Agenda - Council - December 6, 2006

Report - Standing Policy Committee on Property and Development - November 14, 2006

Item No. 4 Subdivision and Rezoning - 160 - 170 St. Mary's Road
File DASZ 35/2006

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2006, 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 35/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office.

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 35/2006 dated September 13, 2006, to an "RM-7" Multiple-Family 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. The final plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details and garbage enclosure locations shall be submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development prior to the issuance of any building permits.

    B. That the maximum number of dwelling units be limited to sixty-seven (67).

    C. That access and egress to and from the site be restricted to St. Mary's Road.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

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

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 14, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 29, 2006, 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 14, 2006, 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 September 19, 2006, 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 - 160 - 170 St. Mary's Road**
File DASZ 35/2006 [c/r DAV 146042/2006D]

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

Prepared by: **Diane Timmins, A/Clerk,**
Riel Community Committee

Report date: **September 28, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2006, 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 35/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2006 dated September 13, 2006, for registration in the Winnipeg Land Titles Office.

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 35/2006 dated September 13, 2006, to an "RM-7" Multiple Family 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. The final plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details, garbage enclosure locations, shall be submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development prior to the issuance of any building permits.

    B. That the maximum number of dwelling units be limited to sixty-seven (67).

    C. That access and egress to and from the site be restricted to St. Mary's Road.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

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

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 reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated September 13, 2006.

2. The Riel Community Committee is of the view there have been ample opportunities for public consultation and input in the proposed development, which is evidenced by the absence of opposition, and believes this development proposal is fully supported by the community.

PUBLIC HEARING SUMMARY

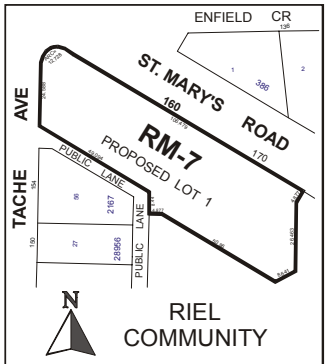
File: DASZ 35/2006 [c/r DAV 146042/2006D]

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

Public Hearing: September 19, 2006
Council Chamber
Council Building, 510 Main Street

Applicant: Colonial Homes/Monbar Investments (Monica Newman)

Subject:



APPLICANT : COLONIAL HOMES/ MONBAR INVESTMENTS
FILE: DASZ 35/06
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 "R1-5" RESIDENTIAL DISTRICT to a an "RM-7" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : COLONIAL HOMES/MONBAR INVESTMENTS
N° DE RÉFÉRENCE : DALZ 35/06
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 R1-5 (SECTEUR RÉSIDENTIEL) à la catégorie RM-7 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 160 - 170 St. Mary's Road

Exhibits Filed:

1. Application dated August 10, 2006
2. Notification of Public Hearing dated August 15, 2006
3. Certificate of Titles A 14223 and 977961
4. Letter of authorization dated June 2, 2006 from Rev. Russell Wardell to Colonial Homes
5. Surveyor's Building Location Certificate and sketch dated August 3, 2006
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated September 13, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Barry Greenberg and Monica Newman
Brian Grieve
Bjorn Neil Johannson

In Opposition:

Nil

For Information:

Robert Crierie
Michelle Dubik and Bruce May
Norm Gousseau
Inkook Jeon

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Barry Greenberg and Monica Newman, appeared in support of the application. With the aid of renderings, Mr. Greenberg gave an overview of the proposed sixty-seven (67) unit condominium development project at the former Norwood United Church property located at the corner of St. Mary's Road and Tache Avenue. He stated that the units would range in size from 827 to 1214 square feet, and noted that a couple of units were in the 1800 to 1900 square foot range. Mr. Greenberg apprised Committee of the various forms of community consultation used to solicit community input in the development proposal. As a result of meetings with the area residents and an open house, Mr. Greenberg expressed the belief that all of the residents' concerns had been addressed. In this connection, he noted that the main concern to the original plan was the additional traffic that would be brought onto Tache Avenue by cars exiting onto Tache Avenue from the site. After speaking with the residents and noting their concern, the plan was revised to have all traffic directed onto St. Mary's Road instead. Mr. Greenberg stated the revised plan had a phenomenally good response from the area residents, and was one supported by the community.

Bjorn Neil Johannson, also appearing in support of the application, advised Committee that he was the lawyer for the Norwood United Church, as well as a member of the congregation and a long time resident of Norwood Flats. He stated that for the last three (3) years, the Church has valiantly tried to sell the subject property to no avail and had incurred a lot of expenses in carrying the site during this time. He expressed the view the development proposal before Committee was by far the best proposal to come forward and one that would be a great benefit to the neighbourhood.

