**Minutes – Executive Policy Committee – September 18, 2013**

**Minute No. 451**
**Report – Standing Policy Committee on Property and Development – September 10, 2013**

**Item No. 6 Subdivision and Rezoning – 1926 - 1946 St. Mary's Road (St. Norbert Ward) File DASZ 25/2013 [c/r DAV 130371/21013D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 following to Council:

1. That the plan of subdivision under File DASZ 25/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2013 dated June 18, 2013, 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 June 27, 2013 which is Schedule "B" of this report, with the following amendments, namely:

        i. That condition 4. a. be deleted in its entirety, and replaced with the following new condition 4. a.:

            That final property line location shall be at least 13 metres back of the top of bank (toward St. Mary's Road) to best accommodate an accessible riverbank parkway path, or, a reduction to this offset may be considered subject to the developer's geotechnical consultant providing assurance to the Riverbank Management Engineer that any location less than that offset shall provide a factor of safety with respect to riverbank stability of at least 1.3 under normal conditions and 1.1 for extreme conditions for the planned path. Final property line location shall be approved prior to release of mylars, to the satisfaction of the Directors of Planning Property and Development and Public Works; and

**Report – Standing Policy Committee on Property and Development – September 10, 2013**

ii. That condition 4. b. be deleted in its entirety, and replaced with the following new condition 4. b.:

That, as part of their development stabilization plan, the developers proposal shall anticipate, plan for and undertake appropriate grading to accommodate the N-S public riverbank parkway path, required under Clause 2, the details of which shall be to the satisfaction the Directors of Planning Property and Development and Public Works; and

iii. Amend condition 4. c. as follows:

Delete the word “it meets” before “the requirements of”, and after “request so long as”, and replace it with “the scope of work and processes meet”.

iv. That condition 4. d. be deleted in its entirety, and replaced with the following new condition 4. d.:

That, until such time as the proposed Public Reserve is adjacent and contiguous with public reserve lands that can provide site access, the developer shall grant Easements to the City for all purposes with respect to the Public Reserve and parkway path (including, but not limited to, monitoring and maintaining the site).

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 25/2013 dated June 18, 2013 to an “RMF-M” Residential Multi-Family District and a “PR1” Parks and Recreation District, subject to the following:

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

**Report – Standing Policy Committee on Property and Development – September 10, 2013**

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family Medium, 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, paying specific attention to lighting on the East side of St. Mary's Road, landscaping that will mitigate some of the sightline concerns for both the properties on St. Mary's Road and the neighboring single family residential homes, and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the developer shall Release and Indemnify the City such that the City shall not be deemed liable or in any way responsible for impacts to the developers land resulting from naturally occurring riverbank processes, even if originating on City property. The development's geotechnical analysis and design proposal to determine property line and parkway path location and associated site grading shall account for and preclude that possibility, however this serves to reinforce that erosion and bank instabilities are a naturally occurring condition along a river bank.

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.

**Report – Standing Policy Committee on Property and Development – September 10, 2013**

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 – September 10, 2013**

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 10, 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 July 8, 2013, the Riel Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service be concurred in, with the following amendments:

- Recommendation 1. A., add the following after the words "Schedule "B" to this report":

  ", with the following amendments, namely:

  i. That condition 4. a. be deleted in its entirety, and replaced with the following new condition 4. a.:

     That final property line location shall be at least 13 metres back of the top of bank (toward St. Mary's Road) to best accommodate an accessible riverbank parkway path, or, a reduction to this offset may be considered subject to the developer's geotechnical consultant providing assurance to the Riverbank Management Engineer that any location less than that offset shall provide a factor of safety with respect to riverbank stability of at least 1.3 under normal conditions and 1.1 for extreme conditions for the planned path. Final property line location shall be approved prior to release of mylars, to the satisfaction of the Directors of Planning Property and Development and Public Works; and

**Report – Standing Policy Committee on Property and Development – September 10, 2013**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

ii. That condition 4. b. be deleted in its entirety, and replaced with the following new condition 4. b.:

That, as part of their development stabilization plan, the developers proposal shall anticipate, plan for and undertake appropriate grading to accommodate the N-S public riverbank parkway path, required under Clause 2, the details of which shall be to the satisfaction the Directors of Planning Property and Development and Public Works; and

iii. Amend condition 4. c. as follows:

Delete the word "it meets" before "the requirements of", and after "request so long as", and replace it with "the scope of work and processes meet".

iv. That condition 4. d. be deleted in its entirety, and replaced with the following new condition 4. d.:

That, until such time as the proposed Public Reserve is adjacent and contiguous with public reserve lands that can provide site access, the developer shall grant Easements to the City for all purposes with respect to the Public Reserve and parkway path (including, but not limited to, monitoring and maintaining the site).

- Recommendation 2. A. i., delete the word "landscaping" before "and signage to the Director" and after "enclosures, fencing,", and replace with the following:

"paying specific attention to lighting on the East side of St. Mary's Road, landscaping that will mitigate some of the sightline concerns for both the properties on St. Mary's Road and the neighboring single family residential homes,"

**Report – Standing Policy Committee on Property and Development – September 10, 2013**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Add the following new condition 2. A. ii.:

  That the developer shall Release and Indemnify the City such that the City shall not be deemed liable or in any way responsible for impacts to the developers land resulting from naturally occurring riverbank processes, even if originating on City property. The development's geotechnical analysis and design proposal to determine property line and parkway path location and associated site grading shall account for and preclude that possibility, however this serves to reinforce that erosion and bank instabilities are a naturally occurring condition along a river bank.

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

**RE:** **Subdivision and Rezoning – 1926 - 1946 St. Mary's Road**
**File DASZ 25/2013**

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

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

**Report date:** **July 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 25/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2013 dated June 18, 2013, 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 June 27, 2013 which is Schedule "B" of this report, ***with the following amendments, namely:***

        ***i. That condition 4. a. be deleted in its entirety, and replaced with the following new condition 4. a.:***

        ***That final property line location shall be at least 13 metres back of the top of bank (toward St. Mary's Road) to best accommodate an accessible riverbank parkway path, or, a reduction to this offset may be considered subject to the developer's geotechnical consultant providing assurance to the Riverbank Management Engineer that any location less than that offset shall provide a factor of safety with respect to riverbank stability of at least 1.3 under normal conditions and 1.1 for extreme conditions for the planned path. Final property line location shall be approved prior to release of mylars, to the satisfaction of the Directors of Planning Property and Development and Public Works; and***

        ***ii. That condition 4. b. be deleted in its entirety, and replaced with the following new condition 4. b.:***

***That, as part of their development stabilization plan, the developers proposal shall anticipate, plan for and undertake appropriate grading to accommodate the N-S public riverbank parkway path, required under Clause 2, the details of which shall be to the satisfaction the Directors of Planning Property and Development and Public Works; and***

***iii. Amend condition 4. c. as follows:***

***Delete the word "it meets" before "the requirements of", and after "request so long as", and replace it with "the scope of work and processes meet".***

***iv. That condition 4. d. be deleted in its entirety, and replaced with the following new condition 4. d.:***

***That, until such time as the proposed Public Reserve is adjacent and contiguous with public reserve lands that can provide site access, the developer shall grant Easements to the City for all purposes with respect to the Public Reserve and parkway path (including, but not limited to, monitoring and maintaining the site).***

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2013 dated June 18, 2013 to an "RMF-M" Residential Multi-Family District and a "PR1" Parks and Recreation District, subject to the following:

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

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family Medium, 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, ***paying specific attention to lighting on the East side of St. Mary's Road, landscaping that will mitigate some of the sightline concerns for both the properties on St. Mary's Road and the neighboring single family residential homes,*** and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

***ii. That the developer shall Release and Indemnify the City such that the City shall not be deemed liable or in any way responsible for impacts to the***

***developers land resulting from naturally occurring riverbank processes, even if originating on City property. The development's geotechnical analysis and design proposal to determine property line and parkway path location and associated site grading shall account for and preclude that possibility, however this serves to reinforce that erosion and bank instabilities are a naturally occurring condition along a river bank.***

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 reasons for its recommendation:

1. Continuing densification that we're seeing in the City, and it's growing up rather than going out as OurWinnipeg directs us to do

2. This looks like a suitable development on this stretch, and it's nice to see a substantial piece of river frontage property for our community greenway as well.

