Agenda - Council – June 22, 2011

Report - Standing Policy Committee on Property and Development – June 7, 2011

Item No. 11 Subdivision and Rezoning – 3411 Pembina Highway
(St. Norbert Ward)
File DASZ 4/2011

STANDING COMMITTEE RECOMMENDATION:

On June 15, 2011, the Executive Policy Committee concurred in the recommendation 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 4/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2011 dated April 27, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 5, 2011 which is Schedule "B" of this report, with the following amendments, namely:

        i. Amend Recommendation 1 by deleting "as indicated on the attached drawing" in the second line thereof and "(estimated completion date June 30, 2014)"in the fifth line thereof.

        ii. Delete the drawing attached to the report.

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 4/2011 dated April 27, 2011 to "CMU" Commercial Mixed Use 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 no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line.

Report - Standing Policy Committee on Property and Development – June 7, 2011

ii. That the Developer shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

iii. That the following uses shall not be permitted on the land:

a. Auto/Light Truck/Motorcycle, Repair & Service
b. Auto/Light Truck/Motorcycle, Sales & Rental
c. Auto Parts and Supplies, Sales
d. Fuel Sales
e. Non-accessory parking

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That any free-standing use identification sign shall not exceed eight (8) feet above grade in height;

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

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.

Report - Standing Policy Committee on Property and Development – June 7, 2011

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision 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 (1) year from the date the by-law is passed.

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

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

11. That the 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 - Standing Policy Committee on Property and Development – June 7, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2011, 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 May 16, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1. A. by adding the following to the end of the Recommendation:

  "with the following amendments, namely:

  ii. Amend Recommendation 1 by deleting "as indicated on the attached drawing" in the second line thereof and "(estimated completion date June 30, 2014)"in the fifth line thereof.

  ii. Delete the drawing attached to the report."

- Delete Recommendations 2.A.iii.e. and 2.A.iii.f. in their entirety and replace with the following:

  "2.A.iii.e. Non-accessory parking"

and forwarded the matte to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 3411 Pembina Highway**
File DASZ 4/2011

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

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, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 4/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2011 dated April 27, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 5, 2011 which is Schedule "B" of this report, ***with the following amendments, namely:***

        iii. Amend Recommendation 1 by deleting "as indicated on the attached drawing" in the second line thereof and "(estimated completion date June 30, 2014)"in the fifth line thereof.

        ii. Delete the drawing attached to the report.

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 4/2011 dated April 27, 2011 to "CMU" Commercial Mixed Use 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 no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line.

ii. That the Developer shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

iii. That the following uses shall not be permitted on the land:

a. Auto/Light Truck/Motorcycle, Repair & Service
b. Auto/Light Truck/Motorcycle, Sales & Rental
c. Auto Parts and Supplies, Sales
d. Fuel Sales
~~***e. Parking, Surface***~~
~~***f. Parking, Structured***~~
e. Non-accessory parking

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That any free-standing use identification sign shall not exceed eight (8) feet above grade in height;

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

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 execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision 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 (1) year from the date the by-law is passed.

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

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

11. That the 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

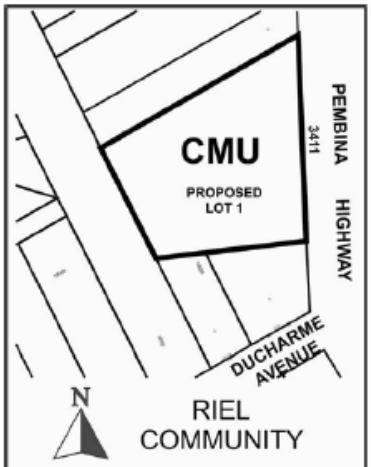
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 27, 2011.

