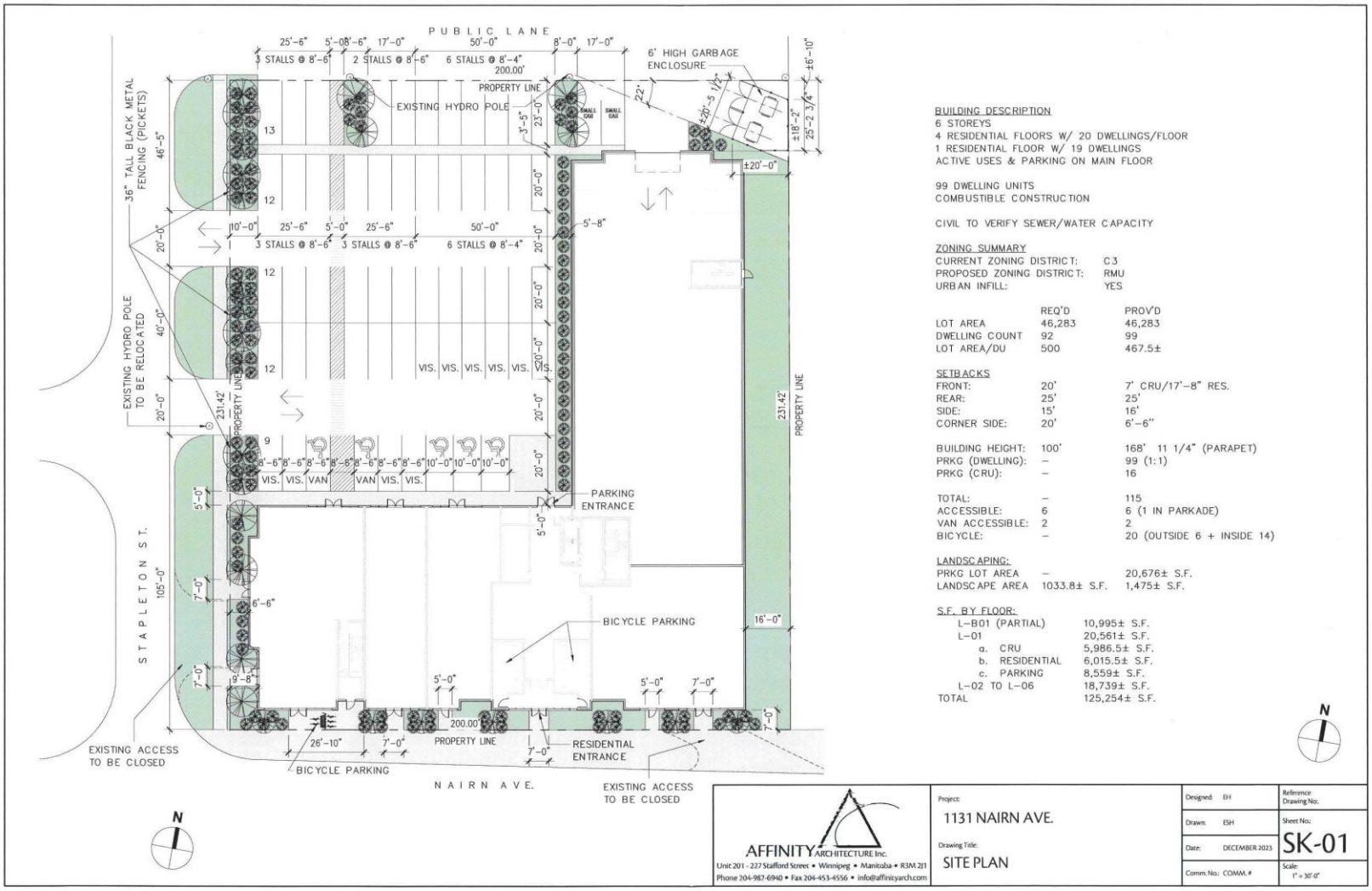


Exhibit “9” referred to in File DAZ 224/2023




BUILDING DESCRIPTION
6 STOREYS
4 RESIDENTIAL FLOORS W/ 20 DWELLINGS/FLOOR
1 RESIDENTIAL FLOOR W/ 19 DWELLINGS
ACTIVE USES & PARKING ON MAIN FLOOR

