Minute No. 46
Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 8 Subdivision and Rezoning– 405 Hamel Avenue
(St. Boniface Ward)
File DASZ 26/2011 [c/r DAV 144929/2011D]

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 under File DASZ 26/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 26/2011 dated October 7, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 26/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 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 or structure within the lands zoned "RMF-S" Residential Multi-Family Small, 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.

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

ii. That all vehicular access to and from the lands zoned "RMF-S" Residential Multi-Family Small shall be from Youville Street.

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

4. 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.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 – November 1, 2011

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 November 9, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 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 October 17, 2011, the Riel Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated October 7, 2011, with the following amendment, namely:

- That the following Recommendation be added:

  "2.A.ii. That, all vehicular access to and from the lands zoned "RMF-S" Residential Multi-Family Small shall be from Youville Street"

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

On September 19, 2011 the Riel Community Committee adjourned the public hearing to its meeting on October 17, 2011 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning– 405 Hamel Avenue**
File DASZ 26/2011 [c/r DAV 144929/2011D]

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

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

Report date: **October 18, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 17, 2011, the Riel Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated October 7, 2011, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 26/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 26/2011 dated October 7, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 26/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 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 or structure within the lands zoned "RMF-S" Residential Multi-Family Small, 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.

ii. That all vehicular access to and from the lands zoned "RMF-S" Residential Multi-Family Small shall be from Youville Street.

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

4. 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.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 7, 2011.

PUBLIC HEARING SUMMARY

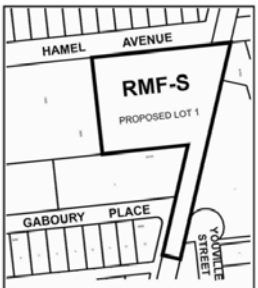
File: DASZ 26/2011

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: October 17, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Andrew Wach Architects (Andrew Wach)

Subject:



APPLICANT : ANDREW WACH ARCHITECTS
FILE : DASZ 26/11
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : ANDREW WACH ARCHITECTS
N° DE RÉFÉRENCE : DALZ 26/11
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 des catégories M1 (SECTEUR MANUFACTURIER LÈGER) et M2 (SECTEUR MANUFACTURIER GÉNÉRAL) à la catégorie RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) afin de permettre le developpement d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 405 Hamel Avenue

Exhibits Filed:

1. Application dated June 30, 2011
2. Notification of Public Hearing dated July 19, 2011
3. Manitoba Status of Titles 1587968 and 2161324
4. Letter of authorization dated June 15, 2011 from Riverside Developments Ltd. to Andrew Wach Architects
5. Letter of authorization dated June 15, 2011 from C. Chabot, on behalf of 5156221 Manitoba Ltd. to Andrew Wach Architects
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated August 31, 2011
8. Inspection Report
9. Audio Recording of Representations
10. Revised Report from the Planning, and Land Use Division dated October 7, 2011
11. Supporting Documentation submitted by the applicant, Andrew Wach at the public hearing on October 17, 2011
12. Presentation with respect to the application submitted by Tom Scott at the Public Hearing on October 17, 2011
13. Presentation and photographs in opposition to the application submitted by Louise Potter at the Public Hearing on October 17, 2011
14. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Georges Bohemier
Normand Gousseau
Jules Hebert
Paulette Hebert
Lisa Kirton
Michele Kleinschmit
Walter Kleinschmit
Monique Mulaire
Meghan Robert
Tom Scott
Andrew Wach

In Opposition:

Alain Boulet
Brant Fenske
Paul Gloux
Paulette Hebert
Jules Hebert
Sharon Hunt
Glenn Kolt
Roger Lecuyer
Suzanne McCarthy
Christian Benhamou
Louise Rioux Potter
Meghan Robert
Daniel St. Vincent
June Tyler

For Information:

Hervé Boisliveau
Farnk Bueti
Jules Chartier
Larry Chartrand
Lorraine Chartrand
Mark Cohoe
Joyce Dheere
Rose Marie Fiola
Hubert Grenier
Lauura Hazlitt
Dianne Himbeault
Ivan Pokus
Maria Pokus
Lise Collette Proulx
Tom Scott
William Sineux
Roger Turenne
Richard Vouript

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 26/2011

ADMINISTRATIVE REPORT

Title: DASZ 26/2011 – 405 Hamel Avenue Public Hearing

Issue: For consideration at the Public Hearing to subdivide the site into two (2) lots and rezone the site from "M1" Manufacturing Light and "M2" Manufacturing General to "PR1" Parks and Recreation 1 (Neighbourhood) and "RMF-S" Residential Multi-Family Small in order to develop a seventy (70) unit multi-family development on the site.

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 26/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 26/2011 dated October 7, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 26/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 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 or structure within the lands zoned "RMF-S" Residential Multi-Family Small, 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.

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

4. 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.

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

6. 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.

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8. 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.

9. 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.

10. 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 site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- 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 subject site will be subdivided into two (2) lots and rezoned from M1 and M2 to PR1 and RMF-S, allowing the applicant to proceed with a multi-family development on the site.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Robert Kostiuk
Date:	*REVISED October 7, 2011*
File No.	DASZ 26/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” Advertised Subdivision and Rezoning for Planned Area
3. Schedule “B” Recommended File No. DASZ 26/11 Riel Community Committee, dated October 7, 2011.
4. Schedule “C” – Report of the Administrative Coordinating Group
5. Appendix B – Plan Approval Design Guidelines for DASZ 26/11

APPENDIX 'A'

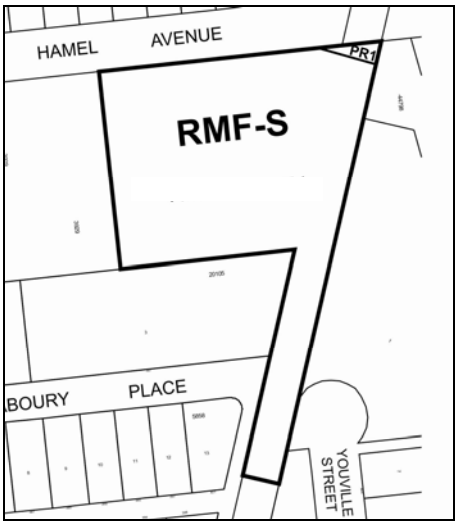
DATE: October 7, 2011 **(Revised)**

FILE: DASZ 26/11
RELATED FILES: DAV 11-144929/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: An application to subdivide the property into two (2) lots and rezone the site from "M1" Manufacturing Light and "M2" Manufacturing General to "PR1" Parks and Recreation 1 and "RMF-S" Residential Multi-Family Small in order to develop a seventy (70) unit multi-family development on the site.

LOCATION: 405 Hamel AVE
LEGAL DESCRIPTION: UNIT 3 CONDOMINIUM NO 360 PL 33729 INCL 30.66 INT IN COMMON ELEMENTS



APPLICANT: Andrew Wach (Andrew Wach Architect)
Suite 106 - 100 Osborne St
Winnipeg MB R3L 1Y5

OWNERS: 5156221Manitoba Ltd
C/O Unit 2 – 490 Des Meurons
WINNIPEG MB R2H 2P5

A & S Builders Ltd.
101-990 Lorimer Boulevard
Winnipeg MB R3P 0Z9

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located on the south side of Hamel Avenue near the Seine River in the Central St. Boniface neighbourhood of the St. Boniface Ward.
- The site is comprised of two vacant properties. The largest of the two properties, 3-490 Des Meurons, currently forms part of a condominium plan and is approximately 2 acres (87,120 square feet) in area. The other property included in the application was formerly part of a rail line and is approximately 17,417 square feet in area.
- In total, the site is approximately **104,537 square feet in area.**
- The site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is zoned “M1” Manufacturing Light and “M2” Manufacturing.