PUBLIC HEARING SUMMARY

File:	DASZ 4/2011
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	May 16, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Otto Cheng Architect Inc. (Kevin Lalor)

Subject:



APPLICANT : OTTO CHENG ARCHITECT INC.
FILE : DASZ 4/11
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 an "RR5" Rural Residential 5 District to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow for the construction of a Multiple Family Dwelling and Hotel. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : OTTO CHENG ARCHITECT INC.
N° DE RÉFÉRENCE : DALZ 4/11
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 du bien-fonds indiqué ci-dessus afin de le faire passer de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie CMU (secteur commercial polyvalent) et de permettre la construction d'une habitation multifamiliale ainsi que d'un hôtel. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 3411 Pembina Highway

Exhibits Filed:
1. Application dated March 9, 2011
2. Notification of Public Hearing dated March 24, 2011
3. Manitoba Status of Titles 2483442 and 2483444

4. Letter of authorization dated January 20, 2011 from Sam Chang and Hank Penner to Kevin Lalor and Otto Cheng (OTTOCHENGARCTITECTS INC.)
5. Surveyor's Building Location Certificate and sketch dated April 27, 2099
6. Site Plan
7. Plans (6 pages)
8. Report from the Planning and Land Use Division dated April 27, 2011
9. Inspection Report
10. Audio Recording of representations
11. Supporting documentation submitted by Kevin Lalor at the Public Hearing

REPRESENTATIONS:

In Support:

In Young Chang
Otto Chang
Normand Gousseau
Kevin Lalor
Hank Penner
Constantine Vardalos

In Opposition

Nil

For Information:

David Kaisaris
Bill Loewen

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 4/2011

ADMINISTRATIVE REPORT

Title: DASZ 4/2011 – 3411 Pembina Highway Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning application in order to consolidate the two (2) lots into one (1) lot and rezone the site from RR5 to CMU.

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 4/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2011 dated April 27, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 5, 2011 which is Schedule "B" of this report.

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 4/2011 dated April 27, 2011 to "CMU" Commercial Mixed Use 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 no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line.

      ii) That the Developer shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of

Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

iii) That the following uses shall not be permitted on the land:

a) Auto/Light Truck/Motorcycle, Repair & Service

b) Auto/Light Truck/Motorcycle, Sales & Rental

c) Auto Parts and Supplies, Sales

d) Fuel Sales

e) Parking, Surface

f) Parking, Structured

iv) That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v) That any free-standing use identification sign shall not exceed eight (8) feet above grade in height;

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

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.

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

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

11. That the 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 to subdivide the land in order to consolidate the two (2) lots into one (1) lot and rezone the site from RR5 to CMU.
- The applicant intends to develop a five (5) storey building that would be sixty (60) feet tall and contain both hotel suites and condominium units.
- In total there will be fifty-six (56) hotel suites and thirty-two (32) condominium apartments units.
- 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 land will be consolidated from two (2) lots into one (1) lot and the site will be rezoned from RR5 to CMU.

HISTORY

St. Norbert Planned Development Overlay (PDO)

- On March 25 2008, the Standing Policy Committee on Property and Development requested that the Winnipeg Public Service initiate a preliminary review, analysis and recommendations with respect to a Secondary Plan for the South St. Norbert area bounded by the south Perimeter Highway, west of the Red River, east of the westerly City boundaries and out to the southern City boundaries. The Winnipeg Public Service responded to this request by undertaking a Background Study for the subject area, which was completed in November 2009.
- One of the conclusions and recommendations from the Background Study was that a Planned Development Overlay (PDO) District be established for St. Norbert's main street area.
- In January 2010, the City contracted with a consulting team to commence a community consultation process and prepare a PDO for the St. Norbert area. The team held a series of facilitated sessions and open houses with residents, business owners, property owners and key stakeholder groups in the community to develop a vision for the area, which could be reflected in the PDO.
- On July 21, 2010, Council adopted the St. Norbert PDO, which brought the PDO into force and effect. The PDO establishes an enabling framework to respect and reinforce the character of St. Norbert as a village centre. To accomplish this, new regulations in

the PDO are implemented to shape how buildings and spaces in the St. Norbert PDO area can be developed.

- The subject property is located in the Village Centre Area 1a.

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 27, 2011
File No.	DASZ 4/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 4/11
3. Schedule “B” – Report of the Administrative Coordinating Group

APPENDIX 'A'

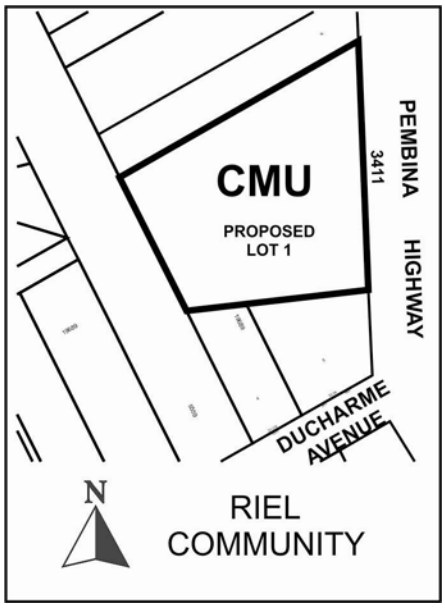
DATE: April 27, 2011

FILE: DASZ 4/11
RELATED FILES: n/a

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.625

SUBJECT: A subdivision and rezoning application to consolidate two (2) lots into one (1) lot and rezone the site from "RR5" Rural Residential 5 to "CMU" Commercial Mixed Use.