Michelle Dubik and Bruce May, appeared for information. Ms Dubik commented that she did not have the opportunity to be part of the public consultation process and asked whether there would be any further opportunities in the future to see more of the design of the project, as it unfolded to ensure that the final product fit in with the architectural vision for the neighbourhood. Councillor Swandel noted that one of the conditions of approval was the requirement for the developer to submit final plans for the approval of the Riel Community Committee and the Director of Planning, Property and Development.

In rebuttal, Mr. Greenberg stated that the plans for the proposed development would be available for viewing by any person at the Church each weekend on Saturdays and Sundays from 1:00 p.m. to 3:00 p.m., and reiterated the developer's desire to have the project fit in with the community.

The Community Committee commended the developer and its architects for their cooperative efforts in obtaining community input in this matter, and for coming up with a proposal that was fully supported by the community.

Exhibit "7" referred to in File DASZ 35/2006 [c/r DAV 146042/2006D]

Planning, Property and Development Department Report

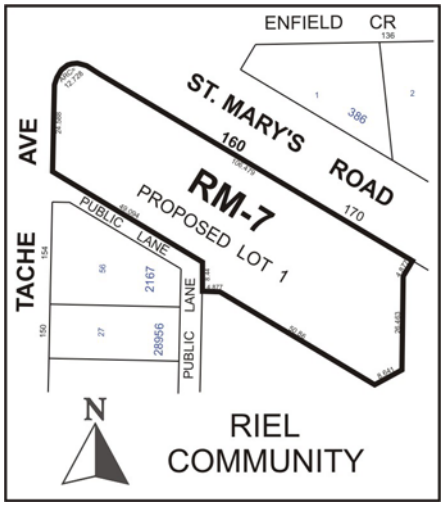
To the Riel Community Committee

Date: September 13/06
File: DASZ 35 /06
Related Files: DAV 06 146042D

Subject: The purpose of the subject application is to consolidate a number of lots into a single parcel and rezone the overall property from an 'R1-5' Single Family category to an 'RM-7' Multiple Family category in order to facilitate development of a 67 unit condo complex.

Location: 160-170 St. Mary's Road

Legal Description: Lots 1-8, Plan 4256 WLTO in RL 93 to 96 Parish of St. Boniface and Part Public Lane, Plan 4256 (now closed)



