Agenda – Council – December 14, 2005

Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 22 Subdivision and Rezoning - 1167 St. Anne's Road
File DASZ 41/2005

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 41/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2005 dated November 14, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 8, 2005.

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

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2005 dated November 14, 2005, to an "RM-3" Multiple Family District and a "PR-1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That final plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, sidewalks and pathways, garbage enclosures, landscaping and fencing be submitted to and approved by the Director of Planning, Property, and Development and the Riel Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property, and Development.

4. 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.

Report - Standing Policy Committee on Property and Development - November 29, 2005

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

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 1167 St. Anne's Road**
File DASZ 41/2005

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **November 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 41/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2005 dated November 14, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 8, 2005.

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

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2005 dated November 14, 2005, to an "RM-3" Multiple Family District and a "PR-1" Parks and Recreation District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, sidewalks and pathways, garbage enclosures, landscaping and fencing be submitted to and approved by the Director of Planning, Property, and Development and the Riel Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property, and Development.

4. 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.

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

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 14, 2005 and in the report from the Administrative Coordinating Group dated November 8, 2005.

PUBLIC HEARING SUMMARY

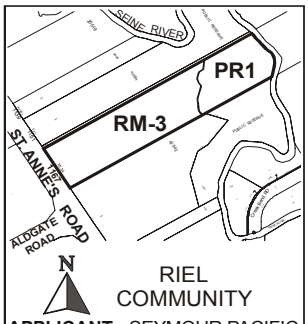
File: DASZ 41/2005

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: November 22, 2005
Council Building, 510 Main Street

Applicant: Seymour Pacific Developments Ltd. (Sean C. Roy)

Subject:



APPLICANT : SEYMOUR PACIFIC DEVELOPMENTS LTD.
FILE: DASZ 41/05
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. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "RM-3" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : SEYMOUR PACIFIC DEVELOPMENTS LTD.
N° DE RÉFÉRENCE : DALZ 41/05
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A-5 (SECTEUR AGRICOLE) à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) et à la catégorie RM3 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1167 St. Anne's Road
5304

Exhibits Filed:

1. Application dated September 3, 2005
2. Notification of Public Hearing dated November 1, 2005
3. Manitoba Status of Title 2073539
4. Letter of authorization dated June 27, 2005 from Israel and Sarah Friedman to Kris Mailman, Gary Mailman or Sean C. Roy of Broadstreet Properties Ltd.
5. Drawing of subject property
6. Plans (5 pages)
7. Report from the Manager of Planning and Land Use dated November 14, 2005
8. Report from the Administrative Coordinating Group dated November 8, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Sean Roy

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Sean Roy, appeared in support of the application.

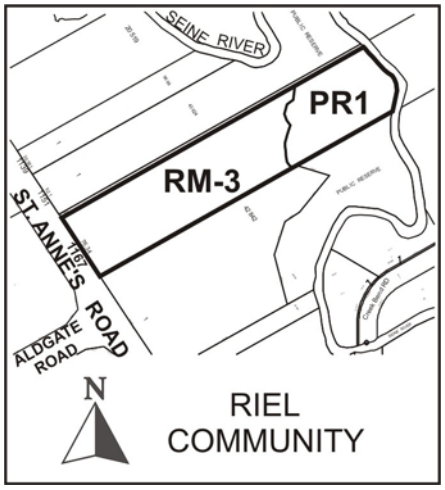
Exhibit "7" referred to in File DASZ 41/2005

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 14, 2005
File: DASZ 41/05
Related Files:
Subject: **An application has been received from Seymour Pacific Development Ltd. for approval of a plan of subdivision and related zoning change to By-law 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to a "RM-3" Multi-Family District to allow for three four-storey multiple family dwellings.**

Location: **1167 St. Anne's Road**



Applicant: **Seymour Pacific Developments Ltd. (Sean Roy)**
Owner: **Israel and Sarah Friedman**

Recommendation: **Approval**

5306

Report Summary:

- Application to rezone a 7 acre parcel from "A-5" Agricultural District to "RM-3" Multiple-Family District for the establishment of three, four-storey multi-family dwellings.
- A total of 167 units are being proposed
- A significant amount of the waterway area is either being acquired by the City for public reserve/pathway purposes or is being obtained through dedication.
- The proposed project is similar to a number of other projects which have recently been approved along this stretch of St. Anne's Road.