LOCATION: 3411 Pembina Highway
LEGAL DESCRIPTION Lots 6 & 7 Plan 19689



APPLICANT: Otto Cheng Architect Inc. and Kevin Lalor
89 Crowson Bay
Winnipeg, MB R3T 0J7

OWNER: 6088113 Manitoba Ltd.
97 Queen's Park Crescent
Winnipeg, MB R3P 1Z8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the land in order to consolidate the two (2) lots into one (1) lot and rezone the site from RR5 to CMU.
- The applicant intends to develop a five (5) storey building that would be sixty (60) feet tall and contain both hotel suites and condominium units.
- In total, there will be fifty-six (56) hotel suites and thirty-two (32) condominium apartments units.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located west side of Pembina Highway, just north of the Pembina Highway Ducharme Avenue intersection in the St. Norbert neighbourhood of the St. Norbert Ward.
- The site is bordered on the south by the Beaujolais Coulee.
- The property consists of two lots and is approximately **1.8 acres (78,408 square feet) in area**.
- The site is predominantly vacant with the exception of some temporary buildings.
- 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 also located within area 1A (sub-area of the Village Center) under the St. Norbert Planned Development Overlay and is zoned "RR-5" Rural Residential 5.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A site zoned RMU and in the process of having a four-storey multi-family building and six, single-storey bungalows constructed on the property (see DAZ 228/08 and associated plan approval).

South: The Beaujolais Coulee and detached single-family homes zoned RR5.

East: Pembina Highway, a six-storey multi-family dwelling zoned RMF-M (The Renaissance Condominimum), and detached single-family homes zoned R1-E.

West: The CN Letellier Subdivision, some park land zoned PR1 and detached single-family homes zoned R1-M and RR5.

