Minute No. 130
Report - Standing Policy Committee on Property and Development – November 29, 2011

Item No. 9 **Rezoning– 336 Warde Avenue**
(St. Norbert Ward)
File DAZ 223/2011 [c/r DAV 161281/2011D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2011 dated October 20, 2011 to an "RMF-M" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than forty (40) feet;

        ii. That, no principal building or portion of a principal building shall be constructed within twenty-five (25) feet of the easternmost and southernmost property lines;

        iii. That, a landscaped setback of not less than ten (10) feet in width shall be provided along the entire lengths of the easternmost and southernmost property lines;

        iv. 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.

2. That Caveats 84-28432, 1211309, 2983922, 3242304 be withdrawn as they affect Lot 3, Plan 42268.

Report - Standing Policy Committee on Property and Development – November 29, 2011

COUNCIL DECISION (continued):

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 29, 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 December 7, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 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 November 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning– 336 Warde Avenue**
File DAZ 223/2011

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

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

Report date: **November 15, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2011 dated October 20, 2011 to an "RMF-M" Residential Multi-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than forty (40) feet;

        ii. That, no principal building or portion of a principal building shall be constructed within twenty-five (25) feet of the easternmost and southernmost property lines;

        iii. That, a landscaped setback of not less than ten (10) feet in width shall be provided along the entire lengths of the easternmost and southernmost property lines;

        iv. 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.

2. That Caveats 84-28432, 1211309, 2983922, 3242304 be withdrawn as they affect Lot 3, Plan 42268.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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 reasons 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 20, 2011.

2. This application will essentially result in a downzoning of the property and the new development will meet a housing need in the Community.

PUBLIC HEARING SUMMARY

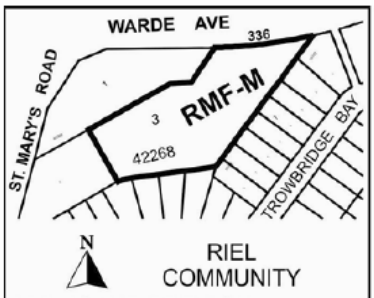
File: DAZ 223/2011

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: November 14, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:



APPLICANT: PRE-CON BUILDERS
FILE: DAZ 223/11
PROPOSAL: To rezone the land shown outlined above from a "C2" Commercial Community District to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple-family dwelling (3-Storey 60 Dwelling units). **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : PRE-CON BUILDERS
N° DE RÉFÉRENCE : DAZ 223/11
PROJET : Rezoner le bien-fonds indiqué ci-dessus de sorte qu'il passe de la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES) afin de permettre la construction d'un ensemble d'habitations multifamiliales (60 logements sur 3 étages). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 336 Warde Avenue

Exhibits Filed:

1. Application dated September 14, 2011
2. Notification of Public Hearing dated September 30, 2011
3. Manitoba Status of Title 2312654
4. Letter of authorization dated July21, 2011, from Mr. Richard Bembridge and Trico Developments Ltd. to Pre-Con Builders
5. Plans (7 pages)
6. Report from the Planning and Land Use Division dated October 20, 2011
7. Inspection Report
8. Presentation and Petition purporting to contain the signatures of 20 area residents in opposition to the application submitted by Cathy Carpenter at the Public Hearing
9. Communication dated November 10, 2011, from Christine Melnick in opposition to the application submitted by Cathy Carpenter at the Public Hearing on November 14, 2011
10. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Robin Lee, Pre-Con Builders
Karl Loepp

In Opposition

Cathy Carpenter
Rita Cordingley
Robert Cordingley
Cristian Popescu
Gabriela Popescu
Lindsay Pratt
Esperanza Visarra

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DAZ 223/2011

ADMINISTRATIVE REPORT

Title: DAZ 223/2011 – 336 Warde Avenue Public Hearing

Issue: For consideration at the Public Hearing for a rezoning from C2 to RMF-M to accommodate the development of a three (3) storey, ninety (90) unit multi-family residential 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 223/2011 dated October 20, 2011 to a "RMF-M" Residential Multi-Family District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

      i. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than forty (40) feet;

      ii. That, no principal building or portion of a principal building shall be constructed within twenty-five (25) feet of the easternmost and southernmost property lines;

      iii. That, a landscaped setback of not less than ten (10) feet in width shall be provided along the entire lengths of the easternmost and southernmost property lines;

      iv. 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.

