Agenda - Executive Policy Committee – October 12, 2011

Report - Standing Policy Committee on Property and Development – October 4, 2011

Item No. 13 Subdivision and Rezoning – 3357 Pembina Highway
(St. Norbert Ward)
File DASZ 20/2011

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 20/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2011 dated August 25, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2011 dated August 25, 2011 to "C2" and "C3" Commercial Districts, 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, advertising signs, mobile signs, or A-board signs shall not be permitted on the land.

        ii. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and 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.

        iii. That the following conditions shall apply to all lands zoned "C2" Commercial Community:

a. That no principal building shall be less than 35 feet (10.67 metres) from the eastern limit of the CNR Letellier Subdivision.

b. That the Developer shall construct a berm alongside the CNR Letellier Subdivision that is no less than two (2) feet (0.61 metres) in height and that is constructed to the satisfaction of the Director of Planning, Property and Development and shall maintain this berm to the satisfaction of the Director of Planning, Property and Development; and,

c. 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.

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 Caveat 3442046 (DAZ 250/2006) be withdrawn as it affects Lot 1 Plan 45196.

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

6. 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.

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

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

Report - Standing Policy Committee on Property and Development – October 4, 2011

9. 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.

10. 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.

11. 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.

12. 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.

Agenda - Executive Policy Committee – October 12, 2011

Report - Standing Policy Committee on Property and Development – October 4, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 4, 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 September 19, 2011, the Riel Community Committee concurred in the recommendation in the revised report from the Winnipeg Public Service dated August 25, 2011 and forwarded the matte to the Standing Policy Committee on Property and Development.

On July 11, 2011, the Riel Community Committee adjourned the public hearing to its meeting on September 19, 2011.

RE: **Subdivision and Rezoning – 3357 Pembina Highway**
File DASZ 20/2011

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

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

Report date: **September 20, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 20/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2011 dated August 25, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2011 dated August 25, 2011 to "C2" and "C3" Commercial Districts, 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, advertising signs, mobile signs, or A-board signs shall not be permitted on the land.

        ii. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and 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.

        iii. That the following conditions shall apply to all lands zoned "C2" Commercial Community:

a. That no principal building shall be less than 35 feet (10.67 metres) from the eastern limit of the CNR Letellier Subdivision.

b. That the Developer shall construct a berm alongside the CNR Letellier Subdivision that is no less than two (2) feet (0.61 metres) in height and that is constructed to the satisfaction of the Director of Planning, Property and Development and shall maintain this berm to the satisfaction of the Director of Planning, Property and Development; and,

c. 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.

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 Caveat 3442046 (DAZ 250/2006) be withdrawn as it affects Lot 1 Plan 45196.

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

6. 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.

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

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

9. 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.

10. 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.

11. 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.

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

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

1. The Riel Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated August 25, 2011.

PUBLIC HEARING SUMMARY

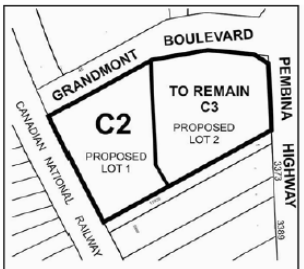
File: DASZ 20/2011

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal
Councillor Steeves (July 11, 2011 hearing only)

Public Hearing: September 19, 2011
July 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Xhale Corporation Inc. (Thomas Peake)

Subject:



APPLICANT : XHALE CORPORATION INC.
FILE : DASZ 20/11
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C3" COMMERCIAL CORRIDOR DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : XHALE CORPORATION INC.
N° DE RÉFÉRENCE : DALZ 20/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie C3 (SECTEUR DE COULOIR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 3357 Pembina Highway

Exhibits Filed:

1. Application dated May 4, 2011
2. Notification of Public Hearing dated May 25, 2011
3. Manitoba Status of Title2222579
4. Letter of authorization dated May 3, 2011, 2011 from Red River Cooperatives Ltd. to Xhale Corporation Inc.
5. Surveyor's Building Location Certificate and sketch dated January 12, 2011
6. Caveat No. 3312190 dated June 29, 2006
7. Caveat No. 3442046 dated April 26, 2007
8. Zoning Development Information
9. Plan
10. Report from the Planning and Land Use Division dated June 8, 2011
11. Inspection Report
12. Audio Recording of Representations from July 11, 2011
13. Notice of Adjournment dated July 12, 2011
14. Revised Report from the Planning and Land Use Division dated August 25, 2011
15. Audio Recording of Representations from September 19, 2011

REPRESENTATIONS:

In Support:

Chris Peake
Thomas Peake

In Opposition
Nil

For Information:

Nancy and Wayne Drozdowski
Jim Heaton

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "13" referred to in File DASZ 20/2011

ADMINISTRATIVE REPORT

Title: DASZ 20/2011 – 3357 Pembina Highway Public Hearing (Revised)

Issue: For consideration at the Public Hearing for a subdivision and rezoning application in order to create two (2) lots and rezone Proposed Lot 1 from C3 to C2.

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 20/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2011 dated August 25, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 20/2011 dated August 25, 2011 to "C2" and "C3" Commercial Districts, 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, advertising signs, mobile signs, or A-board signs shall not be permitted on the land.
        ii) That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and 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.
        iii) That the following condition(s) shall apply to all lands zoned "C2" Commercial Community:
            a. That no principal building shall be less than 35 feet (10.67 metres) from the eastern limit of the CNR Letellier Subdivision.

b. That the Developer shall construct a berm alongside the CNR Letellier Subdivision that is no less than two (2) feet (0.61 metres) in height and that is constructed to the satisfaction of the Director of Planning, Property and Development and shall maintain this berm to the satisfaction of the Director of Planning, Property and Development; and,

c. 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.

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 Caveat 3442046 (DAZ 250/2006) be withdrawn as it affects Lot 1 Plan 45196.

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

6. 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.

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

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

9. 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.

10. 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.

11. 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.

12. 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 into two (2) lots.

- Proposed Lot 1 – the westernmost lot – will be approximately 1.86 acres in area. Proposed Lot 2 – the easternmost lot and site of the Co-Op gas station – will be approximately 2.17 acres in area.
- The applicant is also proposing to rezone Proposed Lot 1 from "C3" Commercial Corridor to "C2" Commercial Community. Proposed Lot 2 will remain zoned "C3" Commercial Corridor.
- The applicant has not submitted a final plan/use for Proposed Lot 1 with the application. However, the applicant has provided a conceptual plan and communicated with the Planning and Land Use Division that he is interested in developing the site with a thirty-two (32) to thirty-four (34) unit condominium development. These units would be comprised of two and three storey tall side-by-sides (town or rowhouse-style) buildings.
- If the proposed rezoning to C2 is approved by Council and the applicant chooses to pursue the multi-family concept, he will be required to submit a conditional use application as multi-family developments are conditional uses in the C2 zone. This application would be reviewed at a public hearing before the Riel Community Committee.
- 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 two (2) lots and Proposed Lot 1 will be rezoned from C3 to C2. Proposed Lot 2 will remain zoned C3.

HISTORY

DASZ 20/11 Riel Community Committee Public Hearing

- On July 11, 2011, the Riel Community Committee laid over the subject application to the next Riel Public Hearing. The application was laid over to allow the applicant and administration resolve issues regarding the recommended setback for principal dwellings from the CNR Letellier Subdivision.

DASZ 11/1997

- On September 25, 1997, Council approved the subdivision and rezoning of the subject site from a "A" Agricultural district to an "RM-5" Multi-Family district, subject to the applicant entering into a zoning agreement with the City of Winnipeg. The conditions of the zoning agreement were as follows:

    1. That any multiple-family residential development be developed in accordance with"RM-2" densities – specifically a minimum lot area per dwelling unit of 1,250.
    2. That no building or structure be erected on the land exceeding six stories in height.