99 DWELLING UNITS
COMBUSTIBLE CONSTRUCTION

CIVIL TO VERIFY SEWER/WATER CAPACITY

ZONING SUMMARY

| | | |
|---|---|---|
| CURRENT ZONING DISTRICT: | | C3 |
| PROPOSED ZONING DISTRICT: | | RMU |
| URBAN INFILL: | | YES |

| | REQ'D | PROV'D |
|---|---|---|
| LOT AREA | 46,283 | 46,283 |
| DWELLING COUNT | 92 | 99 |
| LOT AREA/DU | 500 | 467.5± |

SETBACKS

| | | |
|---|---|---|
| FRONT: | 20' | 7' CRU/17'-8" RES. |
| REAR: | 25' | 25' |
| SIDE: | 15' | 16' |
| CORNER SIDE: | 20' | 6'-6" |
| BUILDING HEIGHT: | 100' | 168' 11 1/4" (PARAPET) |
| PRKG (DWELLING): | – | 99 (1:1) |
| PRKG (CRU): | – | 16 |
| TOTAL: | – | 115 |
| ACCESSIBLE: | 6 | 6 (1 IN PARKADE) |
| VAN ACCESSIBLE: | 2 | 2 |
| BICYCLE: | – | 20 (OUTSIDE 6 + INSIDE 14) |

LANDSCAPING:

| | | |
|---|---|---|
| PRKG LOT AREA | – | 20,676± S.F. |
| LANDSCAPE AREA | 1033.8± S.F. | 1,475± S.F. |

S.F. BY FLOOR:

| | |
|---|---|
| L-B01 (PARTIAL) | 10,995± S.F. |
| L-01 | 20,561± S.F. |
| a. CRU | 5,986.5± S.F. |
| b. RESIDENTIAL | 6,015.5± S.F. |
| c. PARKING | 8,559± S.F. |
| L-02 TO L-06 | 18,739± S.F. |
| TOTAL | 125,254± S.F. |

N

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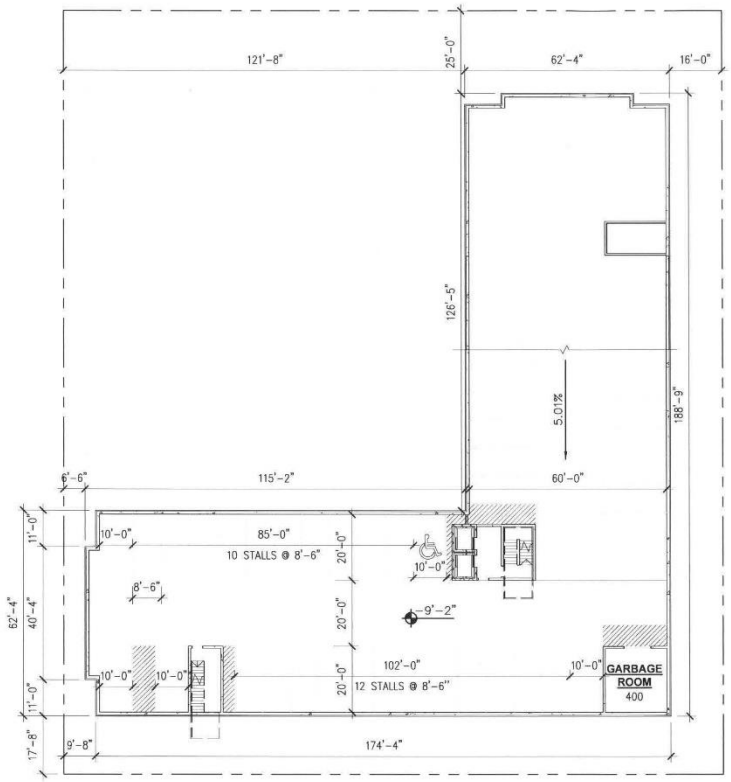
Unit 201 - 227 Stafford Street • Winnipeg • Manitoba • R3M 2J1
Phone 204-987-6940 • Fax 204-453-4556 • info@affinityarch.com

Project: 1131 NAIRN AVE.
Drawing Title: SITE PLAN

Designed: EH
Drawn: ESH
Date: DECEMBER 2023
Comm.No.: COMM.#

Reference Drawing No.:
Sheet No.: SK-01
Scale: 1" = 30'-0"