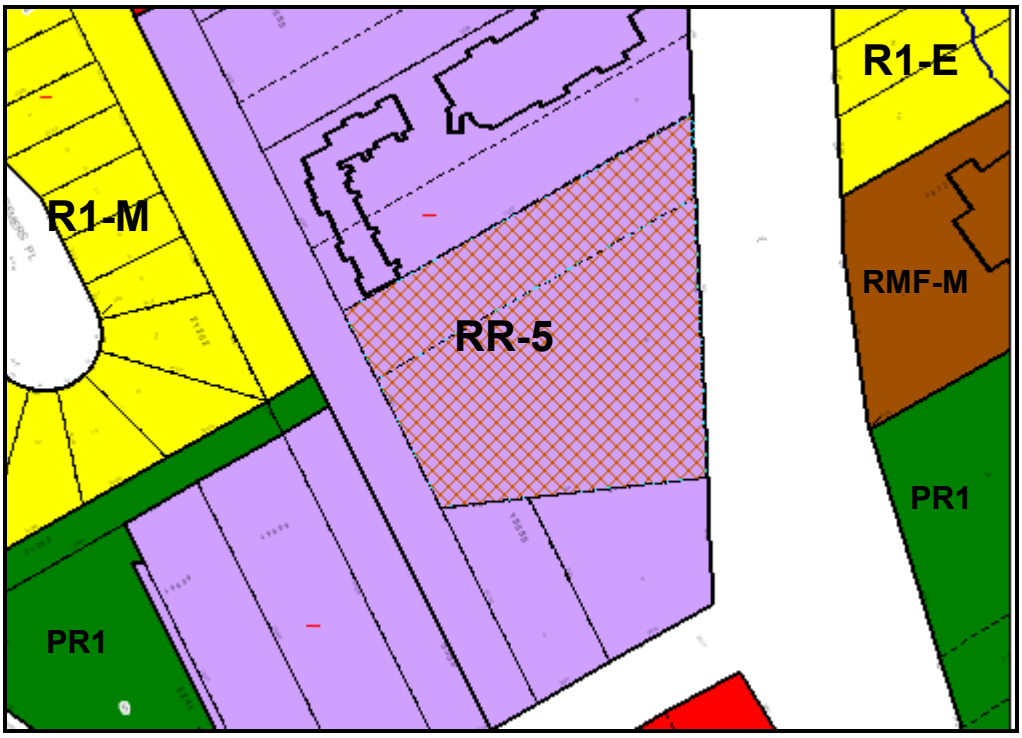


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land in order to consolidate the two (2) lots into one (1) lot and rezone the site from RR5 to CMU.
- The applicant intends to develop a five (5) storey building that would be sixty (60) feet tall and contain both hotel suites and condominium units.
- In total there will be fifty-six (56) hotel suites and thirty-two (32) condominium apartments units.
- The proposed building is “L” shaped with the hotel portion facing Pembina Highway and the condominium portion facing the Beaujolais Coulee.
- The applicant is proposing that the condominium portion of the building will have indoor parking on the ground floor (34 parking stalls) with eight (8) units on floors two to five.
- The proposed hotel will have a lobby with reception, a lounge, and a kitchen and meeting rooms on the ground floor with fourteen (14) suites on floors two to five.
- Surface parking areas are located behind and beside the building. There are sixty-six (66) surface parking stalls. In total, there are one hundred (100) parking stalls on the site when including the thirty-four (34) indoor stalls. A drop-off zone is also located behind the building.
- The proposed site plan conforms to the Zoning By-law and includes the required forty (40)-foot wide front yard setback. The site is well-landscaped with vegetated buffers surrounding the border of the property.

- The applicant has proposed a building design that complies with the design standards of the St. Norbert Planned Development Overlay. The proposed building has several features required by the PDO, including a peaked roof form, an outdoor patio, display windows, and arches. The building design also includes quoins, dormers, cornices, and hooded windows, which are required under the St. Norbert Urban Design Guidelines.
- The portion of the proposed building exceeding twenty-five (25) feet in height is set back from the front building façade by ten (10) feet as per the St. Norbert PDO. The ten foot setback is being used as a second story terrace for the hotel. French balconies are also proposed for some of the suites and condominium units.
- The proposed materials of the building include: a metal roof, masonry columns, some masonry walls and acrylic stucco. Acrylic stucco is the predominant exterior finishing material for the building.

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.
    - 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

“RR5” Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25

feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"CMU" Commercial Mixed-Use District

- The CMU district is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The CMU district is intended for use along selected corridors and at important nodes in the city. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and nonresidential uses. There is no front or side yard requirement and maximum building height is 60 feet. Multi-family residential structures in the CMU district must meet the requirements of the RMF-M zoning. The maximum floor area ratio is 3.0 and the minimum rear yard is 25 feet.

LAND USE BY-LAW

- The RR5 zoning district is intended for large-lot (5 acre minimum) predominantly rural residential development. Multi-family developments and hotels are not permitted in the RR5 zone, but these developments are permitted in the CMU zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The St. Norbert PDO includes purpose and intent statements to help provide an idea as to what is envisioned for the area. The subject property is located in the Village Centre (Area 1a). The Village Centre is intended to be a vibrant commercial and mixed use focal point in the community and distinguish Pembina Highway as St. Norbert's main street. Key purpose and intent statements include:
    - To respect and reinforce the character of St. Norbert's Neighbourhood Main Street.
    - To enable St. Norbert's Village Centre Area to create and maintain a focal point for vibrancy and life in the community by:
        (a) Preserving and enhancing the heritage character of St. Norbert;
        (b) Celebrating St. Norbert as the south entrance to Winnipeg;
        (c) Intensifying development, progressively from south to north along Pembina Highway, while maintaining a small town scale;
        (d) Distinguishing Pembina Highway south of the Perimeter as St. Norbert's main street;
        (e) Maintaining and enhancing Pembina Highway as a public street that encourages pedestrian activity.

