Minute No. 539
Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 3 Subdivision and Rezoning - 1151 St. Anne's Road
File DASZ 8/2003 [c/r DAV 264/2003D]

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 proposed under File DASZ 8/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2003 dated June 5, 2003, 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 5, 2003, with the following amendment:

        i. That the following Clause "I" be added:

            "I. That the proposed pathway system within the proposed public reserve area adjourning the Seine River be constructed prior to the issuance of any occupancy permits."

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

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2003 dated June 5, 2003, to an " RM-2" Multiple Family District

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

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

Report - Standing Policy Committee on Property and Development - July 3, 2003

COUNCIL DECISION (continued):

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

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

8. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 2003, 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 July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2003, the Riel Community Committee concurred in the administrative recommendation as amended, namely:

- Amend the report of the Administrative Coordinating Group dated June 5, 2003, by adding the following Clause "I":

  "I. That the proposed pathway system within the proposed public reserve area adjourning the Seine River be constructed prior to the issuance of any occupancy permits"

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

Re: **Proposed Plan of Subdivision and Zoning Change Report - 1151 St. Anne's Road**
File DASZ 8/2003 [DAV 264/2003D]

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

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

Report date: **June 25, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 8/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2003, dated June 5, 2003, 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 5, 2003, ***with the following amendment:***

        i. That the following Clause "I" be added:

            I. That the proposed pathway system within the proposed public reserve area adjourning the Seine River be constructed prior to the issuance of any occupancy permits.

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

3. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2003, dated June 5, 2003, to an " RM-2" Multiple Family District

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

5. That the City Solicitor/Manager of Legal Services 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 Development Agreement.

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

8. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Riel Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use dated June 5, 2003.

REPORT SUMMARY

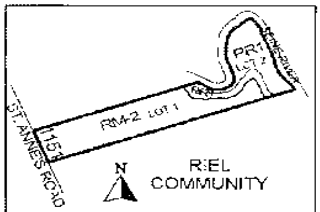
File: DASZ 8/2003 [DAV 264/2003D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: June 17, 2003
Community Committee Chamber, 219 Provencher Boulevard

Applicant: J. Rollier Associates
2nd Floor, 169 Marion Street
Winnipeg, Manitoba R2H 0T3

Subject:



APPLICANT: J. ROLLIER ASSOCIATES
FILE: DASZ 8/03
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. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: J. ROLLIER ASSOCIATES
RÉFÉRENCE: DALZ 8/03
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols définés ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passerait de la catégorie « A.5 » SECTEUR AGRICOLE aux catégories « PR1 » SECTEUR DES PARCS ET DES LOISIRS et « RM2 » SECTEUR D'HABITATIONS MULTIFAMILIALES, en vue de permettre le lotissement pour la construction d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1151 St. Anne's Road

Exhibits Filed:

1. Application dated April 23, 2003
2. Notification of Public Hearing to Applicant dated May 8, 2003
3. Manitoba Status of Title 1331532
4. Manitoba Certificate of Title B 17413
5. Letter of Authorization from John Smith to PHB Builders Ltd. dated January 25, 2003
6. Letter of Authorization from Peter Philopulus to PHB Builders Ltd. dated February 1, 2003
7. Extract of Atlas Sheet AJ29
8. Site Plans (comprising 5 pages)
9. Report from the Manager of Planning and Land Use dated June 5, 2003
10. Report from the Administrative Coordinating Group dated June 2, 2003
11. Photograph(s) of the site and Inspection Notice
12. Presentation made by David Watson at the Public Hearing on June 19, 2003

REPRESENTATIONS:

In Support:

Eugene Heinrichs
Colin Milroy
Tod Niblock
Mark Pokrant
J. Rollier

In Opposition:

Jules Legal
David Watson

For Information:

J. P. Brunet

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

The applicant, Jacques Rollier, accompanied by Eugene Heinrichs appeared in support of the application. Mr. Rollier gave a brief overview of the proposal placing emphasis on the developer's willingness to integrate their development with the proposed Seine River Pathway.

David Watson, President, Save our Seine Environment Inc. (S.O.S.), appeared in opposition to the application and read a prepared presentation (Exhibit 12) into the record. Mr. Watson indicted that he would like to see the City of Winnipeg implement a policy to protect pristine forested areas within City of Winnipeg boundaries and that development in said areas should be limited to three (3) storeys in height.

Councillor Steeves asked if, in this case, an easement was required for the proposed Seine River pathway to which the Senior Planner, Planning, Property and Development, responded in the negative as said pathway would be built on City-owned land.

Jules Legal, S.O.S., appeared in opposition to the application. Mr. Legal reiterated many of the concerns raised in Mr. Watson's presentation and asked the Riel Community Committee to take steps to ensure the contiguous development of the Seine River Pathway.