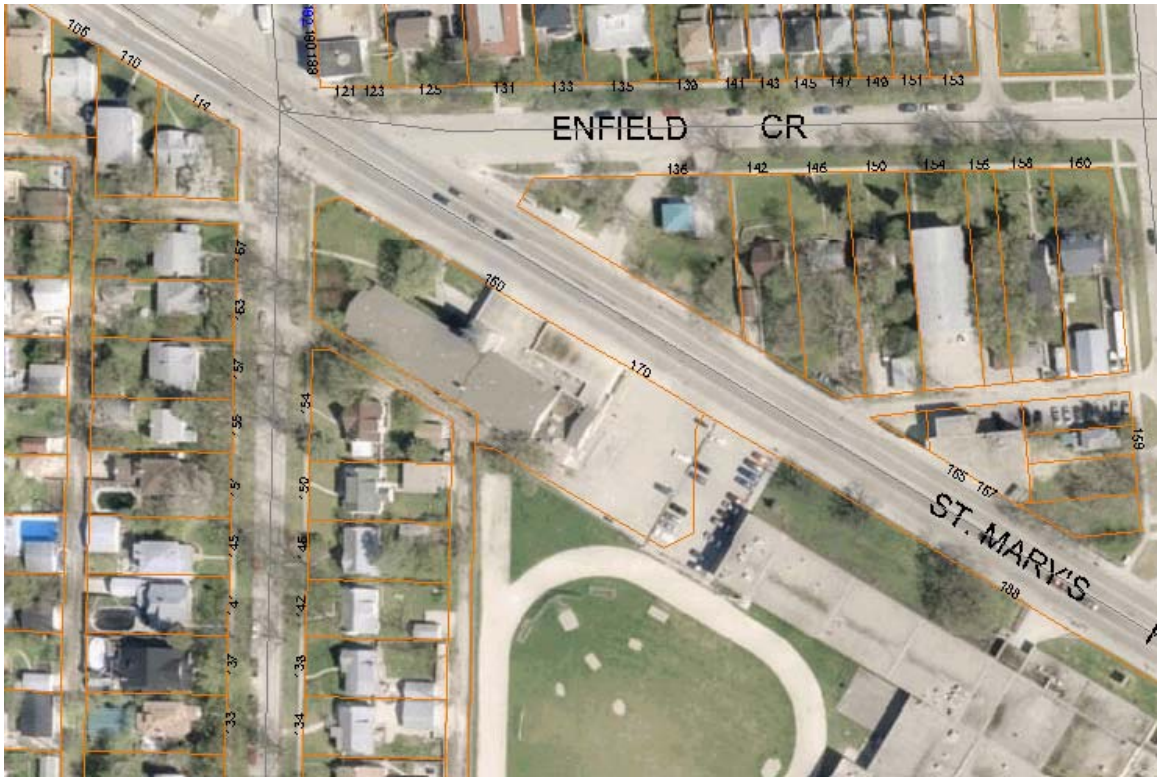
Applicant: Colonial Homes

Owner: St. Mary's Road United Church

Recommendation: (Approved with Conditions)

Site Description

The subject property is situated at the southwest corner of the intersection of Rue Tache and St. Mary's Road and is zoned " R1-5" Residential. It is adjacent to single family residential homes to the west and south, a school (Nelson McIntyre Collegiate) to the east and a park and residences to the north. The site is currently occupied by the Norwood United Church (vacant) and is approximately 39,330 sq. ft. in total area.



Background

In August of 2004, the applicant under a previous application DAZ 246/04, applied to similarly rezone the subject property to a commercial category to permit a 12,450 sq. ft. single story building with flexible space to allow for a variety of medical uses. As outlined in their letter of intent, the applicant had indicated that the nature of the new facility would be primarily a neighbourhood health centre/clinic with accessory pharmacy, office, and medical supply sales. Subsequently there were a number of resident meetings and throughout the process, efforts were made by all parties to come up with a well designed site layout and a building design which not only respected the surrounding neighbourhood but would also help anchor this highly traveled , highly visible intersection. As a result, the applicant made several significant changes to the initial plans which were in the spirit of the above mentioned goals. The Planning Division ultimately was able to support the proposal for a rezoning to C2 Commercial with a recommendation that 1) use be limited to Medical, Dental, Optical, Counselling or other health or therapeutic clinics, 2) Medical, Dental, or Optical laboratories, 3) offices, and 4) a drugstore. It was also clearly indicated that the combined square footage for all retail uses should not exceed ½ of the total building square footage. At the public hearing, there was considerable neighbourhood opposition to the proposal and the Riel Community Committee recommended that the application be denied. Under a follow-up application a year later (DASZ 233/05), the same applicants then proposed to rezone the land "C2'Commercial, demolish the existing church and construct a pharmacy/ medical clinic. The building will be one story in height and have a gross floor area of 10,582 sq.ft. Access to the site will continue to be via St. Mary's Road and a parking area with 49 stalls will be established and maintained on the east side of the building. 10,023 sq. ft. of the overall building area is to be set aside as retail space. The proposal was endorsed by the Administration but with stringent restrictions on the degree of retail space allowed. Because it was stipulated that no more than 50% of the proposed overall floor area could be utilized for retail space, the applicants withdrew their application shortly thereafter.

Description of the Proposed Development

The applicants are proposing to construct a seven - story , 67 unit condo complex at the S.W. corner of St. Mary's Road and Tache Avenue. The proposed structure is a tiered structure with as many as 14 suites on the 5th floor and as few as 2 suites on the 7th floor. There is an innovative approach to the center of the complex off of St. Mary's Road , highlighted by a 41' high archway. Total building coverage amounts to 19,061 sq.ft. on a site which encompasses a total area of 39,330 sq. ft. There are 61 lower level indoor parking stalls and an additional 26 main floor indoor parking stalls. Overall, with outdoor surface stalls, there is provision for a 101 parking spaces. In response to concerns registered by local residents , in previous informational meetings, the applicants have restricted access to and from the site via St. Mary's Road. Any current access to the rear lane is to be closed off. The plans also call for extensive landscaping, particularly along the Tache frontage and in the side yard areas along the rear laneway.

Analysis

In the last three years, there have been several alternative proposals submitted to your Committee directly related to the redevelopment of the subject site . Generally, they have all been ultimately unacceptable to the local community because they were either badly designed or completely out of character with the adjoining neighbourhood. In addition, because previous proposals focused heavily on retail business, on a large scale, traffic generation to and from the site was of great concern to the Administration and the local neighbourhood. The subject proposal which advocates a high –end condo development on the site would appear to be the most appropriate use of the land. The applicants have endeavored to meet with the local community and listen to their concerns and it is clearly reflected in the final design and layout of the proposal before your Committee. The subject proposal is in full compliance with the objectives of Plan Winnipeg policy and it is therefore recommended that your Committee endorse the application for subdivision and rezoning as submitted.

