**Agenda – Council – January 28, 2015**

**Report – Standing Policy Committee on Property and Development – January 13, 2015**

**Item No. 5 Subdivision and Rezoning– 1680 St. Mary's Road, 700 and 730 River Road (St. Norbert Ward) File DASZ 28/2014 [c/r DAV 156150/2014D]**

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 28/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2014 dated November 19, 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 November 20, 2014 which is Schedule "B" of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 28/2014 dated November 19, 2014 to an "RMF-M" Residential Multi-Family 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-S" or "RMF-M" Residential Multi-Family, 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, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

**Report - Standing Policy Committee on Property and Development - January 13, 2015**

ii. That, the Developer and all successors in title to Lots 1 and 2 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That on Lot 1, no portion of any principal building shall be located less than 24 feet from the south property line.

3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That Caveat 235461/1 be withdrawn as it affects Block 1 Plan 12357 WLTO in RL 58 to 60 Parish of St Vital.

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

6. 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.

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

8. 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.

9. That, the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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

**Report - Standing Policy Committee on Property and Development - January 13, 2015**

10. 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.

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

12. That the 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 – January 13, 2015**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development with the following amendment:

- Delete Recommendation 3 in its entirety and replace with the following recommendation of the Winnipeg Public Service:

    "3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City."

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendment:

- Delete Recommendation 3 in its entirety and replace it with the following:

    "3. That the requirement that the Developer provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City, be waived."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in, with the following amendment:

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

    "2.A.iii. That on Lot 1, no portion of any principal building shall be located less than 24 feet from the south property line."

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

**RE:** **Subdivision and Rezoning– 1680 St. Mary's Road,**
**700 and 730 River Road**
**File DASZ 28/2014**

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

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

**Report date:** **December 5, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 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 28/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2014 dated November 19, 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 November 20, 2014 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 28/2014 dated November 19, 2014 to an "RMF-M" Residential Multi-Family 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-S" or "RMF-M" Residential Multi-Family, 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, and landscaping 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 and all successors in title to Lots 1 and 2 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

***iii. That on Lot 1, no portion of any principal building shall be located less than 24 feet from the south property line.***

3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That Caveat 235461/1 be withdrawn as it affects Block 1 Plan 12357 WLTO in RL 58 to 60 Parish of St Vital.

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

6. 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.

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

8. 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.

9. That, the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension

10. That the 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.

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

12. That the 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.***

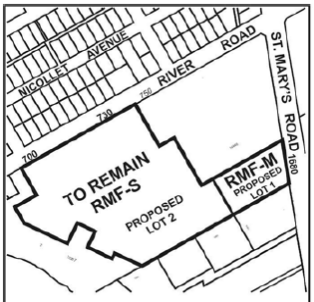
The Riel Community Committee provided the following supporting reasons for its recommendation:

1. It is in keeping with the planning of OurWinnipeg.
2. It will provide a good succession plan for the tenants in the co-op.
3. It is in an ideal location.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DASZ 28/2014 |
| Before: | Riel Community Committee<br>Councillor Mayes, Chairperson<br>Councillor Allard<br>Councillor Lukes |
| Public Hearing: | December 1, 2014<br>Council Building, 510 Main Street |
| Applicant: | Village Canadien Co-op (Harry Haid) |

Subject:




RIEL COMMUNITY

**APPLICANT** : VILLAGE CANADIEN CO-OP
**FILE :** DASZ 28/14
**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 "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and to withdraw caveat 235461/1, which restricts the number of dwelling units on proposed Lot 1 and 2 to 150 and limits the bulk and location of the buildings to the plans and drawings submitted for DAZ 52/73, in order to allow for the construction of a multi-family dwelling on proposed Lot 1 and the maintenance of existing multi-family dwellings on proposed Lot 2. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**

**DEMANDEUR :** VILLAGE CANADIEN CO-OP
**N° DE RÉFÉRENCE :** DALZ 28/14
**PROJET :** Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du règlement municipal n° 200/2006 visant à modifier le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RMF-S (secteur de petites habitations multifamiliales) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes), et visant à retirer l'opposition 235461/1, qui limite à 150 le nombre de logements sur les projets de lot 1 et 2, ainsi que l'encombrement et l'emplacement des bâtiments à ce qui est décrit dans les plans et les dessins soumis relativement à la DAZ 52/73, afin de faciliter la construction d'une habitation multifamiliale sur le projet de lot 1 et le maintien d'habitations multifamiliales existantes sur le projet de lot 2. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 1680 St. Mary's Road; 700 and 730 River Road

Exhibits Filed:

1. Application dated August 26, 2014
2. Notification of Public Hearing dated October 27, 2014
3. Manitoba Status of Title 1594378/1
4. Caveat 235461
5. Plans (18 pages)
6. Report from the Urban Planning Division dated November 19, 2014
7. Inspection Report

REPRESENTATIONS:

In Support:

Karl Falk
Linda Ferguson
David Gawthrop
Harry Haid
Carol Ann Seburn
Frank Wheeler
Harry Wolbert

In Opposition:

Dave Dyment
Leo Gottfried
Janice Graham
Elaine Haas

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 28/2014

# ADMINISTRATIVE REPORT

**Title:** DASZ 28/2014 – 1680 St. Mary's Road Public Hearing

**Issue:** An application for consideration at the Public Hearing to subdivide and rezone a lot in order to accommodate a 58 unit senior's residence.

**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 28/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2014 dated November 19, 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 November 20, 2014 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 28/2014 dated November 19, 2014 to an "RMF-M" Residential Multi-Family 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-S" or "RMF-M" Residential Multi-Family, 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, and landscaping 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 and all successors in title to Lots 1 and 2 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That Caveat 235461/1 be withdrawn as it affects Block 1 Plan 12357 WLTO in RL 58 to 60 Parish of St Vital.

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

6. 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.

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

8. 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.

9. That, the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension

10. That the 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.

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

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

## REASON FOR THE REPORT

- The applicant is proposing to subdivide the site into two lots. Proposed Lot 1 will be approximately 1.56 acres in area and is being proposed to be rezoned from RMF-S to RMF-M.
- Proposed Lot 2 will be approximately 10.56 acres in area and will remain zoned RMF-S.
- The purpose of creating Lot 1 and rezoning it to RMF-M is to accommodate a 58 unit multi-family development.
- 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 consistent with the map provided in Schedule "A" of this report.

## HISTORY

*DAZ 52/73 (By-law 568/74)*

- The subject site was rezoned under to an "R3B-L" Low Density Multiple Family District under DAZ 52/73 (by-law 568/74). A zoning agreement was required as a condition of the rezoning (caveat 235461/1). The zoning agreement included the following restrictions:
    - The land and any buildings or structures thereon shall not be used, and no buildings or structures shall be erected, altered or enlarged on the land except for use as a one hundred and fifty (150) unit co-operative housing project or any similar use approved as such by the Committee on Environment of the City and any such buildings or structures shall be limited to the bulk and location indicated on the plans and drawings designated R4/5 as submitted in support of the rezoning application. The Owners shall retain all other natural tree cover on the undeveloped land except such tree cover as is approved for removal by the City if such tree cover has been removed or damaged without such consent being first obtained as provided herein.
    - The Owners shall at their own expense construct a natural screen as a buffer between the land and the private property located to the north west thereof and same shall be constructed subject to the approval of the design and construction thereof by the City's Commissioner of Environment and no building permits shall

be issued hereunder until such time as a such design and construction is approved.

- The zoning agreement also required the applicant to dedicate lands along the Red River to the City of Winnipeg. These land are now Public Reserve and are zoned PR1.

## CONSULTATION

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

## SUBMITTED BY

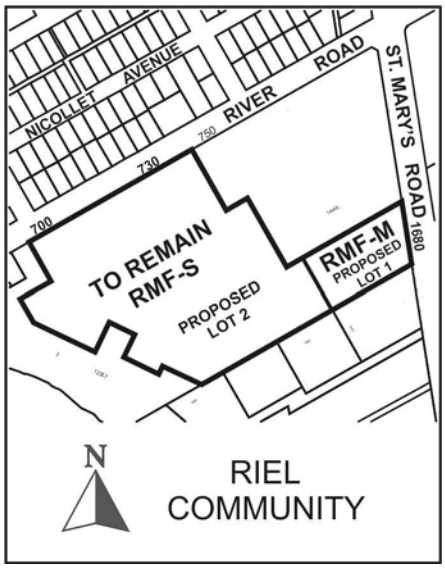
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Robert Kostiuk, MCIP |
| Date: | November 19, 2014 |
| File No. | DASZ 28/2014 |

**List of Schedules and Attachments**

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 28/2014 Riel Community Committee, dated November 19, 2014
3. Schedule “B” — Report of the Administrative Coordinating Group

