Minute No. 642
Report – Standing Policy Committee on Property and Development – October 9, 2012

Item No. 4 Subdivision and Rezoning – 703 St. Anne's Road
(St. Vital Ward)
File DASZ 10/2012

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 10/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Revised Schedule "A" for File DASZ 10/2012 dated August 27, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 3, 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 Revised Schedule "A" for File DASZ 10/2012 dated August 27, 2012 to a "C2" Commercial Community District and a "PR1" Parks District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community District, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development – October 9, 2012

COUNCIL DECISION (continued):

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

Report – Standing Policy Committee on Property and Development – October 9, 2012

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 October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Recommendation 1. and 2. by inserting the word "Revised," before the words "Schedule "A", "

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

On September 10, 2012, the Riel Community Committee adjourned the public hearing to its meeting on October 1, 2012, at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 703 St. Anne's Road**
File DASZ 10/2012

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

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **October 3, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 10/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with **Revised** Schedule "A" for File DASZ 10/2012 dated August 27, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 3, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on **Revised** Schedule "A" for File DASZ 10/2012 dated August 27, 2012 to a "C2" Commercial Community District and a "PR1" Parks District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community District, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any

building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason(s) 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 August 27, 2012.

2. This is consistent with OurWinnipeg and some of the strategies in OurWinnipeg.

PUBLIC HEARING SUMMARY

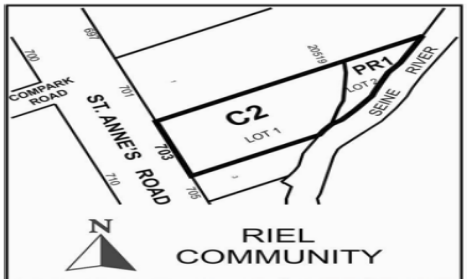
File: DASZ 10/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: October 1, 2012
September 10, 2012
Council Building, 510 Main Street

Applicant: H5 Architecture (Helio Rodrigues)

Subject:



APPLICANT : H5 ARCHITECTURE
FILE : DASZ 10/12
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of a commercial building. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : H5 ARCHITECTURE
N° DE RÉFÉRENCE : DALZ 10/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés 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 RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) et à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) afin de permettre la construction d'un immeuble commercial. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 703 St. Anne's Road

Exhibits Filed:

1. Application dated May 22, 2012
2. Notification of Public Hearing dated June 19, 2012
3. Manitoba Status of Title 2053420/1
4. Letter of authorization dated February 22, 2012 from Fernando Mira to H5 Architecture
5. Letter of authorization dated April 30, 2012 from Fern's Heating to H5 Architecture
6. Surveyor's Building Location Certificate and sketch dated February 7, 2012
7. Photographs and Site Plans (9 pages)
8. Plan
9. Report from the Planning and Land Use Division dated August 27, 2012
10. Inspection Report
11. Revised Schedule "A" dated August 27, 2012
12. Audio Recording of representations of public hearing held on September 10, 2012
13. Notice of adjournment dated September 11, 2012
14. Audio Recording of representations of public hearing held on October 1, 2012

REPRESENTATIONS:
In Support:
Fernando Mira
Helio Rodrigues

In Opposition:
Erna Dueck
Sandra Koshelanyk
Ben Lambert

For Information:
Helmut Kunz

For the City:
Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Systems, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 10/2012

ADMINISTRATIVE REPORT

Title: DASZ 10/2012 – 703 St. Anne's Road Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the lot into 2 lots and rezone the site from C2 and RR5 to C2 (lot 1) and PR1 (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 10/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 10/2012 dated August 27, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 3, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 10/2012 dated August 27, 2012 to a "C2" Commercial Community District and a "PR1" Parks District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community District, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site into two lots and rezone the property from “C2” Commercial Community and “RR5” Rural Residential 5 to “C2” Commercial Community (Lot 1) and “PR1” Parks and Recreation 1 (Lot 2).
- The proposed C2 zoned lot will be used to develop two commercial buildings. The proposed PR1 zoned lot will be transferred to the City for the continued development of the Seine River Parkway.
- 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 lots and rezoned to C2 and PR1.

