Agenda – Executive Policy Committee – January 18, 2012

REPORTS

Item No. 3 Subdivision and Rezoning– East side of St. Mary's Road between Britannica Road and Vista Avenue (St. Norbert Ward) File DASZ 39/2011 [c/r DAV 173121/2011D]

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 39/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2011 dated December 16, 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 January 4, 2012, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 39/2011 dated December 16, 2011 to an "RMF-M" Residential Multi-Family Medium District and an "RMF-S" Residential Multi-Family Small 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.

ii. That the Developer shall erect two, 4 feet by 8 feet signs on the vacant residential land indicating the location and zoning of the residential property; plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development and Riel Community Committee for approval within 6 months of zoning section of the by-law shall come into force and effect; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or building permits issued;

iii. That the Developer shall, demarcate the limits of the northerly portion of the natural corridor easement, delineating the private land from the protected corridor area, with either continuous and uniform rear yard fencing, or with uniform bollards, to the satisfaction of the Director of Planning, Property and Development. Said bollards shall be located outside of the easement area, and, by caveat, shall become the responsibility of all future property owner(s) to maintain and/or replace the fencing or bollards as originally constructed, to the satisfaction of the Director of Planning, Property and Development.

iv. That the Developer shall indicate, in all applicable site plans, the protected natural corridor and the construction of the future approved location of the active transportation trail connecting from St. Mary's Road to Sandrington Drive.

v. That if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the property owners' responsibilities relative to the natural corridor easement with information provided by the Director of Public Works, and shall provide the City with a copy of the condominium agreement;

vi. That if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the proposed active transportation trail connecting from St. Mary's Road to Sandrington Drive and the requirement that the active transportation trail is to be accessible to the general public;

vii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

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

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2012, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning– East side of St. Mary's Road between Britannica Road and Vista Avenue**
File DASZ 39/2011 [c/r DAV 173121/2011D]

For submission to: **Executive Policy Committee**

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

Report date: **January 10, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 39/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2011 dated December 16, 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 January 4, 2012, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 39/2011 dated December 16, 2011 to an "RMF-M" Residential Multi-Family Medium District and an "RMF-S" Residential Multi-Family Small 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.

ii. That the Developer shall erect two, 4 feet by 8 feet signs on the vacant residential land indicating the location and zoning of the residential property; plans for the signs showing their location and design shall be submitted to the Director of Planning, Property and Development and Riel Community Committee for approval within 6 months of zoning section of the by-law shall come into force and effect; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or building permits issued;

iii. That the Developer shall, demarcate the limits of the northerly portion of the natural corridor easement, delineating the private land from the protected corridor area, with either continuous and uniform rear yard fencing, or with uniform bollards, to the satisfaction of the Director of Planning, Property and Development. Said bollards shall be located outside of the easement area, and, by caveat, shall become the responsibility of all future property owner(s) to maintain and/or replace the fencing or bollards as originally constructed, to the satisfaction of the Director of Planning, Property and Development.

iv. That the Developer shall indicate, in all applicable site plans, the protected natural corridor and the construction of the future approved location of the active transportation trail connecting from St. Mary's Road to Sandrington Drive.

v. That if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the property owners' responsibilities relative to the natural corridor easement with information provided by the Director of Public Works, and shall provide the City with a copy of the condominium agreement;

vi. That if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the proposed active transportation trail connecting from St. Mary's Road to Sandrington Drive and the requirement that the active transportation trail is to be accessible to the general public;

vii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

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

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

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 December 16, 2011.

PUBLIC HEARING SUMMARY

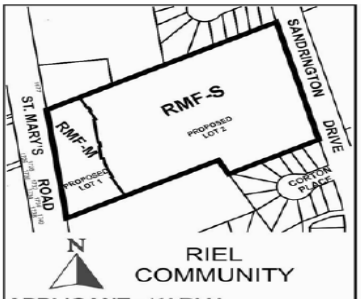
File: DASZ 39/2011

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

Public Hearing: January 9, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: Karma Development Corporation (Myles Kraut)

Subject:



APPLICANT : KARMA DEVELOPMENT CORPORATION
FILE : DASZ 39/11
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 "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) and an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the construction of multiple family dwellings. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : KARMA DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 39/11
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 PR (Secteur des parcs et des loisirs 1 [Quartier]) à la catégorie RMF-S (Secteur de petites habitations multifamiliales) et à la catégorie RMF-M (Secteur d'habitations multifamiliales moyennes) afin de permettre la construction d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected:	East side of St. Mary's Road between Britannica Road and Vista Avenue
Exhibits Filed:	1. Application dated November 4, 2011 2. Notification of Public Hearing dated December 6, 2011 3. Manitoba Status of Titles 1082656 and 1196328 4. Letter of authorization dated October 21, 2011 from The City of Winnipeg, Real Estate Division to Karma Development Corporation 5. Site Plan 6. Plans (8 pages) 7. Report from the Planning and Land Use Division dated December 16, 2011 8. Inspection Report