2. That Caveats 84-28432, 1211309, 2983922, 3242304 be withdrawn as they affect Lot 3, Plan 42268.
3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.
4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.
5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
6. That the zoning section of the by-law comes into force when 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 year from the date by-law is passed.
7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
8. 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 rezone the site from “C2” Commercial Community to “RMF-M” Residential Multi-Family Medium to facilitate the development of a three (3) storey, ninety (90) unit multi-family residential building.
- Rezoning applications 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 land will be rezoned from C2 to RMF-M and multi-family residential development that is consistent with the recommended zoning agreement will be permitted.

HISTORY

DASZ 12(1)/1982 (Caveat 84-28432)

- The subject property was rezoned to C2 under file DASZ 12/82. Conditions included in the zoning agreement for the C2-zoned land were as follows:

  13. The following uses shall not be permitted on the C2 lands

      a) Any store selling foods or foods and other items, between the hours of 10:00 pm and 8:00 am.

      b) Retail gasoline sales;

      c) Restaurant, dining room, beverage rooms, cocktail room or cabaret;

      d) Amusement parlour;

      e) Hotel

ZAA 11/1989 (Caveat 1211309)

- On September 27, 1989, clause 13 of the zoning agreement for DASZ 12/82 was amended and replaced with the following:

  13. The following conditions shall apply to the C2 land:

      a) The following uses shall be prohibited on the land:

          i) Amusement parlour

          ii) Hotel, beverage room, cocktail room

      b) The following uses shall be prohibited within a distance of one hundred sixty-seven (167) feet of the south and east lot lines of the land:

          i) Any store selling food or food and other items, between the hours of 10:00 pm and 8:00 am.

          ii) retail fuel sales

      c) No building shall be erected or located on the land exceeding one (1) storey in height and no structure shall be erected or located on the land exceeding 25 feet in height;

      d) The development on the land shall be limited to a maximum floor area ratio of 0.25;

      e) Except as otherwise provided in subclause (f) hereof, the owner shall provide and maintain on the land one parking space for each 200 square feet of floor area established on the land;

      f) In the event one or more of the following uses are established on the land collectively occupying a floor area in excess of 10,000 square feet:

          i) bowling alley or theatre;

ii) restaurant, dining room, or cabaret;

iii) commercial or private club;

iv) dance hall or auditorium

one parking space for each 100 square feet of floor area shall be provided and maintained for such uses.

g) No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until final construction plans including the location and design of the proposed buildings and structures including parking areas, fencing, landscaping and signs are submitted to and approved by the St. Boniface-St. Vital Community Committee and the Commissioner and Community Services of the City and thereafter identified by the signature of that Commissioner under the designation "Schedule "A" to zoning agreement DASZ 12(1)/82," and no buildings or structures or works shall be erected or located on the land except in accordance with Schedule "A" to this agreement.

h) The owner shall construct and maintain on the land at a distance not less than 20 feet from its south and east limits a masonry wall of a minimum height of 8 feet "between" the rear walls of any buildings and for a distance of 5 feet overlapping each such building to provide one continuous noise barrier as illustrated on a plan hereto attached as Schedule "B".

i) The owner shall provide and maintain a landscaped setback not less than 25 feet in depth, measured to any building or structure or any parking or loading facility and a minimum 20 feet measured to the said wall from the south and east limits of the land as illustrated on said plan Schedule "B"

DASSF 530/99 (Caveat 2938533)

- Under DASSF 530/99, former Lot 1 Plan 18083 was subdivided into 3 lots (Lots 1-3 Plan 42268), and thereby created the subject property. The subdivision required a subdivision agreement that includes conditions requiring the owners of each lot to enter into cross access agreements and joint servicing agreements.

ZAA 15/2003 (Caveat 2983922))

- On March 24, 2004, clause 13 of the zoning agreement for DASZ 12/82 was amended under file ZAA 15/2003 and replaced with the following:

13. The following conditions shall apply to the C2 land:

a) The following uses shall be prohibited on the land:

i) Amusement parlour

ii) Hotel, beverage room, cocktail room

b) The following uses shall be prohibited within a distance of one hundred sixty-seven (167) feet of the south and east lot lines of the land:

i) Any store selling food or food and other items, between the hours of 10:00 pm and 8:00 am.

