Minute No. 415
Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 6 **Subdivision and Rezoning – 3280 Pembina Highway and Lot Adjacent to the South**
(St. Norbert Ward)
File DASZ 3/2013

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 3/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2013 dated March 28, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 3/2013 dated March 28, 2013 to an "RMF-M" (PDO-1 St. Norbert) Residential Multi-Family Medium 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 condition:

        i. That, for the development of any building, and/or accessory parking area and/or signage, 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 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.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

7. 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.

8. 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.

9. 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.

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.

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

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing

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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 May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, 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 April 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 2 as follows:

  After "District", add the words "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 condition:

     i. That, for the development of any building, and/or accessory parking area and/or signage, 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 – May 7, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Recommendation 8. in its entirety, and replace with the following new Recommendation 8:

  "8. 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."

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

RE: Subdivision and Rezoning – 3280 Pembina Highway and Lot Adjacent to the South
File DASZ 3/2013

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

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **April 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 3/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2013 dated March 28, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 3/2013 dated March 28, 2013 to an "RMF-M" (PDO-1 St. Norbert) Residential Multi-Family Medium 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 condition(s):

        i. That, for the development of any building, and/or accessory parking area and/or signage, 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 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.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

7. 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.

~~***8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.***~~

8. ***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.***

9. 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.

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.

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

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

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 March 28, 2013.

2. The land is ready for redevelopment, and it's in keeping with plan development for overlay for the area.

PUBLIC HEARING SUMMARY

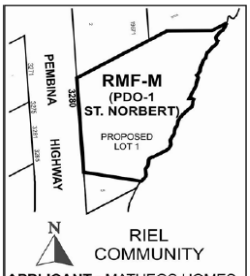
File: DASZ 3/2013

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

Public Hearing: April 8, 2013
Council Building, 510 Main Street

Applicant: Matheos Homes (Mary-Jo Fatouros)

Subject:



APPLICANT : MATHEOS HOMES
FILE : DASZ 3/13
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 (PDO-1 ST. NORBERT NEIGHBOURHOOD MAIN STREET) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (PDO-1 ST. NORBERT NEIGHBOURHOOD MAIN STREET) DISTRICT to allow for the construction of a multiple-family dwelling. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : MATHEOS HOMES
N° DE RÉFÉRENCE : DALZ 3/13
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 RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5 – DÉVELOPPEMENT ORGANISÉ DE LA RUE PRINCIPALE DU QUARTIER DE SAINT-NORBERT PDO-1) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMI-LIALES MOYENNES – DÉVELOPPEMENT ORGANISÉ DE LA RUE PRINCIPALE DU QUARTIER DE SAINT-NORBERT PDO-1) afin de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 3280 Pembina Highway & Lot Adjacent to the South

Exhibits Filed:

1. Application dated February 12, 2013
2. Notification of Public Hearing dated March 7, 2013
3. Manitoba Status of Titles 1432510/1 and 1432514/1
4. Letter of authorization dated December 20, 2012 from Gordon McGregor to Mary-Jo Fabouros
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated March 28, 2013
7. Inspection Report
8. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Mary-Jo Fatouros, Matheos Homes
James Richardson
Joanie and Drew Eagle
Kelly Smith
Melanie Fatouros-Richardson
Matt Fatouros
Richard D. Friesen
Russell Knister

In Opposition

Nil

For Information:

Nil

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. K. Kowalke, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property & Development Department

Exhibit "6" referred to in File DASZ 3/2013

ADMINISTRATIVE REPORT

Title: DASZ 3/13 – 3280 Pembina Highway Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the site into one (1) lot and rezone the land from RR5 to RMF-M in order to develop a multiple family dwelling.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 3/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2013 dated March 28, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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

REASON FOR THE REPORT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone the property from “RR5” Rural Residential 5 to “RMF-M” Residential Multi-Family - Medium in order to construct a 35-unit multi-family development on the site.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be consolidated into one lot and rezoned from “RR5” to “RMF-M.”