Recommendation

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

- The proposed condominium development is of reasonable density and well designed. It is properly accessed and is deemed to be in character with the adjoining neighbourhood. It is arguably the highest and best use for the subject property.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 35/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 35/06, attached hereto and dated September 13/06, for registration in the Winnipeg Land Titles Office.

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 35/06, attached hereto and dated September 13/06, to an "RM-7" Multiple Family 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. The final plans indicating building locations, building profile details, approaches, signage, parking stalls, landscaping, fencing, exterior lighting details, garbage enclosure locations etc. shall be submitted to and approved by the Riel Community Committee, and the Director of Planning, Property and Development prior to the issuance of any building permits.

B. That the maximum number of dwelling units be limited to sixty - seven (67).

C. That access and egress to and from the site be restricted to St. Mary's Road.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites, (if applicable).

V. 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.

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

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: Kevin Lalor
PPD File # 514

2050

By-Law No. _____

File No. **DASZ 35/06**

Atlas Sheet No.

N

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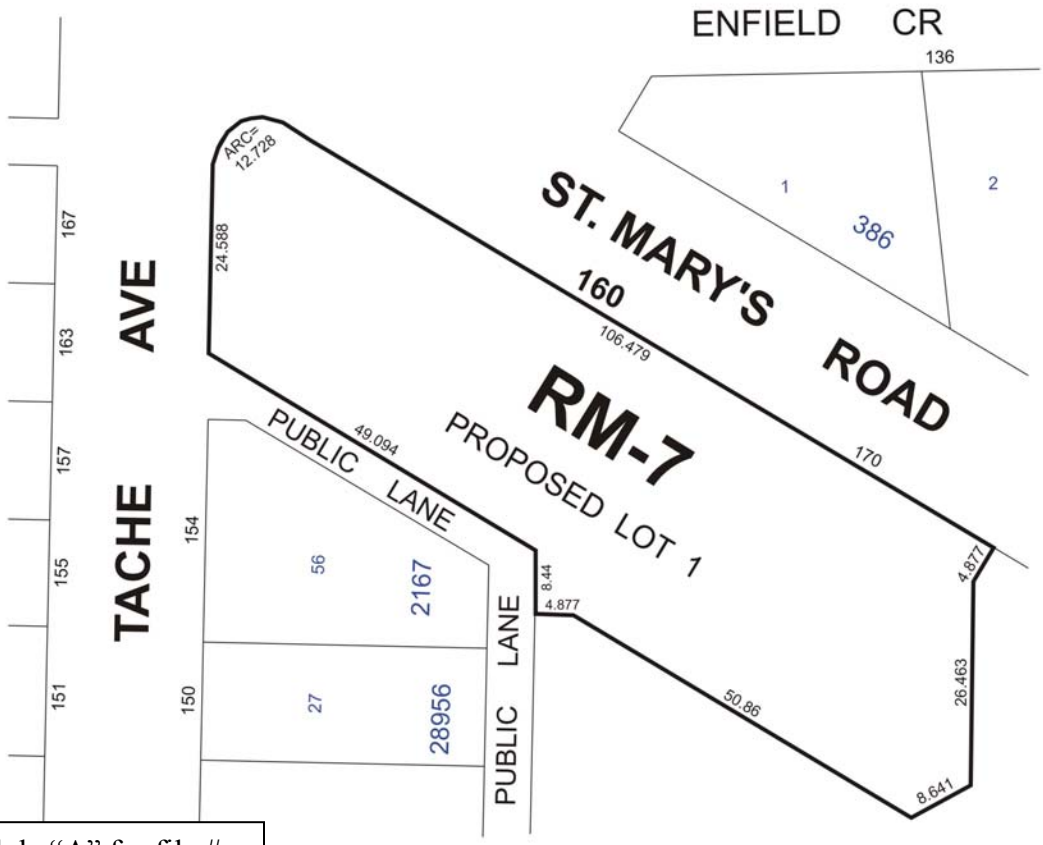
RIEL
COMMUNITY

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 160-170 St. Mary's Road from an "R1-5" RESIDENTIAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for file # DASZ 35/06, Riel Community Committee, dated September 13/06

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____