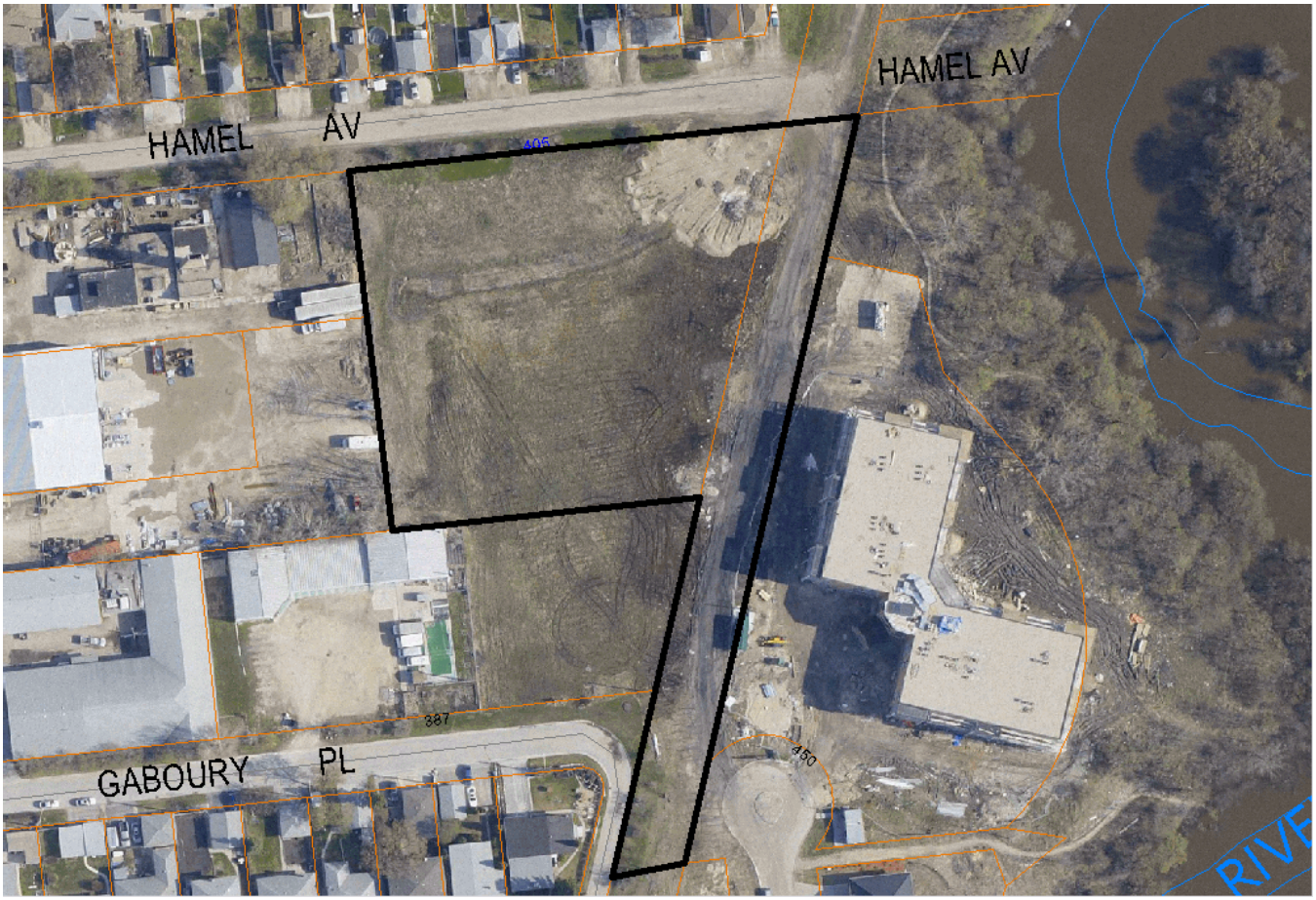


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned R2.

South: Predominantly vacant industrial land zoned M1.

East: Park land along the Seine River zoned PR1 and a three-and-a-half storey apartment/condominium building zoned RMF-S.

West: Industrial properties zoned M1.

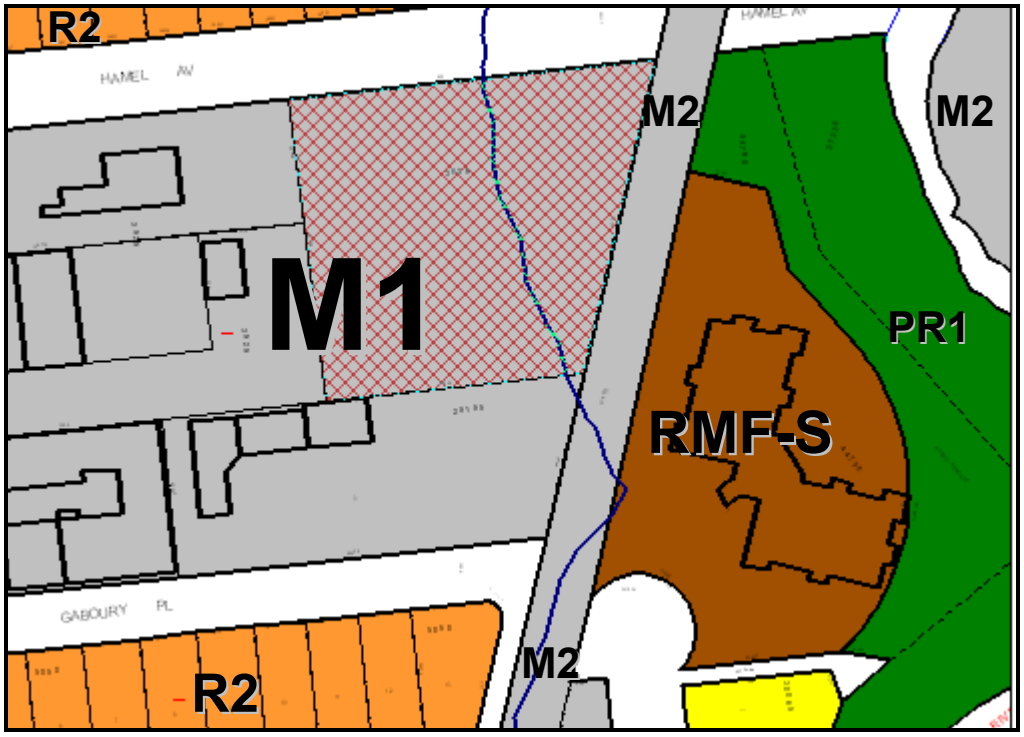


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- All of the site plans organize the buildings in a manner that orients the building towards the middle of the site, which is predominantly comprised of greenspace.
- The proposed three-storey buildings would have parking at grade, while the four storey buildings would have parking that is predominantly located below grade. A total of 90 parking stalls are proposed on the site.
- The original site plan only included one access off of Youville Street that could not accommodate a fire truck.
- Alternative site plans were submitted to the Division in order to meet the minimum requirements to accommodate fire trucks. One of these plans showed two vehicular access points off of Hamel Avenue, while the other showed one access point off of Hamel and another off of Gaboury Place. It should be noted that the plan that included an access point from Gaboury

Place could also accommodate an access point from Youville Street instead of the proposed Gaboury Place access point.