3. That, final construction plans indicating the design and location of the proposed buildings, including elevations, exterior finishing materials, accessory parking areas, garbage enclosures, fencing and landscaping, and approaches be subject to the approval of the Riel Community Committee and the Commissioner of Planning and Community Services, in consultation with Heritage St. Norbert.

DAZ 250/2006

- On March 21, 2007, Council approved the rezoning of the subject property from an "RM-5" Multi-Family district to a "C2" Commercial district, subject to the applicant entering into a zoning agreement with the City of Winnipeg. The conditions of the zoning agreement were as follows:

  1. That final plans showing the location and details of parking areas, building profiles, signage, lighting, garbage enclosures, landscaping and fencing shall be submitted to the Planning, Property and Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development.

- Council also recommended removal of Caveat No. 3312189.

ZONING BY-LAW 200/2006

- On March 1, 2008 the new Zoning By-Law 200/2006 came into force and effect. Mapping rules were applied to properties in order to enable the transition from the old zoning by-law (6400/94) to the new zoning by-law.
- With regard to this particular site, the mapping rule applied for existing C2 sites was as follows:
  - *Existing sites that are 2-5 acres and deeper than 200 feet will become C3*.
- The subject site is about 4 acres in area and much deeper than 200 feet. As a result, the subject site was rezoned to C3 through the transition from Zoning By-Law 6400/94 to Zoning By-Law 200/2006.

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:	August 25, 2011 (Revised)
File No.	DASZ 20/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 20/11

APPENDIX 'A'

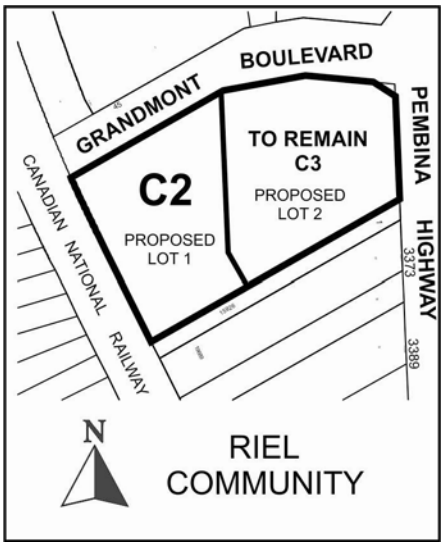
DATE: August 25, 2011 (Revised)

FILE: DASZ 20/11
RELATED FILES: DAZ 250/06, DASZ 11/97

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.625

SUBJECT: A subdivision and rezoning application to create two (2) lots and rezone Proposed Lot 1 from a "C3" Commercial Corridor district to a "C2" Commercial Community district.

LOCATION: 3357 Pembina Highway
LEGAL DESCRIPTION Lot 1 Plan 45196



APPLICANT: Xhale Corporation Inc. (Thomas Peake)
633 Kilkenny Drive
Winnipeg, MB R3T 3E2