REPRESENTATIONS:

In Support:

Marc Kipnes
Myles Kraut
Daniel MacGribbon
Nicole Rexer

In Opposition

Nil

For Information:

Barry Craig
Norman Walker

For the City:

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

Exhibit "7" referred to in File DASZ 39/2011

ADMINISTRATIVE REPORT

Title: DASZ 39/2011 – East Side of St. Mary's Road, between Britannica Road and Vista Avenue Public Hearing

Issue: For consideration at the Public Hearing for the subdivision of the site into two (2) lots and the rezoning of the lots from "PR1" Parks and Recreation 1 (Neighbourhood) to "RMF-M" Residential Multi-Family Medium (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lot 2).

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 39/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2011 dated December 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

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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 land into two (2) lots and rezone the site from PR1 to RMF-M (Proposed Lot 1) and RMF-S (Proposed Lot 2).
- Proposed Lot 1 will be approximately 1.3 acres in area and will contain a three-storey, forty-seven (47) unit multi-family development.
- Proposed Lot 2 will be approximately 6.1 acres in area and will contain seventy-two (72) attached bungalow townhouse units.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into two (2) lots and rezoned from PR1 to RMF-M (Lot 1) and RMF-S (Lot 2).

HISTORY

Surplus Land (1994)

- In April, 1994, the former Parks and Recreation Department indicated that the subject City property was surplus to its requirements. At that time, the Riel Community Committee reviewed the needs assessment and concurred with the former Department's position.

Expression of Interest (2000)

- On March 24, 2000, the Planning Property and Development Department received and Offer to Purchase from Red River Cooperative Ltd. for a portion of the subject City property to develop a gas bar/convenience store on the site. The offer was for approximately 2 acres fronting St. Mary's Road. The Department also received a letter of interest from Cedarcrest Construction Ltd. later in May, 2000. Cedarcrest was interested in developing a multi-family condominium project on the back portion of the site fronting Sandrington Drive.

Declaration of Surplus Land – YM-YWCA (2001)

- On February 28, 2001, Council adopted the February 8, 2001 recommendation of the Standing Policy Committee on Property and Development as follows:

  That the subject City property be declared surplus to the City's requirements, provided the lands are ultimately sold to the YM-YWCA of Winnipeg on the following conditions:

  1. If at the end of the one-year period, the YM-YWCA of Winnipeg does not exercise its option to purchase, that the subject land revert to non-surplus land.
  2. The sale is subject to the requirements of the City Naturalist for a wildlife corridor and subject to the requirements of the Water and Waste Department for a 10 metre wide easement to protect an existing 1,500 mm land drainage sewer.
  3. The proceeds derived from the sale of the subject land to the YM-YWCA of Winnipeg be utilized for the development of athletic fields for the Dakota Community Centre.

- The YM-YWCA did not exercise their option on the subject property and in accordance with Council's instructions the land reverted to non-surplus status.

Sale of City-Owned Land - Future Expansion of Dakota Community Centre (2011)

- On January 11, 2011, the Standing Policy Committee on Property and Development requested the Winnipeg Public Service to report back on the recommendation of the Riel Community Committee of December 6, 2010, namely:

  1. *That the Winnipeg Public Service be directed to do all things necessary to market the City-owned land between St. Mary's Road on the west and Sandrington Avenue on the east and between 1895 St. Mary's Road on the south and 1677 St. Mary's Road on the north (part of Roll Number: 08005636000 and Certificate of Titles 1082565, 1795042, 1772675, 1196438) and set aside the net proceeds for the Dakota Community Centre expansion.*

Declaration of Surplus Land – East Side of St. Mary's Road, North of Britannica Road (2011)

- On June 22, 2011, Council declared the subject property, which is better known as Okolita Park, as surplus to the City's needs. Among the instructions provided by Council was that the net sale proceeds be set aside to fund the Dakota Community Centre expansion project.
- Park land owned by the City of Winnipeg and used for park or cemetery purposes can only be disposed of by a vote of 2/3 of all members of Council as per *The City of Winnipeg Charter Act*.
- The property was circulated to all Civic Departments for comment with no opposition to the proposal of declaring the land surplus. However, Civic Departments did identify in the report to Council that any proposed development of the site will need to accommodate the following considerations:
    - A Land Drainage Sewer Easement will be retained by the City along the north side of the subject property.
    - A Wildlife Corridor between Dakota Forest and the River (width to be determined). This corridor will also serve as a pedestrian connection between St. Mary's Road and the Dakota Community Centre.
    - Utility easements
    - The Urban Forestry Branch has stated that it requires protection of the trees along the south boundary of the subject property by way of a possible conservation easement agreement or, with a no net loss clause with the sale agreement (e.g. provide replacement plantings elsewhere on the site or within the vicinity to the satisfaction of the City Forester).
    - Renaming another suitable park in the area, "Okolita Park".
    - Any other requirements will be identified through the rezoning process.

