Minute No. 74
Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 20 Subdivision and Rezoning – Northwest corner of Lee Boulevard and Barnes Street - DASZ 25/2010 [c/r DAV 155249/2010D] (St. Norbert Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 25/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2010 dated October 18, 2010, 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 Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2010, with the following amendments, namely:

        i. Delete the words "installed by others" in the second line of Recommendation 3 under Section C. Servicing Agreement

        ii. Amend Recommendation 8 a) under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation.

        iii. Amend Recommendation 9 under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation.

Report - Standing Policy Committee on Property and Development – December 6, 2010

COUNCIL DECISION (continued):

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2010 dated October 18, 2010, to an "RMF-S" Residential Multi-Family District and an "RMF-L" Residential Multi-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, 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 maximum number of dwelling units on Lot 1 shall not exceed 84 dwelling units;

        iii. That the maximum number of dwelling units on Lot 2 shall not exceed 100 dwelling units;

        iv. That the maximum number of dwelling units on Lot 3 shall not exceed 110 dwelling units;

        v. That the maximum height of any building on Lot 2 shall not exceed 110 feet;

        vi. That the maximum height of any building on Lot 3 shall not exceed 110 feet;

Report - Standing Policy Committee on Property and Development – December 6, 2010

COUNCIL DECISION (continued):

vii. That the Developer and all successors in title to the lots 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 lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot 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;

viii. That the Developer shall erect two (2), four (4) foot by eight (8(foot signs on the vacant subject properties indicating the location and zoning of the "RMF-L" Residential Multi-Family Large properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development;

ix. That the address number of every building on the subject property (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, and;

x. 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.

xi. That construction of the second tower not proceed until the twinning of Waverley Street and the extension of Kenaston Boulevard to Waverley Street are complete, or until November 8, 2014, whichever comes first.

Report - Standing Policy Committee on Property and Development – December 6, 2010

COUNCIL DECISION (continued):

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

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 lots.

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 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 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.

9. 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.

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 – December 6, 2010

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, 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 December 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2010, 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 words after the words "dated October 27, 2010", namely:

  "with the following amendments, namely:

  i. Delete the words "installed by others" in the second line of Recommendation 3 under Section C. Servicing Agreement

  ii. Amend Recommendation 8 a) under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation.

Report - Standing Policy Committee on Property and Development – December 6, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iii. Amend Recommendation 9 under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation."

- Amend Recommendation 2.A.ii. by deleting the number "86" and replacing same with the number "84"

- Amend Recommendation 2.A.iii. by deleting the number "96" and replacing same with the number "100"

- Amend Recommendation 2.A.ii. by deleting the number "104" and replacing same with the number "110"

- Add the following Recommendation 2.A.xi.:

"xi. That construction of the second tower not proceed until the twinning of Waverley Street and the extension of Kenaston Boulevard to Waverley Street are complete, or until November 8, 2014, whichever comes first."

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

RE: **Subdivision and Rezoning – Northwest corner of Lee Boulevard and Barnes Street**
File DASZ 25/2010 [c/r DAV 155249/2010D]

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

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

Report date: **November 9, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2010, 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 25/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2010 dated October 18, 2010, 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 Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2010, ***with the following amendments, namely:***

        i. Delete the words "installed by others" in the second line of Recommendation 3 under Section C. Servicing Agreement

        ii. Amend Recommendation 8 a) under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation.

        iii. Amend Recommendation 9 under Section C. Servicing Agreement by adding the words "or multi-use asphalt pathway" after the words "concrete sidewalk" in the fourth line thereof and adding the words "in consultation with the area Councillor" to the end of the Recommendation.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2010 dated October 18, 2010, to an "RMF-S" Residential Multi-Family District and an "RMF-L" Residential Multi-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, 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 maximum number of dwelling units on Lot 1 shall not exceed ~~***86***~~ ***84*** dwelling units;

      iii. That the maximum number of dwelling units on Lot 2 shall not exceed ~~***96***~~ ***100*** dwelling units;

      iv. That the maximum number of dwelling units on Lot 3 shall not exceed ~~***104***~~ ***110*** dwelling units;

      v. That the maximum height of any building on Lot 2 shall not exceed 110 feet;

      vi. That the maximum height of any building on Lot 3 shall not exceed 110 feet;

      vii. That the Developer and all successors in title to the lots 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 lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot 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;

      viii. That the Developer shall erect two (2), four (4) foot by eight (8(foot signs on the vacant subject properties indicating the location and zoning of the