OWNER: Red River Co-Op Ltd
1615 King Edward Street
Winnipeg, MB R3C 2H7

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the land into two (2) lots.
- Proposed Lot 1 – the westernmost lot – will be approximately 1.86 acres in area. Proposed Lot 2 – the easternmost lot and site of the Co-Op gas station – will be approximately 2.17 acres in area.
- The applicant is also proposing to rezone Proposed Lot 1 from “C3” Commercial Corridor to “C2” Commercial Community. Proposed Lot 2 will remain zoned “C3” Commercial Corridor.
- The applicant has not submitted a final plan/use for Proposed Lot 1 with the application. However, the applicant has provided a conceptual plan and communicated with the Planning and Land Use Division that he is interested in developing the site with a thirty-two (32) to thirty-four (34) unit condominium development. These units would be comprised of two and three storey tall side-by-sides (town or rowhouse-style) buildings.
- If the proposed rezoning to C2 is approved by Council and the applicant chooses to pursue the multi-family concept, he will be required to submit a conditional use application as multi-family developments are conditional uses in the C2 zone. This application would be reviewed at a public hearing before the Riel Community Committee.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located at the southwest corner of the Pembina Highway and Grandmont Boulevard intersection in the St. Norbert neighbourhood of the St. Norbert Ward.
- The eastern portion of the site is the location of a gas station and car wash (Red River Co-Op). The western portion of the site is vacant.
- The site is approximately **4 acres (174,240 square feet) in area**.
- The site is located along a Regional Mixed Use Corridor (Pembina Highway) under the 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 “C3” Commercial Corridor.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: One storey commercial developments (convenience store and insurance agency) C2 and a two-storey multi-family development that is also zoned C2.

South: Vacant land zoned RR5.

East: Pembina Highway, and predominantly vacant land zoned RR5 and a detached single-family home zoned R1-E.

West: The CN Letellier Subdivision and detached single-family homes zoned R1-M.