## PUBLIC HEARING SUMMARY

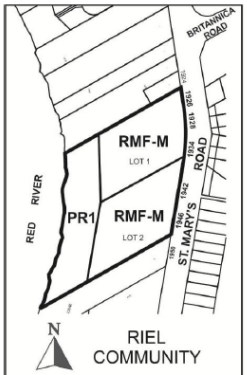
File: DASZ 25/2013

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

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

Applicant: Cobblestone Homes (Jeremy Wiebe / Lisa Dyer)

Subject:




**APPLICANT :** COBBLESTONE HOMES
**FILE :** DASZ 25/13
**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 DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of multiple-family dwellings. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
**DEMANDEUR :** COBBLESTONE HOMES
**N° DE RÉFÉRENCE :** DALZ 25/13
**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 des catégories RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) et R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) aux catégories RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES) et PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) afin de permettre la construction d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 1926 – 1946 St. Mary's Road

Exhibits Filed:

1. Application dated May 2, 2013
2. Notification of Public Hearing dated May 17, 2013
3. Manitoba Status of Titles 1766831/1, 2364081/1, 2455921/1 2458281/1 and 2458282/1
4. Letter of authorization dated April 17, 2013 from Julie Gyselick, Riverside Greenhouses (1991) Inc. to Cobblestone Homes Inc.
5. Letter of authorization dated April 17, 2013, from Charles and Darlene Kilgour to Cobblestone Homes Inc.
6. Site Plans and Photographs ( 8 pages)
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated June 18, 2013
9. Inspection Report
10. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Wayne Johnson
Paul Warkentin, Cobblestone Homes
Jeremy Wiebe, Cobblestone Homes

In Opposition

John Caci
Angele Roberts
Dave Tomlinson
Judy Tomlinson

For Information:

Bonnie Barley
Jim Eldridge
Rick Friesen
Lloyd Gooding
Diane Meilleur

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property & Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
.

Exhibit "8" referred to in File DASZ 25/2013

# ADMINISTRATIVE REPORT

**Title:** DASZ 25/2013 – 1926 St Mary's Road Public Hearing

**Issue:** An application for consideration at the public hearing to subdivide the site from 5 lots into 2 lots and a public reserve and rezone from RR5 and R1-M to RMF-M and PR1.

**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 25/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2013 dated June 18, 2013, 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 June 27, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2013 dated June 18, 2013 to an "RMF-M" Residential Multi-Family District and a "PR1" Parks and Recreation District, subject to the following:

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

        i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family Medium, 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 (2) lots and a public reserve and rezone the property from R1-M and RR5 to RMF-M and PR1.
- 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 and rezoned as proposed.

## 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: | June 18, 2013 |
| File No. | DASZ 25/2013 |

**List of Schedules and Attachments**

1. Appendix A Planning Discussion
2. Schedule “A” DASZ 25/2013 Riel Community Committee, dated June 18, 2013
3. Schedule “B” Report of the Administrative Coordinating Group
4. Appendix B Plan Approval Design Guidelines for DASZ 25/2013

**APPENDIX 'A'**

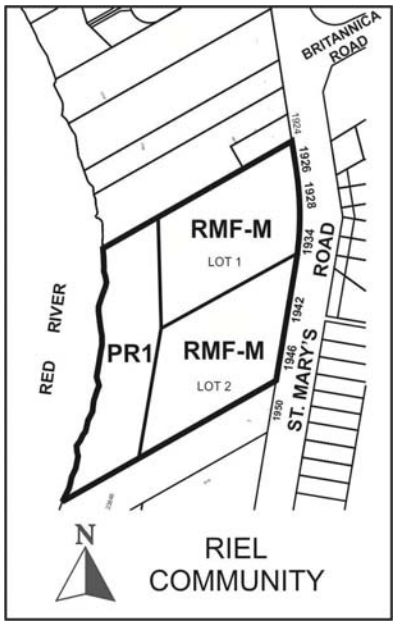
**DATE:** June 18, 2013

**FILE:** DASZ 25/2013
**RELATED FILES:** DAV 13-130371/D (c/r)

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.529

**SUBJECT:** An application to subdivide the site into 2 lots, create a public reserve and rezone from RR5 and R1-M to RMF-M and PR1.