"RMF-L" Residential Multi-Family Large properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development;

ix. That the address number of every building on the subject property (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, and;

x. 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.

xi. That construction of the second tower not proceed until the twinning of Waverley Street and the extension of Kenaston Boulevard to Waverley Street are complete, or until November 8, 2014, whichever comes first.

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

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 lots.

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 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 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.

9. 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.

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 October 18, 2010 and in the report.

PUBLIC HEARING SUMMARY

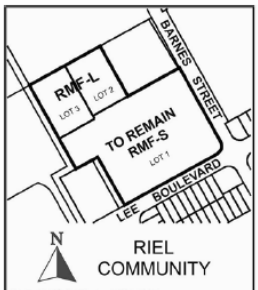
File: DASZ 25/2010 [c/r DAV 155249/2010D]

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

Public Hearing: November 8, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Karma Development Corp. (Myles Kraut)

Subject:



APPLICANT : KARMA DEVELOPMENTS CORP.
FILE : DASZ 25/10
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 "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the creation of sites for future multiple family development. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : KARMA DEVELOPMENTS CORP.
N° DE RÉFÉRENCE : DALZ 25/10
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal sur le zonage no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) à la catégorie RMF-L (SECTEUR DE GRANDES HABITATIONS MULTIFAMILIALES), en vue de permettre la création de sites pour la construction d'habitations multifamiliales. **Pour obtenir des renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: Northwest corner of Lee Boulevard and Barnes Street

Exhibits Filed:

1. Application dated September 9, 2010
2. Notification of Public Hearing dated September 24, 2010
3. Manitoba Status of Titles 2439040 and 2439050
4. Letter of authorization dated June 16, 2010 from 6031953 Manitoba Ltd. to Pre-Con Builders/Karma Developments
5. Surveyor's Building Location Certificate and sketch
6. Plans (7 pages)
7. Report from the Planning and Land Use Division dated October 18, 2010
8. Inspection Report
9. Petition dated November 6, 2010, in opposition to the application purporting to contain the signatures of 37 area residents
10. Audio Recording of representations

REPRESENTATIONS:
In Support:
Barry Greenberg
Myles Kraut
Robin Lee
Nicole Rexer
Ernie H.A. Water

In Opposition
Sukhdev Bains
Upkar Bains
Guemail Bossan
Paramjit Bhangoo
Harjit Chahal
Hong Chang
Jian Chen
Ramuir Gill
Jake Hutchison
Edin Mehanovic
Raj Phangureh
Kashyap Raval
Nancy Rutherford
Gord Thiessen

For the City:
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7 referred to in File DASZ 25/2010 [c/r DAV 155249/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 25/2010 – Northwest Corner of Lee Blvd. and Barnes St. Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create an RMF-S lot and two RMF-L lots that would together accommodate a total of 286 multi-family dwelling units.

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 25/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2010 dated October 18, 2010, 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 Schedule "B," the report of the Administrative Coordinating Group dated October 27, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2010 dated October 18, 2010, to an "RMF-S" Residential Multi-Family District and an "RMF-L" Residential Multi-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, 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 maximum number of dwelling units on Lot 1 shall not exceed 86 dwelling units;

(iii) That the maximum number of dwelling units on Lot 2 shall not exceed 96 dwelling units;

(iv) That the maximum number of dwelling units on Lot 3 shall not exceed 104 dwelling units;

(v) That the maximum height of any building on Lot 2 shall not exceed 110 feet;

(vi) That the maximum height of any building on Lot 3 shall not exceed 110 feet;

(vii) That the Developer and all successors in title to the lots 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 lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot 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;

(viii) That the Developer shall erect two (2), four (4) foot by eight (8(foot signs on the vacant subject properties indicating the location and zoning of the “RMF-L” Residential Multi-Family Large properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development;

(ix) That the address number of every building on the subject property (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, and;

(x) 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.

