Agenda – Council – June 22, 2011

Report – Executive Policy Committee – June 1, 2011

Item No. 1 Subdivision and Rezoning – 920 Chancellor Drive and 2065 Pembina Highway (St. Norbert Ward) File DASZ 5/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 1, 2011, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 5/2011 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2011 dated April 28, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 5/2011 dated April 28, 2011 to a "C3" Commercial District and an "RMF-M" Multiple Family District subject to the following:

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

        i. That for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval 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.

        ii. That the Developer and all successors in title to the parcels in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the parcels, private cross-access agreements with the owners of the other parcels so as to ensure access to every parcels at all times, via streets or

internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

iv. That the address number of every building on the subject parcels (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

v. That where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

vi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

viii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS.

Report – Executive Policy Committee – June 1, 2011

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of survey is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

Report – Executive Policy Committee – June 1, 2011

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

Report – Executive Policy Committee – June 1, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 1, 2011, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 920 Chancellor Drive and 2065 Pembina Highway File DASZ 5/2011 [c/r DAV 112263/2011D]**

For submission to: **Executive Policy Committee**

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

Report date: **May 17, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 5/2011 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2011 dated April 28, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 5/2011 dated April 28, 2011 to a "C3" Commercial District and an "RMF-M" Multiple Family District subject to the following:

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

        i. That for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval 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.

        ii. That the Developer and all successors in title to the parcels in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the parcels, private cross-access agreements with the owners of the other parcels so as to ensure access to every parcels at all times, via streets or

internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

iv. That the address number of every building on the subject parcels (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

v. That where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

vi. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vii. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

viii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of survey is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

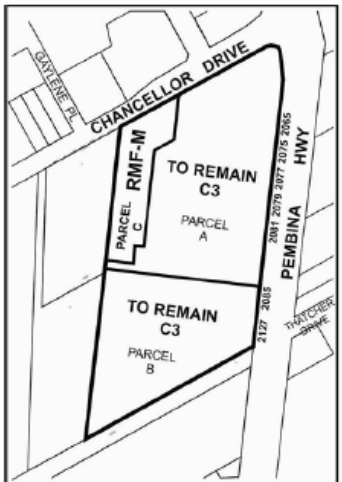
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 28, 2011.

PUBLIC HEARING SUMMARY

File:	DASZ 5/2011 [c/r DAV 112263/2011D]
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	May 16, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Raymond Wan Architect (Ray Wan)

Subject:



APPLICANT : RAYMOND WAN ARCHITECT
FILE : DASZ 5/11
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : RAYMOND WAN ARCHITECT
N° DE RÉFÉRENCE : DALZ 5/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie C3 (SECTEUR DE COULOIR COMMERCIAL) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES) afin de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 920 Chancellor Drive and 2065 Pembina Highway

Exhibits Filed:
1. Application dated March 8, 2022
2. Notification of Public Hearing dated April 4, 2011

3. Manitoba Status of Title 2483722
4. Letter of authorization dated February 10, 2011 from Artis Pembina Village Ltd. to Marwest Group of Companies and Raymond Wan Architect
5. Surveyor's Building Location Certificate and sketch dated August 20, 2003
6. Air Photo
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated April 28, 2011
9. Inspection Report
10. Audio Recording of representations
11. Photographs (2) of the subject property

REPRESENTATIONS:

In Support:

Susan Russell
Ray Wan

In Opposition

Nil

For the City:

Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. J. Kiernan, Coordinator, Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 5/2011

ADMINISTRATIVE REPORT

Title: DASZ 5/2011 – 920 Chancellor Drive Public Hearing

Issue: For consideration at the Public Hearing for a plan of survey to create parcels A – C through a subdivision application and to rezone proposed parcel C from "C3" Commercial Corridor to "RMF-M" Residential Multi-Family Medium.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 5/2011 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2011 dated April 28, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 5/2011 dated April 28, 2011 to a "C3" Commercial District and an "RMF-M" Multiple Family District subject to the following:

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

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval 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.