HISTORY

- N/A

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, MCIP
Date:	August 27, 2012
File No.	DASZ 10/2012

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Recommended File No. DASZ 10/2012 Riel Community Committee, dated August 27, 2012
3. Schedule “B” Report of the Administrative Coordinating Group
4. Appendix B Plan Approval Design Guidelines for DASZ 10/2012

APPENDIX 'A'

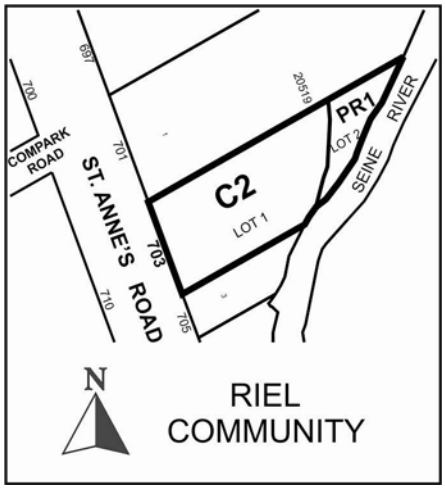
DATE: August 27, 2012

FILE: DASZ 10/2012
RELATED FILES: N/A

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.530

SUBJECT: To subdivide the property into 2 lots and rezone the land from "C2" Commercial Community and "RR5" Rural Residential 5 to "C2" Commercial Community (Lot 1) and "PR1" Parks and Recreation 1 (Lot 2).

LOCATION: 703 St. Anne's RD
LEGAL DESCRIPTION: SP LOT 2 PLAN 20519



APPLICANT: h5 Architecture
610-a Broadway Ave.
Winnipeg MB R2H 0H1

OWNER: Fern's Heating
109 Sterling Ave.
WINNIPEG MB R3C 0W8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into two lots and rezone the property from “C2” Commercial Community and “RR5” Rural Residential 5 to “C2” Commercial Community (Lot 1) and “PR1” Parks and Recreation 1 (Lot 2).
- The proposed C2 zoned lot will be used to develop two commercial buildings. The proposed PR1 zoned lot will be transferred to the City for the continued development of the Seine River Parkway.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the east side of St. Anne’s Road between Compark Road and Southglen Boulevard in the Dakota Crossing neighbourhood of the St. Vital Ward.
- The site is approximately **38,477 square feet in area** and is used for a commercial development (Fern’s Heating and Air Conditioning). There a one storey building on the property.
- There is Riverbottom Forest towards the eastern extent of the site. The City of Winnipeg Naturalist Services classifies the Riverbottom Forest as Grade “C” Habitat.
- The site is located along a Mixed Use Corridor (St. Anne’s Road) under the Complete Communities Direction Strategy and is zoned both “C2” Commercial Community and “RR5” Rural Residential 5.



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

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A three storey, 36-unit condominium zoned RMF-M (under DAZ 216/09).

South: A one-and-a-half storey detached single-family home zoned RR5.

East: The Seine River and vacant park space (east of the Seine) zoned PR1. This area is noted as Grade “A” quality habitat and Riverbottom forest by the City of Winnipeg Naturalist Services Branch.

West: St. Anne’s Road and a commercial development (Southglen Shopping Centre) zoned C4.