- In the context of the intent statements above, and bearing in mind the community input that helped go into the St. Norbert PDO (as discussed in the History Section), the proposed rezoning of the land from RR5 to CMU for the development a condominium apartment/hotel development is appropriate.
- The proposed development adheres to all of the requirements of the St. Norbert PDO, including the maximum height (60 feet) and design requirements. Parking is predominantly located behind or within the building, while an active street-front presence is maintained through the use of large windows, an outdoor patio area, and a public front entrance with a paved walkway. The portion of the proposed building exceeding twenty-five (25) feet in height is set back from the front building façade by ten (10) feet, which helps soften the edge effect of this five storey building. The ten foot setback is being used as a second story terrace for the hotel, which helps keep more active uses near the street-front facing Pembina. The French balconies proposed along the street-front also help create a more active street-front presence as well.
- The proposed development helps enhance Pembina Highway as a public street that encourages pedestrian activity, and helps intensifies development in the St. Norbert area in order to distinguish Pembina Highway south of the Perimeter as St. Norbert's main street.
- Although the landscaping meets the PDO requirements, the Division would recommend that future plans brought forward to the Riel Community Committee via the St. Norbert Design Review requirements (as per the PDO) include updated plans that better screen the parking lot area and more effectively cluster the front landscaping in key areas, such as entrances to the building.

PUBLIC CONSULTATION

- It should be noted that the applicant shared the proposed plans with Group'Action St. Norbert and Entreprise Riel in advance of the Hearing. In a letter dated April 14, 2011, Group'Action noted that they support the plans in principle, but had the following concerns:
    - Replace the fence proposed along the creek with high-quality landscaping;
    - Enhance the landscaping around the proposed parking lot;
    - A request that any deviation from the proposed 4:6 ratio of condos to hotel rooms require a public hearing; and,
    - That the letter of support is conditional upon the developer's agreement that Group'Action St. Norbert and Entreprise Riel be consulted on any significant departure from the design as presented in their meeting on March 16th and that any subsequent plan modifications agreed to as identified above.

RECOMMENDED ZONING AGREEMENT

Setback from Rail Line Right-Of-Way

- Since about 2008/2009, the Planning and Land Use Division has been recommending setbacks from rail right-of-ways that are consistent with those identified in *The Proximity*

Guidelines and Best Practices (2007) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.

- The report lists measures to reduce issues and potential issues associated with rail uses that may impact neighbouring developments. Specifically, the report lists ways to try and reduce the potential impact of derailments, noise, vibration, and safety issues associated rail use predominantly through setbacks, berming, and fencing.
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring Letellier Subdivision is a Spur Line. The recommended setback from Spur Lines is 15 metres (49.2 feet).
- The Division is recommending that no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the west property line. Habitable room or space is defined within Zoning By-Law 200/2006. The recommended setback would allow for portions of developments, such as stairwells, to be within the setback.
- The Division is also recommending that the developer erect and maintain a uniform 2.0 metre tall barrier fence along the Letellier Subdivision, or the western property line of the subject property.

Prohibited Uses

- Most uses in the CMU zone can generally help make a positive contribution to the street and neighbourhood and, as such, align with the intent statements within the St. Norbert PDO. However, some uses do not help meet the intent statements. Therefore the Division recommends that the following predominantly auto-related uses not be permitted:
    - Auto/Light Truck/Motorcycle, Repair & Service
    - Auto/Light Truck/Motorcycle, Sales & Rental
    - Auto Parts and Supplies, Sales
    - Fuel Sales
    - Parking, Surface
    - Parking, Structured

Signage Restrictions

- Signage restrictions have been added to reduce clutter on the site and to reduce the potential for future signage to detract from the “neighbourhood village” character intended for the Village Centre.

Plan Approval

- Normally the Division would recommend that plan approval be included in the zoning agreement. However, design review is required for all development (including landscaping) in the St. Norbert PDO area, therefore the Planning and Land Use Division does not need to include a plan approval with this application.

EASEMENT

- The administration is requesting that the developer grant a 372.15 square metre (4,005.9 square foot) temporary construction easement to the City in the Servicing Agreement (Section 1 of the Report of the ACG).
- The easement is being requested to enable the City to import fill material, construct flood-protection works, construct a new, extended culvert on the Beaujolais Coulee, and stabilize the slope to Pembina Highway.
- Once these works are completed (estimated completion date June 30, 2014), the easement can be discharged.

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 in lieu for this application.