Sale - East Side of St. Mary's Road, North of Britannica Road (2011)

- On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Public Service and approved the sale of City-owned land that is located on the east side of St. Mary's Road between Britannica Road and Vista Avenue (Okolita Park) in favour of Karma Development Corporation for $4,900,000.00.
- The land was marketed to the general public and a total of five (5) offers were submitted for the property.
- The following information was included in the marketing package:
    - A land drainage sewer easement will be retained by the City along the north side of the property (easement varies in width from 9 metres to 13 metres).
    - A wildlife corridor between Dakota Forest and the River will be required. This corridor will also serve as a pedestrian connection between St. Mary's Road and the Dakota Community Centre.
    - The Urban Forestry Branch requires protection of the trees along the south boundary of the property.
    - Land to be rezoned by the Purchaser.

- The land while under the ownership of the former City of St. Vital was used as a borrow-pit to construct sub-bases for roads, lanes, etc. Subsequently, the property was filled in with street sweepings, construction debris and other non-decomposing material. The City of Winnipeg Water and Waste Department has de-listed the subject property as a former contaminated landfill and has cleared the land for potential future development. However, an updated Environmental Site Assessment will need to be performed as part of any future development.

- The Public Service recommended approval of the sale of the subject property to Karma Development Corporation for the following reasons:
  - The Ward Councillor supports the sale.
  - The asking price for the subject City property was $3,750,000.00. The price being offered by Karma Development Corporation is $1,150,000.00 over the asking price.
  - The proposed sale is subject to a successful rezoning of the subject property.
  - The property would be placed on the tax roll at the closing of the sale.
  - The sale will eliminate the liability for the City associated with holding this property.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk
Date:	December 16, 2011
File No.	DASZ 39/2011

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 39/2011 Riel Community Committee, dated December 16, 2011
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Appendix B — Design Guidelines

APPENDIX 'A'

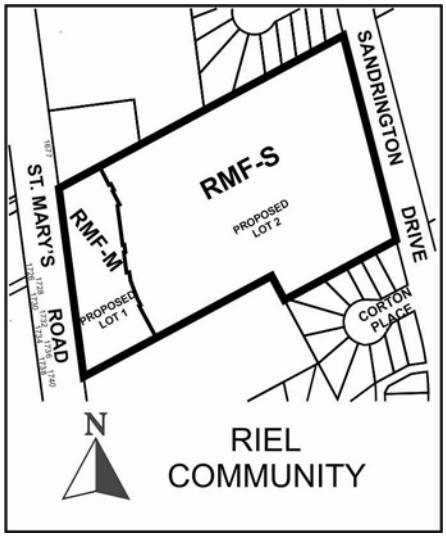
DATE: December 16, 2011

FILE: DASZ 39/11
RELATED FILES: DAV 11-173121/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.529

SUBJECT: An application for the subdivision and rezoning of the site from "PR1" Parks and Recreation 1 (Neighbourhood) to "RMF-M" Residential Multi-Family Medium (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lot 2) in order to develop multi-family residential dwellings.

LOCATION: St Mary's RD
LEGAL DESCRIPTION: PCL A PLAN 14435 61/2 ST V; PCL B PLAN 21579 61/2 ST V



APPLICANT: Myles Kraut (Karma Development Corporation)
60 SHORE ST SUITE 200
WINNIPEG MB R3T 2C8

OWNER: THE CITY OF WINNIPEG

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the land into two (2) lots and rezone the site from PR1 to RMF-M (Proposed Lot 1) and RMF-S (Proposed Lot 2).
- Proposed Lot 1 will be approximately 1.3 acres in area and will contain a three-storey, forty-seven (47) unit multi-family development.
- Proposed Lot 2 will be approximately 6.1 acres in area and will contain seventy-two (72) attached bungalow townhouse units.
- The Urban Planning Division recommends supporting this subdivision and rezoning application subject to conditions included in the recommended servicing agreement and zoning agreement.

