Minute No. 269
Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 2 **Subdivision and Rezoning – 1916, 1918 and 1920 St. Mary's Road (St. Norbert Ward)**
File DASZ 38/2013 [c/r DAV 163360/2013D]

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 38/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 38/2013 dated January 5, 2014, 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 December 18, 2013 which is Schedule "C" of this report.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 38/2013 dated January 5, 2014 to an "RMF-L" Residential Multi-Family Large 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 no principal building or portion of a principal building on the land zoned RMF-L shall be constructed within 65 feet (19.812 metres) of the north property line;

Report - Standing Policy Committee on Property and Development – February 18, 2014

COUNCIL DECISION (continued):

ii. That, no portion of any building shall be constructed within or over the easement area included in caveat 238422/1 unless the portion of the building has a minimum clearance, free of any permanent structure(s), of 30 feet (9.144 metres) as measured vertically from grade to the lowest point of the building within the easement area. Further, no piles or other foundation structures shall be located within this easement area. Any development within or over the easement area included in caveat 238422/1 shall require approval from the Director of Water and Waste prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Water and Waste.

iii. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-L" Residential Multi-Family Large, 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.

iv. That the maximum height of any principal building constructed within 128 feet (39.014 metres) of the north property line of the land zoned RMF-L shall not exceed 6 storeys.

v. That the maximum height of any principal building constructed at a distance greater than 128 feet (39.014 metres) from the north property line of the land zoned RMF-L shall not exceed 8 storeys.

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.

Report - Standing Policy Committee on Property and Development – February 18, 2014

COUNCIL DECISION (continued):

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.

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

Report – Standing Policy Committee on Property and Development – February 18, 2014

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 February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2014, 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 January 13, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Delete recommendation 2.A.i. in its entirety, and replace it with the following new recommendation 2.A.i.:

  i. That no principal building or portion of a principal building on the land zoned RMF-L shall be constructed within 65 feet (19.812 metres) of the north property line;

- Delete recommendation 2.A.ii. in its entirety, and replace it with the following new recommendation 2.A.ii.:

Report - Standing Policy Committee on Property and Development – February 18, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. That, no portion of any building shall be constructed within or over the easement area included in caveat 238422/1 unless the portion of the building has a minimum clearance, free of any permanent structure(s), of 30 feet (9.144 metres) as measured vertically from grade to the lowest point of the building within the easement area. Further, no piles or other foundation structures shall be located within this easement area. Any development within or over the easement area included in caveat 238422/1 shall require approval from the Director of Water and Waste prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Water and Waste.

- Add the following new recommendations:

"2.A.iv. That the maximum height of any principal building constructed within 128 feet (39.014 metres) of the north property line of the land zoned RMF-L shall not exceed 6 storeys.

2.A.v. That the maximum height of any principal building constructed at a distance greater than 128 feet (39.014 metres) from the north property line of the land zoned RMF-L shall not exceed 8 storeys.",

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

RE: **Subdivision and Rezoning – 1916, 1918 and 1920 St. Mary's Road File DASZ 38/2013 [c/r DAV 163360/2013D]**

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

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

Report date: **January 16, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2014, 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 38/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 38/2013 dated January 5, 2014, 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 December 18, 2013 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 38/2013 dated January 5, 2014 to an "RMF-L" Residential Multi-Family Large 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, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land zoned RMF-L shall be no greater than one hundred (100) feet;***~~

      i. That no principal building or portion of a principal building on the land zoned RMF-L shall be constructed within 65 feet (19.812 metres) of the north property line;