- Although park space was not originally advertised for this development application, park space zoned PR1 will be included as shown in Schedule "B".
- The proposed development requires variances for parking, the height of the four storey buildings, and the rear (south) yard (see DAV 11-144929/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key relevant policies guiding development within Areas of Stability include:
  - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
  - Encourage intensification to occur at centres and along corridors.
  - Support Complete Communities by ensuring diverse and high quality housing stock.
  - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
  - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

"M2" Manufacturing General

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

"M1" Manufacturing Light District

- The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard requirement of 25 feet. The maximum building height is 50 feet and the maximum floor area ratio is 2.0.

"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.

LAND USE BY-LAW

Rezoning

- The M1 and M2 zoning districts are intended to accommodate manufacturing uses and do not allow for residential development to occur within these zones. The applicant is proposing to rezone the land from M1 and M2 to RMF-S in order to develop a multi-family building on the site.
- A small portion of the site (located in the northeast corner) will also be subdivided and rezoned to "PR1" Parks and Recreation 1 (Neighbourhood) to facilitate a public connection to the Seine River Trail.

Variances

- The maximum permitted height for buildings in the RMF-S zone is 35 feet. The applicant is proposing a maximum height of 38 feet for 3 of the 5 proposed buildings on the site.
- The minimum rear yard in the RMF-S zone is twenty-five (25) feet. The applicant is proposing a rear (south) yard of twenty (20) feet.
- The RMF-S zone requires a minimum of 1.5 parking stalls per dwelling unit. The applicant is proposing 70 dwelling units on the site, which equates to a requirement for 105 parking stalls. However, the applicant is proposing a total of 90 parking stalls on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities. However, the existing zoning for the site allows for the industrial development and is therefore not consistent with the Direction Strategy policies for this area.
- It should be noted that under the City of Winnipeg's previous plan – Plan Winnipeg 2020 – the subject property was within the Neighbourhood Policy Area, which would also generally not support manufacturing developments.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Notable subdivisions and/or rezonings that have been supported by the City of Winnipeg include:
    - DASZ 41/2009 (397 Rue Youville), which resulted in the subdivision of the property into three (3) separate lots. The lots were rezoned from M2 to "R1-S" Residential Single Family Small (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lots 2 and 3).
    - DAZ 220/2007 (396 Bertrand Street), which resulted in a rezoning from M1 and M2 Industrial categories to an RM-L Residential district to allow for the construction of a twenty (20) unit residential complex. Within this report, the planner notes that "*there has been a concerted effort to find ways to reduce the level of industrial lands in central and north St. Boniface, which are designated Neighbourhood Policy areas under Plan*

Winnipeg." Any opportunity to replace incompatible industrial land with housing, should in our view, be strongly supported."

- DAZ 202/1993 (400 Bertrand), resulted in a rezoning from M1 and M2 Light Industrial District to a "C3-B" Commercial Planned Building Group District under the St. Boniface Town Planning Scheme (1957). This rezoning allowed for the development of a 6 storey senior's housing complex that includes supporting commercial development. The site is currently zoned RMF-M.
- DASZ 11/1992 (east side of Youville between Bertrand Street and Hamel Avenue and one area along Bertrand Street, west of Youville), resulted in a rezoning from "F" Floodplain District and "M2" Light Industrial District to a "PR" Park and Recreational District, "R1-3.5" One-Family District, "R2-T" Two-Family Transitional District, and an "R4B-Three" Planned Building Group District under the St. Boniface Town Planning Scheme (1957). The area is now comprised of single-family homes and a 4-storey, multi-unit condominium development. The current zoning is R1-M (single-family homes), RMF-S (condominium) and PR1 (area between the single-family homes and the Seine River).

- The proposed height of 38 feet instead of 35 feet is required to accommodate a parking garage that would predominantly be situated below grade for some of the buildings on the subject site.
- The proposed height of 38 feet is compatible with the permitted heights of other properties in the area. The majority of the proposed buildings are 38 feet tall, while the maximum permitted height for neighbouring properties to the north (zoned R2) are 35 feet. However, most of these homes are developed at a lower height (i.e. one storey).
- The multi-family development immediately east of the subject property was granted variance order DAV 114496/2008C, which permitted a maximum height of 40.33 feet instead of 35 feet.
- The neighbouring manufacturing properties zoned M1 are permitted heights of 50 feet.
- The proposed rear (south) yard setback of 20 feet instead of 25 feet is minimal and will neighbour manufacturing-zoned land. Appropriate landscaping within this yard can help minimize any impact from the manufacturing-zoned property.
- The applicant is required to provide 105 parking stalls, but is proposing a total of 90 parking stalls on the site, or approximately 86% of the required parking. Whereas the Zoning By-Law requires 1.5 spaces per dwelling unit for multi-family developments, the applicant is proposing 1.28 spaces per dwelling unit.
- The Division does not believe that the requested variance for parking is excessive, especially when considering that the subject property is located in close proximity to Transit. The subject site is about 170 meters from bus stops on Des Meurons, which are serviced by the 10 St. Boniface – Wolseley and the 56 Downtown - St. Boniface.

PUBLIC CONSULTATION

- On October 3, 2011 the applicant held a public open house at Club Eclipse '79 Inc (255 de la Cathedrale Ave.) from 5:00 pm to 8:00 pm. The open house was held at the request of the Ward

Councillor who recommended adjournment for the application to allow for an open house to occur.

- Approximately 40 people attended the open house.
- The concerns of the residents varied. Many were concerned about the condition of Hamel and felt that the developer should improve the street. Other concerns were regarding density, access, and the location of the buildings in relation to existing development.
- Some people preferred access from Hamel (if there were improvements made to the road), or split access from both Hamel and Youville, or access from Youville with fire access only from Hamel. However, there did not seem to be consensus as to where the access should be positioned.
- The Division later consulted with Public Works and it was not recommended that a "fire only access" be placed on Hamel and that the access should be for all vehicles.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- As previously mentioned, there were concerns regarding the original site plan and updates to the plan were submitted by the applicant to the Division.
- The primary concern was that the original site plan could not accommodate a fire truck.
- Due to the concerns with the original site plan, the Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Planning and Land Use Division and the Riel Community Committee to review final plans before development takes place on the site for the proposed development and for any future developments on the site. Any future plans submitted should be reviewed by the WFPS for comment prior to being reviewed by the Riel Community Committee.
- The Division would prefer that future site plans include vehicular accesses from Hamel and Gaboury Place or Youville as this arrangement could help divide the traffic load while also providing alternative accesses for emergency vehicles. However, the main requirement is that the access and internal roads must accommodate a fire truck.
- Other design guidelines for future site plans are included in Appendix B.

SERVICING

- Water and Waste notes that an engineering report will need to be included to demonstrate if there is existing capacity to service the development (see report of the ACG in Appendix B). If it is found that the services are not adequate, the developer will be required to either construct any system upgrades at no expense to the City, or, reduce the proposed density and adjust their proposed site plan to match existing service levels.
- It should be noted that the Report of the ACG has been updated. A clause previously not included in the last Report of the ACG is clause 5, which requires the developer to upgrade

Hamel from the eastern extent of the subject property to Des Meurons if an access to the subject site is built off of Hamel.