J. P. Brunet, S.O.S., appeared for informational purposes. Mr. Brunet stated that he and Harold Thwaites had previously requested that the Riel Community Committee provide general guidelines for development along the Seine River. Mr. Brunet requested that the Riel Community Committee put forward guidelines limiting the proximity to the river, density and height of developments along the Seine River.

Jacques Rollier and Eugene Heinrichs returned in rebuttal. Mr. Rollier indicated that he had previously met with the City of Winnipeg administration to discuss how the proposal could satisfy the needs of both the developer and S.O.S. Mr. Rollier stated that the proposed development was in fact a three (3) storey building with underground parking two (2) feet below grade. Mr. Rollier explained that the building would be configured this way as it is difficult to market properties on the main floor due to security concerns of prospective tenants. In response to a question from Councillor Steeves, Mr. Rollier stated that, in general, people feel much safer if they are not at ground level.

The Senior Planner advised that he was surprised that the developer could afford to provide underground parking with a relatively low-density development. He stated that his departments preference was a development such as this with reasonable density and underground parking.

In response to a question from Councillor Steeves, Mr. Rollier replied that Vic Wyatt Place was approximately sixty (60) feet high and that most other existing developments along the river are four (4) to five (5) storeys high with surface parking. The Senior Planner stated that, in terms of density and height, this is much less than the City of Winnipeg has previously allowed.

Councillor Vandal asked if the developer was prepared to construct the trail immediately to which Mr. Rollier replied in the affirmative.

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DASZ 8/03 June 5, 2003
Our c/f CP 500 (.)

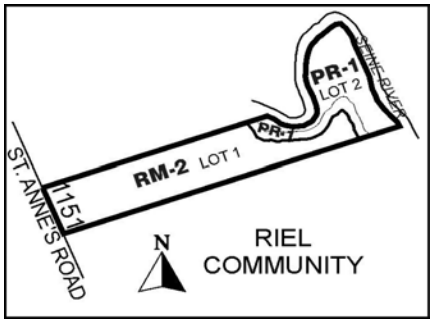
Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pittet

SUBDIVISION AND REZONING
Land located: 1151 St. Anne's Road
Riel Community
File No. DASZ 8 /03

An application has been received from J. Rollier & Associates for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an " A-5" Agricultural District to an " RM-2" Multiple Family District to permit development of a ninety nine (99) unit multiple Family Housing Complex.

RELATED FILES: DAV264/03



SITE DESCRIPTION:

Site Area:

The overall area extending from St. Anne's to the Red River totals 5.994 acres. Total Public Reserve lands including those obtained by dedication amounts to 2.09 acres. Net buildable area remaining totals 3.89 acres.

Existing Land Use and Zoning:

The land is currently vacant and zoned A-5 Agricultural.

Surrounding Land Use and Zoning:

North: To the immediate north, land is vacant and zoned A-5 Agricultural.
South: To the immediate south, the land is zoned A-5 Agricultural and vacant but adjacent properties further to the south have been rezoned RM-2 for Multiple Family Development.
East: To the east are generally vacant undeveloped lands zoned A-5 Agricultural.
West: To the west are recently approved RM-2 Multiple Family and R1-4 Single Family parcels being rapidly developed by Qualico Developments.

DEVELOPMENT DESCRIPTION:

The plans call for the development to take place in four (4) stages, stage 1 to take place on those lands immediately adjoining St. Anne's Road. Stages 1 &2 will constitute one large four storey 48 unit condo complex when complete. Stages 3 & 4 will similarly be combined into a single four storey complex but will have a total of 51 dwelling units. There is provision for 51 at grade parking stalls and a total of 96 underground parking stalls on site.. A significant percentage of the land adjacent to the Seine River is being set aside as Public Reserve and much of that area is Quality A habitat area. An accompanying variance allowing for an increase in building height from 35' to 48' has also been submitted.

PLAN WINNIPEG:

Under Plan Winnipeg, the subject area is identified as a neighbourhood policy area which allows for multiple family residential development. The application therefore fully complies with Plan Winnipeg policy guidelines.

ADMINISTRATIVE COMMENTS:

The applicants, on behalf of the owners, Peter Philopulos and John Smith, have submitted detailed building and site plans for a 99 unit condo development immediately north and east of the intersection of Aldgate and St. Anne's Road. The site itself is a beautiful heavily treed river lot and the architect, Jacques Rollier has made every effort in his design and layout to protect and maintain where possible the status quo. In our view, the proposal fits the site well and is similar in most respects to previously approved multiple family projects lying immediately

adjacent to the north and south along St. Anne's Road. There is good access to the site and more than adequate parking, much of which is underground. As outlined earlier, close to a third of the land is being set aside as public reserve; an extremely important link in the Seine River Parkway system. It is the position of this Department that the proposed development is an appropriate use of the subject land and will not have any adverse effect on existing residential developments on adjoining lands.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 8/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 8/03, attached hereto and dated June 5/03, 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 5/03.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A" for File No. DASZ 8/03, attached hereto and dated June 5/03, to an " RM-2" Multiple Family District .