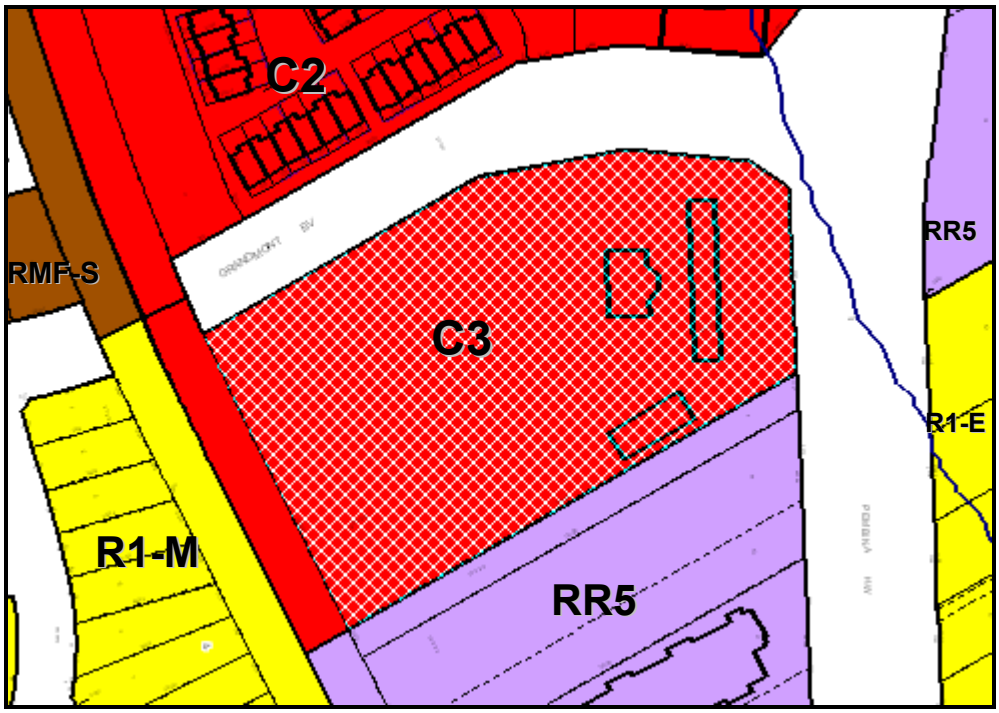


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land into two (2) lots.
- Proposed Lot 1 – the westernmost lot – will be approximately 1.86 acres in area. Proposed Lot 2 – the easternmost lot and site of the Co-Op gas station – will be approximately 2.17 acres in area.
- The applicant is also proposing to rezone Proposed Lot 1 from “C3” Commercial Corridor to “C2” Commercial Community. Proposed Lot 2 will remain zoned “C3” Commercial Corridor.
- The applicant has not submitted a final plan/use for Proposed Lot 1 with the application. However, the applicant has provided a conceptual plan and communicated with the Planning and Land Use Division that he is interested in developing the site with a thirty-two (32) to thirty-four (34) unit condominium development. These units would be comprised of two and three storey tall side-by-sides (town or rowhouse-style) buildings.
- If the proposed rezoning to C2 is approved by Council and the applicant chooses to pursue the multi-family concept, he will be required to submit a conditional use application as multi-family developments are conditional uses in the C2 zone. This application would be reviewed at a public hearing before the Riel Community Committee.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located along a Regional Mixed-Use Corridor (Pembina Highway). Key relevant policies guiding development along Regional Mixed Use Corridors 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

"C3" Commercial Corridor District

- The C3 zone is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections. Non-residential structures in the C3 zone require the following dimensional standards: a minimum front yard and rear yard of 25 feet, a minimum interior side yard of 0 feet, and a minimum corner side yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 1.5.

"C2" Commercial Neighbourhood District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. Non-residential structures in the C2 zone require the following dimensional standards: a minimum front, side and corner side yard of 0 feet, and a rear yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 3.0.
- Multi-family residential structures in the C2 district must meet the requirements of the RMF-M zoning district. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet

(where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

LAND USE BY-LAW (ZONING BY-LAW 200/2006)

- The applicant is considering proposing to develop a multi-family development on Proposed Lot 1. The site is currently zoned C3. Multi-family developments are not permitted in the C3 zone, but are conditional uses in the C2 zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- As noted in the History Section, the subject site was rezoned to an “RM-5” Multi-Family district under DASZ 11/97 and later rezoned to a “C2” Commercial district under DAZ 250/06.
- The Planning and Land Use Division supported both applications, subject to plan approval, height, and density requirements as described in the conditions of the zoning agreement. Uses were not restricted for the rezoning of the site from RM-5 to C2.
- The subject site was effectively up-zoned from C2 to C3 through the transition from Zoning By-Law 6400/94 to Zoning By-Law 200/2006 (see History Section).
- Now the applicant would like to subdivide the site and rezone Proposed Lot 1 back to C2 under the current by-law in order to allow the applicant to potentially submit a future conditional use application for a thirty-two (32) to thirty-four (34) unit multi-family development on Proposed Lot 1.
- Although rezoning Proposed Lot 1 from C3 to C2 allows the applicant the opportunity to submit a conditional use application for multi-family development, it also generally decreases the number of commercial uses permitted on the property and lowers the level of intensity that some commercial uses can be developed to. The following table provides an overview of the different uses permitted or conditional in the C2 and C3 zones. If a use is not listed in the table, it means that the use is treated the same way (i.e. permitted or conditional) in both the C2 and C3 zoning districts. Note that in some instances the use is permitted in both zones, but the use specific standard allows for more intense development to occur in the C3 zone.

Use	C2	C3	Use Specific Standard
Dwelling, live-work	C*		65
Dwelling, multi-family	C		
Dwelling, single-family detached	C		
Dwelling, two-family	C		
Care Home	P*		64
Neighbourhood Rehabilitation Home	P*		66
Single Room Occupancy	P*		67
Community Gardens	P		
Cultural Centre	C		
Gallery/Museum	P		

Use	C2	C3	Use Specific Standard
Amusement Enterprise, Indoor	P*	P	74
Auditorium/Concert Hall/Theatre/Cinema	P*	P	75
Hall Rental	C	P	
Private Club, Not Licensed	C*	C	78
Sports or Entertainment Arena/Stadium, Indoor		P	
Amusement Enterprise, Outdoor	C	P	
Race Track		C	
Sports or Entertainment Arena/Stadium, Indoor		C	
Drinking Establishment	P*	P	84
Restaurant	P*	P	92
Call Centre		P	
Research Institution		P	
Personal Services	P*	P	89
Retail Sales	P*	P*	90
Auction Room	C	P	
Supermarket	P*	P	91
Car Wash	C	P	
Drive-In or Drive-Through	P*		96
Fuel Sales	P*		97
Parking, Surface	C	P	
Contractor's Establishment	P		
Landscape/garden contractor or production		P	
Mini-Warehouse Self-Storage		P*	101

- The subject property is located in the Village Centre (Area 1a) under the St. Norbert PDO. 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 C3 to C2 is appropriate.