SITE DESCRIPTION

- The subject property is located on the east side of St. Mary's Road between Elsbury Bay, Corton Place, and Sandrington Drive in the River Park South neighbourhood of the St. Norbert Ward.
- The property, which is more commonly known as Okolita Park, is approximately **7.4 acres in area** and is predominantly vacant with some mature trees growing along the southern extent of the site. This portion of the site is undeveloped and does not have any structures, formal activities or programming.
- The habitat on the site is predominantly classified as grade C/D Prairie. However, the southern extent is classified as Riverbottom Forest/Wetland Prairie.
- The City of Winnipeg acquired the subject property from the former City of St. Vital in 1972. While under the ownership of the former City of St. Vital the land was used as a borrow-pit to construct sub-bases for roads. The property was filled-in with street sweepings, construction debris and other non-decomposing material. The Water and Waste Department de-listed the subject property as a former contaminated landfill and has cleared the land for potential future development.
- Under the *Complete Communities Direction Strategy* the proposed development can be considered to fall under two different policy areas: Areas of Stability – Recent Communities for Proposed Lot 2; and, along a Mixed-Use Corridor (St. Mary's Road) for Proposed Lot 1. The site is zoned "PR1" Parks and Recreation 1 (Neighbourhood).



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

SURROUNDING ZONING (See Figure 2)

North: Commercial developments zoned C2 and detached single-family homes zoned R1-M.

South: A three-storey multi-unit residential development zoned RMF-S and detached single-family homes zoned R1-M.

East: Dakota Park zoned PR3.

West: A townhome development zoned RMF-S.

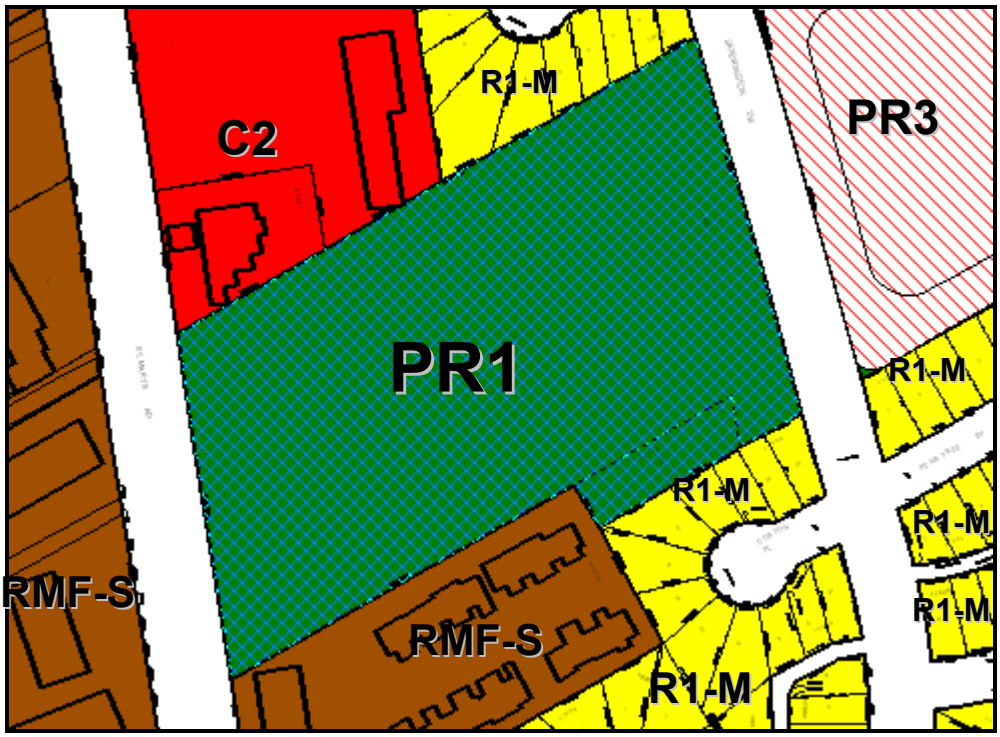


Figure 2: Zoning of the lands and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land into two (2) lots and rezone the site from PR1 to RMF-M (Proposed Lot 1) and RMF-S (Proposed Lot 2).
- Proposed Lot 1 will be approximately 1.3 acres in area and will contain a three-storey, forty-seven (47) unit multi-family development. The height of this proposed building will be forty (40) feet to the top of the roof and about thirty (30) feet to the eave.
- Most of the ground floor of the building on Lot 1 will be used for parking; however, there will be five (5) ground floor units at the southern extent of the building.
- There will be a total of forty-seven (47) parking stalls located below the building on Lot 1 for tenants plus an additional thirty-six (36) surface parking stalls for tenants and visitors that will be located behind or east of the building.
- Vehicular access to Lot 1 will be predominantly from St. Mary's Road. However, some visitor stalls will be accessed from the private road proposed for Lot 2, which connects to Sandrington Drive.
- Proposed Lot 2 will be approximately 6.1 acres in area and will contain seventy-two (72) attached bungalow townhouse units. The height of the proposed units will be about twenty-two (22) feet to the peak of the roofs and about eleven (11) feet to the eaves.
- The attached bungalow townhomes will be developed in a series of six (6) units per townhouse complex. A total of twelve (12) buildings comprised of six (6) attached units will be developed on the site.
- There will be a total of twenty-four (24) three-bedroom bungalow units and forty-eight (48) two-bedroom bungalow units.