ii) retail fuel sales

c) No building shall be erected or located on the land exceeding three (3) stories in height and no structure shall be erected or located on the land exceeding 40 feet in height;

d) The development on the land shall be limited to a maximum floor area ratio of 0.25;

e) Except as otherwise provided in subclause (f) hereof, the owner shall provide and maintain on the land one parking space for each 200 square feet of floor area established on the land;

f) In the event one or more of the following uses are established on the land collectively occupying a floor area in excess of 10,000 square feet:

i) bowling alley or theatre;

ii) restaurant, dining room, or cabaret;

iii) commercial or private club;

iv) dance hall or auditorium

one parking space for each 100 square feet of floor area shall be provided and maintained for such uses.

g) No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until final construction plans including the location and design of the proposed buildings and structures including parking areas, fencing, landscaping and signs are submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development or his designate of the City and thereafter identified by the signature of that Director under the designation “Schedule “A” to zoning agreement DASZ 12(1)/82,” and no buildings or structures or works shall be erected or located on the land except in accordance with Schedule “A” to this agreement.

h) The owner shall construct and maintain on the land at a distance not less than 20 feet from its south and east limits a masonry wall of a minimum height of 8 feet “between” the rear walls of any buildings and for a distance of 5 feet overlapping each such building to provide one continuous noise barrier as illustrated on a plan hereto attached as Schedule “B”.

i) The owner shall provide and maintain a landscaped setback not less than 25 feet in depth, measured to any building or structure or any parking or loading facility and a minimum 20 feet measured to the said wall from the south and east limits of the land as illustrated on said plan Schedule "B".

ZAA 8/2005 (Caveat 3242304)

- On September 28, 2005, clause 13(d) of the zoning agreement for DASZ 12/82 was deleted and replaced under file ZAA 8/2005 as follows:

  13. d) The development on the land shall be limited to a maximum floor area ratio of 1.02;

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	October 20, 2011
File No.	DAZ 223/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 223/11
3. Appendix B – Design Guidelines

APPENDIX 'A'

DATE: October 20, 2011

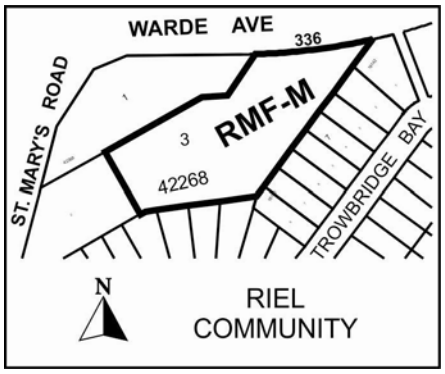
FILE: DAZ 223/11
RELATED FILES: DAV 11-161281/D (c/r), ZAA 8/2005, ZAA 15/2003, ZAA 11/1989, DASZ 12/1982

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.529

SUBJECT: To rezone the subject land from "C2" Commercial Community to "RMF-M" Residential Multi-Family Medium to allow for the development of a three (3) storey, ninety (90) unit multi-family building on the site.

LOCATION: 336 Warde Avenue

LEGAL DESCRIPTION: LOT 3 PLAN 42268



APPLICANT: Pre-Con Builders (Robin Lee)
1540 TAYLOR AVE
WINNIPEG MB R3N 1Y1

OWNER: TRICO DEVELOPMENTS LTD
2175 ST MARY'S RD
WINNIPEG MB R2N 3X7

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from “C2” Commercial Community to “RMF-M” Residential Multi-Family Medium to facilitate the development of a three (3) storey, ninety (90) unit multi-family residential building.
- The proposed building is three (3) stories tall, or approximately 37 feet as measured from grade to the mid-point of the roof.
- The applicant is proposing a total of sixty (60) units with ninety (90) parking spaces.
- The Urban Planning Division recommends supporting this application subject to conditions included in the recommended zoning agreement.

SITE DESCRIPTION

- The subject property is located on the southeast corner of the Warde Avenue and St. Mary’s Road intersection in the River Park South neighbourhood of the St. Norbert Ward.
- The site is vacant and approximately **1.81 acres in area**.
- Vehicular access to the site is from Warde Avenue. There is an existing cross access agreement in place with the neighbouring property to the west.
- The site is within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned “C2” Commercial Community.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A three storey multi-unit residential building zoned "C2" Commercial Community and detached single-family homes zoned "R1-M" Residential Single-Family Medium.

South: Detached single-family homes zoned R1-M.

East: Detached single-family homes zoned R1-M.

West: Commercial developments (Tim Horton's and River Park Automotive) zoned C2.