~~***ii. That, no portion of any building shall be constructed within or over the easement area included in caveat 238422/1 unless the portion of the building has a minimum clearance, free of any structure(s) and/or obstruction(s), of 30 feet (9.144 metres) as measured vertically from grade to the lowest point of the building within the easement area. Further, no piles or other foundation structures shall be located within this easement area. Any development within or over the easement area included in caveat 238422/1 shall require approval from the Director of Water and Waste prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Water and Waste.***~~

ii. That, no portion of any building shall be constructed within or over the easement area included in caveat 238422/1 unless the portion of the building has a minimum clearance, free of any structure(s) ~~and/or obstruction(s),~~ of 30 feet (9.144 metres) as measured vertically from grade to the lowest point of the building within the easement area. Further, no piles or other foundation structures shall be located within this easement area. Any development within or over the easement area included in caveat 238422/1 shall require approval from the Director of Water and Waste prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Water and Waste.

iii. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-L" Residential Multi-Family Large, 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.

iv. That the maximum height of any principal building constructed within 128 feet (39.014 metres) of the north property line of the land zoned RMF-L shall not exceed 6 storeys.

v. That the maximum height of any principal building constructed at a distance greater than 128 feet (39.014 metres) from the north property line of the land zoned RMF-L shall not exceed 8 storeys.

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 for its recommendation:

1. The residents have legitimate concerns, but on balance, given what the City is trying to do to build up, as well as building out, to prevent the urban sprawl from happening, this is a good saw-off that should still protect the residents, but yet allow for increased density.

PUBLIC HEARING SUMMARY

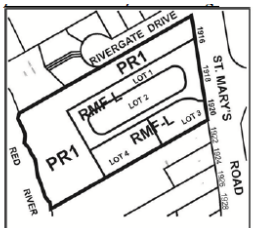
File: DASZ 38/2013

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

Public Hearing: January 13, 2014
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd.
(John Wintrup)

Subject:



APPLICANT : J. WINTRUP CONSULTING LTD.
FILE : DASZ 38/13
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an RMF-L RESIDENTIAL MULTI-FAMILY (Large) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to allow for the future construction of multiple-family dwellings. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : J. WINTRUP CONSULTING LTD.
N° DE RÉFÉRENCE : DALZ 38/13
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 modifier le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-M (Secteur d'habitations unifamiliales moyennes) aux catégories RMF-L (Secteur de grandes habitations multifamiliales) et PR1 (Secteur des parcs et des loisirs 1 [Quartier]) afin de permettre la construction d'habitations multifamiliales à l'avenir. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 1916, 1918 and 1920 St. Mary's Road

Exhibits Filed:

1. Application dated October 16, 2013
2. Notification of Public Hearing dated November 8, 2013
3. Manitoba Status of Titles 2621324/1, 2632209/1 and 2632752/1
4. Letter of authorization dated July 22, 2013 from Yaron Walter to J. Wintrup Consulting Ltd.
5. Surveyor's Building Location Certificate and sketch dated
6. Plans dated July 22, 2013, August 30, 2013 and October 2, 2013, (16 pages)
7. Report from the Urban Planning Division dated January 5, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Richard D. Friesen
Daniel MacGibbon
Gord Steeves
Guan Sun
Yaron Walter
John Wintrup
Yi Zhang

In Opposition

Ray Godin
Lloyel Hull
Ken McArthur
W. Dale Milne

For Information:

John Caci
Kevin Eisler

For the City:

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

Exhibit "7" referred to in File DASZ 38/2013

ADMINISTRATIVE REPORT

Title: DASZ 38/2013 – 1916, 1918, and 1920 St Mary's Road Public Hearing

Issue: An application for consideration at the public hearing to subdivide the site from 3 lots into 4 lots and a public reserve and rezone from R1-M to RMF-L 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 38/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 38/2013 dated January 5, 2014, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

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ii) That, no portion of any building shall be constructed within or over the easement area included in caveat 238422/1 unless the portion of the building has a minimum clearance, free of any structure(s) and/or obstruction(s), of 30 feet (9.144 metres) as measured vertically from grade to the lowest point of the building within the easement area. Further, no piles or other foundation structures shall be located within this easement area. Any development within or over the easement area included in caveat 238422/1 shall require approval from the Director of Water and Waste prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Water and Waste.

iii) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-L" Residential Multi-Family Large, 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.