- Vehicular access to Lot 2 will be provided from an internal loop road that connects to Sandrington Drive. The turning area for this road is located entirely off of Lot 2, but is located on Lot 1.
- A wildlife corridor is proposed along the southern extent of the site. This area is wooded and was requested by the Public Service to be used as a pedestrian connection between St. Mary's Road and the Dakota Park. The width of this proposed corridor within the application is about forty-four (44) feet at its narrowest point (near St. Mary's Road) and about ninety-nine (99) feet at its widest point (near Sandrington Drive).
- An easement is required along the northern extent for the Water and Waste Department to have access to a land drainage pipe that runs east/west through the property. The applicant has proposed to place an eight (8) foot wide asphalt pedestrian path in this area.
- Associated variances are required for the front yard setback, fencing, and cross access on Proposed Lot 1 and for front and rear yard setbacks on Proposed Lot 2 (see DAV 11-173121/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development can be considered to fall under two different policy areas: Areas of Stability – Recent Communities for Proposed Lot 2; and, along a Mixed-Use Corridor (St. Mary's Road) for Proposed Lot 1.
- 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - 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.
    - Where intensification/densification of housing occurs, ensure that the types of open space - passive, active, and plazas - respond to community needs.
- Key relevant policies guiding development along 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 high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
- Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.
- Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
- 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

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"RMF-S" Residential Multi-Family Small District

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

"RMF-M" Residential Multi-Family Medium

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

LAND USE BY-LAW

Rezoning

- The subject site is zoned PR1. The PR1 district does not permit any type of housing to be developed within this zone. The applicant is proposing to develop a mix of multi-family dwellings on two different lots on the subject property and therefore must rezone to develop on the site.

- The RMF-M zone accommodates the higher intensity development in terms of form and density on Proposed Lot 1, while the RMF-S zone is the best zoning category to accommodate the bungalow condominium development on Proposed Lot 2.

Variances

- Variances associated with the proposed development are described below.

  1. (a) The minimum front yard for buildings and parking areas in the RMF-M zone is 25 feet. The applicant is proposing a minimum front (west) yard to the building and parking area of 10 feet on Proposed Lot 1.

  1. (b) The proposed development will have balconies that will extend 2 feet from the front (west) property line on Proposed Lot 1. The minimum front yard setback for the balconies in the RMF-M zone is 25 feet.

  2. All parking areas in the RMF-M zone must have access to a street or lane. The proposed parking areas that are located behind the building on Proposed Lot 1 do not have access to a street or lane, but will be accessed through Proposed Lot 2.

  3. The maximum height for a fence in a front yard is 4 feet. The applicant is proposing a 6 foot tall fence in front of three residential units that face St. Mary's Road at the southern extent of the building/site on Proposed Lot 1.

  4. (a) The required front (east) yard setback in the RMF-S zone is 20 feet. The applicant is proposing a 9 foot front yard setback for some of the units on Proposed Lot 2.

  4. (b) The required rear (west) yard setback in the RMF-S zone is 25 feet. The applicant is proposing a 9 foot rear yard setback for some of the units on Proposed Lot 2.

  5. Under the RMF-S zone, accessory parking areas must be setback from the front property line by 20 feet. Some accessory parking areas are proposed to have a 0 foot setback on Proposed Lot 2.

PUBLIC CONSULTATION

- The applicant held an open house regarding the development on Tuesday, December 6, 2011, at the St. Vital EMC Church (2005 St. Mary's Road), which is 2 blocks south of proposed development.
- Approximately 200 brochures were mailed-out to neighbouring homes and condominiums within a 2 mile radius of the proposed development. An advertisement was also placed in the Notice Section of the Winnipeg Free Press on Saturday, December 3, 2011, outlining the proposed development and encouraging people to attend our open house.
- According to the applicant, the meeting was attended by about 40 people and was generally well-received. Many residents appreciated the fact that larger setbacks from the north and south property lines will be incorporated into the development and that most of the access to Proposed Lot 1 will be from St. Mary's Road.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Proposed Lot 1 is located along a Regional Mixed-Use Corridor and Proposed Lot 2 is located within Areas of Stability – Recent Communities under the Complete Communities Direction Strategy.