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vii) That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

viii) That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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

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9. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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

REASON FOR THE REPORT

- The applicant is proposing a plan of survey to create parcels A – C through the subdivision application and to rezone proposed parcel C from C3 to RMF-M.
- Parcel A will be approximately 303,000 square feet (6.95 acres) in area, parcel B will remain 5.1 acres in area, and parcel C will be approximately 76,500 square feet (1.75 acres) in area.
- The parcel plan is being submitted in order to create a parcel that would allow for an independent multi-family development to be located on parcel C.
- The proposed multi-family development on parcel C will be a four (4) storey, seventy-two (72) unit building.
- Subdivisions and rezonings 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 Planning and Land Use Division are concurred in, the site will be subdivided into parcels A – C through a plan of survey and parcel C will be rezoned from C3 to RMF-M.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Robert Kostiuk
Date:	April 28, 2011
File No.	DASZ 5/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DASZ 5/11
3. Appendix B – Design Guidelines

APPENDIX 'A'

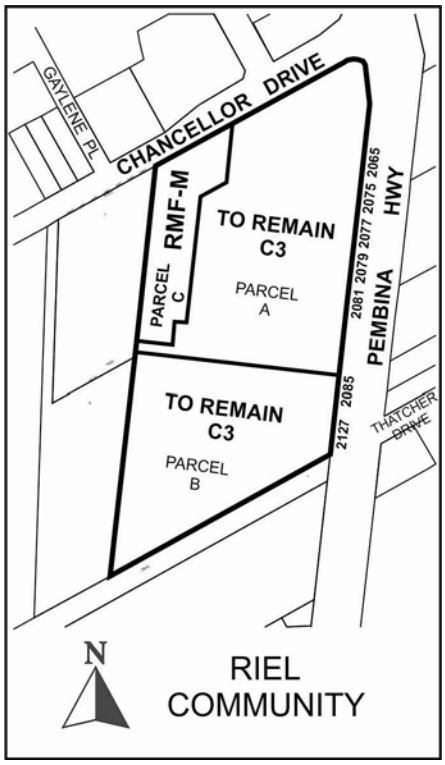
DATE: April 28, 2011

FILE: DASZ 5/11
RELATED FILES: DAV 11-112263/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.640

SUBJECT: A subdivision and rezoning application for a plan of survey to create parcels A – C and to rezone proposed parcel C from "C3" Commercial Corridor to "RMF-M" Residential Multi-Family Medium.

LOCATION: 920 Chancellor Drive
LEGAL DESCRIPTION: PCL A & B PLAN 44887 8/11 ST V



APPLICANT: Raymond S. C. Wan Architect (Raymond Wan)
1250 WAVERLEY ST UNIT 1
WINNIPEG MB R3T 6C6

OWNER: ARTIS PEMBINA VILLAGE LTD. (Armin Martens)
360 MAIN ST UNIT 300
WINNIPEG MB R3C 3Z3

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing a plan of survey to create parcels A – C through the subdivision application and to rezone proposed parcel C from C3 to RMF-M.
- Parcel A will be approximately 303,000 square feet (6.95 acres) in area, parcel B will remain 5.1 acres in area, and parcel C will be approximately 76,500 square feet (1.75 acres) in area.
- The parcel plan is being submitted in order to create a parcel that would allow for an independent multi-family development to be located on parcel C.
- The proposed multi-family development on parcel C will be a four (4) storey, seventy-two (72) unit building.
- The application also requires variances (see DAV 11-112263/C).
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located south of Chancellor Drive, in between Gaylene Place and Pembina Highway in the Montcalm neighbourhood of the St. Norbert Ward.
- The site is approximately **13.8 acres (601,128 square feet) in area**.
- The property is currently comprised of two (2) parcels, A and B of Plan 44887.
- The site contains a large, one-storey commercial strip mall with parking in the front yard (facing Pembina Highway). There are also some one-storey, stand-alone commercial developments that are closer to Pembina Highway.
- The site is predominantly vacant in the area behind the commercial strip mall.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and is located along a Regional Mixed Use Corridor under the *Draft* Complete Communities Direction Strategy. The site is zoned "C3" Commercial Corridor.