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 building setback from Spur Lines is 15 metres (49.2 feet).
- Originally, the Division recommended that no principal building shall be less than 49.2 feet (15 metres) from the eastern limit of the CNR Letellier Subdivision. The applicant claimed that this setback would be too restrictive for future multi-family development on the site and the Riel Community Committee recommended that the file be adjourned to the next hearing on September 19, 2011.
- The Division worked with the applicant to resolve this problem. The applicant proposed that a 35 foot setback from the Letellier Subdivision would allow him to construct the number/type of units he would like to see on the site. A small berm (3 feet high) was proposed along the western edge of the property in order to help mitigate some noise issues and to help provide for some containment in the event of a derailment. The Division was satisfied with this adjustment in place of the 49.2 foot setback and is even satisfied with a lower berm (minimum 2 feet in height) if a less steep slope is proposed.
- 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. The Planning and Land Use Division and Public Works are also open to the idea of having the fence placed on top of the berm if the applicant/developer prefers. However, the following considerations have been noted with regard to the fence:
    - If there is to be a gate within the fence it must be kept locked except when required for maintenance.
    - If the fence is to be wood it should not be constructed with any horizontal boards, which would make it easy to climb.

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

- The Division is recommending that the same requirement for plan approval that was included under DAZ 250/06 be included in the new recommended zoning agreement. The Division is recommending that this condition be included to ensure that the intent of the condition under the former application (DAZ 250/06) is captured in the new application for the site because the Division is also recommending to remove the old zoning agreement (see below).
- In conjunction with requirements under the St. Norbert PDO, the following points should be considered for future development on the site through the plan approval process:
    - The site layout and building orientation should ensure that the buildings relate appropriately to the street (Grandmont Boulevard) and surrounding developments and create a cohesive visual identity for the neighbourhood.
    - Future development – notably any development facing Grandmont Blvd should minimize blank walls. Landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. should be used to break up tracts of continuous blank walls.
    - Parking areas should be well-screened with landscaping or an active development along the street-front.
    - Refuse storage areas and other building services should be located internal to buildings or screened from view with appropriate fencing/landscaping
    - Landscaping should be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.
    - The required berm should be developed at a maximum slope of 3:1. However, a retaining wall on the western side of the berm would be considered appropriate if desired.
    - Natural grasses or other appropriate, low maintenance planting should be considered on the west side of the berm to limit maintenance.
    - The berm must taper to existing grades at the south limit and match the elevations of neighbouring southern property, without directing storm water runoff onto that property. Tapering the north limit of the berm to match the boulevard/sidewalk elevation on Grandmont Blvd and draining some portion of the berm onto the right-of-way may be permissible.
    - Fencing is required as per the zoning agreement. The Division would be open to seeing the fencing on the western limit of the property or on top of the berm. If the applicant chooses to locate the fencing at the western edge of the property, the Division would like to see a mix of coniferous and deciduous trees and shrubs on top of the berm.

REMOVAL OF CAVEAT 3442046 (DAZ 250/2006)

- The Division is recommending that a zoning agreement be included as a condition for the subject application. There already is an existing zoning agreement on the land that deals with plan approval (caveat 3442046). The Division is recommending that this old caveat be removed

as conditions for plan approval and other conditions will now be captured in the new zoning agreement.