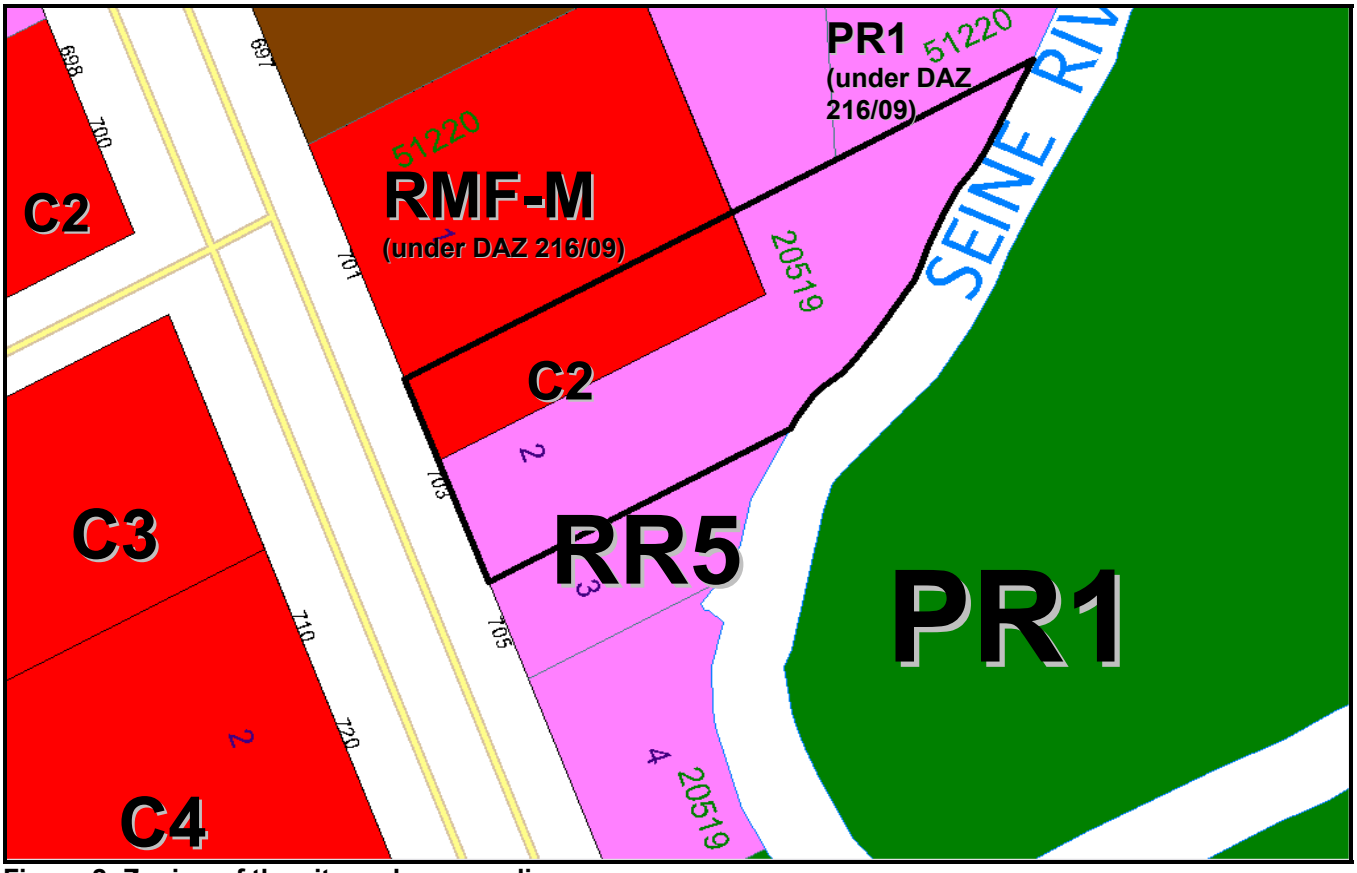


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into two lots and rezone the property from “C2” Commercial Community and “RR5” Rural Residential 5 to “C2” Commercial Community (Lot 1) and “PR1” Parks and Recreation 1 (Lot 2).
- The proposed C2 zoned lot will be used to develop two commercial buildings. The proposed commercial building located closest to St. Anne’s Road will be approximately 6,000 square feet in area and is intended to have multiple tenants. The other proposed building will be connected to the 6,000 square foot building by a covered pedestrian walkway. This second building will be approximately 850 square feet in area and is intended for a restaurant use.
- The proposed PR1-zoned lot will be transferred to the City for the continued development of the Seine River Parkway.

ANALYSIS AND ISSUES

- Under the Complete Communities Direction Strategy the proposed development is located along a Mixed-Use Corridor (St. Anne’s Road). 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.
    - 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

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"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.

"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.