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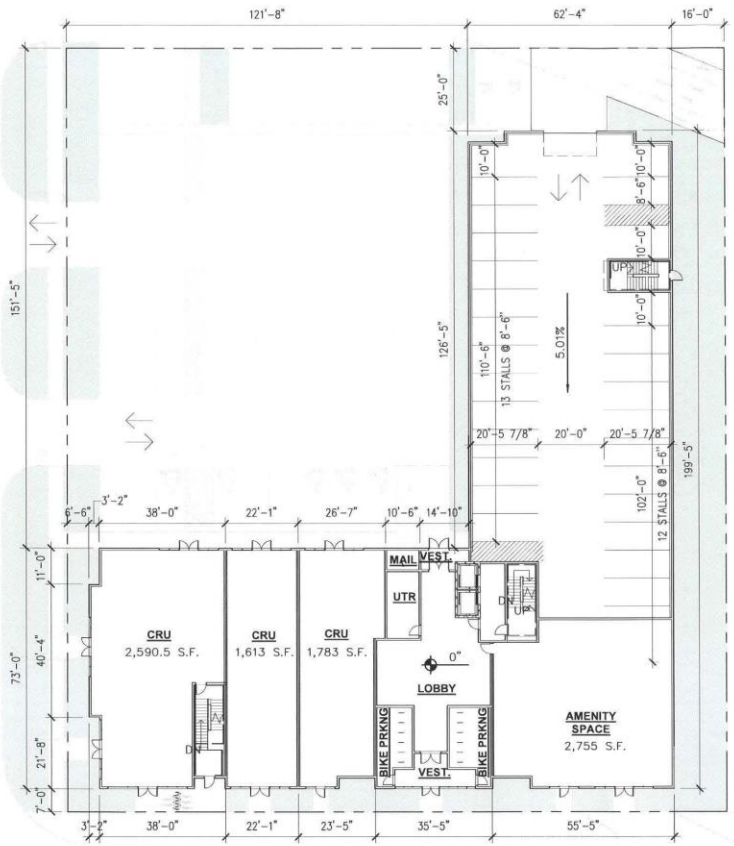
Project:
1131 NAIRN AVE.

Drawing Title:
FLOOR PLAN-LB01

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm. No.: COMM. #

Reference Drawing No.:
Sheet No.: SK-02
Scale: 1" = 30'-0"

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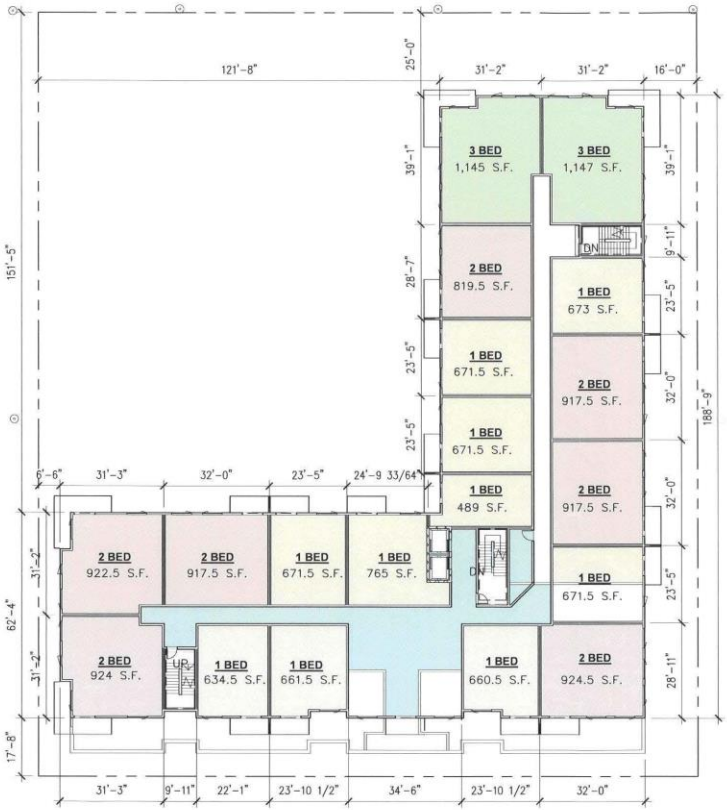
Project:
1131 NAIRN AVE.