**LOCATION:** 1926, 1928, 1934, 1942, 1946 St Mary's RD
**LEGAL DESCRIPTION:** LOT 6 PLAN 23769 62 ST V; LOT 8 PLAN 23769 62 ST V; LOT 7 PLAN 23769 62 ST V; LOT 9 PLAN 23848 126/128 ST N; LOT 8 PLAN 23848 126/128 ST N




**APPLICANT:** Paul Warkentin (Cobblestone Homes Inc.)
BOX 990
NIVERVILLE MB R0A 1E0

**OWNERS:** JULIE GYSELINCK
1942 ST MARY'S RD
WINNIPEG MB R2N 4G8

Charles & Darlene Kilgour
1946 ST MARY'S RD
WINNIPEG MB R2N 4G8

**RECOMMENDATION:** Approval with conditions

**SITE DESCRIPTION**

- The subject site is located on the west side of St. Mary's Road, south of Britannica Road in the River Park South neighbourhood of the St. Norbert Ward.
- The site is made up of five (5) lots (SP Lot 6-8 Plan 23769, SP Lot 8 & 9 Plan 23848) and is approximately **7 acres (304,920 square feet) in area.**
- Riverside Greenhouses is located on the property as well as some detached single-family homes.
- The site is located along a Regional Mixed Use Corridor (St. Mary's Road) under the Complete Communities Direction Strategy and is zoned R1-M and RR5.




**Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)**

**SURROUNDING LAND USES AND ZONING (See Figure 2)**

**North:** Detached single-family homes zoned R1-M.

**South:** A detached single-family home zoned RR5.

**East:** St. Mary's Road and detached single-family homes zoned R1-M.

**West:** The Red River.

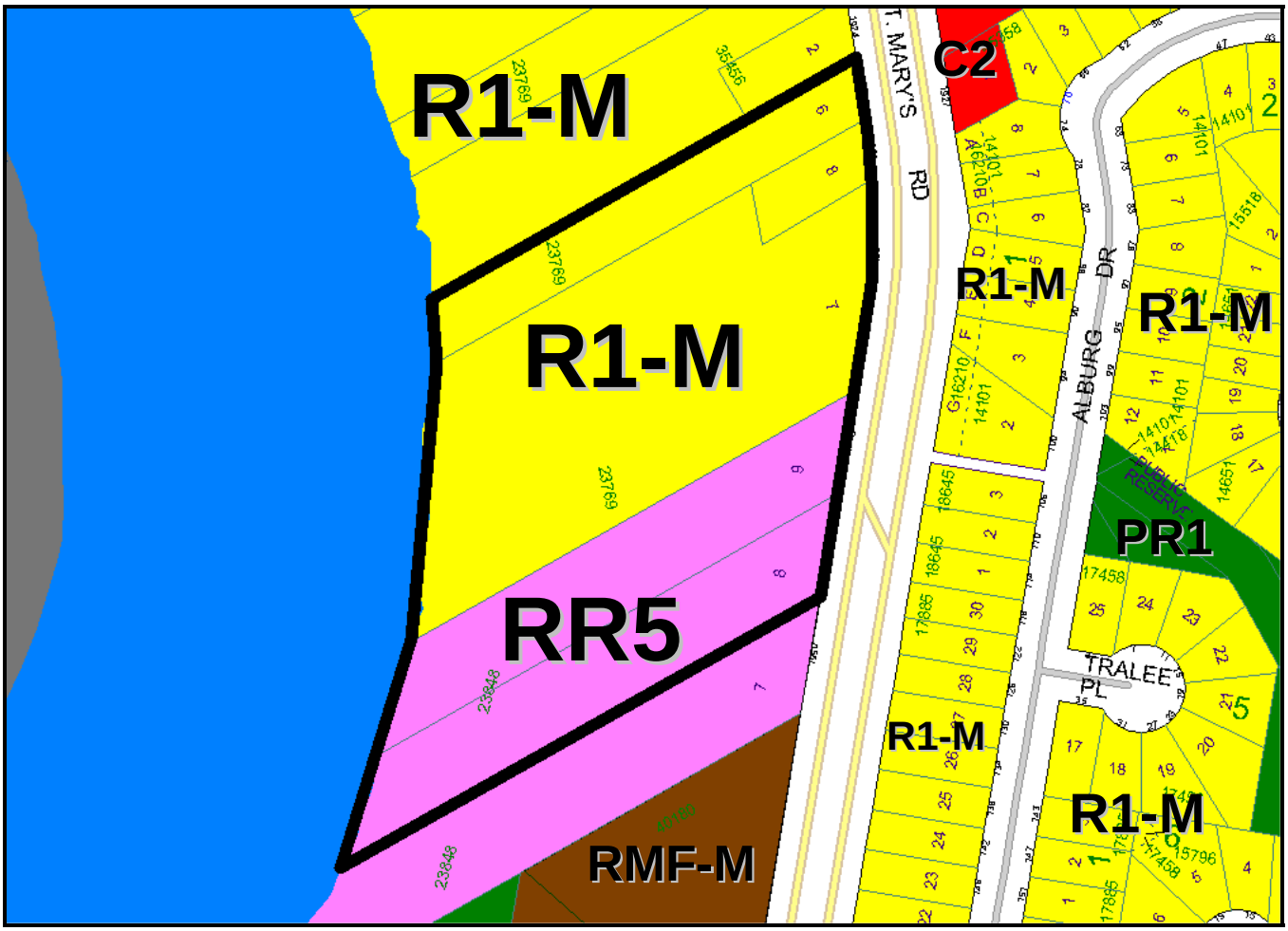



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into two (2) lots and a public reserve and rezone the property from R1-M and RR5 to RMF-M and PR1.
- Proposed Lot 1 will be 2.30 acres in area and Proposed Lot 2 will be 2.25 acres in area. Both of these lots will be rezoned to RMF-M.
- The public reserve will be approximately 2.44 acres in area and will be rezoned to PR1.
- The applicant is proposing to develop two (2), four-storey buildings on Lot 1 with a total of 80 dwelling units (40 units in each building). These multi-family dwellings will be 51 feet tall as measured from grade to the mid-point of the roof.
- Two (2), four-storey multi-family buildings are also proposed on Lot 2. These buildings will also be four-storeys tall, but will contain a total of 64 dwelling units (32 dwelling units).
- Underground parking will be provided within each building. The proposed buildings on Lot 1 will each have 39 underground stalls with the remaining required parking located along side each of the buildings. Thirty-two (32) parking stalls will be located underground for each building on Lot 2 with the remaining required parking along side each of the buildings.

- A variance has been requested for the proposed front yard setback (see DAV 13-130371/D).

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is located along a Regional Mixed-Use Corridor (St. Mary'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.
    - Encourage the tallest buildings and highest densities close to major transit stops and stations.
    - 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%.

*"R1-M" Residential Single-Family Medium District*

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

*"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 RR5 zoning district is intended for rural, single-family residential development with a minimum lot area of five acres. The R1-M district is intended for single-family residential development in low-density neighbourhoods. Multi-family dwellings are not permitted in either the R1-M or RR5 zones. The applicant is proposing to rezone the land from RR5 and R1-M to RMF-M in order to develop multi-family dwellings on Proposed Lots 1 and 2.