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

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 lots.

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 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 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.

9. 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.

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 would like to subdivide and rezone 10.1 acres of land that is located at the northwest corner of Lee Boulevard and Barnes Street. This subdivision and rezoning will create an RMF-S lot and two RMF-L lots that would accommodate a total of 286 multi-family housing 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 subdivided into three (3) lots. Proposed Lot 1 will continue to be zoned "RMF-S" Residential Multi-Family Small. Proposed Lots 2 and 3 will be rezoned from RMF-S to "RMF-L" Residential Multi-Family Large. Lot 1 will accommodate a total of 86 units comprised of bungalow condominiums and townhouses. Lot 2 will have a ten storey building with 96 dwelling units. Lot 3 will have 8 townhouse units at the southern extent of the lot and will also have a ten storey building with 96 dwelling units at the northern extent of the lot.

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
Date:	October 18, 2010
File No.	DASZ 25/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 25/10
3. Schedule “B” – Report of the Administrative Coordinating Group
4. Appendix B – Design Guidelines

APPENDIX 'A'

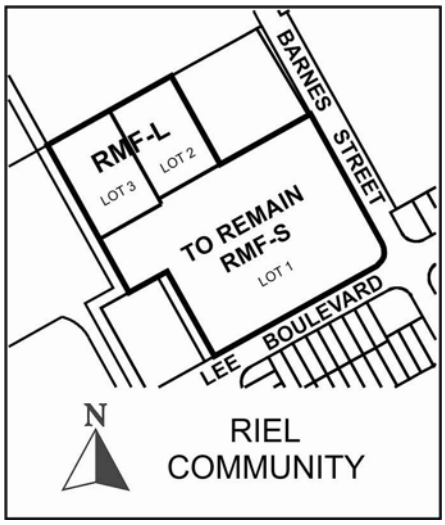
DATE: October 18, 2010
FILE: DASZ 25/10
RELATED FILES: DAV 10-155249/D (c/r),

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.637

SUBJECT: To rezone and subdivide the subject land from one "RMF-S" Residential Multi-Family Small lot into two "RMF-L" Residential Multi-Family lots and one "RMF-S" lot to allow for the development of multi-family buildings that together would accommodate a total of 286 multi-family dwelling units.

LOCATION: NW Corner of Lee Boulevard and Barnes Street

LEGAL DESCRIPTION: LOT 2 & 3 PLAN 21995



APPLICANT: Myles Kraut (Karma Development Corporation)
Suite 200 - 60 Shore Street
Winnipeg, MB R3T 2C8

OWNER: 6031935 Manitoba Ltd.
71 Portsmouth Boulevard
Winnipeg, MB R3P 2H9

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the land into three (3) lots. Proposed Lot 1 will remain zoned RMF-S while proposed Lots 2 and 3 will be rezoned from "RMF-S" to "RMF-L" Residential Multi-Family Large to accommodate a total of 286 dwelling units on all three proposed lots.
- Proposed Lot 1 will be approximately 7.1 acres (311,115.4 square feet) in area and will contain a total of 86 dwelling units that are comprised of 67 bungalow units and 19 townhouses.
- Proposed Lot 2 will be approximately 1.45 acres (63,990 square feet) in area and will contain a ten storey multi-family building (approximately 110 feet tall) with 96 dwelling units.
- Proposed Lot 3 will be approximately 1.5 acres (65,626 square feet) in area and will contain a ten storey (approximately 110 feet tall) multi-family building with 96 dwelling units and 8 townhouses for a total of 104 dwelling units on the lot.
- The Planning and Land Use Division recommends supporting this application because:
    - The applicant is proposing to subdivide the land into three lots – rezoning two of these lots to RMF-L – and develop a total of 286 dwelling units on the site, or approximately 19% fewer units than permitted on the entire site as it is currently zoned;
    - The bungalows and townhouse units proposed for Lot 1 are generally compatible in terms of form and the predominant build type (detached single-family residential) of the surrounding neighbourhood;
    - The 10 storey multi-family buildings on Proposed Lots 2 and 3 are located at the northernmost extent of the proposed lots and will be situated approximately 250 metres away from the nearest existing single-family residences in the neighbourhood. As such, these towers should not impact (ex. cast a shadow) the single-family residences in the neighbourhood.