LAND USE BY-LAW

Rezoning

- The site is currently split-zoned both C2 and RR5. The RR5 zoning district is intended for rural, single-family residential development with a minimum lot area of five acres. The applicant is proposing to rezone Lot 1 to C2 and Lot 2 to PR1 for parks purposes.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land for a mix of uses (including commercial developments) along major corridors such as St. Anne's Road.
- The subject property already has established C2 commercial zoning rights. The proposed rezoning application effectively cleans-up the zoning on the land as the City of Winnipeg prefers to not have split-zoned lots.
- Although most of the properties on the east side of St. Anne's Road in the surrounding area have been trending towards multi-family development (for example see DAZ 216/06 – 701 St. Anne's Road, and DASZ 17/11 – 689 & 691 St. Anne's Road), the subject site is partially

- zoned C2 is located across the street from a C4 zoned site. It should also be noted that multi-family development is a conditional use in the C2 zone.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division generally supports the plans provided in the application. However, some details such as building materials/dimensions, fencing materials/dimensions, and landscaping details are not included in the plans submitted and will need to be included in the final plans. Additionally, the Division would like to see more landscaping and screening along the south property line in front of the proposed parking area.
- 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.
- General design guidelines for future plan approvals have been included in Appendix B.

FLOOD PROTECTION & WATERWAY REQUIREMENT

- Any new development in the Floodway or Floodway Fringe area is regulated by The City of Winnipeg Charter Designated Floodway Fringe Area Regulation 266/91.
- Development on the site will require a Waterways Permit from the Director of Planning, Property, & Development.
- The City of Winnipeg Water and Waste Department has determined the Flood Protection Level to be the 230.5 metre contour along the eastern portion of the property.
- As outlined in Schedule “B” of the Report of the Administrative Coordinating Group, the developer is to submit a plan of subdivision showing the location of the 230.5 metre contour and sell all land below this contour to the City. The land purchased by the City is to be zoned “PR1” Parks and Recreation 1 to help form the Seine River Parkway.
- Since the 1980’s, the City of Winnipeg has, as a matter of policy, purchased land (most often through development or servicing agreements included in subdivisions and/or rezonings) below the Flood Protection Level to help form the Seine River Parkway and to provide for a long-term economical drainage outlet for the City’s southeast quadrant (see Minutes of City Council, January 19th, 1983 Report of the Executive Policy Committee: Seine River Park Study File PR-7.21).
- Purchasing land for drainage flow is also consistent with the City of Winnipeg Development Agreement Parameters (Section 22: Rivers and Creeks).

LAND DEDICATION

- Land dedication for this application is identified in the Report of the ACG (see Schedule B, Section 4).

RECOMMENDATION

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

- The Complete Communities Direction Strategy encourages the intensification of land for a mix of uses (including commercial developments) along major corridors such as St. Anne's Road.
- The subject property already has established C2 commercial zoning rights.
- The subject property is located across the street from a C4 zoned site.
- The subdivision and rezoning will allow for the continued development of the Seine River Parkway.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 10/2012

Schedule "A" for File No. DASZ 10/2012, Riel Community Committee, dated August 27, 2012