HISTORY

St. Norbert Planned Development Overlay (PDO)

- On March 25 2008, the Standing Policy Committee on Property and Development requested that the Winnipeg Public Service initiate a preliminary review, analysis and recommendations with respect to a Secondary Plan for the South St. Norbert area bounded by the south Perimeter Highway, west of the Red River, east of the westerly City boundaries and out to the southern City boundaries. The Winnipeg Public Service responded to this request by undertaking a Background Study for the subject area, which was completed in November 2009.
- One of the conclusions and recommendations from the Background Study was that a Planned Development Overlay (PDO) District be established for St. Norbert's main street area.
- In January 2010, the City contracted with a consulting team to commence a community consultation process and prepare a PDO for the St. Norbert area. The team held a series of facilitated sessions and open houses with residents, business owners, property owners and key stakeholder groups in the community to develop a vision for the area, which could be reflected in the PDO.
- On July 21, 2010, Council adopted the St. Norbert PDO, which brought the PDO into force and effect. The PDO establishes an enabling framework to respect and reinforce the character of St. Norbert as a village centre. To accomplish this, new regulations in the PDO are implemented to shape how buildings and spaces in the St. Norbert PDO area can be developed.
- The subject property is located in Area 3 - Residential Area.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	Devin Clark
Date:	March 28, 2013
File No.	DASZ 3/13

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" Recommended File No. DASZ 3/13 Riel Community Committee, dated March 28, 2013.

APPENDIX 'A'

DATE: March 26, 2013

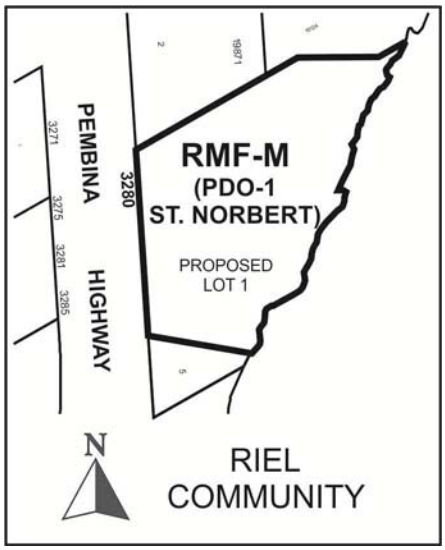
FILE: DASZ 3/13
RELATED FILES: N/A

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.635

SUBJECT: To subdivide the site into one (1) lot and rezone the land from "RR5" Rural Residential 5 to "RMF-M" Residential Multi Family – Medium

LOCATION: 3280 Pembina Highway

LEGAL DESCRIPTION: SP LOT 3&4 PLAN 19871 WLTO IN RL 90, 91& 92 PARISH OF ST. NORBERT



APPLICANT: Matheos Homes – Mary-Jo Fatourds
23 Parisien Place
WINNIPEG MB R3V 1V9

OWNER: Gordon McGregor
3280 Pembina Highway
WINNIPEG MB R3V 1A1

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from “RR 5” Rural Residential 5 to “RMF-M” Residential Multi Family - Medium in order to develop a 6 storey, 35 unit multi family dwelling.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the east side of Pembina Highway, south of the Perimeter Highway interchange in the Cloutier Drive neighbourhood of the St. Norbert ward.
- The proposed subdivision for the property would combine two (2) lots into one (1) for a total of 97,614 square feet (2.24 acres).
- Under the Complete Communities Direction Strategy, the site located along Pembina Highway which is identified as a Regional Mixed Use Corridor.
- The site is also located within Area 3 – Residential Area under the St. Norbert Planned Development Overlay and is zoned “RR5” Rural Residential 5