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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 four (4) lots and a public reserve and rezone the property from R1-M to RMF-L and PR1. The intent of the subdivision and rezoning is to develop a phased condominium development made up of 10-15 storey buildings.
- 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 to RMF-L and PR1 as shown in Schedule 'B'.

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:	January 5, 2014
File No.	DASZ 38/2013

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Advertised Subdivision and Rezoning for DASZ 38/2013
3. Schedule “B” Recommended File No. DASZ 38/2013 Riel Community Committee, dated January 5, 2014
4. Schedule “C” Report of the Administrative Coordinating Group
5. Appendix B Plan Approval Design Guidelines for DASZ 38/2013

APPENDIX 'A'

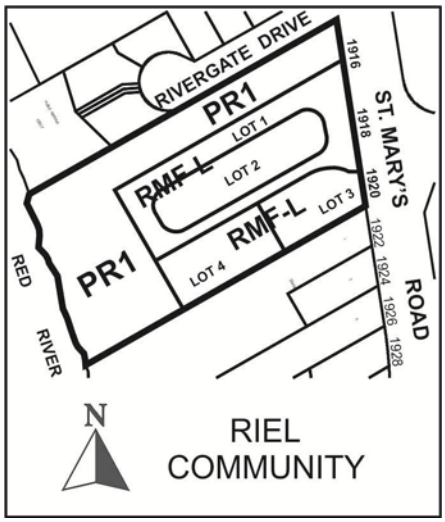
DATE: January 5, 2014

FILE: DASZ 38/2013
RELATED FILES: DAV 13-163360/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.529

SUBJECT: An application to subdivide the site into 4 lots, create a public reserve and rezone from R1-M to RMF-L and PR1.

LOCATION: 1916/1918/1920 St Mary's RD
LEGAL DESCRIPTION: LOT 1 PLAN 23769 62 ST V*, LOT 2 PLAN 23769 62 ST V*, LOT 3 PLAN 23769 62 ST V*



APPLICANT: John Wintrup J. Wintrup Consulting Ltd.
139 ROSLYN RD UNIT 301
WINNIPEG MB R3L 0G7

OWNER: 6509666 MANITOBA LTD.
698 CORYDON AVE UNIT 100
WINNIPEG MB R3M 0X9

RECOMMENDATION: Approval of Schedule "B" with conditions

SITE DESCRIPTION

- The subject site is located on the west side of St. Mary's Road, near the Britannica Road and St. Mary's Road intersection in the River Park South neighbourhood of the St. Norbert Ward.
- The site is made up of three (3) lots and is approximately **4.08 acres (177,881 square feet) in area.** It should be noted that the City of Winnipeg has an easement through a portion near the north end of the site.
- 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.



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-L.

South: A detached single-family home zoned R1-M.

East: St. Mary's Road and commercial properties zoned C2.

West: The Red River.