PARK SPACE

- The subject property was not advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A"). However, the Planning and Land Use Division wanted to include a park connection in the application to ensure public access to the Seine River Trail from Hamel Avenue. The intended park space is accurately incorporated in Schedule "B".
- The City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Planning and Land Use Division is recommending that Schedule "B," which shows the land to be rezoned as "PR1" Parks and Recreation 1, be approved.
- Land dedication for this application is identified in the Report of the ACG (Schedule C).

RECOMMENDATION

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

- The proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Supporting this application helps support the trend towards residential development.
- The proposed development is compatible with the existing residential development in the area in terms of form and height.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 26/11 *REVISED*

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 26/11**

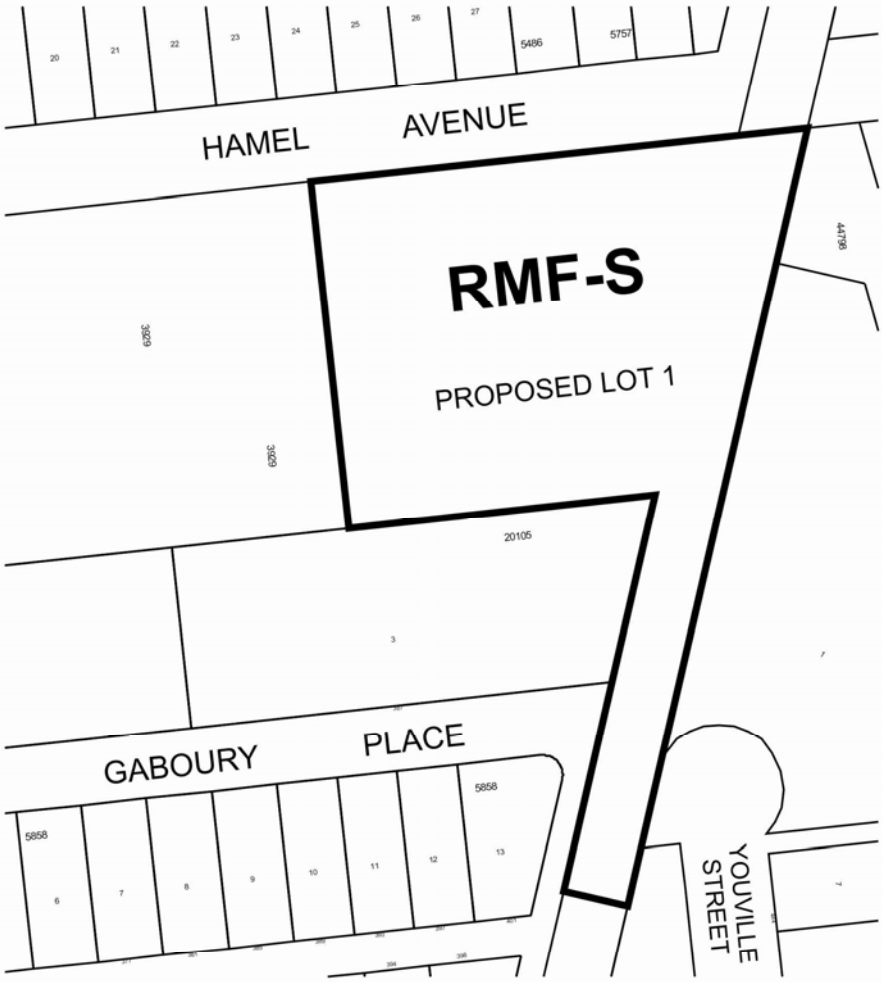
Atlas Sheet No.

N

AA27
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 26/2011, Riel Community Committee, dated October 7, 2011

By-Law No. _____

File No. **DASZ 26/11**

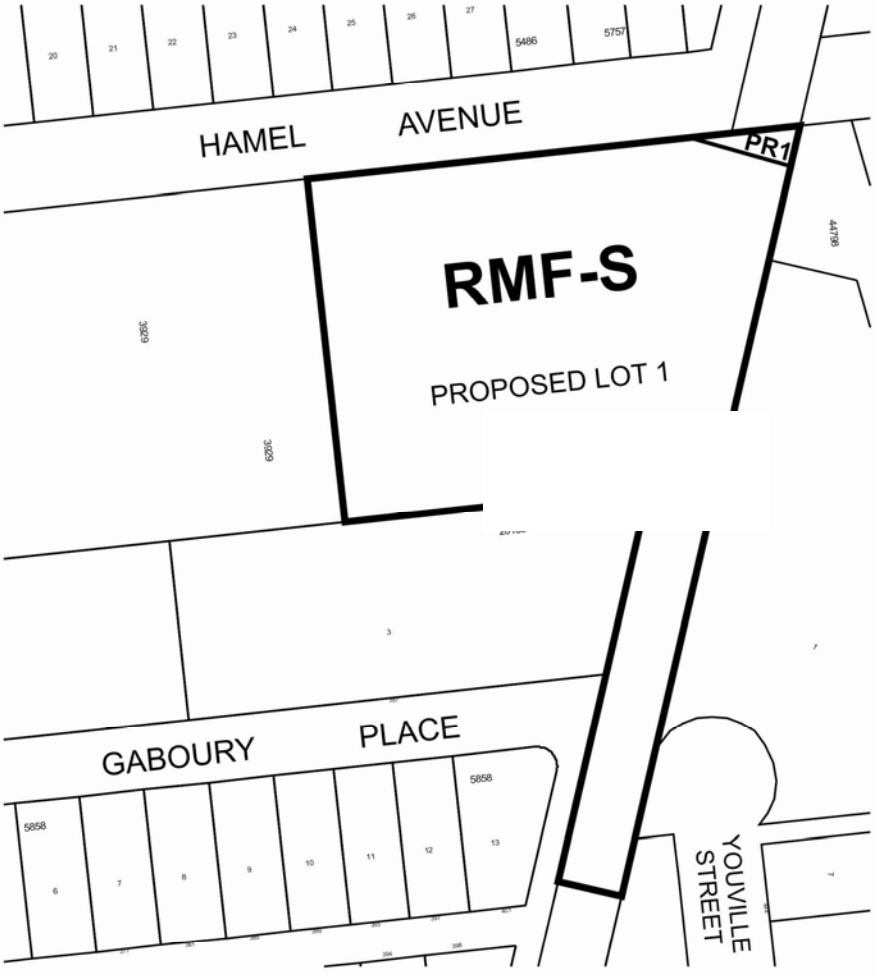
Explanation

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 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.

Atlas Sheet No.

N

AA27
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REVISED REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 8, 2011

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 405 HAMEL AVENUE

It is recommended that the approval of DASZ 26/2011 be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

A. Plan Considerations

1. Pursuant to Clauses 9, 10 & 11 of Part B. Servicing Conditions and Payments below, the developer shall dedicate a parcel of Public Reserve lands in the northeast corner of the planned area to facilitate pedestrian access between Hamel St and the Seine River Park and pathway, all as determined by, and to the satisfaction of the Director of Planning, Property and Development and the Director of Public Works..

B. Servicing Conditions and Payments

1. The Developer shall, at no expense to the City, provide a servicing report, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, demonstrating that the existing sewer and water services have adequate capacity for the proposed development. If it is found that the services are not adequate, the developer shall either, construct any system upgrades at no expense to the City, or, reduce the proposed density and adjust their proposed site plan to match existing service levels.

2. The Developer shall, at no expense to the City, install all watermains and sewers required to service the Planned Area, as indicated by the Engineering Servicing Report prepared by the municipal engineer.