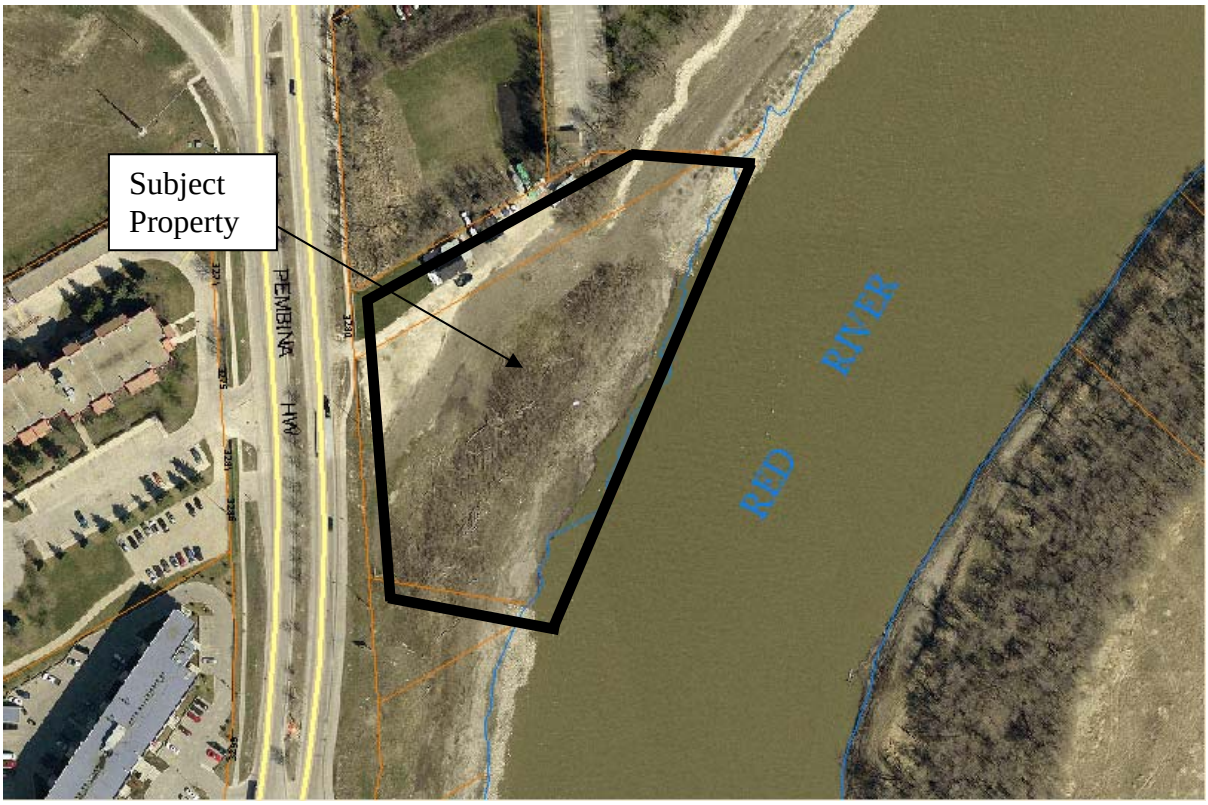


Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant commercial lot and developed multi-family dwelling zoned “C2” Community Commercial

South: Vacant land zoned “RR5” Rural Residential 5.

East: Red River

West: Pembina Highway, then Multi Family dwellings zoned “C2” Community Commercial and “RMF-M” Residential Multi Family – Medium.