RECOMMENDATION

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

- The proposed development helps enhance Pembina Highway as a public street that encourages pedestrian activity, and helps intensifies development in the St. Norbert area in order to distinguish Pembina Highway south of the Perimeter as St. Norbert's main street.
- The proposal is consistent with the policies of Plan Winnipeg and the Draft Complete Communities Direction Strategy and is consistent with the St. Norbert Planned Development Overlay.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 4/11

Schedule "A" for File No. DASZ 4/2011, Riel Community Committee, dated April 27, 2011

By-Law No. _____

File No. **DASZ 4/11**

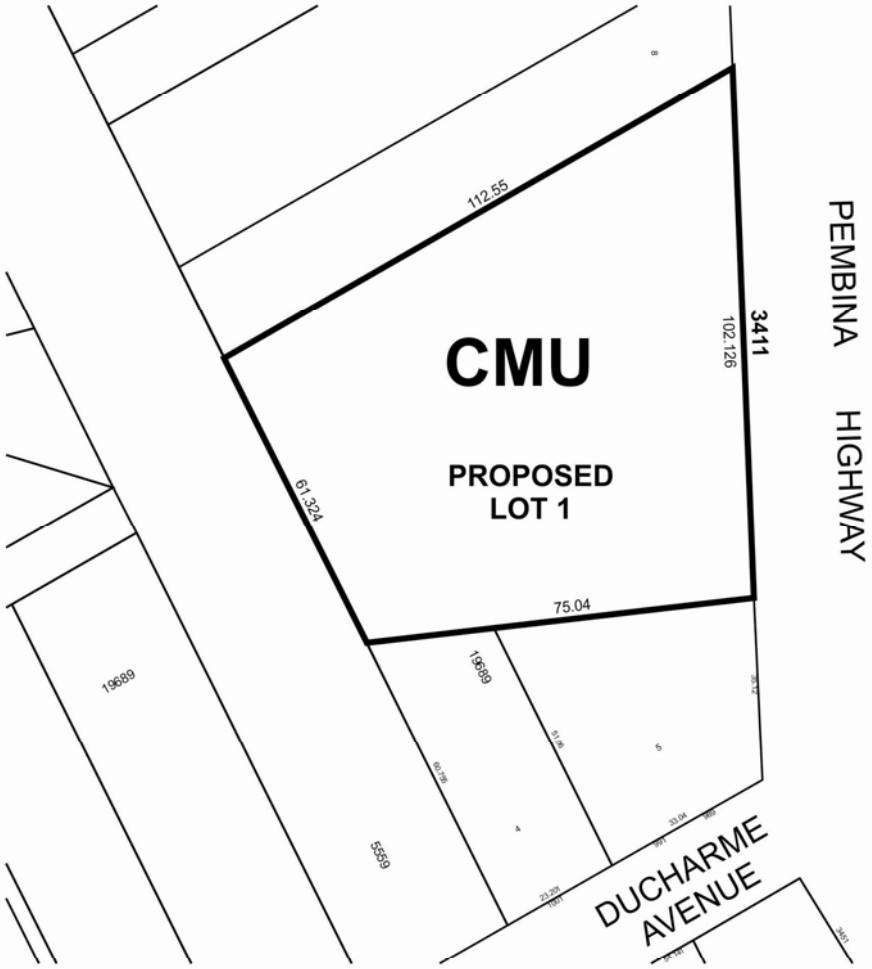
Atlas Sheet No.

N

AP23
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 3411 Pembina Highway from an "RR5" Rural Residential 5 District to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow for the construction of a Multiple Family Dwelling and Hotel as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MAY 5, 2011

RE: PROPOSED SUBDIVISION & REZONING OF LAND WEST OF PEMBINA HIGHWAY, NORTH OF DUCHARME AVENUE – 3411 PEMBINA HIGHWAY - DASZ 4/11

It is recommended that the approval of DASZ 4/11 be subject to the applicant's entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, grant a temporary construction easement to the City, as indicated on the attached drawing, to enable the City to import fill material, construct flood-protection works, construct a new, extended culvert on the Beaujolais Coulee, and stabilize the slope to Pembina Highway. Once these works are completed (estimated completion date June 30, 2014), the easement can be discharged.

2. The Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a 3.5-m-wide by 15.0-m-long northbound left-turn storage lane, upstream transition, and modifications to the existing median opening on Pembina Highway at the proposed private approach serving the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer shall, at no expense to the City:
   i) ensure that construction traffic uses access routes determined by the Director of Public Works;
   ii) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
   iii) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area,

   until building construction, including landscaping, is complete, and all as determined by,
   and to the satisfaction of, the Director of Public Works.

4. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

5. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned

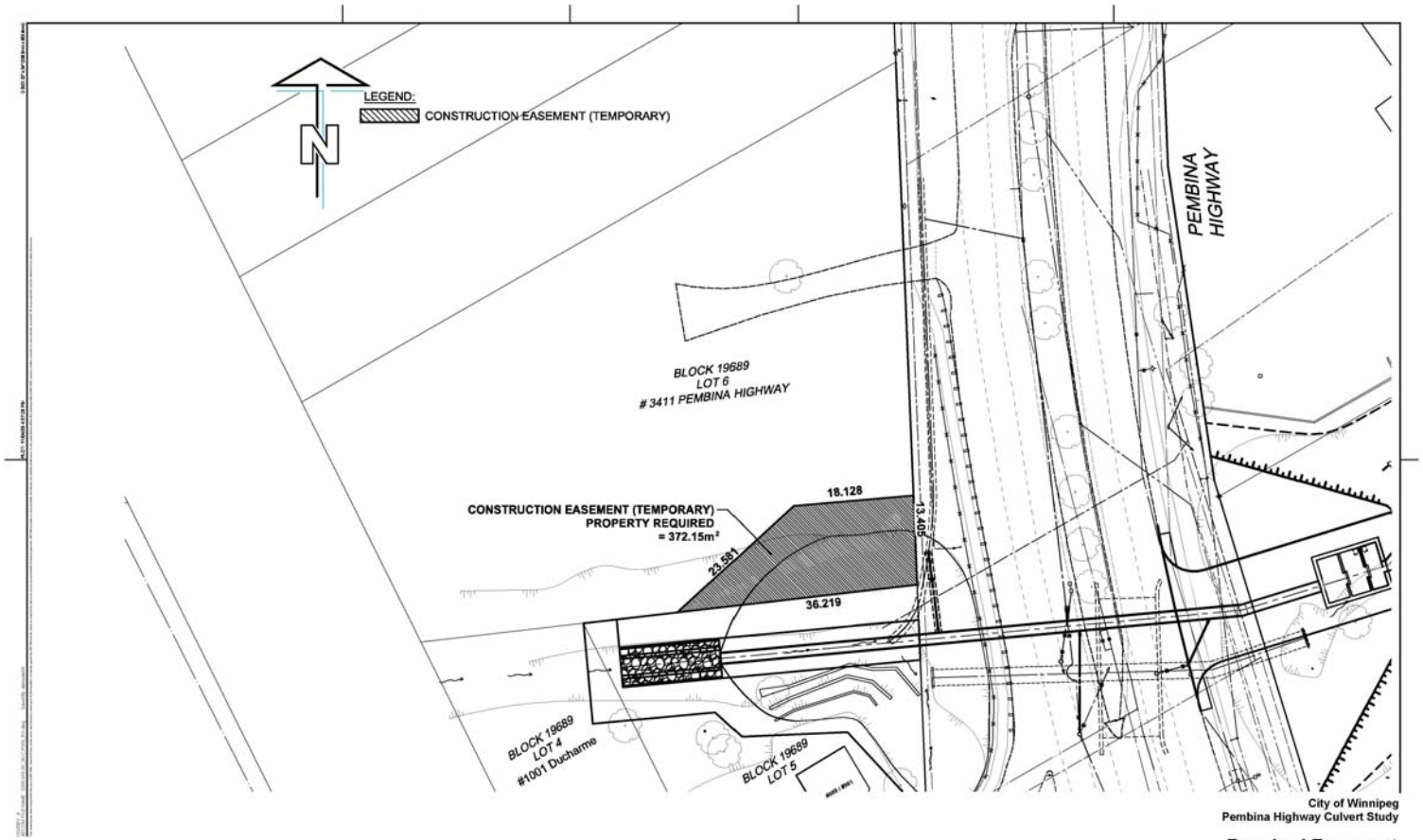
Area abutting the CNR Letellier Subdivision, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CNR Letellier Subdivision, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

6. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

7. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

8. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

9. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.



City of Winnipeg
Pembina Highway Culvert Study

AECOM

Required Easement
#3411 Pembina Highway
Figure 8.5

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 4/11
May 5, 2011

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

/sm