SITE DESCRIPTION

- The subject property is located on the northwest corner of the Barnes Street and Lee Boulevard intersection in the Fairfield Park neighbourhood of the St. Norbert Ward.
- The property is approximately **10.1 acres in area**.
- The subject property is predominantly vacant; however, there is a 1,100 square foot temporary building on the southeast corner of the site.
- The site is within Plan Winnipeg's Neighbourhood Policy area and is zoned "RMF-S" Residential Multi-Family Small.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant land zoned “RR5” Rural Residential 5.

South: Single-family homes zoned “R1-M” Residential Single-Family Medium.

East: The Real Canadian Superstore zoned “C3” Commercial Corridor and single-family homes zoned “R1-M” Residential Single-Family Medium. A church (the Grace Christian Church) is located immediately east of the northern extent of the site.

West: A warehouse for Agriculture and Agri-Food Canada (near the southern extent of the site) and a property that will be developed as a personal care home (Aboriginal Personal Care Home). Both of these properties are zoned “RMF-S” Residential Multi-Family Small.

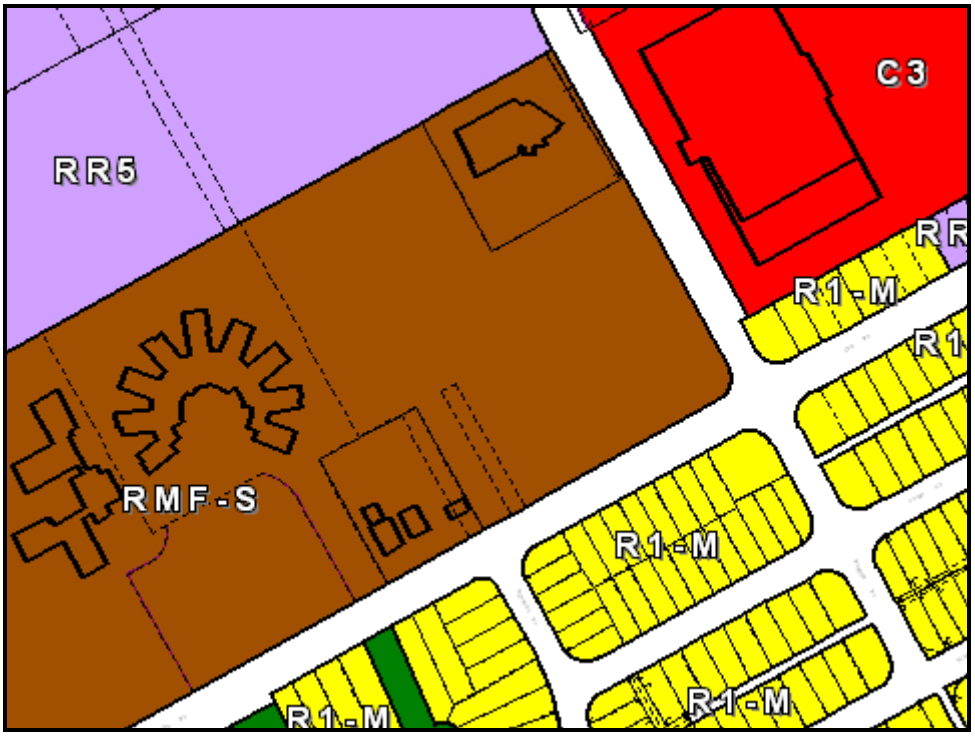


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land into three (3) lots. Proposed Lot 1 will remain zoned RMF-S while proposed Lots 2 and 3 will be rezoned from "RMF-S" to "RMF-L" Residential Multi-Family Large to accommodate a total of 286 dwelling units on all three proposed lots.
- Proposed Lot 1 will be approximately 7.1 acres (311,115.4 square feet) in area and will contain a total of 86 dwelling units that are comprised of 67 bungalow units and 19 townhouses.
- Proposed Lot 2 will be approximately 1.45 acres (63,990 square feet) in area and will contain a ten storey multi-family building (approximately 110 feet tall) with 96 dwelling units.
- Proposed Lot 3 will be approximately 1.5 acres (65,626 square feet) in area and will contain a ten storey (approximately 110 feet tall) multi-family building with 96 dwelling units and 8 townhouses for a total of 104 dwelling units on the lot.
- The applicant is proposing a total of 305 parking spaces for the two towers on Proposed Lots 2 and 3. A total of 133 parking stalls will be provided underground, beneath both buildings. Lot 2 will have 92 surface parking stalls, while Lot 3 will have 80 surface parking stalls. Parking for the townhouses and bungalows will be accommodated on the driveways and/or in the garages.

- There are two vehicular accesses proposed to the site from Barnes Street; there is no vehicular access to the site from Lee Boulevard. The private interior road network is entirely within Proposed Lot 1. Lots 2 and 3 require variances for not having access on an improved public street. As such, cross access agreements will be required.
- Yard variances are also required for Proposed Lots 2 and 3.

ANALYSIS AND ISSUES

PLAN WINNIPEG

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

ZONING

"RMF-S" Residential Multi-Family Small

- The RMF-S 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-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

"RMF-L" Residential Multi-Family Large

- The RMF-L 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-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

LAND USE BY-LAW

Rezoning