- Among the most important policies to consider when evaluating the subject application is the concept of scaling the development in a context-sensitive and compatible manner. The proposed development includes the tallest and densest buildings to be fronting and predominantly accessed from St. Mary's Road, where there are existing higher-intensity land uses and where higher intensity land uses are encouraged under Complete Communities. The development on Proposed Lot 2 transitions to lower height and less-intensive attached bungalows that are to be developed at a scale that is generally consistent with the existing homes that are accessed from Sandrington Drive.
- The Complete Communities Direction Strategy encourages a mix of housing types, tenure, and unit sizes. The proposed development is consistent with these policies.
- Although a variance is required for the proposed front yard of Lot 1, the Urban Planning Division generally encourages developments to be placed closer to major streets, such as St. Mary's Road, with parking located predominantly behind or under the building(s).
- The proposed orientation of the buildings on Lot 2 is generally consistent with the developments to the north and south, with internal streets running east/west and buildings facing onto these streets.
- The proposed reduced setback for the front yard for the proposed buildings on Lot 2 is generally consistent with existing homes to the north and south. It should be noted that the homes located immediately north and south of the site and nearest to Sandrington Drive do not front onto Sandrington Drive and therefore the yard facing Sandrington is considered the side yard. The minimum side yard requirement for these properties is four (4) feet. The applicant is proposing a front yard setback of nine (9) feet from Sandrington Drive.
- The parking area located on the northeast corner of the site requires a variance for the front yard. However, the remaining three (3) parking areas nearest to Sandrington Drive are at least five (5) feet away from the front (east) property line.
- The proposed side yards for Lots 1 and 2 are significantly wider than required under the Zoning By-Law. The increased side yard setbacks are primarily due to the requirements by the Public Service for easements from the north and south property lines (see Easement Sections below). Under the Zoning By-Law, the minimum side yard setback for a three-storey building on lands zoned RMF-M (Lot 1) would be twelve (12) feet. The minimum side yard setback for development on lands zoned RMF-S (Lot 2) would be four (4) feet.
- The reduced rear yard setback is internal to the site and does not impact neighbouring properties.
- The applicant is proposing to develop an east/west pedestrian asphaltic pathway that is eight (8) feet wide along the north side of the property. This pathway will create a direct pedestrian route to Dakota Park. An east/west pathway was not proposed along the southern portion of the property in the application.

RECOMMENDED SERVICING AGREEMENT

Natural Corridor Easement

- The Public Service has communicated that a natural corridor is to be retained near the southern boundary of the site since marketing the subject property. The majority of existing trees within this corridor are to be preserved.

- The Service prefers to see a natural corridor that is about 45 feet wide measured from the southern property line northwards near the western portion of the site and up to 105 feet wide near the eastern portion of the site (where the site is wider). Ideally, the easement will widen to about 60 feet wide for the portion of the easement that is nearest to St. Mary's Road. However, this width is intended as a "window" or opening to the corridor from St. Mary's Road and is not intended to be the desired width for the majority of the corridor.

Pathway

- The developer is proposing a pedestrian pathway at the northern portion of the site, through the land drainage sewer easement area. The Public Service is generally supportive of a pathway through the Land Drainage Sewer easement in the north, or a pathway in the natural corridor (in the south) as long as the pathway is at least three (3) metres wide and made of asphalt. The Public Service has included design considerations regarding fencing and openings for pedestrian connections from the east/west pathway at the north of the site to the natural corridor at the southern portion of the site (see Design Guidelines).

Land Drainage Sewer Easement

- Although the applicant is proposing setbacks from the north property line that range in width from approximately thirty-two (32) feet to forty (40) feet, the Water and Waste Department requires a thirteen (13) metre or 42.65 foot wide easement along the entire north property line.
- The easement is required to protect and to secure unimpeded access to the existing 1500mm land drainage sewer that crosses the property. The easement will allow the City to maintain, inspect, repair and replace this sewer. The easement agreement would prohibit the erection of any building or other structure within the easement area, however, paving, sodding and fencing would be allowed.
- As a result of this easement requirement, the applicant will need to adjust the plans submitted to accommodate the easement and ensure that there are no structures located within the easement area.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The plan approval condition helps ensure that the future proposed development and site designs are compatible with the neighbourhood.
- The Division is recommending that final plans be submitted to the Riel Community Committee and the Director of Planning, Property and Development for review prior to the issuance of a development permit.
- The inclusion of this clause will allow the Riel Community Committee and the Public Service to review final plans before development takes place for the proposed development and any future developments on the lots.
- Recommended design guidelines for the subject site are included in Appendix B of this report. It is expected that future development on the site meets or exceeds the recommended design guidelines.

Natural Corridor Easement

- Clauses have been included to ensure that the natural corridor portion of the easement is intended for public use and to ensure that the property is adequately demarcated to indicate the extent of the easement area.

Cross Access Agreement

- The proposed development includes a parking area for Proposed Lot 1 that will need to be accessed from Proposed Lot 2 via Sandrington Drive. As such, the Public Service is recommending that cross access agreements be registered for the entire site.