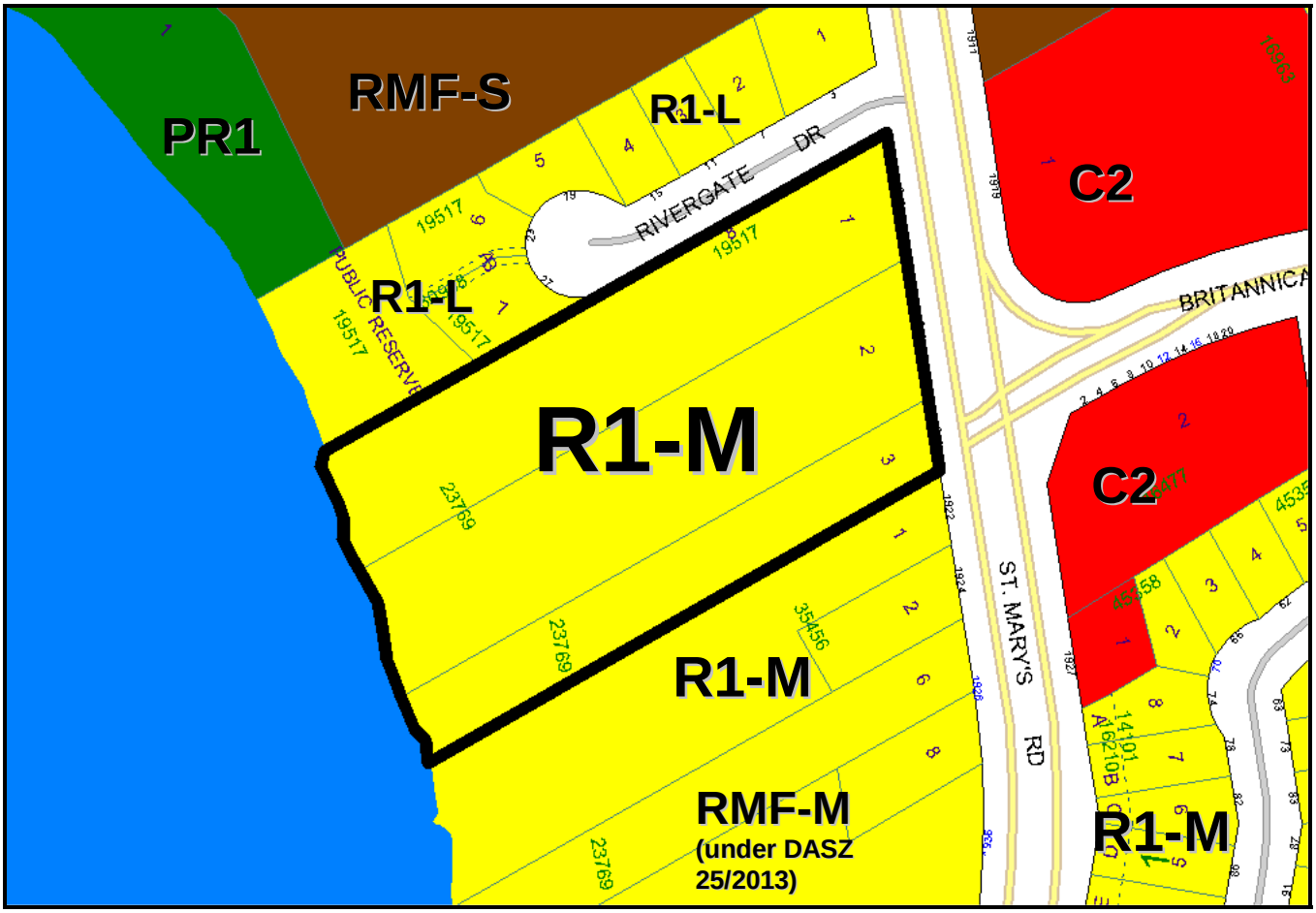


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into four (4) lots and a public reserve and rezone the property from R1-M to RMF-L and PR1. The intent of the subdivision and rezoning is to develop a phased condominium development made up of 10-15 storey buildings.
- Proposed Lot 1 will be 35,883 square feet in area. This lot will predominantly be used for access to all of the lots included within the development. However, a portion of the building complex proposed will be developed over the fire lane in two locations and will include 24 units. The northernmost location is designed over the City of Winnipeg Water and Waste easement area. The maximum height of the proposed building on Lot 1 is 110 feet.
- Proposed Lot 2 will be 25,335 square feet in area. This lot will contain a 10 storey building with 48 units and 88 underground parking stalls.