Site Description

The subject property, which is 7 acres in size, is situated just north of Aldgate Road between St. Anne's Road and the Seine River in the Dakota Crossing neighbourhood of the St. Vital Ward.

North: A condominium development currently under construction zoned "RM-2" Multiple Family District and open space along the Seine River zoned "PR-1" parks and Recreation District
South: Undeveloped land zoned "RM-2" Multiple-Family District and open space along the Seine River zoned "PR-1" Parks and Recreation District
East: Immediately to the east is the Seine River. Further to the east are residences and undeveloped land zoned "A-5" Agricultural
West: Undeveloped land zoned "RM-2" Multiple Family District and single-family residences zoned "R1-4" Residential

Description of the Proposed Development
The applicant is intending to construct three, four storey multi-family dwellings. Two of the buildings will accommodate 51 units each, while the building closest to St. Anne's Road will accommodate 65 units, for a total of 167 units. All of the required parking will be provided above ground.

A significant amount of the waterway area is either being acquired by the City for public reserve/pathway purposes or is being obtained through dedication.

Analysis
Plan Winnipeg
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The proposed project is similar to a number of other projects which have recently been approved along this stretch of St. Anne's Road. In most cases, the approvals have been for multi-family development with low to medium range densities. These types of projects are deemed to be the

highest and best use of the land given that, in most cases, the properties are not large enough to sustain single-family development.

Open Space
Similar to other projects approved next to the Seine River, the City, in conjunction with Save our Seine (SOS), is recommending the acquisition of adjoining waterway lands and the construction of pathway linkages in the public reserve area.

Site Design Issues

It is recommended that the following site design issues be addressed in conjunction with final plan approval.

Front Yard Setback
The building closest to St. Anne's Road will be set back approximately 25 feet from the public right of way, which is the minimum setback permitted under By-law 6400/94. However, the majority of multi-family developments along St. Anne's Road have larger front yard setbacks, creating an attractive landscaped presentation along the road. In light of this, it is recommended that the applicant provide landscaping and berming treatment in the front yard setback, to offset for the smaller setback compared to adjacent properties.

Perimeter Landscaping
Where the parking areas abut adjacent property, it is recommended that the applicant provide a hedge or lightproof fence with trees to screen headlight glare. Additionally, it is recommended that the garbage areas be screened from adjacent properties with landscaping.

Parking lot landscaping
The applicant is proposing to accommodate all of the required parking above ground. This will result in slightly over 40% of the developed site to be paved for surface parking. In light of this, it is recommended that the applicant add several trees in curbed islands throughout the parking lot. The treed islands will serve several purposes:

- Reduce the amount of stormwater runoff
- Shade the parking area in the summer
- Reduce hydrocarbon emissions from parked cars
- Add aesthetic appeal

Given that the proposed number of parking stalls exceeds the By-law requirement, there is adequate space to provide several trees within the parking area

Other
It is recommended that the applicant install a continuous pedestrian pathway - providing a connection between all three buildings, the public sidewalk, and the open space network along the Seine.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- This proposal is similar to other developments which have recently been approved along this stretch of St. Anne's Road
- Multiple-family residential is the highest and best use of the subject lands
- Proposal meets Plan Winnipeg policies which allow for a variety of residential uses in the Neighbourhood Policy Area;
- The proposed site design is compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 41/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/05, attached hereto and dated November 14, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 8, 2005.

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

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 41/05, attached hereto and dated November 14, 2005, to an "RM-3" Multiple Family District and a "PR-1" Parks and Recreation District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, sidewalks and pathways, garbage enclosures, landscaping and fencing be submitted to and approved by the Director of Planning, Property, and Development and the Riel Community Committee prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property, and Development.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

XI. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Michael Robinson, AICP
PPD File # 5.53

5310

Schedule "A"