*Variance*

- A front yard building alignment is conducted by the Public Service for proposed residential developments that have front yards that are not consistent with the front yards of the majority of the block. In this case the Public Service determined that the required front yard alignment is 65 feet. The applicant is proposing a 25 foot front yard for the multi-family development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subdivision and rezoning conforms to the Complete Communities Direction Strategy in that a mix of housing opportunities and intensification are generally encouraged along Regional Mixed-Use Corridors like St. Mary's Road.
- There are a number of multi-family developments that are located along St. Mary's Road within abut 500 metres of the site. These developments are either completed or under construction and are zoned RMF-S, RMF-M, or RMF-L.
- According to the City of Winnipeg's Transit-Oriented Development Handbook, which was adopted as Council Policy on February 14, 2012, 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. The proposed density, which equates to 31 units/acre, is therefore desirable from a Transit-Oriented Development perspective.
- The applicant is proposing four storey buildings on the site, which is comparable to other multi-family developments in the vicinity. For example, the development at 1960 St. Mary's Road is also four storeys tall.
- The applicant is proposing to include about 2.44 acres of land along the Red River for parks purposes that will be zoned PR1. This land will help facilitate the development of a park and trail connection along the Red River. The Public Service has included conditions in the associated Report of the Administrative Coordinating Group regarding the park land and trail (see Schedule 'B').

RECOMMENDED ZONING AGREEMENT

*Plan Approval*

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the RMF-M lots. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to

review final plans before development takes place for the proposed development and for any future developments on the site. Recommended design guidelines for approval are included in Appendix B.

LAND DEDICATION

- Land dedication requirements for this application are identified in the Report of the ACG (see Schedule B).

**RECOMMENDATION**

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

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy.
- There are a number of multi-family developments that are located along St. Mary's Road within abut 500 metres of the site.
- The proposed density, which equates to 31 units/acre, is desirable from a Transit-Oriented Development perspective.
- The applicant is proposing four storey buildings on the site, which is comparable to other multi-family developments in the vicinity.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 25/2013

**Schedule "A" for File No. DASZ 25/2013, Riel Community Committee, dated June 18, 2013**

By-Law No. _____

File No. **DASZ 25/13**

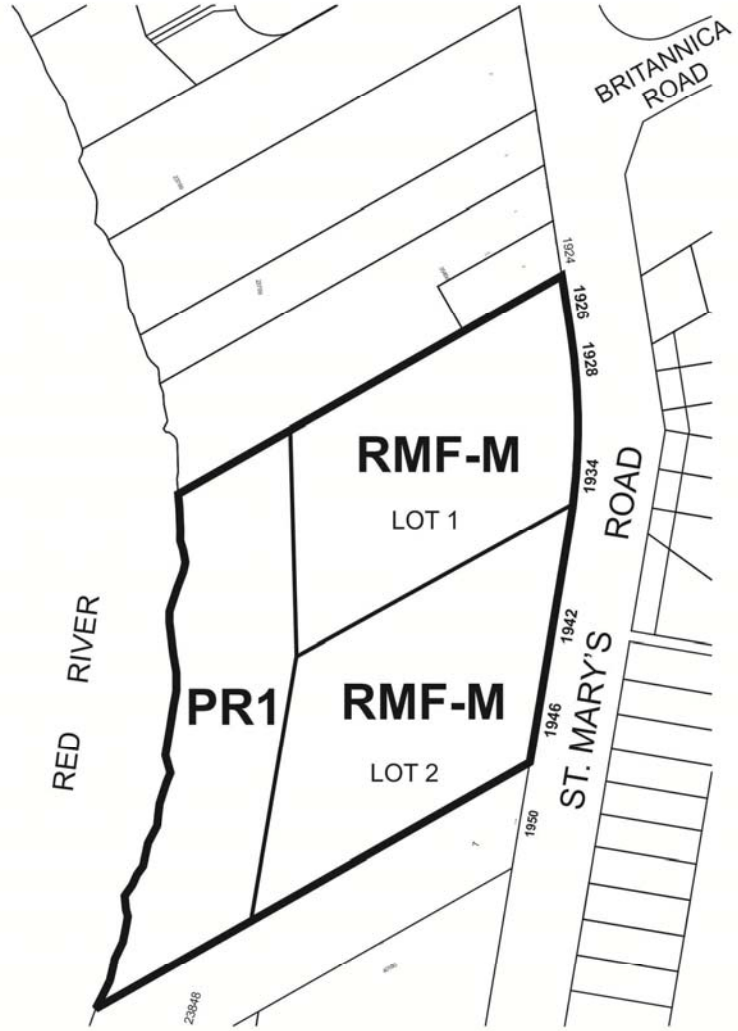
Atlas Sheet No.