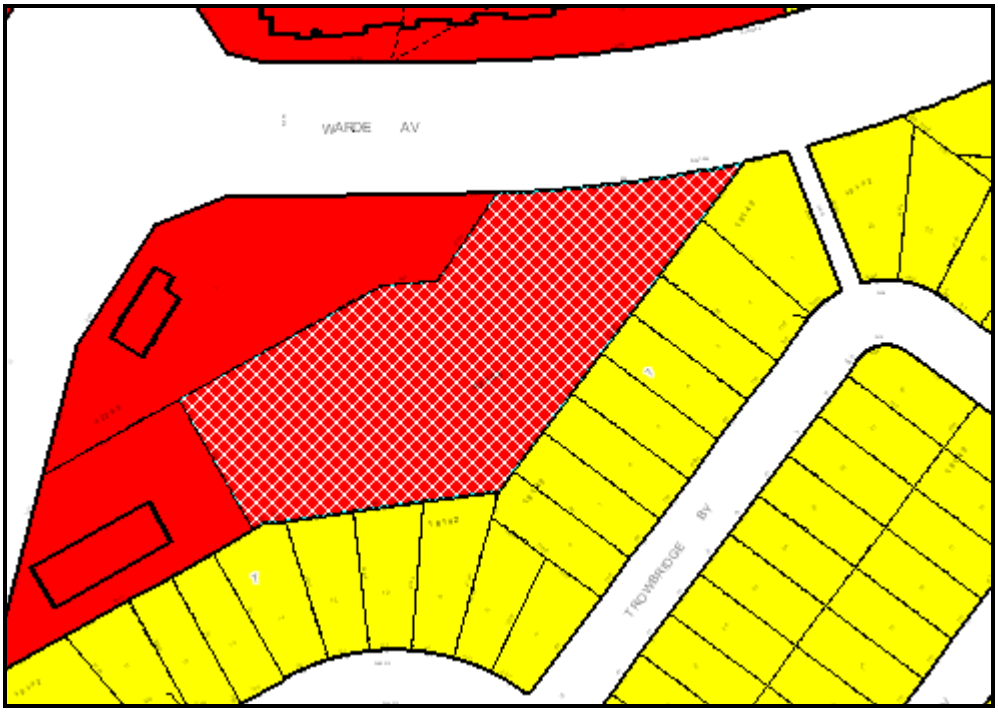


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “C2” Commercial Community to “RMF-M” Residential Multi-Family Medium to facilitate the development of a multi-unit residential building.
- The proposed building is three (3) stories tall, or approximately 37 feet as measured from grade to the mid-point of the roof.
- The applicant is proposing a total of sixty (60) units with ninety (90) parking spaces.
- Parking will be located along the north, east and west sides of the building. Landscaping will screen some of the parking in conjunction with an eight (8) foot tall masonry fence along the eastern property line.
- A variance application is required for the proposed eight (8) foot tall masonry fence, the parking lot side yards, and for the establishment of an accessory parking area that does not have access to a street or lane (see DAV 11-161281/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is located near a Regional Mixed Use Corridor (St. Mary’s Road) and near a major intersection. Key policies guiding the development of Regional Mixed Use Corridors under the *Complete Communities Direction Strategy* 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.
- 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.
- 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

"C2" Commercial Community District

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

"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 applicant is proposing to develop a three (3)-storey tall, 60-unit residential building on the site. The existing zoning for the site is C2. The C2 district requires a conditional use application for multi-unit residential buildings. There is also an existing zoning agreement that restricts the form, uses, parking, and floor area ratio on the land.
- The proposed development is generally consistent with the conditions of the zoning agreement; however, a zoning agreement amendment application would be needed to change the parking and landscaped setbacks requirements of the agreement.
- Rather than submitting a conditional use (for the multi-unit residential building) and zoning agreement amendment application, the applicant is requesting to rezone the land to RMF-M, which is the multi-unit residential zoning district that best accommodates the proposed development.