- Proposed Lot 3 will be 15,296 square feet in area. The portion of the building on Lot 3 will be 12 storeys tall and will contain 36 units with 41 underground parking stalls.
- Proposed Lot 4 is 19,055 square feet in area. The portion of the building on Lot 4 will be 15 storeys tall with 50 units and 56 underground parking stalls.
- The public reserve (PR1-zoned) portion will be 82,308 square feet in area. The PR1 zoned area will be located along the western and northern extents of the site.
- Multiple variances are required for all of the lots excluding the proposed PR1-zoned land (see DAV 13-163360/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

"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-L" Residential Multi-Family Large

- The RMF-L 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-L 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 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

"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 R1-M zoning district is intended for detached, single-family residential development. Multi-family dwellings are not permitted in the R1-M zone. The applicant is proposing to rezone the land from R1-M to RMF-L in order to develop multi-family dwellings on Lots 1-4. Land will also be dedicated as Public reserve along the northern and western portions of the site and rezoned from R1-M to PR1.

Variances

- There are numerous variances required for each lot included in the proposed development. These variances are explained below.

Lot 1

- The applicant is proposing a north side yard of 6.5 feet and a south side yard of 0 feet for a 10 storey building. The minimum required side yard for buildings that are 7 storeys or greater than in the RMF-L zone is 20 feet.
- The applicant is also proposing a 0 foot side yard instead of 8 feet along the north property line and no visitor parking instead of 4 stalls.

Lot 2

- Zero (0) foot north and south side yards and an 8.5 foot east side yard are proposed for the 10-storey building instead of the required 20 foot side yard. The applicant also requires a variance for this lot not having frontage on an improved public street.
- Variances are also needed for a reduced south side yard for a parking area and for no aisle or driveway access to a parking area.

Lot 3

- Lot 3 is 15,296 square feet in area. The minimum required lot area in the RMF-L zone is 20,000 square feet.
- A 9 foot north side yard and a 0 west side yard are proposed for the 12-storey building instead of the required 20 foot side yard. A front side yard of 34.5 feet is proposed instead of the required 72 foot front yard, which is determined by an alignment.
- A variance is also needed for no aisle or driveway access to a parking area instead of a 20 foot wide aisle or driveway.

Lot 4

- Lot 4 is 19,055 square feet in area. The minimum required lot area in the RMF-L zone is 20,000 square feet.
- The minimum lot area per dwelling unit in the RMF-L zone is 400. The applicant is proposing a lot area per dwelling unit of 381 square feet.
- Zero (0) foot north and east side yards are proposed for the 15-storey building instead of the required 20 foot side yard.
- Lot 4 does not have frontage on an improved public street.
- Variances are also needed for a reduced south side yard for a parking area and for no aisle or driveway access to a parking area.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed 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 about 750 metres of the site. These developments are either completed or under construction and are zoned RMF-S, RMF-M, or RMF-L. In fact, a recent application – DASZ 25/2013 - 1926 St Mary's Road – was approved by Council for a rezoning to RMF-M and the construction of 80 dwelling units. This property is located less than 100 metres from the subject site.
- 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 for the site not including the dedicated land equates to 72 units/acre. The density for the site including the dedicated land equates to about 39 units/acre. As such, the proposed density is generally desirable from a Transit-Oriented Development perspective.

- The subject development is proposed to be 15 storeys tall at its maximum height. There are no buildings of a similar height within approximately 750 metres of the site. Most multi-family developments within 750 metres of the site are four storeys tall.
- There is one site zoned RMF-L at the southwest corner of Normand Avenue and St. Mary's intersection. However, a zoning agreement registered on this property under DASZ 16/2006 limits the height of development to 4 storeys.
- The applicant is proposing to dedicate approximately 82,500 square feet of land and rezone this land to PR1. Most of the PR1 land is located along the riverbank. However, an area that is about 75 feet wide is being dedicated along the entire northern portion of the site. The inclusion of the 75 foot wide strip of dedicated land along the northern portion of the site will create a large, natural separation from the single-family residences to the north and will allow for the existing mature trees in this area to remain in place.
- A 22 foot setback for the building is proposed along the south property lines of Lots 3 & 4. There are 2 single-family homes to the south of the site. These 2 homes are located between land recently rezoned to RMF-M and the subject site and may be likely to transition to a similar zoning category in the future.
- The subject site is located within what may be considered a minor node along St. Mary's Road with commercial (C2-zoned) properties across St. Mary's Road on either side of the Britannica/St. Mary's Road intersection.
- It should be noted that the maximum density on the site would allow for 238 dwelling units. The applicant is proposing a total of 158 units.