N

**AJ26**
**RIEL**
**COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1926 to 1946 St. Mary's Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of multiple-family dwellings as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 27, 2013

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1926 to1946 ST. MARY'S ROAD - DASZ 25/2013**

It is recommended that the approval of DASZ 25/2013, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall pay its share of the cost of the following improvements installed by others in St. Mary's Road along the full length of the subject property abutting St. Mary's Road:

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

    All as determined by the Director of Public Works. (2013 Rate = $463.00/frontage foot x 628 frontage feet).

2. The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, construct a N-S Parkway path and associated landscaping within the public reserve and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves, as approved by the Directors of Public Works and Planning Property and Development.

3. Given the developer's intention to dedicate riverbank land of an amount greater than 8%, it is acknowledge by both parties that no compensation shall be provide to the Developer from the City for the additional lands, justified by the fact that most of the dedicated land is unbuildable, that no irrigation will be required and that the developer will not be providing, and therefore will not have the cost associated with providing, a serviced frontage for the PR land.

4. The City accepts the dedication of the riverbank lands for Public Reserve subject to the following:
    a. That the developer can assure the City of a factor of safety with respect to riverbank stability of at least 1.3 under normal conditions and 1.1 for extreme conditions for the planned path to the satisfaction of Riverbank Management Engineer or, that the property line for the public reserve is located at least 13 metres back of the top of bank (toward St. Mary's Road) to best accommodate an accessible riverbank

parkway; and

b. That, as part of their development stabilization plans, the developers proposal shall anticipate and plan for appropriate grading to accommodate a public riverbank path running N-S through the PR lands; and
c. Should the developer require use of or access through the riverbank lands which they are dedicating as Public Reserve, for the purposes of undertaking bank stabilization and/or erosion control works, the City will accommodate this request so long as it meets the requirements of the Riverbank Engineer and Public Works; and
d. That the developer shall enter into a Release of Indemnity Agreement with the City outlining that the City shall not be deemed liable or in any way responsible for impacts to the residential property resulting from naturally occurring riverbank processes, even if originating on City property. As outlined in 4.a., the development's geotechnical analysis and design proposal should account for and preclude that possibility, however this reinforces that erosion and bank instabilities are a naturally occurring condition along a river bank .

5. The developer shall, at no cost to the city, delineate the property line between the residential lots and the Public Reserve by way of continuous fencing or bollards spaced at 1.8 metres on-centre to the satisfaction of the Director of Public Works. Said fence or bollards shall be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

6. The developer shall assume responsibility for the Public Reserve lands until they are developed and throughout the maintenance period.

7. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works. 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. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

8. Securities for Public Reserve improvements shall not be released in full until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

9. The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

10. The Developer shall pay the full cost of all design services, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of parklands, parkways and associated works required to serve the Planned Area;

11. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of parklands, parkways, and all associated works to serve the Planned Area.

12. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

13. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

14. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of houses, until completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

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

16. 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.

17. 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
June 27, 2013

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

*"Original signed by C.J. Desjardine, M.Sc.P.Eng."*
C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

*"Original signed by D. Beaton, M.LArch."*
D. Beaton, M.LArch.
Parks, Riverbanks, & Community Initiatives Branch

**APPENDIX 'B'** **Design Guidelines**

Plan Approval Design Guidelines for DASZ 25/2013 – 1926 St. Mary's Road

## 1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (St. Mary'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 located below, behind or beside buildings. Surface parking areas behind or beside buildings should be screened with landscaping.

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. Mary's Road.

## 2. Building Orientation and Design

2.1 The building façade facing St. Mary'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 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. Mary's Road) and along the side and rear yards.