**APPENDIX 'A'**

| | |
|---|---|
| **DATE:** | November 19, 2014 |
| **FILE:** | DASZ 28/2014 |
| **RELATED FILES:** | DAV 14-156150/D (c/r), DAZ 52/73 |
| **COMMUNITY:** | Riel |
| **NEIGHBOURHOOD #:** | 5.529 |
| **SUBJECT:** | An application for the approval of the plan of subdivision and rezoning from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and to withdraw caveat 235461/1, which restricts the number of dwelling units on proposed Lot 1 and 2 to 150 and limits the bulk and location of the buildings to the plans and drawings submitted for DAZ 52/73, in order to allow for the construction of a multi-family dwelling on proposed Lot 1 and the maintenance of existing multi-family dwellings on proposed Lot 2. |
| **LOCATION:** | 1680 St. Mary's Road and 700 & 730 River Road (see map below) |
| **LEGAL DESCRIPTION:** | Block 1 Pan 12357 |




| | |
|---|---|
| **APPLICANT:** | Harry Haid VILLAGE CANADIEN CO-OP LTEE<br>730 RIVER RD UNIT 1<br>WINNIPEG MB R2M 5A4 |
| **OWNER:** | Village Canadien Co-Op LTEE.<br>730 River Road<br>WINNIPEG MB R2M 5A4 |
| **RECOMMENDATION:** | Approval with Conditions |

**SITE DESCRIPTION**

- The subject plan area is located between St. Mary's and River Road in the River Park South neighbourhood of the St. Norbert Ward.
- The plan area is occupied the Village Canadien Housing Co-Op housing development and approximately **12.1 acres in area.**
- The property is located along a Regional Mixed Use Corridor (St. Mary's Road) under the Complete Communities Direction Strategy and is zoned "RMF-S" Residential Multi-Family Small.




**Figure 1: Aerial photograph showing approximate area of the subject site (2014)**

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

**North:** Detached single-family homes zoned R1-M along River Road and a two storey multi-family development that is located north of the southeast corner of the subject site.

**South:** A two storey multi-family development zoned RMF-S.

**East:** St. Mary's Road.

**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 lots. Proposed Lot 1 will be approximately 1.56 acres in area and is being proposed to be rezoned from RMF-S to RMF-M.
- Proposed Lot 2 will be approximately 10.56 acres in area and will remain zoned RMF-S.
- The purpose of creating Lot 1 and rezoning it to RMF-M is to accommodate a 58 unit multi-family development. Village Canadien Co-Op is putting forward this request to create a senior's development so their members as well as other residents can age in place in dwelling units that better serve their lifestyles.
- The development on Lot 1 will consist of a six storey and four storey wings in an "L" shaped configuration. The six storey portion will face St. Mary's road and the four storey wing will extend westward. A total of 34 units within the building will be designated as a "affordable" units.
- Parking will be located predominantly behind the building and will have 20 stalls on the main floor of the four storey wing.
- Removal of the existing zoning agreement caveat (caveat 235461/1) is required for the development proposal as this caveat restricts the exact design of the buildings and

restricts the number of units on the 12.1 acres to 150. With the new development, 137 units will remain on Lot 2 and 58 dwelling units will be added to Lot 1 for a total of 195 dwelling units on the land.

- A parking variance is also needed in association with the proposed 58 unit development on Lot 1 (see DAV 14-156150/D).
- It should also be noted that a cross access agreement is needed to facilitate vehicular access from Lot 1 to the immediate west of the Lot 1, which can only be accommodated from St. Mary's Road.

**ANALYSIS AND ISSUES**

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under OurWinnipeg and 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.
    - 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.

CURRENT ZONING DISTRICT:

*"RMF-S" Residential Multi-Family Small*

- The RMF-S 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-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

PROPOSED ZONING DISTRICT:

*"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 applicant is seeking to rezone Proposed Lot 1 from RMF-S to RMF-M in order to accommodate a 58 unit development that has a maximum height of 58 feet. The maximum permitted height in the RMF-S zone is 35 feet and the minimum lot area per dwelling unit is 1,250 square feet, which would allow a maximum of 54 dwelling units on the 1.56 acre site. As such, the applicant would like to rezone Proposed Lot 1 to RMF-M where the maximum permitted height is 60 feet and the minimum lot area per dwelling unit is 800 square feet, which would easily accommodate the proposed density.

*Variance (see DAV 14-156150/D)*

- The applicant requires a parking variance to allow for 68 parking stalls instead of 87 stalls for the proposed 58 dwelling unit development on Lot 1.