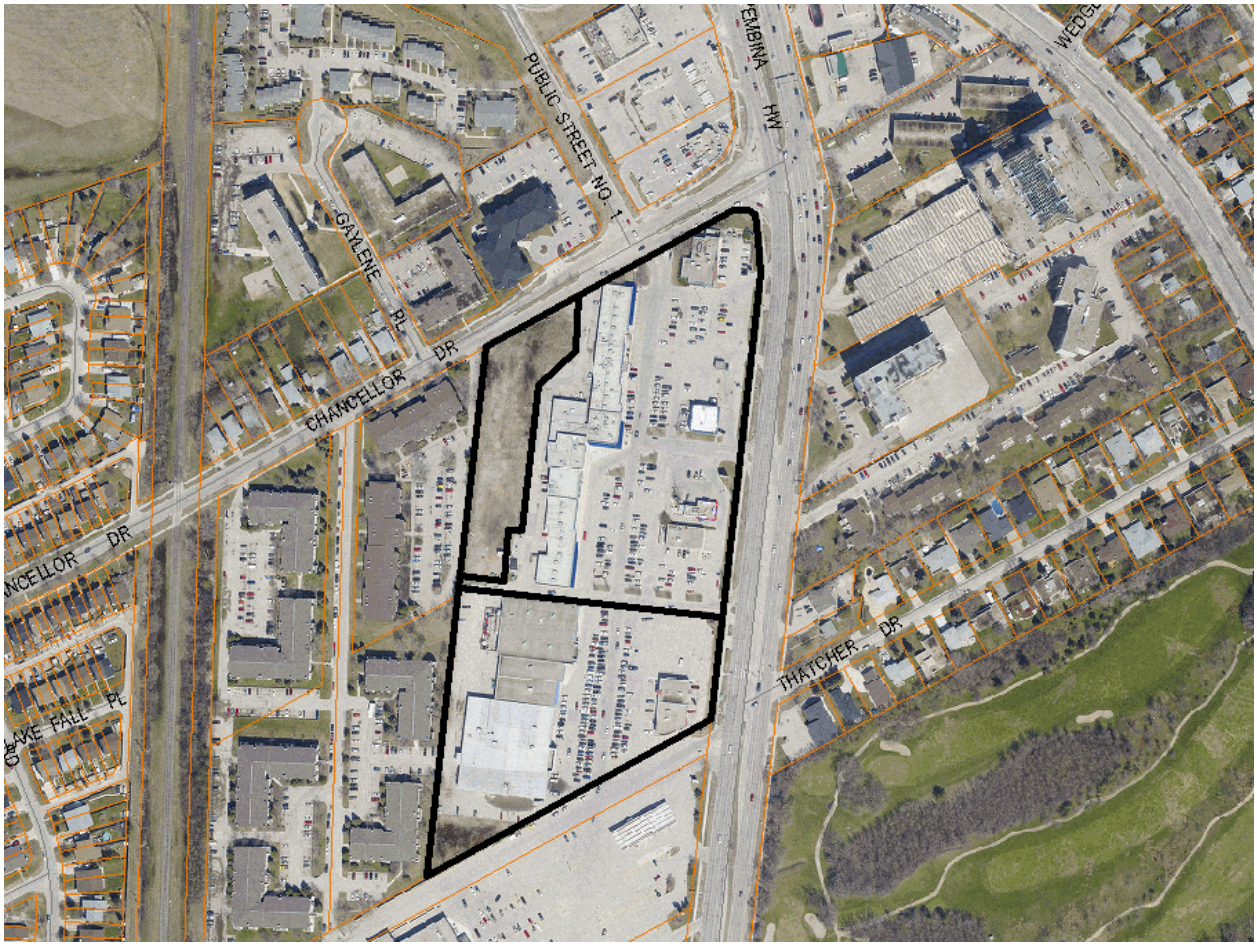


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A four storey tall multi-family development zoned RMF-M and one storey tall commercial developments zoned C3.

South: Commercial developments zoned C3.

East: A mix of large multi-family developments ranging in height from three stories to fifteen stories and some small, one storey tall commercial sites.

West: Three storey tall multi-family developments zoned C2.