- The rezoning is only required for Proposed Lots 2 and 3. The applicant is proposing to develop a 10 storey, 96 unit multi-family residential building on Proposed Lot 2, and 8 townhouses and a 10 storey, 96 unit multi-family residential building on Proposed Lot 3. Under the existing zoning (RMF-S) the proposed development would exceed both the height and density requirements of the RMF-S zone. As such, the applicant is proposing to rezone the land to RMF-L to accommodate the proposed development.

Variances – Both Proposed Lots 2 & 3

- Section 132(6) of Zoning By-law 200/2006 requires all zoning lots to have frontage on an improved public street. The applicant is proposing to develop the lots with access from a private road in conjunction with a cross access agreement.

- Section 172(3)(a) of the Zoning By-Law requires accessory parking areas to have access from a public street or lane (where permitted). The applicant is proposing to provide access to the accessory parking areas from a driveway that connects to a private street.

Variances – Proposed Lot 2

- The minimum side yard requirement for the RMF-L zone is 20 feet. The applicant is proposing an underground parking structure that would be connected beneath both buildings (under both Lots 2 and 3). As this would be a connected underground parking structure that would be used for both buildings, the applicant is proposing a 0 foot interior (western) side yard instead of the required 20 foot side yard setback.
- The Zoning By-Law requires that visitor parking stalls on RMF sites be readily available to the entrance of the building served. The applicant is proposing to place the visitor parking stalls at the southern extent of Proposed Lot 2, which is about as far from the proposed building as possible on the site.

Variances – Proposed Lot 3

- The minimum side yard requirement for the RMF-L zone is 20 feet. The applicant is proposing an underground parking structure that would be connected beneath both buildings (under both Lots 2 and 3). As this would be a connected underground parking structure that would be used for both buildings, the applicant is proposing a 0 foot interior (eastern) side yard instead of the required 20 foot side yard setback.
- The Zoning By-Law requires that 10% of the parking stalls on RMF sites be designated for visitor parking. However, the applicant is proposing to place all designated visitor parking stalls on Proposed Lot 2.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The 10.1 acre site (i.e. all three proposed lots) as it exists under the RMF-S zoning would allow for the development of 353 dwelling units as of right.
- The applicant is proposing to subdivide the land into three lots – rezoning two of these lots to RMF-L – and develop a total of 286 dwelling units on the site, or approximately 19% fewer units than permitted on the entire site as it is currently zoned.
- The bungalows and townhouse units proposed for Lot 1 are generally compatible in terms of form and the predominant build type (detached single-family residential) of the surrounding neighbourhood.
- None of the proposed dwelling units on Proposed Lot 1 will front onto Lee Boulevard, which is not consistent with the remainder of the development along the Lee Boulevard between Barnes and Raphael Street. However, the Zoning By-Law only requires that a lot fronts onto an improved public street. Individual units on a multi-family zoned lot are not required to front onto the street.
- Access to all three proposed lots will be from Barnes Street, which should help keep traffic generated from the site off of residential streets such as Lee Boulevard.