PROPOSED SUBDIVISION & DESIGN

- Although the Public Service does not have any concerns regarding the creation of the PR1 land and an RMF-L-zoned lot, there are concerns with the proposed subdivision configuration of the 4 lots and the design of the building in relation to the lots.
- The proposed building appears to be one, continuous "U-shaped" building that will cross multiple property lines in the subdivision. The 4 proposed lots intersect the conceptual building in multiple locations, which can have implications with respect to party walls under the Building Code. One way to address the party wall issue is for legal agreements to be developed and registered as caveats on the properties involved in the development. However, the Public Service has found it to be increasingly more difficult to register caveats at Land Titles with respect to these types of caveats.
- There are also issues with the conceptual design from a safety perspective for the Fire and Paramedic Service. The proposed design involves two points on Lot 1 where the building will be developed with dwelling units over the fire lane. The Fire and Paramedic Service does not accept drawings where fire lanes travel under buildings. Secondly, it appears as though the buildings are about 40 feet apart where one portion of the fire

lane travels between the buildings. Staging emergency personnel and vehicles between these two buildings in the event of a fire puts the personnel at risk. Access routes and principle entrance(s) to the exterior of the perimeter of the building would be required.

- It should be noted that on December 19, 2013, the applicant proposed a new subdivision creating 3 lots that would all have frontage onto St. Mary's Road.
- Given the concerns listed above and the fact that the applicant is receptive to some changes in the subdivision design, the Public Service is recommending approval of the creation of the PR1 zoned land and one RMF-L zoned lot as shown in Schedule 'B'. The applicant could then choose to subdivide the land at a later date through a DASSF application.

RECOMMENDED ZONING AGREEMENT

Maximum Height

- As discussed above, the applicant's proposal for a 15 storey multi-family building would make this development the tallest within the area. The dedicated PR1 land to the north creates a large separation distance from the single-family homes along Rivergate Drive. However, the same separation distance is not found to the south, where a 22 foot setback is proposed alongside the adjacent R1-M zoned properties. Considering the surrounding context and understanding that the R1-M zoned properties to the south may be likely to transition to a multi-family category in the future, the Public Service is recommending that the maximum height permitted on the land should not exceed 100 feet (roughly 10 storeys). RMF-M zoned properties with maximum permitted heights of 60 feet are found in many locations along St. Mary's Road in the area. A maximum height of 100 feet effectively permits a height that is consistent with the next tallest allowable height beyond the RMF-M zone under the by-law, which is found within the RMU district.

Clearance Over Easement

- The proposed design showed a portion of the building being constructed over the Water and Waste easement. This may be allowable as long as at least 30 feet of clearance is provided so that equipment can access the interceptor that lies within the easement. A condition of the zoning agreement has been included with respect to the minimum clearance required over the easement. Any construction over the easement would also require approval from the Director of Water and Waste.

Plan Approval

- The Public Service 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-L lot. 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 C).

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 750 metres of the site.
- The proposed density is desirable from a Transit-Oriented Development perspective.
- The lay-out of the subdivision including the PR1 land to the north, and the recommended restriction on the height of development will help make future development on the site compatible with the site's immediate surroundings.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 38/2013

Schedule "A" Advertised Subdivision and Rezoning for DASZ 38/2013

By-Law No. _____

File No. **DASZ 38/13**

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 1916, 1918 & 1920 St. Mary's Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an RMF-L RESIDENTIAL MULTI-FAMILY (Large) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to allow for the future construction of multiple-family dwellings as shown outlined below.