3. The developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay the Seine River land acquisition charge of $145 per acre.

4. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the existing services constructed by others in Youville Street, if and as applicable.

5. In the event that vehicular traffic ingress and egress to the site is required from Hamel Avenue, the Developer shall, at no expense to the City, upgrade Hamel Avenue from

Rue Des Meurons eastward to the west limit of the former Rail lands to a typical residential street standard, similar to what has been previously done to Gaboury Place, being a 7.5m by 150mm portland cement concrete pavement, boulevard landscaping, ornamental street lighting and land drainage sewer, as determined by and to the satisfaction of the Director of Public Works.
It is acknowledged that the applicant will be eligible to request that local improvements be advertised in Hamel Avenue to recover a share of the cost of the above-noted works, and further, that the City will also endeavor to recover a share of the costs from future development applications made on adjacent privately-owned lands.

6. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

8. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

9. That the Developer dedicate to the City as public open space at least 8% of the land contained within the overall development area, landscape the dedicated land, and pay its share of the cost of services in streets abutting the dedicated land, in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Property, Planning & Development. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, pay to the City the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated.

10. The Developer shall assume responsibility for the maintenance of the public Reserve until developed and accepted by the City as having reached Total Performance, and as-built drawings have been provided and approved as complete.

11. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works

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

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

14. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2011
October 8, 2011

"K.T. Raban, P. Eng."
K.T. Raban, P. Eng.
Land Development Branch

[Original Signed by R.J. Hartmann, P.Eng.]
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

[Original Signed by F.C. Mazur, P.Eng.]
F. C. Mazur, P. Eng.
Water & Waste Department

[Original Signed by D. Beaton, MLArch.]
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 26/11 – 405 Hamel Avenue

1. Site Planning

1.1 Future site plans should include vehicular accesses from Hamel and Gaboury Place or Youville as this arrangement could help divide the traffic load while also providing alternative accesses for emergency vehicles. However, the main requirement is that the access and internal roads must accommodate a fire truck.

1.2 There should be pedestrian access from the development out onto Hamel so that residents can easily access the Transit stops on Rue Des Meurons at Hamel.

1.3 Internal pedestrian pathways should also provide for access or lead to the Seine River Trail. Fencing should be considered around the northeast limits to ensure cars are not able to drive or park on adjacent park land or undeveloped land.

1.4 The long, linear portion of the site that leads towards Youville should be used primarily for vehicular or pedestrian access or should be used as a landscaped buffer.

1.5 The site layout and building orientation should ensure that the buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.6 Future development should minimize shadow impact and should be reasonably separated from existing development and consistent with the *Draft Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*.

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

1.8 Parking areas should be well-screened with landscaping or an active development along the street-front (ex. commercial space).

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

1.10 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

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

- Seasonal planting areas
- Large, flowering trees
- Seating areas

- Pedestrian scaled lighting
- On-site community recreation amenities

2. Building Orientation and Design

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

2.2 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

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 High-quality landscaping is required along the front of the development and along the side and rear yards.

4. Fencing

4.1 Any proposed fencing should be composed of high quality materials.

Exhibit "7" referred to in File DASZ 26/2011

ADMINISTRATIVE REPORT

Title: DASZ 26/2011 – 405 Hamel Avenue Public Hearing

Issue: For consideration at the Public Hearing to subdivide the site into two (2) lots and rezone the site from "M1" Manufacturing Light and "M2" Manufacturing General to "PR1" Parks and Recreation 1 (Neighbourhood) and "RMF-S" Residential Multi-Family Small in order to develop a seventy (70) unit multi-family development on the site.

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 26/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 26/2011 dated August 31, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 8, 2011 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 26/2011 dated August 31, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 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 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.

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

4. 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.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- 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 subject site will be subdivided into two (2) lots and rezoned from M1 and M2 to PR1 and RMF-S, allowing the applicant to proceed with a multi-family development on the site.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Robert Kostiuk
Date:	August 31, 2011
File No.	DASZ 26/11

List of Schedules and Attachments

6. Appendix A – Planning Discussion
7. Schedule “A” Advertised Subdivision and Rezoning for Planned Area
8. Schedule “B” Recommended File No. DASZ 26/11 Riel Community Committee, dated August 31, 2011.
9. Schedule “C” – Report of the Administrative Coordinating Group
10. Appendix B – Plan Approval Design Guidelines for DASZ 26/11

APPENDIX 'A'

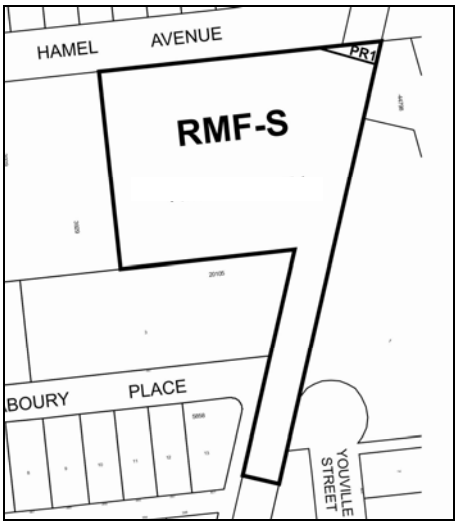
DATE: August 31, 2011

FILE: DASZ 26/11
RELATED FILES: DAV 11-144929/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: An application to subdivide the property into two (2) lots and rezone the site from "M1" Manufacturing Light and "M2" Manufacturing General to "PR1" Parks and Recreation 1 and "RMF-S" Residential Multi-Family Small in order to develop a seventy (70) unit multi-family development on the site.

LOCATION: 405 Hamel AVE
LEGAL DESCRIPTION: UNIT 3 CONDOMINIUM NO 360 PL 33729 INCL 30.66 INT IN COMMON ELEMENTS



APPLICANT: Andrew Wach (Andrew Wach Architect)
Suite 106 - 100 Osborne St
Winnipeg MB R3L 1Y5

OWNERS: 5156221Manitoba Ltd
C/O Unit 2 – 490 Des Meurons
WINNIPEG MB R2H 2P5

A & S Builders Ltd.
101-990 Lorimer Boulevard
Winnipeg MB R3P 0Z9

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located on the south side of Hamel Avenue near the Seine River in the Central St. Boniface neighbourhood of the St. Boniface Ward.
- The site is comprised of two vacant properties. The largest of the two properties, 3-490 Des Meurons, currently forms part of a condominium plan and is approximately 2 acres (87,120 square feet) in area. The other property included in the application was formerly part of a rail line and is approximately 17,417 square feet in area.
- In total, the site is approximately **104,537 square feet in area.**
- The site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is zoned “M1” Manufacturing Light and “M2” Manufacturing.