- Although the 10 storey multi-family buildings on Proposed Lots 2 and 3 are not generally compatible with the predominant form of the neighbourhood, they will be located at the northernmost extent of the proposed lots and will be situated approximately 250 metres away from the nearest existing single-family residences in the neighbourhood. As such, these towers should not impact (ex. cast a shadow) the single-family residences in the neighbourhood.
- The proposed towers offer an alternative type of development in the area.
- Conditions within the proposed zoning agreement will restrict the density proposed on Lots 1 to 3, and the proposed building height on Proposed Lots 2 and 3. The density will be restricted to ensure that piped sewer, water, and land drainage can adequately service the site. Any proposed changes to the height restrictions will require further analysis, such as a shadow study, to determine the impact of the buildings on the surrounding properties.

SITE DESIGN

- The applicant is proposing an internal private road network to provide vehicular access to the proposed units.
- As previously mentioned, Proposed Lots 2 and 3 do not have direct access on an improved public street and will require a cross access agreement. The City of Winnipeg Fire Department is generally not supportive of proposed lots that do not front an improved public street due to the potential enforcement issues that can arise even with cross access agreements in place. The Fire Department recommends that all roads leading to the 10 storey buildings be at least 7.5 metres (24.6 feet) wide. The applicant is proposing 24 and 30 foot wide roadways connecting to the 10 storey buildings.
- The Fire Department has also raised concerns regarding secondary access to the buildings for staging the fire trucks in the event of an emergency. Future site designs will need to satisfy the Fire Department's requirements.
- An underground parking structure is proposed beneath the two, 10 storey buildings. The main floor of each of these buildings will be elevated approximately 5 feet above grade, with some surface parking on this elevated portion in front (south) of the proposed buildings. The remainder of the surface parking will be at grade or 5 feet below the elevated portion.
- The applicant is proposing a north/south pathway that would connect from the northern extent of the site between the two 10 storey towers to the approximate location of the bus stop on Lee Boulevard. Future development north of Proposed Lots 2 and 3 could integrate a connection to this pathway.
- An east/west pathway is proposed that would provide pedestrian access to Barnes Street.
- A common area is proposed between the two towers.
- A 4-foot high fence around the perimeter of the site.
- The City will require a 2.134 metre widening along the Barnes Street right-of-way and will require that sidewalks be developed along Lee Boulevard and Barnes Street. Other

developer obligations required by the City are indicated in Schedule "B" Report of the Administrative Coordinating Group.

- Plan approval will be included as a requirement of the zoning agreement to allow for another review of final plans prior to development taking place on the site.
- The Planning and Land Use Division has provided a set of design guidelines for the subject site (see Appendix B). These guidelines will be used to evaluate the final proposed design(s).

TRANSIT ACCESSIBILTY

- There are four bus stops located near the site: two stops on either side of Barnes Street near the corner of Lee, and two stops on either side of Lee Street. The 62 Richmond Express services these stops. The bus stops are located approximately 225 metres away from the proposed towers.