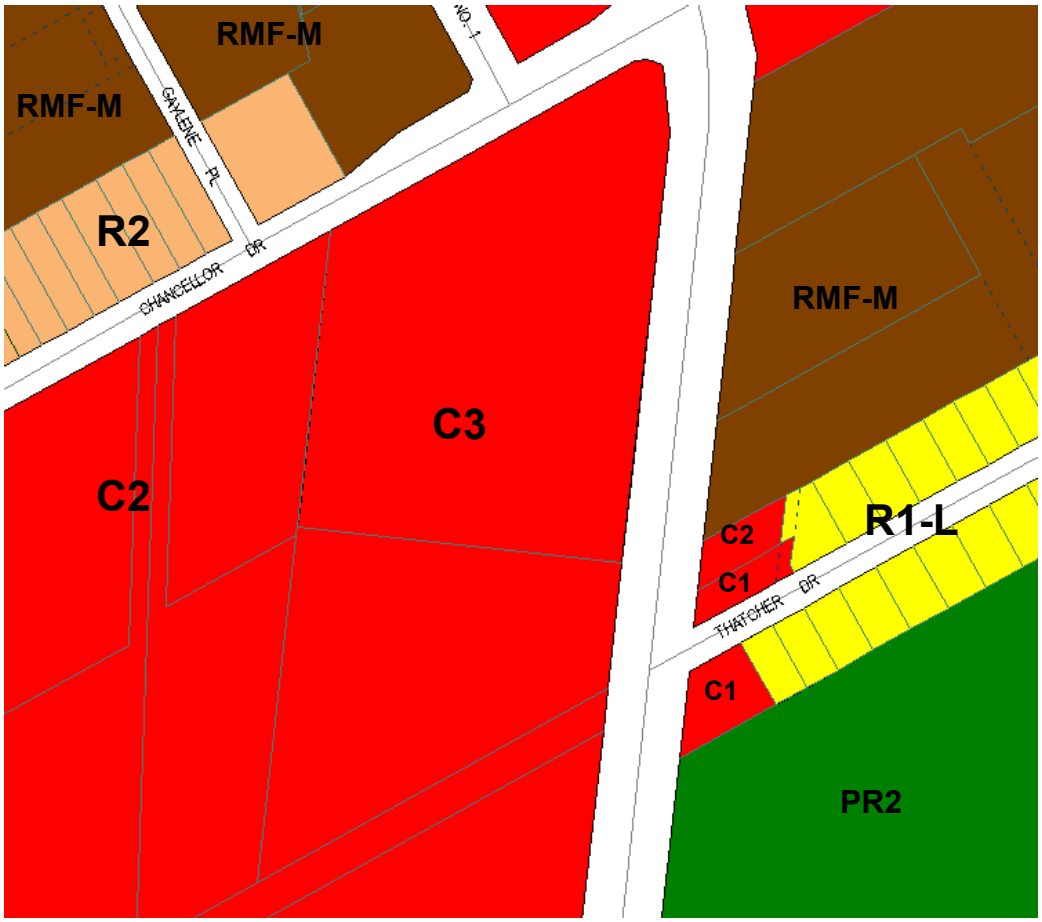


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing a plan of survey to create parcels A – C through the subdivision application and to rezone proposed parcel C from C3 to RMF-M.
- Parcel A will be approximately 303,000 square feet (6.95 acres) in area, parcel B will remain 5.1 acres in area, and parcel C will be approximately 76,500 square feet (1.75 acres) in area.
- The parcel plan is being submitted in order to create a parcel that would allow for an independent multi-family development to be located on parcel C.
- The proposed multi-family development on parcel C will be a four (4) storey, seventy-two (72) unit building.
- A development concept plan and building elevations for the multi-family building have not been submitted with the application. However, the site plan shows a portion of the proposed building facing Chancellor Drive, while the other portion of the building would face the back of the commercial strip mall.
- A surface parking area is proposed behind, or south of the proposed multi-family building.

- Vehicular access to the site will be provided from Chancellor Drive. It should be noted that the applicant is proposing to share an access aisle between parcels A and C and requires a variance for this arrangement. The application also requires other variances (see DAV 11-112263/C).
- Other than the proposed changes to the configuration of parcel A through the creation of parcel C, the applicant is not proposing any changes to parcels A and B.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is located along a Regional Mixed-Use Corridor. Key relevant policies guiding development along Regional Mixed Use Corriors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING

"C3" Commercial Corridor District

- The C3 zone is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3

districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections. Non-residential structures in the C3 zone require the following dimensional standards: a minimum front yard and rear yard of 25 feet, a minimum interior side yard of 0 feet, and a minimum corner side yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 1.5.

"RMF-M" Residential Multi-Family Medium

- The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

LAND USE BY-LAW

Rezoning

- Multi-family developments are not permitted in the C3 zone. The applicant would like to rezone proposed parcel C from C3 to RMF-M in order to develop a multi-family development on that parcel.