Atlas Sheet No.

N

AJ26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 38/2013, Riel Community Committee, dated January 5, 2014

By-Law No. _____

File No. **DASZ 38/13**

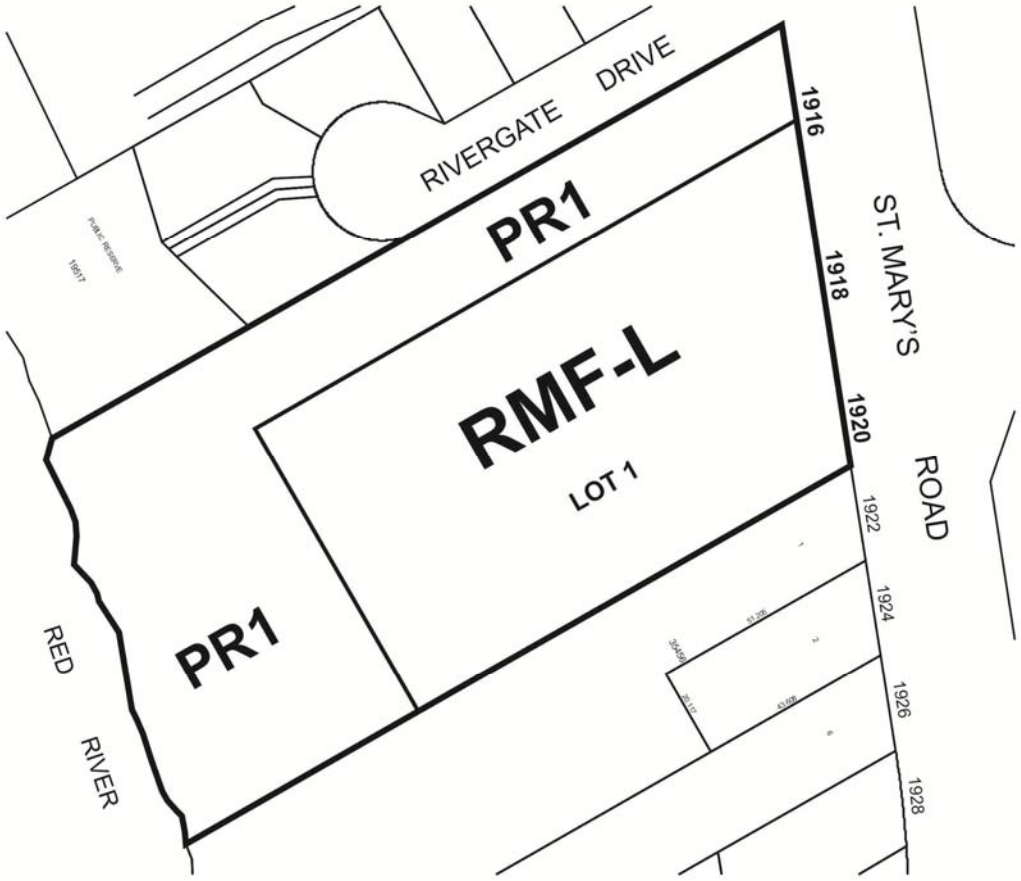
Atlas Sheet No.

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 1916, 1918 & 1920 St. Mary's Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an RMF-L RESIDENTIAL MULTI-FAMILY (Large) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to allow for the future construction of multiple-family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – December 18, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND FROM AN "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT TO AN "RMF-L RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT AND A "PR-1" PARKS AND RECREATION DISTRICT – 1916, 1918 & 1920 ST. MARY'S ROAD - DASZ 38/2013

It is recommended that the approval of DASZ 38/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1. Land Drainage Truck Charges

   The Developer shall be pay for their share of the Regional Land Drainage System (2013 Rate = $12,955.00/acre).