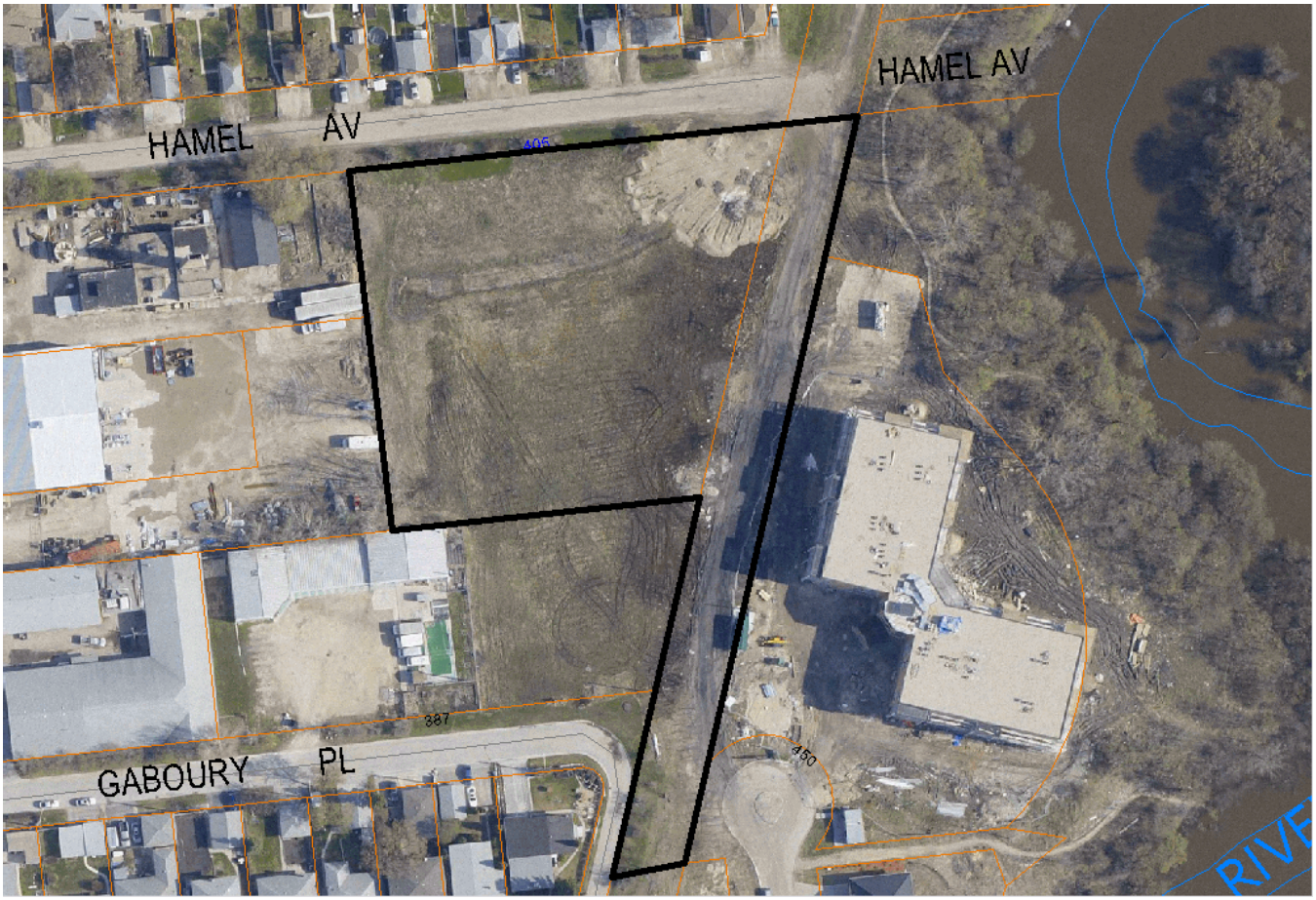


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned R2.

South: Predominantly vacant industrial land zoned M1.

East: Park land along the Seine River zoned PR1 and a three-and-a-half storey apartment/condominium building zoned RMF-S.

West: Industrial properties zoned M1.

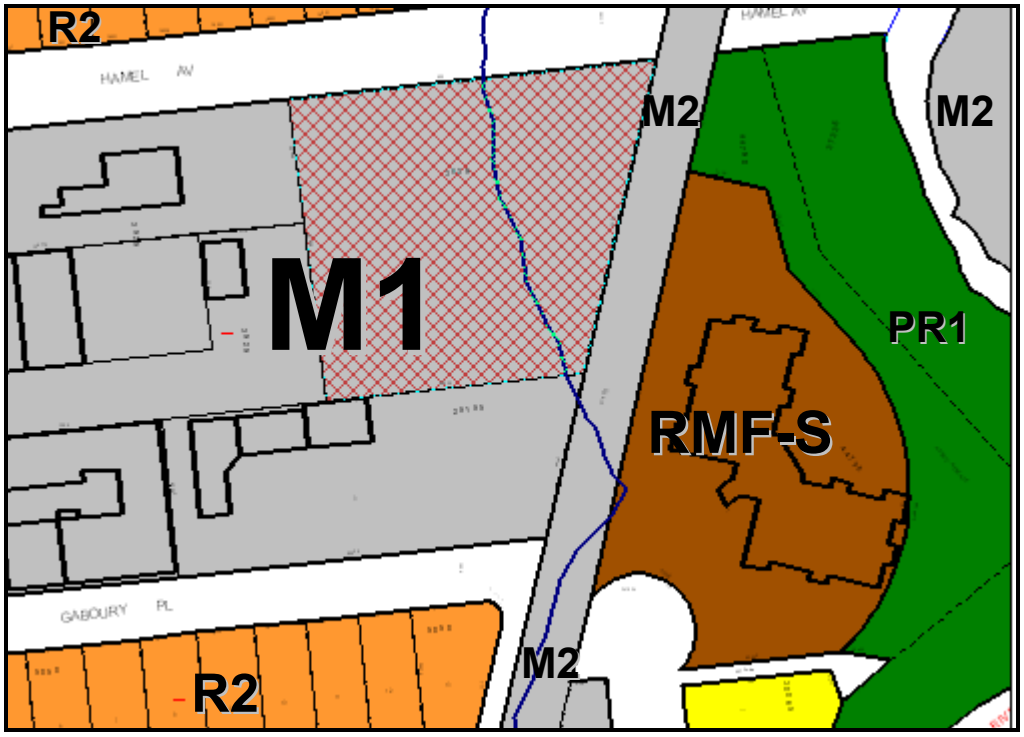


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into two lots and rezone the site from M1 and M2 to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMF-S” Residential Multi-Family Small in order to develop several multi-unit residential buildings on the land.
- Various site plans have been submitted to the Planning and Land Use Division. Each of these site plans have shown a mix of three, four storey 18-unit buildings and two, three storey 8-unit buildings for a total of five buildings and 70 dwelling units on the site.
- All of the site plans organize the buildings in a manner that orients the building towards the middle of the site, which is predominantly comprised of greenspace.
- The proposed three-storey buildings would have parking at grade, while the four storey buildings would have parking that is predominantly located below grade. A total of 90 parking stalls are proposed on the site.
- The original site plan only included one access off of Youville Street that could not accommodate a fire truck.
- Alternative site plans were submitted to the Division in order to meet the minimum requirements to accommodate fire trucks. One of these plans showed two vehicular access points off of Hamel Avenue, while the other showed one access point off of Hamel and another off of Gaboury Place. It should be noted that the plan that included an access point from Gaboury

Place could also accommodate an access point from Youville Street instead of the proposed Gaboury Place access point.

- Although park space was not originally advertised for this development application, park space zoned PR1 will be included as shown in Schedule "B".
- The proposed development requires variances for parking, the height of the four storey buildings, and the rear (south) yard (see DAV 11-144929/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

"M2" Manufacturing General

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

"M1" Manufacturing Light District

- The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard requirement of 25 feet. The maximum building height is 50 feet and the maximum floor area ratio is 2.0.

"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.