Drawing Title:
FLOOR PLAN-L01

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm. No.: COMM. #

Reference Drawing No.:
Sheet No.: SK-03
Scale: 1" = 30'-0"




## UNITS LEGEND

- 1 BEDROOM
- 2 BEDROOM
- 3 BEDROOM
- COMMON SPACES

N

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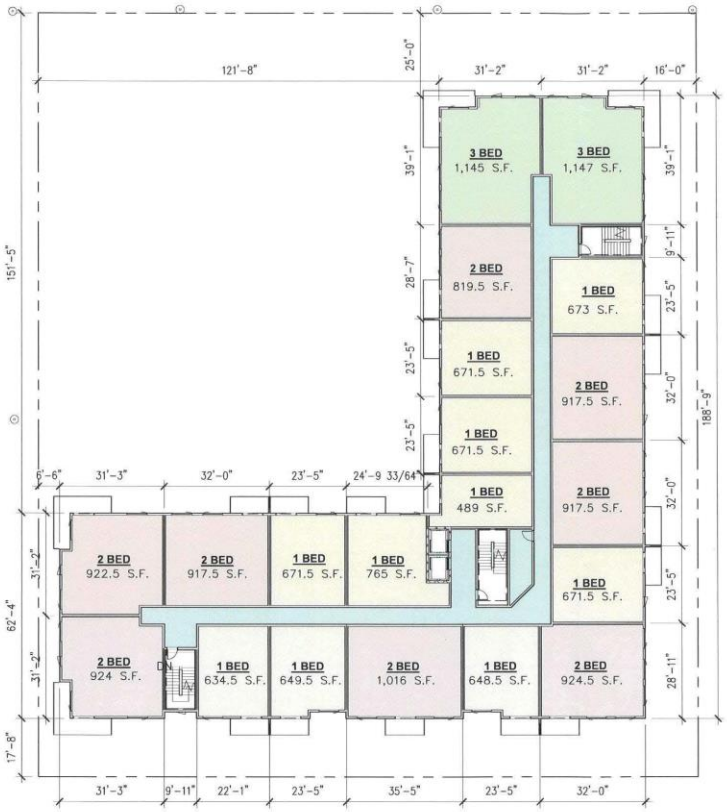
Project: 1131 NAIRN AVE.

Drawing Title: FLOOR PLAN-L02

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm. No.: COMM. #

Reference Drawing No.:
Sheet No.: SK-04
Scale: 1" = 30'-0"




## UNITS LEGEND

- 1 BEDROOM
- 2 BEDROOM
- 3 BEDROOM
- COMMON SPACES

N

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Project: 1131 NAIRN AVE.

Drawing Title: FLOOR PLAN-L03 TO L06

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm.No.: COMM.#

Reference Drawing No.:
Sheet No.: SK-05
Scale: 1" = 30'-0"




## EXTERIOR BUILDING ELEVATION - SOUTH

1/16" = 1'-0"

## EXTERIOR FINISH LEGEND:

EXTERIOR INSULATION FINISHING SYSTEM

- EIFS-1
  - -ACRYLIC STUCCO, WHITE
- EIFS-2
  - -ACRYLIC STUCCO, LIGHT GREY
- EIFS-3
  - -ACRYLIC STUCCO, MEDIUM GREY
- EIFS-4
  - -ACRYLIC STUCCO, DARK BROWN/CHARCOAL
- EIFS-5
  - -ACRYLIC STUCCO WITH BRICK STENCIL, CHARCOAL BRICKS WITH BLACK GROUT

PREFINISHED METAL CLADDING AND FLASHING

- PF-1
  - -PRE-FINISHED METAL FASCIA WITH RIBBING, BLACK
- PF-2
  - -PRE-FINISHED METAL CAP FLASHING, COLOUR TO MATCH WHITE STUCCO
- PF-3
  - -PRE-FINISHED METAL CAP FLASHING, BLACK

FIBRE CEMENT BOARD CLADDING

- FCB-1
  - -LAP SIDING, WOODTONE
- FCB-2
  - -LAP SIDING, CHARCOAL

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Project: 1131 NAIRN AVE.