Variances

- The applicant requires several variance that are predominantly related to the parking area on proposed parcel C. Specifically, the variances for the accessory parking area are:
    - a front yard of 5 feet (1.52 metres) instead of 25.0 feet (7.62 metres);
    - no west side yard instead of 8.0 feet (2.44 metres);
    - no east side yard instead of 8.0 feet (2.44 metres);
    - insufficient aisle widths (aisles are shared with neighbouring property);
    - no site edge buffering of the parking areas
- Variances are also required for proposed parcel A that result from the rezoning and subdivision of parcel C. These variances are for:
    - the maintenance of a commercial building to permit a rear yard of 12 feet (3.66 metres) instead of 25.0 feet (7.62 metres);
    - the maintenance of an accessory parking and loading area to permit:
        - insufficient screening of a parking area within 20 feet (6.1 metres) of a proposed residential zoning district;
        - insufficient aisle widths (aisles are shared with neighbouring property).

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed subdivision and rezoning is required to allow for the development of multi-family building at the northwestern portion of the site.
- The proposed multi-family building would be located adjacent to existing commercial development and 3-4 storey tall multi-family developments. The applicant is proposing a 4-storey tall development.
- The site plan submitted shows that the proposed building would be set back from the commercial development by at least 30 feet and from the western property line by about 45 feet.
- The site is located along a Regional Mixed-Use Corridor under the *Draft Complete Communities Direction Strategy*. A key goal for development along Regional Mixed-Use Corridors under the draft direction strategy is to allow for a mix of uses and to allow for the increase of residential densities in this area.
- Most of the site is already zoned C3, which is intended for intense commercial development. Therefore municipal services and traffic generation are not impacted by the rezoning of proposed parcel C to RMF-M.

SITE DESIGN

- The proposed site plan shows that a large portion of the multi-family building will face Chancellor Drive and that the parking would be predominantly located to the rear of the site, which the Division prefers.
- Among the greatest shortfalls of the proposed plan is the lack of landscaping around the parking areas of the RMF-M site, most notably along the western property line and within the interior parking area. The Division is not supportive of the associated variance for no west side yard instead of 8 feet nor is the Division supportive of the variance for no site edge buffering of the parking areas as these two variances ultimately impact the neighbouring multi-family development to the west.
- The Division recommends that the applicant provide at least a four (4) foot side yard for the parking area. A four (4) foot side yard would be required for RMF-S zoned properties and also allows the applicant to include a buffer while maintaining many parking stalls along the western edge of the property as a maximum of 25% of parking stalls in multi-family zones may be used for small car parking. The small car designated stalls are permitted to have 16 foot lengths instead of 20 feet as normally required.

ZONING AGREEMENT

- The Planning and Land Use Division is recommending that the applicant enter into a zoning agreement with the City in order for the City of Winnipeg to include a plan approval clause for development on parcel C, the RMF-M site. The plan approval clause is being included to allow the Division and Riel Community Committee to review the final plans for the site prior to approval. Recommended design guidelines for approval are included in Appendix B.

- The Division is recommending that cross access agreements be registered for the entire site.
- As this site is located along a Regional Mixed Use Corridor, the Division is recommending restrictions on signage, namely advertising signs (third-party) and mobile signs, in order to reduce clutter. This restriction is consistent with the Division's recommendations for other development applications along Pembina Highway, which is an Image Route.
- The Division is also recommending to include clauses that relate to addressing the buildings on the site in order to make it easier for WFPS to respond to emergency calls that may arise on the site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash for this application.

RECOMMENDATION

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

- The proposed development is compatible with neighbouring developments in the area.
- The site is located along a Regional Mixed-Use Corridor under the *Draft Complete Communities Direction Strategy*. A key goal for development along Regional Mixed-Use Corridors under the draft direction strategy is to allow for a mix of uses and to allow for the increase of residential densities along these Corridors.
- Increasing residential density and helping to achieve a compact urban form are key policies of Plan Winnipeg and the *Draft* Complete Communities Direction Strategy that are fulfilled by this application.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 5/11

Schedule "A" for File No. DASZ 5/2011, Riel Community Committee, dated April 28, 2011

By-Law No. _____

File No. **DASZ 5/11**

Atlas Sheet No.