By-Law No. _____

File No. **DASZ 10/12**

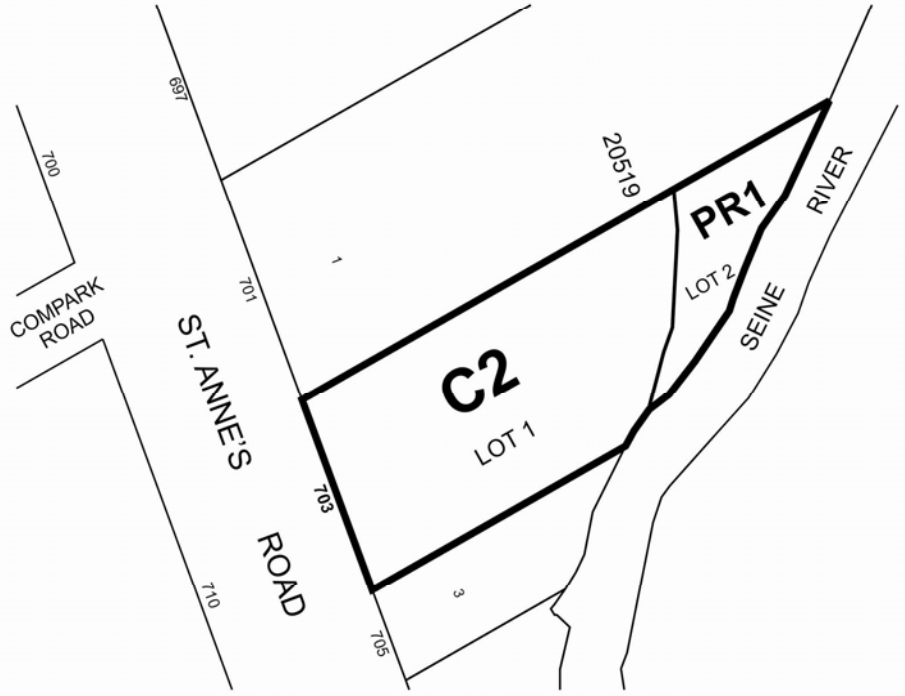
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 703 St. Anne's Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of a commercial building as shown outlined below.

Atlas Sheet No.

N

AH29
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP –SEPTEMBER 3, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 703 ST. ANNE'S ROAD - DASZ 10/2012

It is recommended that the approval of DASZ 10/2012, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision of the Planned Area delineating the 230.5-m contour and have it submitted for registration.

2. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, all land within the Planned Area lying below geodetic elevation 230.5 m, in accordance with the City's Seine River Waterway policy.

3. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00/acre) for all land within the Planned Area above geodetic elevation 230.5 m.

4. The Developer shall dedicate, to the City, 10% of the land within the Planned Area, above and adjacent to the 230.5-m elevation contour as public reserve, the specific configuration of which shall be as determined by the Director of Planning, Property and Development to provide the best alignment for the Seine River Trail, and as necessary to preserve and protect the greatest extent of existing riverbank habitat. Unless otherwise approved, the north and south extents of the PR lands shall connect to the limits of the existing PR lands immediately north and south.

5. The developer shall, at no expense to the City, construct a 3.0 m wide, granular path across the width of the public reserve, as part of the Seine River Trail, including all associated landscape improvements (grading, land drainage, sodding or naturalizing) and required to complete these works, in accordance with plans and specifications to be submitted and approved prior to construction, by the Director of Public Works.

   a) Alternatively, if the City deems it preferable to construct the trail at a later date, the Developer shall, prior to the release of the subdivision mylars for registration in Land Titles, pay to the City the current construction value for works outlined above, inclusive of design and contract administration costs, to be set aside for future construction of the trail, by the City, all to the satisfaction of the Director of Public Works. The developer is responsible to confirm with the City whether trail construction or payment is required.

6. The developer shall, at no expense to the City, assume responsibility for all public reserve sites until they are developed and Total Performance has been issued, or, in accordance with Clause 5a, the Developer makes payment based on confirmation received from the City, in writing, that payment in lieu of construction is required.

7. If the developer undertakes the Public reserve improvements per clause 5, the developer shall maintain the public open space improvements for a period of two years, the conclusion of which shall be by issuance of a Final Acceptance Certificate, all to the satisfaction of the Director of Public Works. The city reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of development.

8. The Developer shall erect and maintain a minimum of 3 signs (minimum size 1.3 sq ft each) along the property lines, identifying the Public Reserve lands as "Future Seine River Trail", to the satisfaction of the Director of Public Works.

9. The developer shall grant easements to the City for all purposes with respect to the trail, to the satisfaction of the Director of Planning Property and Development Department.

10. Securities for Public Reserve improvements shall not be released until as-built drawings have been received and accepted as complete by the Director of Public Works and Final Acceptance has been issued, or, in accordance with Clause 5, the Developer makes payment based on confirmation received from the City, in writing, that payment in lieu of construction is required.

11. The Developer shall prior to the release of subdivision mylars pay its share of the regional land drainage system (2012 Rate = $11,403.00/acre).