By-Law No. _____

File No. **DASZ 41/05**

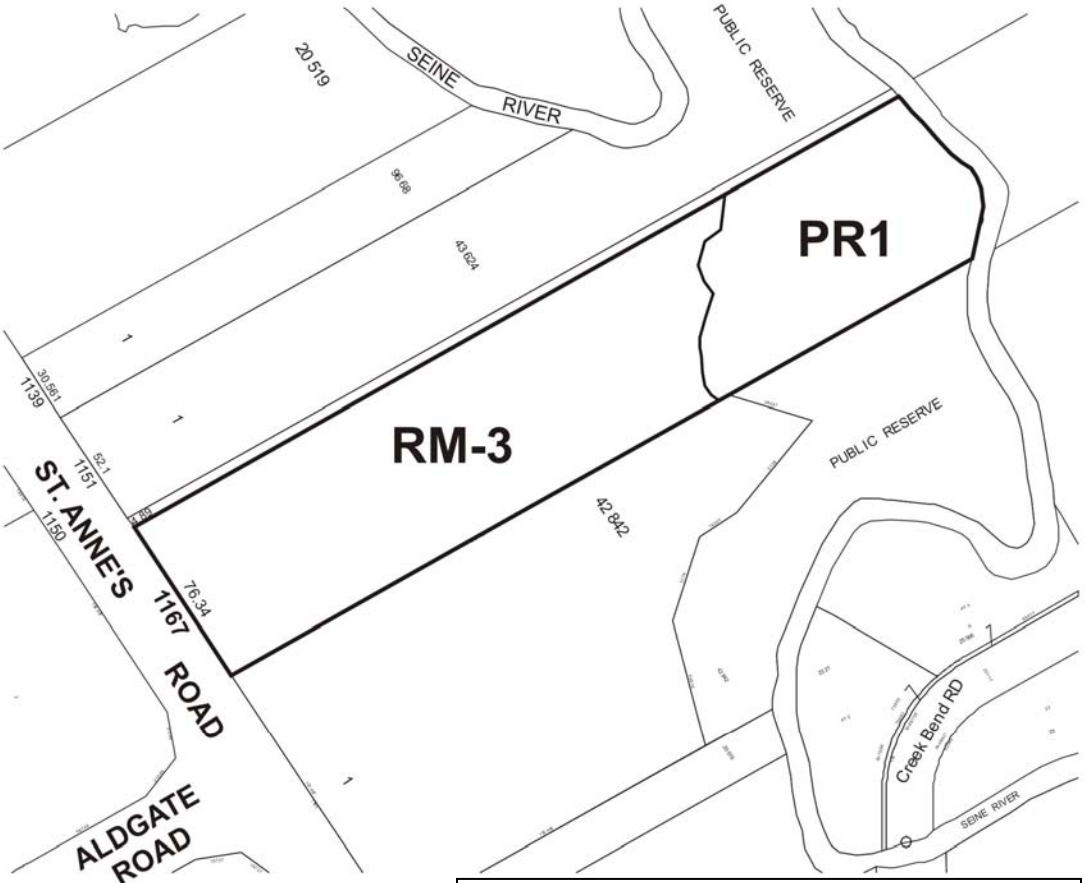
Atlas Sheet No.

N

AJ29
RIEL
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. 6400/94 by rezoning the land located at 1167 St. Anne's Road from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" to the report of the Riel Community Committee for File No. DASZ 41/05 dated November 14, 2005

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2002)

Exhibit "8" referred to in File DASZ 41/2005

Re: Proposed subdivision and rezoning of land located at 1167 St. Anne's Road – DASZ 41/05

An application has been submitted by Seymour Pacific Developments Ltd. to subdivide and rezone land located at 1167 St. Anne's Road. The plan proposes to delineate the land lying below the 230.5m to be acquired by the City for the Seine River Waterway. The plan also proposes to dedicate 0.8 acres above the 230.5m contour as public open space.

It is recommended that approval of DASZ 41/05 be subject to the Developer selling to the City for the Seine River Waterway at a price not to exceed $15,000.00/acre, the land lying below geodetic elevation 230.5m. In addition, the Developer shall dedicate a further approximately 0.8 acres above the 230.5m contour as public open space.

It is also recommended that approval of DASZ 41/05 be subject to the Developer entering into a Servicing Agreement as follows:

1. a) The Developer shall pay the lateral land drainage sewer local improvement charge ($18.00/ft.) for the St. Anne's Road frontage;
   b) The Developer shall pay its share of the regional land drainage system (2005 rate = $9,788.00/acre) benefiting the proposed development;
   c) The Developer shall pay the Seine River Waterway Acquisition Charge ($145.00/acre) attributable to the proposed development.
2. The Developer shall pay its share of the cost of surface improvements to be installed by the City in St. Anne's Road in the future (2005 rate = $289.80/ft.)
3. The Developer shall, at no expense to the City, construct the proposed Seine River pathway within the proposed Public Reserve prior to the issuance of any occupancy permits.
4. The Developer shall pay $1,650.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 41/05
November 8, 2005

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department Transportation Division