N

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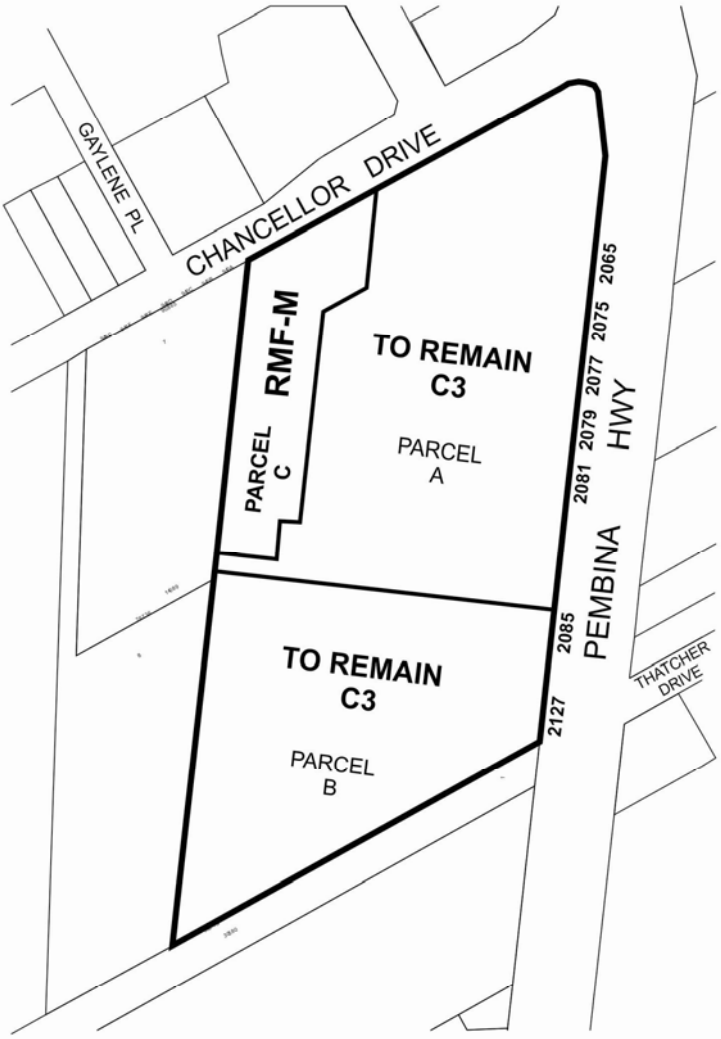
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 920 Chancellor Drive & 2065 Pembina Highway from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Design Guidelines for Final Plan Approval for the RMF-M site (proposed parcel C) within DASZ 5/11 – 920 Chancellor Drive

1. Site Planning

1.1 An area of common open space that can be easily accessed by residents and that provides a focal point for community recreation and interaction and adds to the overall quality of life for residents should be provided. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited. Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating areas
- Pedestrian scaled lighting
- On-site community recreation amenities

1.2 A minimum of one safe, well defined and universally accessible walkway or internal sidewalk system shall be incorporated into the proposed development and shall connect to the sidewalk along Chancellor Drive.

1.3 The site layout and building orientation should ensure that the buildings relate appropriately to surrounding developments and to the street and create a cohesive visual identity for the neighbourhood. Any proposed building on the site should face Chancellor Drive and thereby incorporate a street-front presence along Chancellor.

1.4 Future development should minimize shadow impact and should be reasonably separated from existing residential development (most notably to the west). Where the proposed building is taller than the maximum allowable height for the adjacent zoning district, an appropriate rear/side yard setback to the adjacent residential property can be achieved by setting the building back so that it does not project into a 45 degree angular plane measured from the adjacent residential property line (starting at a six foot height above grade) to the top of the proposed development.

1.6 The Planning and Land Use Division may require a shadow impact study (if deemed necessary) that demonstrates how or if adjacent properties are impacted by development on the subject site.

1.7 Front yard setbacks should be consistent with the established neighbourhood.

1.8 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design Principles (CPTED).

2. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street.

2.2 Main building entries should be clearly identifiable, visible and accessible.

2.3 The overall design should be made up of a distinctive, quality, architectural character and style that avoids monotonous and featureless building massing and design.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter (notably the east and west yards of this particular site), corners, common areas, areas along pathways, and entryways.

3.2 A vegetative buffer with a fence should be used to buffer the site from the properties to the west.

4. Fencing

4.1 Proposed fencing should be composed of high quality materials and should include multiple openings to allow for pedestrian ingress/egress.

5. Parking Areas

5.1 Parking areas should be well-screened with landscaping and should include interior landscaping and natural infiltration to help minimize the urban heat-island effect. Large street trees with wide spreading canopies should be incorporated into the design of the parking lot.

5.2 Parking areas should have well-defined routes that lead pedestrians safely from vehicles to the sidewalk and building entrances.

5.3 Parking areas should be located predominantly within or behind the building(s) on site in order to ensure that the predominant focus of the site is on the building, its architectural qualities, and the front yard landscaping.