12. The Developer shall, prior to release of the subdivision mylars, pay its share of the cost of the following improvements installed by others in St. Anne's Road along the full length of the subject property abutting St. Anne's Road:

    a. A 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
    b. Street lighting in the east boulevard;
    c. Landscaping in the east boulevard;
    d. A 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    e. Land drainage sewer laterals

    All as determined by the Directors of Public Works and Water and Waste. (2012 Rate = $483.00/frontage foot x 128.5 frontage feet).

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

14. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre (minimum $1,650.00) of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 10/2012
September 3, 2012

"Original signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.
Land Development Branch

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

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

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

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 10/2012 – 703 St. Anne's Road

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (St. Anne's Road) and surrounding developments and create a cohesive visual identity for the neighbourhood.

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

1.3 Parking areas should be well-screened with landscaping or an active development along the street-front.

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

1.5 Universally accessible connections should be linked to the existing sidewalk along St. Anne's Road.

2. Building Orientation and Design

2.1 The building façade facing St. Anne's Road should be well-articulated and should avoid featureless building massing.

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

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

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

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

3.2 High-quality landscaping is required along the front of the development (i.e. along St. Anne's Road) and along the side and rear yards.

4. Fencing

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

Exhibit "11" referred to in File DASZ 10/2012

Revised Schedule "A" for File DASZ 10/2012 dated August 27, 2012

By-Law No. _____

File No. **DASZ 10/12**

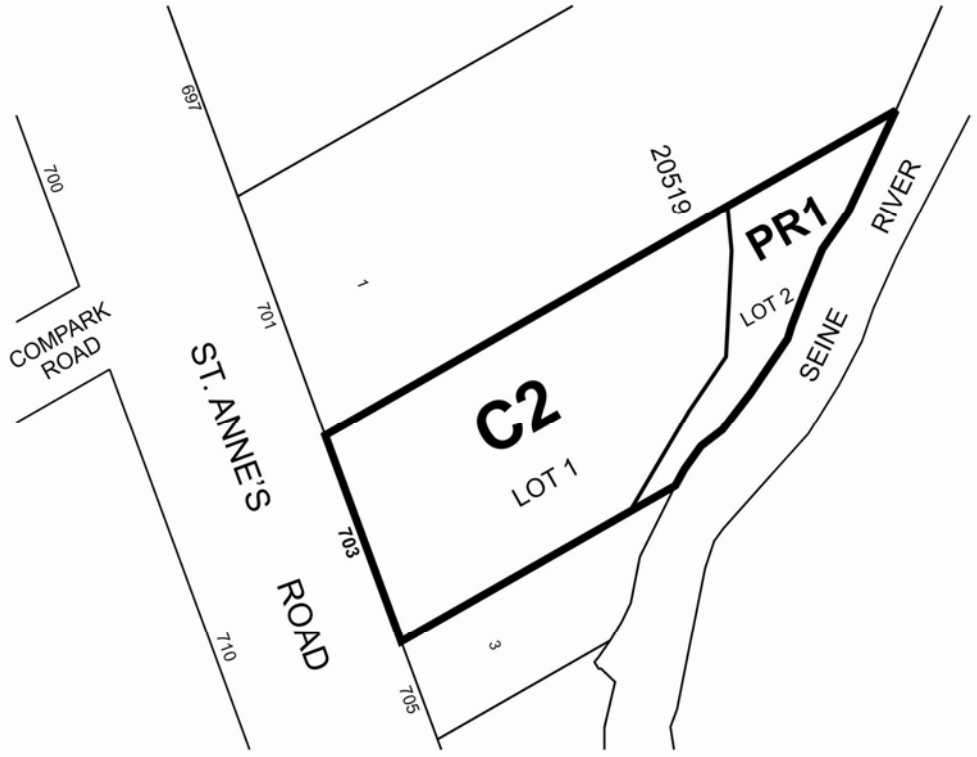
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 703 St. Anne's Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of a commercial building as shown outlined below.

Atlas Sheet No.

N

AH29
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____