LAND USE BY-LAW

Rezoning

- The M1 and M2 zoning districts are intended to accommodate manufacturing uses and do not allow for residential development to occur within these zones. The applicant is proposing to rezone the land from M1 and M2 to RMF-S in order to develop a multi-family building on the site.
- A small portion of the site (located in the northeast corner) will also be subdivided and rezoned to "PR1" Parks and Recreation 1 (Neighbourhood) to facilitate a public connection to the Seine River Trail.

Variances

- The maximum permitted height for buildings in the RMF-S zone is 35 feet. The applicant is proposing a maximum height of 38 feet for 3 of the 5 proposed buildings on the site.
- The minimum rear yard in the RMF-S zone is twenty-five (25) feet. The applicant is proposing a rear (south) yard of twenty (20) feet.
- The RMF-S zone requires a minimum of 1.5 parking stalls per dwelling unit. The applicant is proposing 70 dwelling units on the site, which equates to a requirement for 105 parking stalls. However, the applicant is proposing a total of 90 parking stalls on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities. However, the existing zoning for the site allows for the industrial development and is therefore not consistent with the Direction Strategy policies for this area.
- It should be noted that under the City of Winnipeg's previous plan – Plan Winnipeg 2020 – the subject property was within the Neighbourhood Policy Area, which would also generally not support manufacturing developments.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Notable subdivisions and/or rezonings that have been supported by the City of Winnipeg include:
    - DASZ 41/2009 (397 Rue Youville), which resulted in the subdivision of the property into three (3) separate lots. The lots were rezoned from M2 to "R1-S" Residential Single Family Small (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lots 2 and 3).
    - DAZ 220/2007 (396 Bertrand Street), which resulted in a rezoning from M1 and M2 Industrial categories to an RM-L Residential district to allow for the construction of a twenty (20) unit residential complex. Within this report, the planner notes that "*there has been a concerted effort to find ways to reduce the level of industrial lands in central and north St. Boniface, which are designated Neighbourhood Policy areas under Plan*

Winnipeg." Any opportunity to replace incompatible industrial land with housing, should in our view, be strongly supported."

- DAZ 202/1993 (400 Bertrand), resulted in a rezoning from M1 and M2 Light Industrial District to a "C3-B" Commercial Planned Building Group District under the St. Boniface Town Planning Scheme (1957). This rezoning allowed for the development of a 6 storey senior's housing complex that includes supporting commercial development. The site is currently zoned RMF-M.
- DASZ 11/1992 (east side of Youville between Bertrand Street and Hamel Avenue and one area along Bertrand Street, west of Youville), resulted in a rezoning from "F" Floodplain District and "M2" Light Industrial District to a "PR" Park and Recreational District, "R1-3.5" One-Family District, "R2-T" Two-Family Transitional District, and an "R4B-Three" Planned Building Group District under the St. Boniface Town Planning Scheme (1957). The area is now comprised of single-family homes and a 4-storey, multi-unit condominium development. The current zoning is R1-M (single-family homes), RMF-S (condominium) and PR1 (area between the single-family homes and the Seine River).

- The proposed height of 38 feet instead of 35 feet is required to accommodate a parking garage that would predominantly be situated below grade for some of the buildings on the subject site.
- The proposed height of 38 feet is compatible with the permitted heights of other properties in the area. The majority of the proposed buildings are 38 feet tall, while the maximum permitted height for neighbouring properties to the north (zoned R2) are 35 feet. However, most of these homes are developed at a lower height (i.e. one storey).
- The multi-family development immediately east of the subject property was granted variance order DAV 114496/2008C, which permitted a maximum height of 40.33 feet instead of 35 feet.
- The neighbouring manufacturing properties zoned M1 are permitted heights of 50 feet.
- The proposed rear (south) yard setback of 20 feet instead of 25 feet is minimal and will neighbour manufacturing-zoned land. Appropriate landscaping within this yard can help minimize any impact from the manufacturing-zoned property.
- The applicant is required to provide 105 parking stalls, but is proposing a total of 90 parking stalls on the site, or approximately 86% of the required parking. Whereas the Zoning By-Law requires 1.5 spaces per dwelling unit for multi-family developments, the applicant is proposing 1.28 spaces per dwelling unit.
- The Division does not believe that the requested variance for parking is excessive, especially when considering that the subject property is located in close proximity to Transit. The subject site is about 170 meters from bus stops on Des Meurons, which are serviced by the 10 St. Boniface – Wolseley and the 56 Downtown - St. Boniface.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- As previously mentioned, there were concerns regarding the original site plan and updates to the plan were submitted by the applicant to the Division.

- The primary concern was that the original site plan could not accommodate a fire truck.
- Due to the concerns with the original site plan, the Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Planning and Land Use Division and the Riel Community Committee to review final plans before development takes place on the site for the proposed development and for any future developments on the site. Any future plans submitted should be reviewed by the WFPS for comment prior to being reviewed by the Riel Community Committee.
- The Division would prefer that future site plans include vehicular accesses from Hamel and Gaboury Place or Youville as this arrangement could help divide the traffic load while also providing alternative accesses for emergency vehicles.
- Other design guidelines for future site plans are included in Appendix B.

SERVICING

- Water and Waste notes that an engineering report will need to be included to demonstrate if there is existing capacity to service the development (see report of the ACG in Appendix B). If it is found that the services are not adequate, the developer will be required to either construct any system upgrades at no expense to the City, or, reduce the proposed density and adjust their proposed site plan to match existing service levels.

PARK SPACE

- The subject property was not advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A"). However, the Planning and Land Use Division wanted to include a park connection in the application to ensure public access to the Seine River Trail from Hamel Avenue. The intended park space is accurately incorporated in Schedule "B".
- The City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Planning and Land Use Division is recommending that Schedule "B," which shows the land to be rezoned as "PR1" Parks and Recreation 1, be approved.
- Land dedication for this application is identified in the Report of the ACG (Schedule C).

RECOMMENDATION

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

- The proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Supporting this application helps support the trend towards residential development.
- The proposed development is compatible with the existing residential development in the area in terms of form and height.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 26/11