Addressing

- The Public Service has included a clause that is intended to make addressing clearer and more visible for the public and for emergency response situations.

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%.
- 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets. In accordance with the Offer to Purchase, the City agrees to pay the land dedication component associated with the increase in market value caused by rezoning the land from PR-1 to RMF-M. The Developer shall be responsible to pay the land dedication component associated with the creation of additional lot(s). The Developer's obligations for land dedication shall be considered fulfilled upon the registration of an easement for a natural corridor as described in Schedule B of this report.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The Complete Communities Direction Strategy encourages a mix of housing types, tenure, and unit sizes. The proposed development is consistent with these policies.
- The development proposal is scaled in a context-sensitive manner and compatible with the surrounding area.
- Pedestrian access and connections will be established through the site.
- A natural corridor will be preserved along the southern portion of the site.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 39/2011

Schedule "A" for File No. DASZ 39/2011, Riel Community Committee, dated December 16, 2011

By-Law No. _____

Atlas Sheet No.

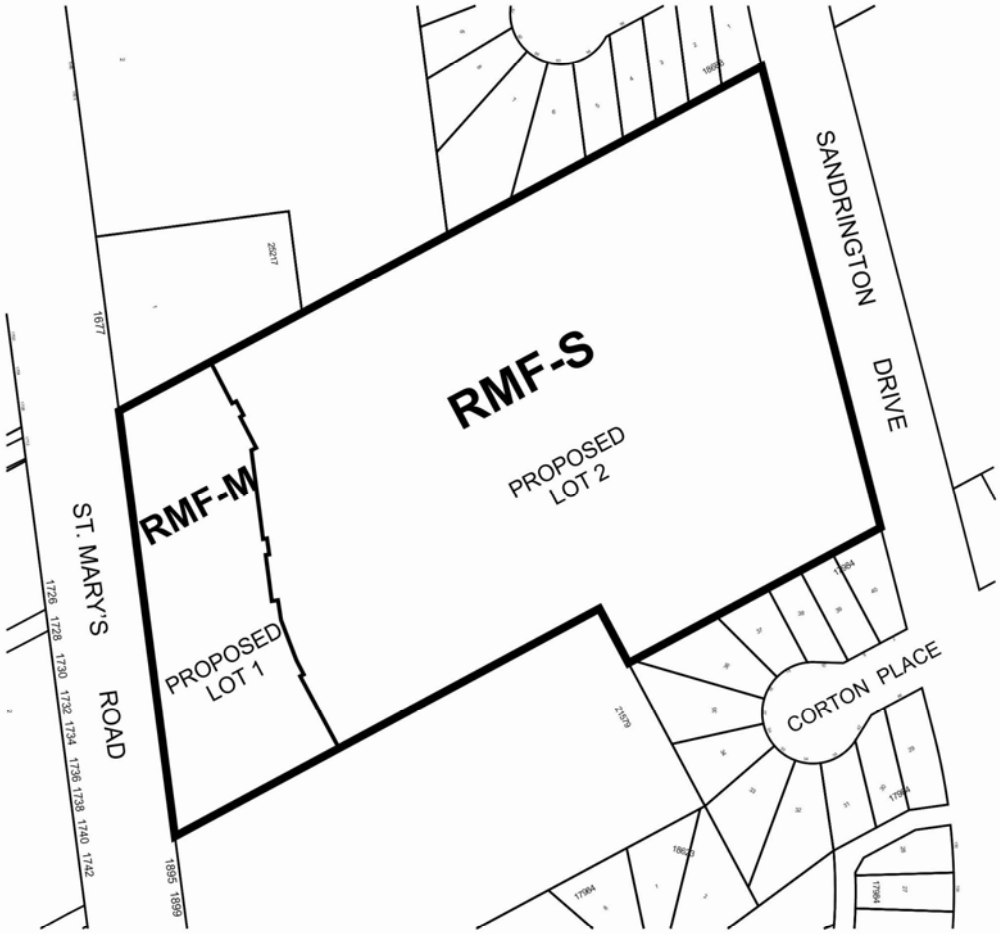
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COMMUNITY

File No. **DASZ 39/11**

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 on the east side of St. Mary's Road between Brittanica & Vista Drive from a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) and an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the construction of multiple family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Appendix B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – January 4, 2012

RE: DASZ 39/2011 - PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON EAST SIDE OF ST. MARY'S ROAD BETWEEN BRITANNICA AND VISTA ROAD

It is recommended that the approval of DASZ 39/2011, if granted, be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets. In accordance with the Offer to Purchase, the City agrees to pay the land dedication component associated with the increase in market value caused by rezoning the land from PR-1 to RMF-M. The Developer shall be responsible to pay the land dedication component associated with the creation of additional lot(s). The Developer's obligations for land dedication shall be considered fulfilled upon the registration of an easement for a natural corridor as described in Clause 2 below.