Drawing Title: SOUTH ELEVATION

| | |
|---|---|
| Designed: EH | Reference Drawing No.: |
| Drawn: ESH | Sheet No.: SK-06 |
| Date: NOVEMBER 2023 | Scale: As indicated |
| Comm. No.: COMM. # | |




## EXTERIOR BUILDING ELEVATION - NORTH

1/16" = 1'-0"

## EXTERIOR FINISH LEGEND:

EXTERIOR INSULATION FINISHING SYSTEM

- EIFS-1
  - -ACRYLIC STUCCO, WHITE
- EIFS-2
  - -ACRYLIC STUCCO, LIGHT GREY
- EIFS-3
  - -ACRYLIC STUCCO, MEDIUM GREY
- EIFS-4
  - -ACRYLIC STUCCO, DARK BROWN/CHARCOAL
- EIFS-5
  - -ACRYLIC STUCCO WITH BRICK STENCIL, CHARCOAL BRICKS WITH BLACK GROUT

PREFINISHED METAL CLADDING AND FLASHING

- PF-1
  - -PRE-FINISHED METAL FASCIA WITH RIBBING, BLACK
- PF-2
  - -PRE-FINISHED METAL CAP FLASHING, COLOUR TO MATCH WHITE STUCCO
- PF-3
  - -PRE-FINISHED METAL CAP FLASHING, BLACK

FIBRE CEMENT BOARD CLADDING

- FCB-1
  - -LAP SIDING, WOODTONE
- FCB-2
  - -LAP SIDING, CHARCOAL

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Phone 204-982-6940 • Fax 204-453-4656 • info@affinityarch.com

Project: 1131 NAIRN AVE.

Drawing Title: NORTH ELEVATION

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm.No.: COMM.#

Reference Drawing No.:
Sheet No.: SK-07
Scale: As indicated




## EXTERIOR BUILDING ELEVATION - EAST

1/16" = 1'-0"

## EXTERIOR FINISH LEGEND:

EXTERIOR INSULATION FINISHING SYSTEM

- EIFS-1
  - -ACRYLIC STUCCO, WHITE
- EIFS-2
  - -ACRYLIC STUCCO, LIGHT GREY
- EIFS-3
  - -ACRYLIC STUCCO, MEDIUM GREY
- EIFS-4
  - -ACRYLIC STUCCO, DARK BROWN/CHARCOAL
- EIFS-5
  - -ACRYLIC STUCCO WITH BRICK STENCIL, CHARCOAL BRICKS WITH BLACK GROUT

PREFINISHED METAL CLADDING AND FLASHING

- PF-1
  - -PRE-FINISHED METAL FASCIA WITH RIBBING, BLACK
- PF-2
  - -PRE-FINISHED METAL CAP FLASHING, COLOUR TO MATCH WHITE STUCCO
- PF-3
  - -PRE-FINISHED METAL CAP FLASHING, BLACK

FIBRE CEMENT BOARD CLADDING

- FCB-1
  - -LAP SIDING, WOODTONE
- FCB-2
  - -LAP SIDING, CHARCOAL

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Project: 1131 NAIRN AVE.

Drawing Title: EAST ELEVATION

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm. No.: COMM. #

Reference Drawing No.:
Sheet No.: SK-08
Scale: As indicated




## EXTERIOR BUILDING ELEVATION - WEST

1/16" = 1'-0"

## EXTERIOR FINISH LEGEND:

EXTERIOR INSULATION FINISHING SYSTEM

- EIFS-1
  - -ACRYLIC STUCCO, WHITE
- EIFS-2
  - -ACRYLIC STUCCO, LIGHT GREY
- EIFS-3
  - -ACRYLIC STUCCO, MEDIUM GREY
- EIFS-4
  - -ACRYLIC STUCCO, DARK BROWN/CHARCOAL
- EIFS-5
  - -ACRYLIC STUCCO WITH BRICK STENCIL, CHARCOAL BRICKS WITH BLACK GROUT

PREFINISHED METAL CLADDING AND FLASHING

- PF-1
  - -PRE-FINISHED METAL FASCIA WITH RIBBING, BLACK
- PF-2
  - -PRE-FINISHED METAL CAP FLASHING, COLOUR TO MATCH WHITE STUCCO
- PF-3
  - -PRE-FINISHED METAL CAP FLASHING, BLACK

FIBRE CEMENT BOARD CLADDING

- FCB-1
  - -LAP SIDING, WOODTONE
- FCB-2
  - -LAP SIDING, CHARCOAL

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Project: 1131 NAIRN AVE.

Drawing Title: WEST ELEVATION

Designed: EH
Drawn: ESH
Date: NOVEMBER 2023
Comm.No.: COMM.#

Reference Drawing No.:
Sheet No.: SK-09
Scale: As indicated