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

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

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

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

Kevin Lalor
Per: Acting Coordinator, Urban Planning Br.

986-5069

/jc

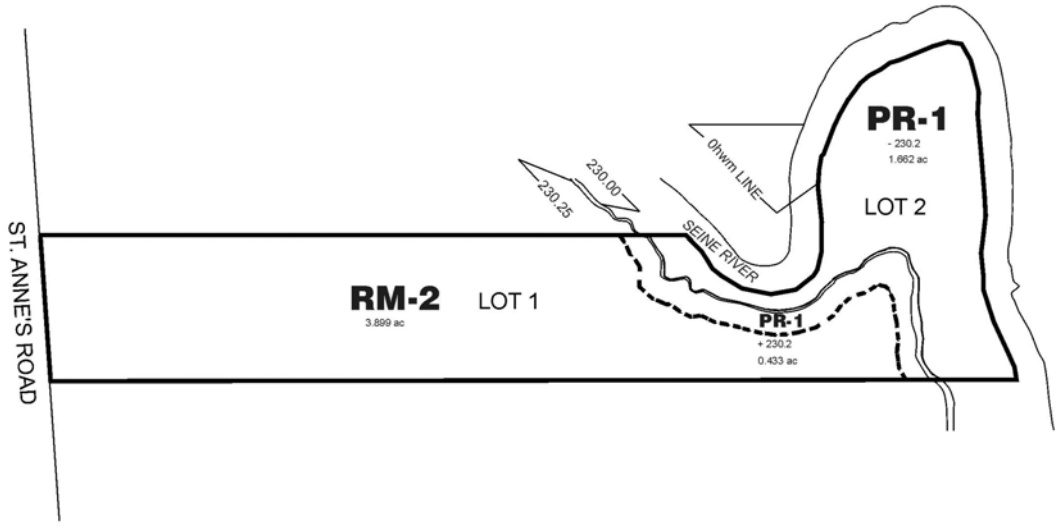
By-Law No. _____

File No. **DASZ 8/03**

Atlas Sheet No. **AJ29 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 6400/94by rezoning the land at 1151 St. Anne's Road from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule 'A" for File No. DASZ 8/03, Riel Community Committee, dated June 5/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed subdivision and rezoning of land located at 1151 St. Anne's Road – DASZ 8/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

June 2, 2003

Re: Proposed subdivision and rezoning of land located at 1151 St. Anne's Road – DASZ 8/03

An application has been submitted by J. Rollier Associates to subdivide and rezone land located at 1151 St. Anne's Road.

It is recommended that approval of this application be subject to the following conditions:

1. The Developer shall submit a plan of subdivision showing the location of the 230.3m contour and the area of the subject property below this contour. The plan of subdivision shall also delineate approximately 0.43 acres above the 230.3m contour for the Seine River Pathway.
2. The Developer shall enter into a Servicing Agreement as follows:
   a) The Developer shall sell to the City for the Seine River Waterway at a price not to exceed $15,000.00/acre the land lying below the 230.3m contour.
   b) The Developer shall dedicate approximately 0.43 acres of land above the 230.3m contour as public open space.
   c) The Developer shall pay the Seine River Waterway acquisition charge ($145.00/acre) applicable to the proposed development.
   d) The Developer shall pay its share of the regional land drainage system applicable to the proposed development as determined by the Director of Water and Waste. The 2003 rate therefor is $9,619.00/acre).
   e) The Developer shall pay the lateral land drainage sewer local improvement charge for the St. Anne's Road frontage. The 2003 rate therefor is $18.00/foot.
   f) The Developer shall pay on demand its share of the cost of the following services to be installed by the City in the future in St. Anne's Road along the full frontage of the proposed development:
      i) a 4.0m in width by 200mm in thickness portland cement concrete pavement and related works;
      ii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard;
      iii) street lighting in the east boulevard;
      iv) landscaping in the east boulevard.

      Based on 2003 rates therefor that share is estimated at $252.50/front foot.
   g) The Developer shall pay $1,650.00 plus 7% G.S.T. to defray the City administration and related costs associated with the preparation and implementation of the servicing agreement.
   h) The Developer shall erect and maintain an information sign at the front of the property which highlights the proposed Seine River Corridor Trail, said sign to be maintained until such time as the trail is constructed. The Developer's own site plans shall show the proposed Seine River Trail and signs shall be installed in the location of the proposed trail stating "Proposed Trail".

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 8/03
June 2, 2003

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division