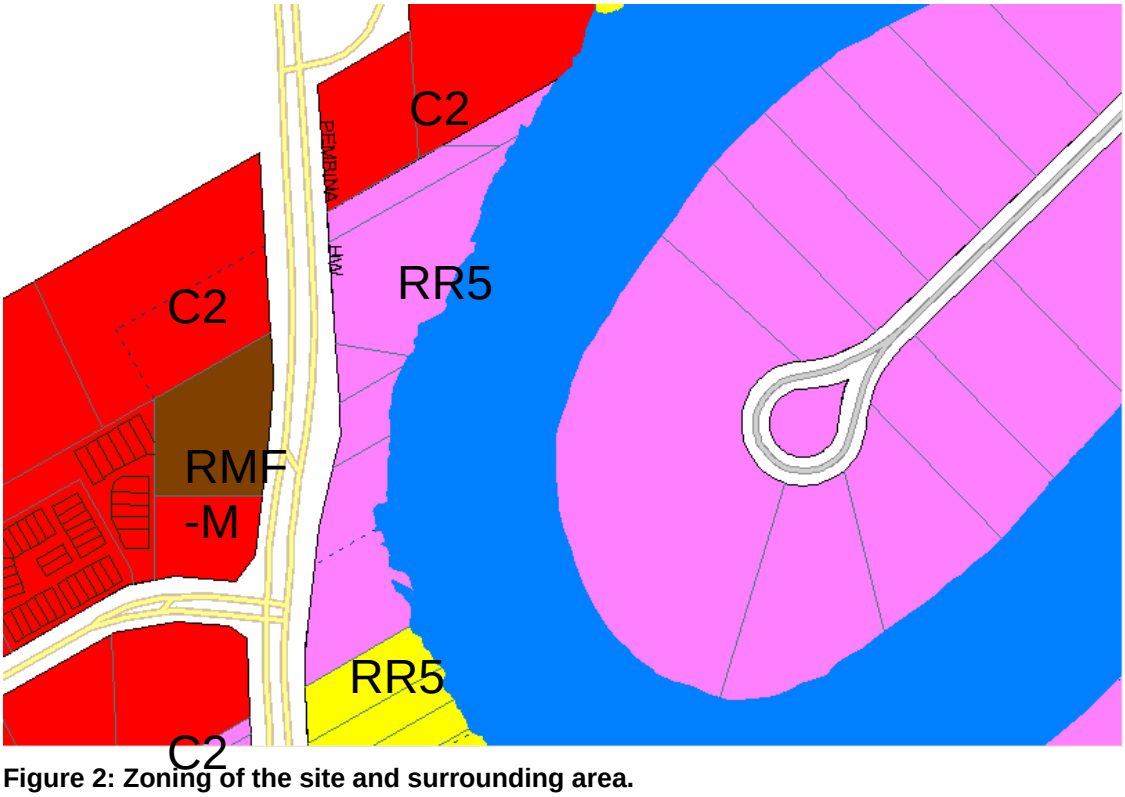


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone the property from “RR5” Rural Residential 5 to “RMF-M” Residential Multi-Family – Medium.
- The applicant wishes to build a six (6) storey, 35 unit multi family dwelling.
- The proposed development will have 36 underground parking stalls and 17 surface parking stalls for a total of 53 parking stalls.
- Building design and details are subject to a design review under the St. Norbert PDO. The applicant has submitted a building design that generally complies with the design standards of the St. Norbert Planned Development Overlay. The proposed building incorporates features required by the PDO, including: mansard roof, quoins, and dormers.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located on a Regional Mixed Use Corridor (Pembina Highway). The key relevant policy guiding the development of Regional Mixed Use Corridors under the *Complete Communities Direction Strategy* includes:
    - 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%.

"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 (note b)[1] and, a maximum

[1] note b – in the RMF-M zoning district, where a 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.

building height of 35 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 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 the land from RR5 to RMF-M in order to construct a multi-family development on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land uses along major corridors such as Pembina Highway. As such, the proposed development complies with the Complete Communities Direction Strategy.
- The St. Norbert PDO includes purpose and intent statements to help provide an idea as to what is envisioned for the area. The subject property falls within the Area 3 – Residential Area of the plan. The key purpose and intent statement of this area is:

    1) *To maintain the residential character of the area and create a greater sense of place by incorporating building and site design elements.*

- In the context of the intent statement above, and bearing in mind the community input that helped go into the St. Norbert PDO (as discussed in the History Section); the proposed rezoning of the land from RR5 to RMF-M is appropriate.
- The proposed development is generally compliant with the St. Norbert PDO and associated Urban Design Guidelines in terms of building design requirements and parking. Certain elements could be enhanced, such as building orientation to Pembina Highway. Further discussions will take place during the design review process.
- The proposed development helps enhance Pembina Highway as a public street that encourages pedestrian activity, and helps intensify development in the St. Norbert area in order to distinguish Pembina Highway south of the Perimeter as St. Norbert's main street.
- The development is located outside of an area restricting height under the PDO or associated Urban Design Guidelines
- It should be noted that design review is required for all development (including landscaping) in the St. Norbert PDO area.

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 proposal is consistent with the policies of the Complete Communities Direction Strategy and is generally consistent with the St. Norbert Planned Development Overlay.
- The proposed development helps enhance Pembina Highway as a public street that encourages pedestrian activity, and helps intensify development in the St. Norbert area in order to distinguish Pembina Highway south of the Perimeter as St. Norbert's main street.
- The rezoning to RMF-M is consistent and compatible with the surrounding properties, which are already zoned for either multi-family or commercial development along the west side of Pembina Highway.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Devin Clark
PPD File # DASZ 3/13

Schedule "A" for File No. DASZ 3/2013, Riel Community Committee, dated March 28, 2013