SERVICING CAPACITY

- The Water and Waste Department identified that there are some capacity issues for servicing a multi-family development on the site.
- The applicant has identified that he may be interested in coming forward with a conditional use application for a 32-34 unit multi-family development on Proposed Lot 1 at a later date.
- Water and Waste has communicated that there is enough servicing capacity for a 32-34 multi-family development on the site at this time. However, when/if a multi-family application comes forward, the applicant and the Planning and Land Use Division should consult with the Water and Waste Department to review servicing capacity for Proposed Lot 1.
- If there remain to be servicing capacity issues on Proposed Lot 1, the Division should consider limiting the maximum number of units on the site in a manner relative to the service capacity as identified by Water and Waste.

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 applying to down-zone Proposed Lot 1 from C3 to C2.
- The applicant is rezoning Proposed Lot 1 back to what it was zoned prior to the transition from Zoning By-Law 6400/94 to Zoning By-Law 200/2006 when the site was up-zoned to C3.
- The proposed rezoning is consistent with purpose and intent statements for the Village Centre within the St. Norbert PDO.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 20/11 (Revised)

Schedule "A" for File No. DASZ 20/2011, Riel Community Committee, dated August 25, 2011

By-Law No. _____

File No. **DASZ 20/11**

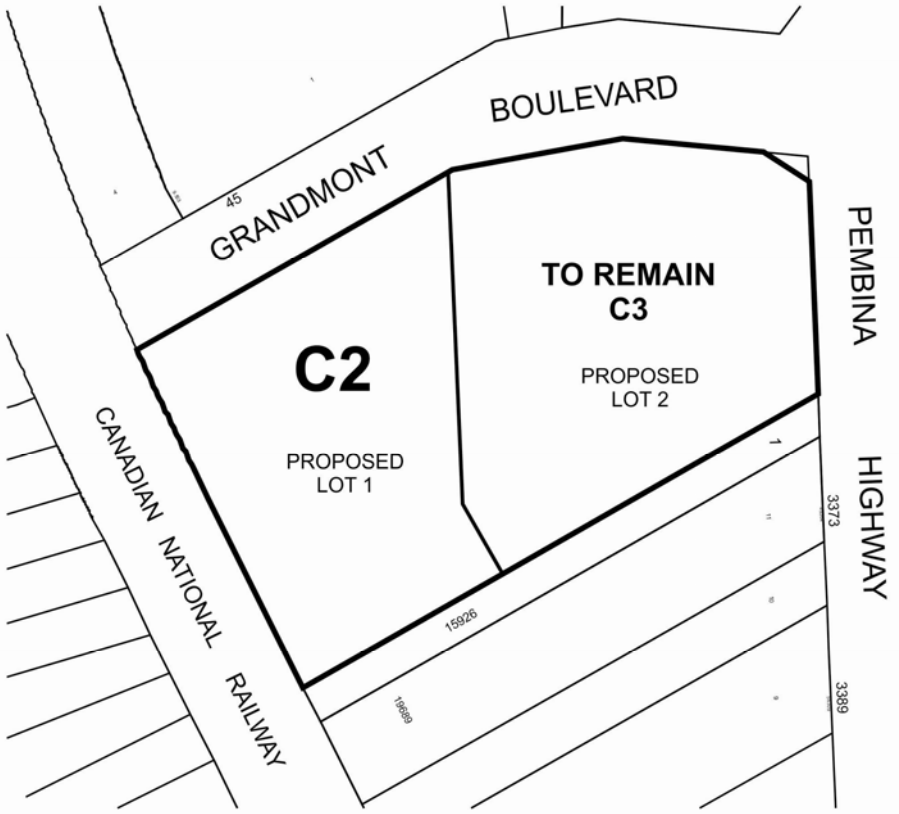
Explanation

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 3357 Pembina Highway from a "C3" COMMERCIAL CORRIDOR DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT as shown outlined below.

Atlas Sheet No.

N

AO23
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____