2. Roadway Modifications on St. Mary's Road

   The Developer shall, at no expense to the City, construct in Portland cement concrete pavement, a 25m northbound left turn storage lane, plus upstream transition, and all related works at and in the vicinity of the intersection of St. Mary's Road and the proposed Private Approach to serve the application, all as determined by and to the satisfaction of the Director of Public Works.

3. Traffic Control Signal Modifications on St. Mary's Road

   The Developer shall pay, upon demand by the City, the full cost of the upgrading of the existing traffic control signal at the intersection of Britannica Road and St. Mary's Road to include the west (4th) leg of the intersection being created by the proposed Private Approach to serve the Planned Area including, but not necessarily limited to pedestrian and vehicle actuation, interconnection to adjacent traffic control signals and audible pedestrian signals, all as and when determined by and to the satisfaction of the Director of Public Works.

4. Private Approach

   The Developer shall design the proposed Private Approach serving the Planned area, opposite Britannica Road to be compatible with the existing cross-section of Britannica road. The final geometric details to be worked out under the private access approval process.

5. Public Reserve Land

a) 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, improve 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.

b) 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.

c) Improvements for the site shall include grade, level, sod (or a naturalized surfaces treatments, as per direction from the City Naturalist) land drainage and the provision of park paths as approved by the Director of Public Works.

d) Given the Developer's intention to provide an E-W access corridor as well as riverbank lands, such that the amount of dedication is greater than 8%, no compensation shall be provided to the Developer from the City for the additional lands, justified by the fact that most of the dedicated land is unbuildable, or encumbered by an easement that limits building, that no irrigation will be required.

e) The City accepts the dedication of the riverbank lands for Public Reserve subject to the following:

i. That final property line location shall be based on achieving: a minimum 5 wide 'terrace' area above the 229.75 elevation reference) to accommodate a riverbank path; 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; ensuring appropriate gradients can be achieved for path connections to existing and anticipated paths, likely situated at top of bank north and south of the subject site, to meet Universal Design Standards. 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, as part of their development lot grading and landscaping plan, the Developer's proposal shall anticipate, plan for and undertake appropriate grading to accommodate the N-S public riverbank parkway path,the details of which shall be to the satisfaction the Directors of Planning Property and Development and Public Works; and

iii. Should the Developer require use of or access through the lands being dedicated as Public Reserve, for the purposes of undertaking bank stabilization and/or erosion control works, the City will accommodate this request so long as the scope of work and processes meet the requirements of the Riverbank Management Engineer and Public Works.

f) 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, or other approved means, 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.

g) The Developer shall, at no expense to the City, maintain public reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following City issuance of a Certificate of Total Performance for those public reserve improvements undertaken in each phase of the development in the Planned Area. 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 public reserve improvements.

h) The Developer is, at no expense to the City, responsible for all public reserve lands in each phase of the development in the Planned Area until the City has issued a Final Acceptance Certificate for those public reserve lands.

i) 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.

6. Active Transportation Signage

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.

7. Utilities

a) 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 required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the planned area, to the satisfaction of the Director of Public Works.

8. Litter and Refuse Control and Cleanup

The Developer shall be responsible to control and to initiate the cleanup 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 buildings, until substantial completion of all construction. The cleanup 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

9. Construction Traffic

The Developer shall ensure that construction traffic uses access 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 and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

10. Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

11. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

12. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

13. Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 38/2013
December 18, 2013

(Original Signed by)

G.V. Jasper P. Eng.
Land Development Branch

(Original Signed by)

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

(Original Signed by)

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

(Original Signed by)

D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 38/2013 – 1916, 1918, & 1920 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.

1.6 Fire lanes should be located on the outside of the building(s) and should not travel under any portion of the building(s).

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.

3.3 A dense landscaped buffer comprised of a mix of coniferous and deciduous trees shall be established along the south property line.