2. The Developer shall grant to the City of Winnipeg an easement along the entire south property line for a natural corridor for the purpose of preserving the existing natural features of the site and shall pay all associated surveying costs.

3. The natural corridor easement shall be a minimum of 13.716 metres (45 feet) in width and flares to a maximum of 18.288 metres (60 feet) in width at the western limit of the property; and a minimum of 25.908 metres (85 feet) in width and a maximum of 32.004 metres (105 feet) in width near the eastern portion of the property. Maintenance of this natural corridor shall become the responsibility of the property owner to the satisfaction of the Director of Public Works.

4. The Developer shall construct a 3.0 metre wide asphalt pedestrian pathway, hereinafter referred to as an active transportation trail, connecting from St. Mary's Road to Sandrington Drive to the satisfaction of the Director of Public Works; the ongoing operation and maintenance of the active transportation trail shall be the sole responsibility of the City of Winnipeg.

5. The Developer shall provide north–south secondary access/egress openings from the active transportation trail into the Planned Area approximately every 100 metres (300 feet);

6. The specific location of the natural corridor easement and the active transportation trail shall be determined by the Director of Planning, Property, & Development and the Director of Public Works in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, location of existing mature trees, Universal Design standards, and minimizing the impact on private property.

7. The Developer shall notify the prospective purchasers, and provide the City with a copy of the Condominium Agreement or other such related documentation, which shall include

information on the property owners responsibilities relative to the natural corridor easement (no dumping, pruning, feeding, chemical application etc.) as will be articulated in a letter or brochure prepared by the City Naturalist.

8. The Developer shall provide a letter of credit, prior to the release of subdivision mylars, for the completion and construction of the active transportation trail connecting from St. Mary's Road to Sandrington Drive, as determined by and to the satisfaction of, the Director of Planning, Property and Development.

9. The Developer shall grant to the City of Winnipeg a thirteen (13.0) metre wide easement along the north property line to protect the existing wastewater land drainage sewer that crosses the property, as determined by and to the satisfaction of the Director of Water and Waste.

10. 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 39/2011
January 4, 2011

[Original Signed by K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.
Land Development Branch

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

APPENDIX 'B' Design Guidelines

Recommended Design Guidelines for Final Plan Approval for Proposed Lots 1 and 2 of DASZ 39/2011

1. Site Planning

1.1 At least one public east/west pathway should be incorporated into the easement area(s) to allow for pedestrian access from St. Mary's Road towards Dakota Park and vice versa. The developer has proposed this pathway to be included at the northern extent of the site. The Public Service will support this proposal subject to the following conditions being met: if any fencing is installed adjacent to the 3 metre wide path it shall be of an open style (i.e.: wrought iron); and that if any fencing is installed within 6 m of the north property line, it shall not exceed 1.2 m (4') in height.

1.2 A common pedestrian route or common pedestrian routes should connect north/south through Lots 1 and 2 to connect residents from the pathway near the northerner extent of the site to the wildlife corridor easement area to the southern extent of the land. These routes are intended not only for enhanced connectivity for residents and the public, but also for safety as they would provide alternative route option(s) for pedestrians. The north/south routes should be spaced no more than 100 metres apart from each other and should be well-defined and provide direct connections.

1.3 A minimum of one safe, well defined and universally accessible walkway or internal sidewalk system should be incorporated into the proposed development. A universally accessible walkway should connect to the sidewalk along St. Mary's Road to the building on Proposed Lot 1.

1.4 The site layout and building orientation should ensure that the buildings relate appropriately to surrounding developments and to the street and create a cohesive visual identity for the neighbourhood. Any proposed building on Lot 1 should face St. Mary's Roadand thereby incorporate a street-front presence along St. Mary's.

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

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

2. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street on Proposed Lot 1.

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

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

2.4 If the building on Lot 1 is addressed on St. Mary's Road, then the building requires a principle address on that side of the building.

2.5 Balconies are considered part of buildings, and the nearest edge of a fire lane to a building can be no closer than 10 feet.

3. Landscaping

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

3.2 Landscaping should be used to screen parking areas. Landscaping is preferred over a parking fence for parking areas and the residential fence proposed along the front yard of Lot 1.

4. Fencing

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

4.2 If an east/west pathway is proposed along the northern extent of the property fencing (if any) installed adjacent to the 3 metre wide path shall be of an open style (i.e.: wrought iron); and if any fencing is installed within 6 m of the north property line, it shall not exceed 1.2 m (4') in height.

4.3 Any fencing on the site should not interfere with north/south pedestrian connections to and from the pathway and the natural corridor.

5. Parking Areas

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

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

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