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

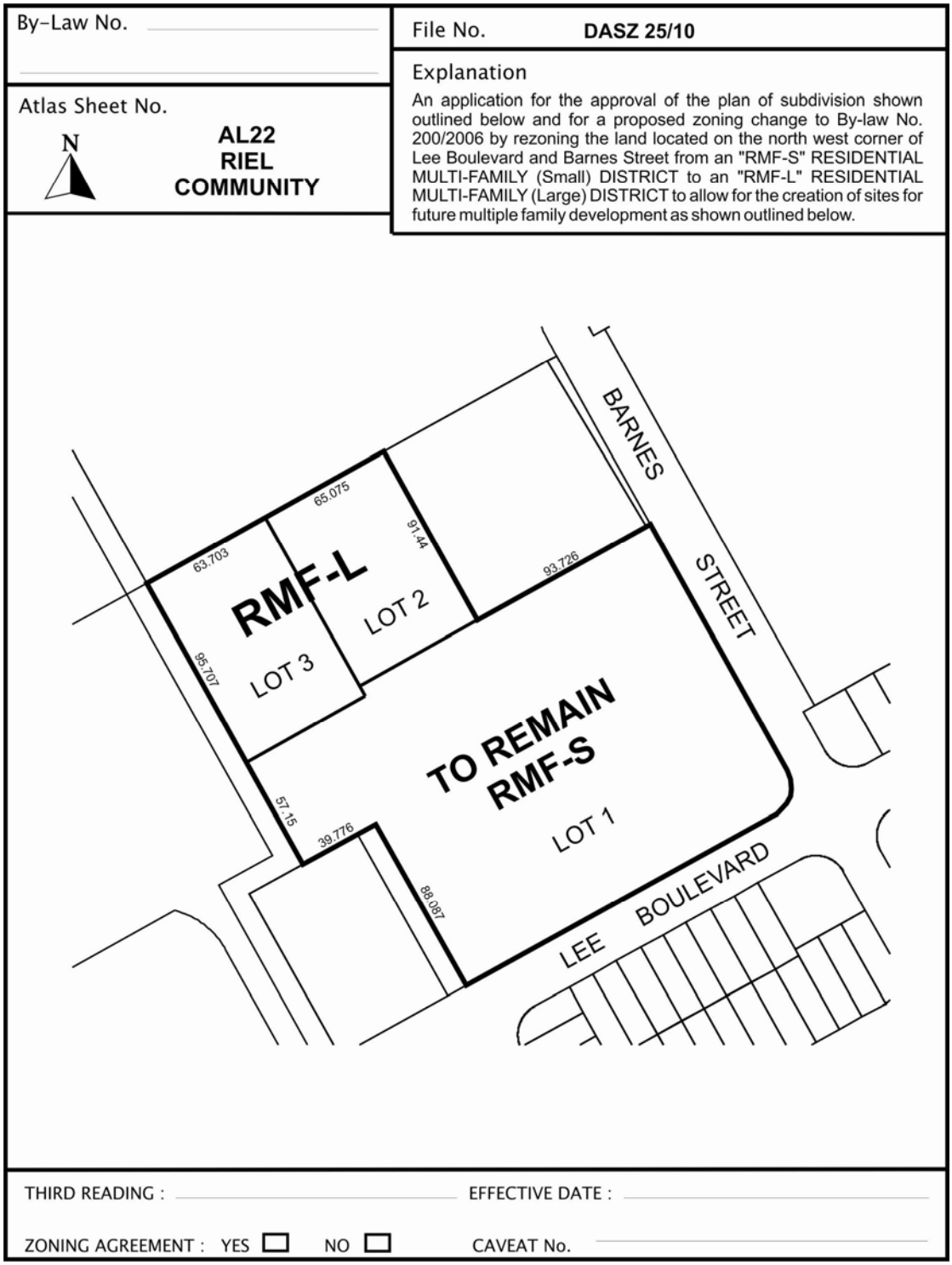
The Planning and Land Use Division recommends **approval** for the following reasons:

- The applicant is proposing to subdivide the land into three lots – rezoning two of these lots to RMF-L – and develop a total of 286 dwelling units on the site, or approximately 19% fewer units than permitted on the entire site as it is currently zoned.
- The bungalows and townhouse units proposed for Lot 1 are generally compatible in terms of form and the predominant build type (detached single-family residential) of the surrounding neighbourhood.
- The 10 storey multi-family buildings on Proposed Lots 2 and 3 are located at the northernmost extent of the proposed lots and will be situated approximately 250 metres away from the nearest existing single-family residences in the neighbourhood. As such, these towers should not impact (ex. cast a shadow) the single-family residences in the neighbourhood.

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

PPD File # DASZ 25/10

Schedule "A" for File No. DASZ 25/2010, Riel Community Committee, dated October 18, 2010.