Variances

- The proposed application requires variances for the parking area and for the fence. The following points provide a summary of the variances.
- All parking areas are required to have direct access to a street or lane. The proposed parking area is accessed from the neighbouring property to the west via an existing cross-access agreement, but does not have direct access to a street or lane.
- The minimum side yard for an accessory parking area in the RMF-M zone is 8 feet. The applicant is proposing an east side yard of 3 feet and a west side yard of 0 feet.
- The maximum permitted height of a fence in a side yard in all residential zones is 6.5 feet. The applicant is proposing an 8 foot tall masonry fence along the east side of the property to be somewhat consistent with the existing condition of the zoning agreement.
- The zoning by-law includes buffering requirements between multi-family residential uses and single-family uses. One of the buffering requirements is that the maximum length for a wall or fence is to not exceed 48 feet. Between or after each 48 foot long extent of the wall or fence, a landscaped strip that is a minimum of 16 foot long is required. The applicant is proposing a 150 foot long masonry wall without the landscaped strip.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy supports the intensification of major corridors with multi-family residential development and a mix of uses.
- The existing zoning agreement appears to be predominantly concerned with controlling commercial development and the form of development on the property. Rezoning the property to RMF-M from C2 can alleviate some of the concerns regarding commercial development as commercial uses are not permitted in the RMF-M zone.
- The proposed height (37 feet to the mid-point of the roof) and number of stories (3) is consistent with the height requirements in the existing zoning agreement. The proposed height is also compatible with the neighbouring three (3) storey multi-unit residential building that is located on the northeast corner of the Warde Avenue and St. Mary's Road intersection.

- The majority of the proposed building is 37 feet tall while the maximum permitted height of the neighbouring homes in the R1-M zone is 35 feet. However, most of the neighbouring homes in the area are developed at a lower height (i.e. one or two stories).
- The proposed floor area ratio equates to 0.79, which is below the floor area ratio of 1.02 that is required in the existing zoning agreement.
- The applicant is proposing 90 parking spaces, which is consistent with the zoning by-law for the proposed 60-unit residential building. Had the applicant attempted to follow the zoning agreement's requirement of one parking stall for every 200 square feet of floor area, the applicant would have needed to provide 307 parking spaces, which is extremely excessive for multi-unit residential development.
- Most of the parking is located behind the building, which is preferred by the Urban Planning Division and supported in the Complete Communities Direction Strategy. Parking located throughout the site is generally well-screened by fencing and landscaping.
- The proposed 8 foot tall masonry wall along the east is somewhat intended to accommodate the conditions of the original zoning agreement. However, it should be noted that the conditions regarding the masonry fencing and landscaped setbacks were tailored to a specific development proposed for the site.
- The development also contributes to supporting a range of housing types in the neighbourhood and helps put more "eyes on the street", which is a key Crime Prevention Through Environmental Design (CPTED) principle.
- The proposed density, which equates to about 33 units per acre, is desirable from a Transit-Oriented Development (TOD) perspective. The general suggested density for development along a High Frequency Transit Corridor or Regional Mixed-Use Corridor like St. Mary's Road is 25-60 units/acre.

REMOVAL OF CAVEATS

- The Urban Planning Division is recommending that the existing caveats restricting the use and design of the property be removed as a new, relevant zoning agreement will be recommended to replace these older zoning agreement caveats.
- Specifically, the Division is recommending that caveats 84-28432 (DASZ 12(1)/82), 1211309 (ZAA 11/89), 2983922 (ZAA 15/03), and 3242304 (ZAA 8/05) be removed and replaced with the recommended zoning agreement below.

RECOMMENDED ZONING AGREEMENT

Maximum Height

- The Division recommends a maximum permitted height for development on the site of 40 feet, instead of the 60 foot height limit permitted under the RMF-M zoning district. The 40 foot height restriction is consistent with the previous zoning agreement(s) and is only 5 feet taller than the maximum permitted height of the neighbouring R1-M zoned properties. The 40 foot height limit also offers some flexibility for the applicant if there are some minor modifications required to the height of the building.

Principal Building Setback

- The Urban Planning Division recommends that any principal building be located at least 25 feet from the easternmost and southernmost property lines.
- Under the zoning by-law, the applicant could build a principal building within 12 feet of the eastern property line because the eastern portion of the property is considered the side yard. The southernmost property line is considered the rear yard, so a 25 foot setback would be required under the by-law. However, inclusion of this requirement in the zoning agreement helps to clarify the setback for this irregular-shaped property.
- A minimum 25 foot setback is equivalent to a rear yard setback under the zoning by-law, which is better suited for the proposed building as the rear portion of the building will face the rear yards of the existing single-family homes.