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 26/11**

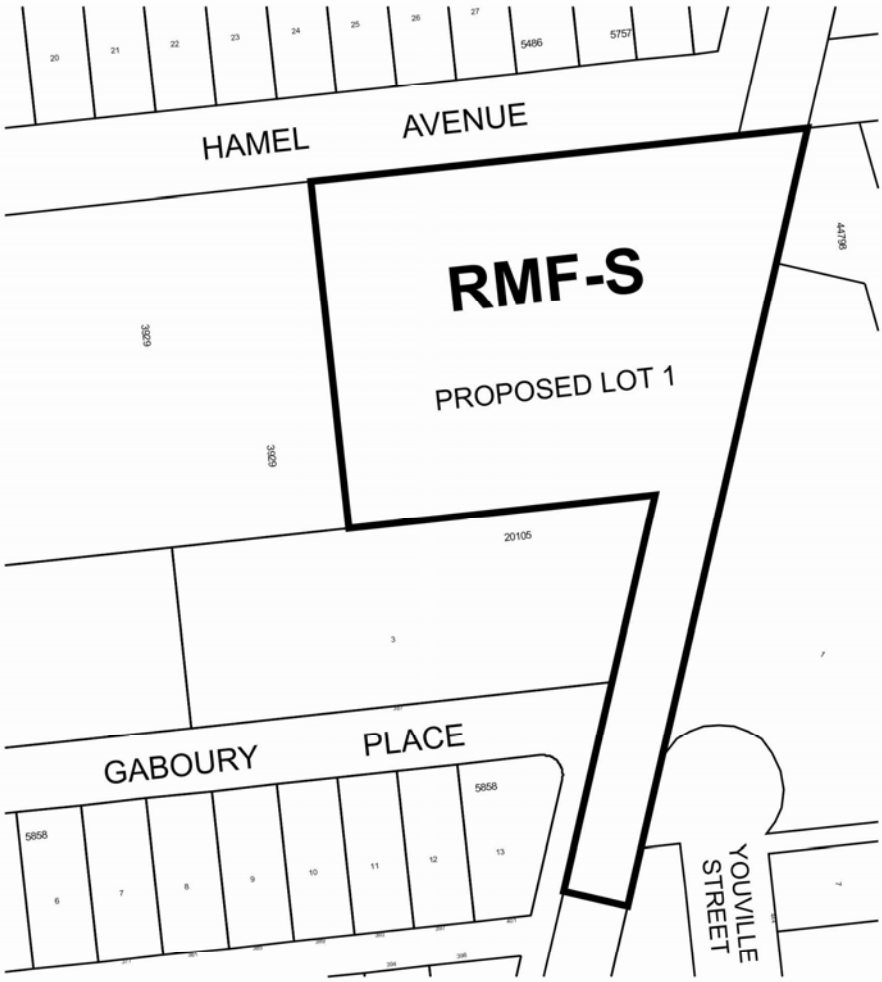
Explanation

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 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.

Atlas Sheet No.

N

AA27
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 26/2011, Riel Community Committee, dated August 31, 2011

By-Law No. _____

File No. **DASZ 26/11**

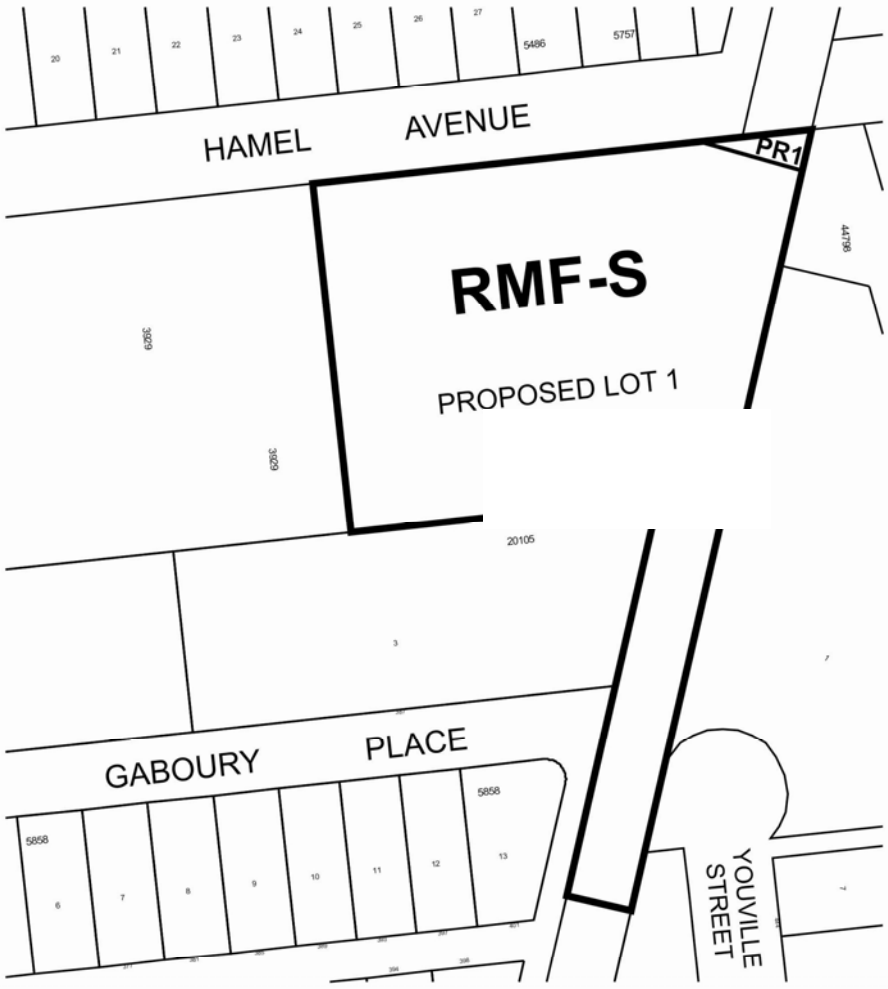
Explanation

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 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.

Atlas Sheet No.

N

AA27
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 8, 2011

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 405 HAMEL AVENUE

It is recommended that the approval of DASZ 26/2011 be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

C. Plan Considerations

2. The developer shall establish a parcel of Public Reserve lands in the northeast corner of the planned area, in accordance with Schedule B, to facilitate pedestrian access between Hamel St and the Seine River Park and pathway.

D. Servicing Conditions and Payments

1. The Developer shall, at no expense to the City, provide a servicing report, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, demonstrating that the existing sewer and water services have adequate capacity for the proposed development. If it is found that the services are not adequate, the developer shall either, construct any system upgrades at no expense to the City, or, reduce the proposed density and adjust their proposed site plan to match existing service levels.

2. The Developer shall, at no expense to the City, install all watermains and sewers required to service the Planned Area, as indicated by the Engineering Servicing Report prepared by the municipal engineer.

3. The developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay the Seine River land acquisition charge of $145 per acre.

4. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the existing services constructed by others in Youville Street, if and as applicable.

5. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

7. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

8. That the Developer dedicate to the City as public open space at least 8% of the land contained within the overall development area, landscape the dedicated land, and pay its share of the cost of services in streets abutting the dedicated land, in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Property, Planning & Development. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, pay to the City the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated.

9. The Developer shall assume responsibility for the maintenance of the public Reserve until developed and accepted by the City as having reached Total Performance, and as-built drawings have been provided and approved as complete.

10. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works**.**

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

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

13. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2011
September 8, 2011

"K.T. Raban, P. Eng."
K.T. Raban, P. Eng.
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
F. C. Mazur, P. Eng.
Water & Waste Department

_____
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 26/11 – 405 Hamel Avenue

1. Site Planning

1.1 Future site plans should include vehicular accesses from Hamel and Gaboury Place or Youville as this arrangement could help divide the traffic load while also providing alternative accesses for emergency vehicles.

1.2 There should be pedestrian access from the development out onto Hamel so that residents can easily access the Transit stops on Rue Des Meurons at Hamel.

1.3 Internal pedestrian pathways should also provide for access or lead to the Seine River Trail. Fencing should be considered around the northeast limits to ensure cars are not able to drive or park on adjacent park land or undeveloped land.

1.4 The long, linear portion of the site that leads towards Youville should be used primarily for vehicular or pedestrian access or should be used as a landscaped buffer.

1.5 The site layout and building orientation should ensure that the buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.6 Future development should minimize shadow impact and should be reasonably separated from existing development and consistent with the *Draft Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*.

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

1.8 Parking areas should be well-screened with landscaping or an active development along the street-front (ex. commercial space).

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

1.10 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

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

- Seasonal planting areas
- Large, flowering trees
- Seating areas

- Pedestrian scaled lighting
- On-site community recreation amenities

2. Building Orientation and Design

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

2.2 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

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 High-quality landscaping is required along the front of the development and along the side and rear yards.

4. Fencing

4.1 Any proposed fencing should be composed of high quality materials.