Schedule "B" Report of the Administrative Coordinating Group dated October 27, 2010

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – OCTOBER 27, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT NORTHWEST CORNER OF LEE BOULEVARD AND BARNES STREET - DASZ 25/10

It is recommended that the approval of DASZ 25/10 be subject to the following:

A. Plan Considerations

1. The Developer transferring to the City property for, and legally opening, a 2.134-m widening to the Barnes Street right-of-way for the full length of the abutting Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2 The Developer consulting with Winnipeg Fire Paramedic, Winnipeg Transit, and Parks Planning in the design of the internal site layout to ensure that:

a) The requirements of the Fire Department, including the design of access routes in accordance with Article 3.2.5.6 of the 2006 Manitoba Building Code (MBC), the positioning of fire hydrants in accordance with Manitoba Building Code requirements, and the provision of cross-access routes a minimum of 7.5 m wide, are satisfied;

b) A pedestrian pathway connection to Lee Boulevard is provided; and

c) Consideration is given to the inclusion of a north-south Active Transportation connection through the site.

B. Engineering Servicing Report

The applicant providing, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, demonstrating that the existing services are adequate for the proposed high-density development

C. Servicing Agreement

The applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall pay its share of the services installed by others in Lee Boulevard, in accordance with Fairfield Park Local Improvement District By-Law No. 125-2003. The pre-determined rate for wastewater sewer, lateral land drainage sewer, watermain, and concrete street pavement is $300.60 per frontage foot.

2. The Developer shall pay its share of the ornamental street lighting installed by others in Lee Boulevard, at the local improvement rates in effect at the time payment is made.

3. The Developer shall pay its share of the services, including ornamental street lighting, installed by others in Barnes Street, at the local improvement rates in effect at the time payment is made.

4. The Developer shall pay its share of the regional land drainage system (2010 Rate = $7,705/acre).

5. If the Engineering Servicing Report indicates that the existing services are not adequate to service the proposed high-density development, the Developer shall either reduce the development density to match existing service levels or construct any required system upgrades at its cost, and to the satisfaction of the Director of Water and Waste.

6. The Developer shall execute a shared services agreement to provide for the ongoing servicing of the land-locked lots being created.

7. The Developer shall execute cross-access agreements to ensure fire-department access to the land-locked lots being created.

8. The Developer shall either
   a) construct, along the north side of Lee Boulevard, from Barnes Street to the west limit of the Planned Area, on behalf of the Developer responsible for its construction under Servicing Agreement AG 403/07, a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk, at no expense to the City, as determined by, and to the satisfaction of, the Director of Public Works or
   b) pay its share, at the local improvement rates in effect at the time payment is made, of the sidewalk to be constructed by others along the north side of Lee Boulevard under Servicing Agreement AG 403/07.

9. The Developer shall, at no expense to the City, construct, along the west side of Barnes Street, from Lee Boulevard to the private approach serving the World Wide Church of God Canada immediately north of the Planned Area, a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk, as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall, at no expense to the City, sod the boulevard and plant trees in Barnes Street and Lee Boulevard, along the full length of the Planned Area abutting those streets, to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

12. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

13. The Developer shall pay all costs associated with the 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.

14. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

15. 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 construction of services and buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

16. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Are 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.

17. 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 within three months of substantial performance showing, the services required to serve the Planned Area.

18. 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.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group

File No. DASZ 25/10
October 27, 2010

"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 and Waste Department
/sm

APPENDIX 'B' **Design Guidelines**

Design Guidelines for Final Plan Approval for DASZ 25/10 – Northwest Corner of Lee Blvd. and Barnes St.

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
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site community recreation amenities

1.2 A minimum of one safe, well defined and universally accessible walkway or internal sidewalk system should be incorporated into the proposed development.

1.3 A minimum of two interconnected pedestrian corridors from the internal sidewalk system to each of the external sidewalk system (i.e. along Barnes Street and Lee Boulevard) should be provided. At least one of these pedestrian corridors should link directly to a Winnipeg Transit stop, most notably the stop located along Lee Boulevard.

1.4 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.

1.5 Future development should minimize shadow impact and should be reasonably separated from existing development. 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 and rear 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 Main building entries should be clearly identifiable, visible and accessible.

2.2 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, corners, common areas, areas along pathways, and entryways.

3.2 The existing trees that are located along the perimeter of the site should be retained as much as possible.

4. Fencing

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