Landscaped Setback

- The Division recommends that a minimum landscaped setback of 10 feet be provided along the easternmost and southernmost extents of the property to create a buffer between the development and the existing single-family homes that abut the easternmost and southernmost property lines of the site. Although this requirement is less than the previous requirement under the old zoning agreement (which was 25 feet), the 10 foot wide landscaped setback is quite large and consistent with the current requirement for landscaped buffers between commercial and R1-zoned properties.
- Parking is a permitted projection in the rear yard of RMF-zoned properties, which means that the 25 foot setback that is normally required under the zoning by-law would not apply to parking area in a rear yard. The area where the southernmost property line is located is considered part of the rear yard. Inclusion of the 10 foot landscaped setback ensures that an adequate buffer will be provided between the single-family and multi-family development.
- The Division would expect to see a landscaping plan that is at least consistent with the buffering requirements of the zoning by-law applied to the recommended landscaped setback area. A dense mix of trees and shrubs should be considered within this setback.

Plan Approval

- The applicant has submitted plans that indicate that the design is preliminary.
- 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 Urban Planning Division to review final plans before development takes place for the proposed development and any future developments on the site.
- As the proposed building is long, the final building design should minimize blank walls and use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.
- Design guidelines for future plan approvals have been included in Appendix B. These guidelines help communicate the Division's expectations for final site and building plans that are to be submitted to and reviewed by the Division and Riel Community Committee.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- The Complete Communities Direction Strategy supports the intensification of major corridors with multi-family residential development and a mix of uses.
- The conditions of the recommended zoning agreement help to ensure that development on the site is compatible with the surrounding properties.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 223/11

Schedule "A" for File No. DAZ 223/2011, Riel Community Committee, dated October 20, 2011

By-Law No. _____

File No. **DAZ 223/11**

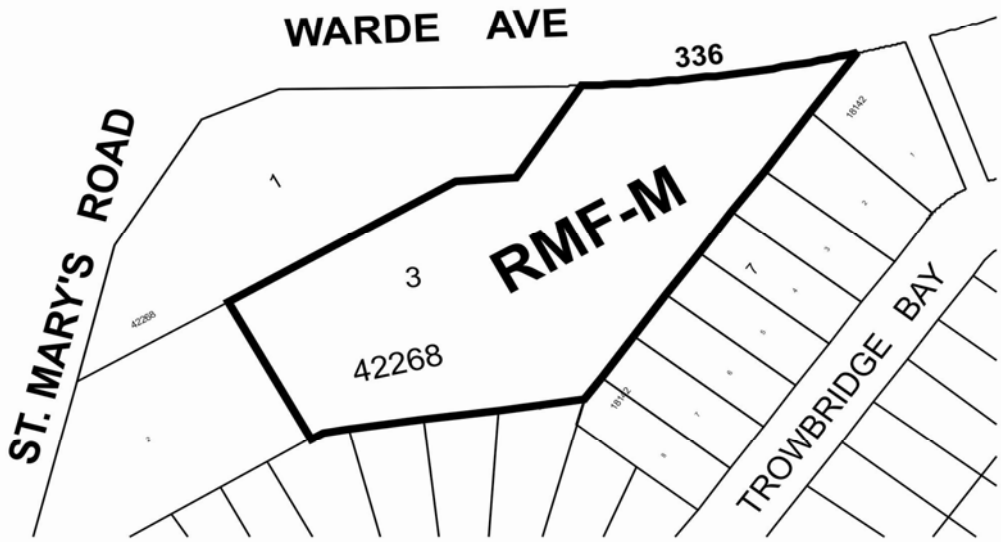
Atlas Sheet No.

N

AK27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 336 Warde Avenue from a "C2" Commercial Community District to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple-family dwelling (3-Storey 60 Dwelling units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DAZ 223/11 – 336 Warde Avenue

1. Site Planning

1.1 An area of common open space that can be easily accessed by employees/visitors to the site should be considered in future site plans. This common area should be purposefully integrated into the overall design of the development and not merely a residual area. Common open space can include gardens, courtyards, or well-landscaped greenspace.

1.2 A well-defined and universally accessible walkway or internal sidewalk system and connections to the public sidewalk system should be included.

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

1.4 Future development should minimize shadow impact and should be reasonably separated from existing development.

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

1.6 Parking areas should be well-screened with landscaping and should include interior landscaping and natural infiltration to help minimize the urban heat-island effect.

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

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

2. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street.

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 Detailed design should create high quality urban space within the building line and massing that helps create the character of streets.

2.5 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, around parking areas, corners, common areas, areas along pathways, and entryways.

4. Fencing

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

4.2 A masonry wall should be considered in areas that can generate more noise on the site, like refuse storage areas.

4.3 Parking areas should have parking fences located in front of the stalls to minimize the effect of headlights shining onto other properties.