ANALYSIS OF THE DASZ & COMPATIBILITY WITH THE SURROUNDING DEVELOPMENT

- The applicant is proposing to develop a 58 unit multi-family building along St. Mary's Road, which is designated as a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Multi-family developments are encouraged along Regional Mixed-Use Corridors.
- The subject site is surrounded by multi-family developments zoned RMF-S.
- Although the proposed development is taller than the multi-family developments to the immediate north and south, the proposed building is set back at least 25 feet from the south property line and 38 feet from the north property line. Given that the six storey portion of the building is oriented towards St. Mary's Road and 59 feet wide, only a marginal amount of the six storey wing will be located within 25 feet of the developments to the south.
- The proposed density for Lot 1 equates to approximately 37 units/acre. 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. At 37 units/acre, the proposed density for the site is generally desirable from a Transit-Oriented Development perspective.
- It should be noted that the Public Service and Council supported two recent rezoning and subdivision applications in the vicinity of the site under DASZ 39/2011 and DASZ 38/2013. DASZ 39/2011 included the creation of a 1.3 acre RMF-M zoned lot along the

St. Mary's frontage (formerly Okolita Park, which is immediately south of 1677 St. Mary's Road). This DASZ was established to accommodate a three storey, 47 unit multi-family development. DASZ 38/2013 was approved allowing the rezoning of 1916, 1918, and 1920 St. Mary's Road to RMF-L and PR1.

REMOVAL OF CAVEAT NO. 235461/1

- The removal of caveat 235461/1 is required to allow for more than 150 dwelling units on the site. The Public Service recommends that this caveat be withdrawn and replaced with a new zoning agreement that is more consistent with the OurWinnipeg and the Complete Communities Direction Strategy and with current practices of the Public Service.
- Notably, the recommended zoning agreement will not include a restriction on the density as the Public Service believes that the zoning and development potential under the zoning districts is compatible with City planning policies and the surrounding area.

RECOMMENDED ZONING AGREEMENT

*Plan Approval*

- A concept plan showing the proposed design of the senior's building and parking, and landscaping was provided in the subject application. The Public Service has no concerns with the proposed design but 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 site. The inclusion of this clause will allow the Public Service 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. The expectation is that s future proposal be predominantly consistent with plans submitted.
- If changes are proposed in the design, the following guidelines will be used to evaluate the development proposal:
    - The site layout and building orientation should ensure that the building relates appropriately to the street (notably St. Mary's Road) and surrounding developments.
    - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
    - Universally accessible connections should be linked from the building to the existing sidewalk along St. Mary's Road.
    - The building façade facing St. Mary's Road should be well-articulated and should avoid featureless building massing.
    - 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.

- 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.

*Cross Access Agreement*

- As previously mentioned, a portion of Lot 2 needs to be accessed from Lot 1. The Public Service is recommending that a cross access agreement (declaratory easement) be registered on the land title to ensure vehicular access to Lot 2 through Lot 1 is facilitated.

REPORT OF THE ACG

- Servicing requirements must be developed in accordance with the attached Report of the ACG (see Schedule 'B').

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting 'cash-in-lieu' for this development. However, it should be noted that the applicant is proposing to develop a non-profit senior citizen home. On September 22, 1993, Council adopted a policy to waive the 10% cash-in-lieu of land dedication fee for all non-profit senior citizens homes. Specifically, Minute 963 of the September 22, 1993[1] meeting included the following:

  *Your Committee on Planning and Community Services is of the opinion that a policy should be established where all rezoning applications for non-profit senior citizen homes receive a waiver of the 10% cash in lieu of land dedication fees.*

  *The Planning Department advises that all rezoning applications for proposed senior citizen homes processed by the City come under the "multiple family district". Administration has always recommended the 10% dedication be collected in each instance. The recommendation for waiver normally is made by a Community Committee. The question of establishing a policy for waiving of dedication fees for senior citizen homes has been considered in past by the previous Committee on Environment and the Committee on Planning and Community Services. The conclusion each time has been to consider each waiver request based on its own merits.*

  *Your Committee on Planning and Community Services therefore recommends:*
  - *That a policy be established to waive the 10% cash in lieu of land dedication fee for all non-profit Senior Citizen Homes.*

[1] See http://www.winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=10374&SectionId=258875&InitUrl=/CLKDMIS/Documents/c/1993/m10374

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

- If the merits of the applicant's proposal to develop a non-profit senior citizen home is to the satisfaction of the Committee and ultimately Council, the cash-in-lieu of land dedication can be waived.

**RECOMMENDATION**

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

- The subject subdivision and rezoning is consistent with the policies guiding development along Regional Mixed Use Corridors.
- The proposed density for the senior's home is generally desirable from a Transit-Oriented Development perspective.
- The proposed development is consistent with established development in the area and recently approved rezonings under DASZ 39/2011 and DASZ 38/2013.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 28/2014

**Schedule "A" for File No. DASZ 28/2014, Riel Community Committee, dated November 19, 2014**

By-Law No. _____

File No. **DASZ 28/14**

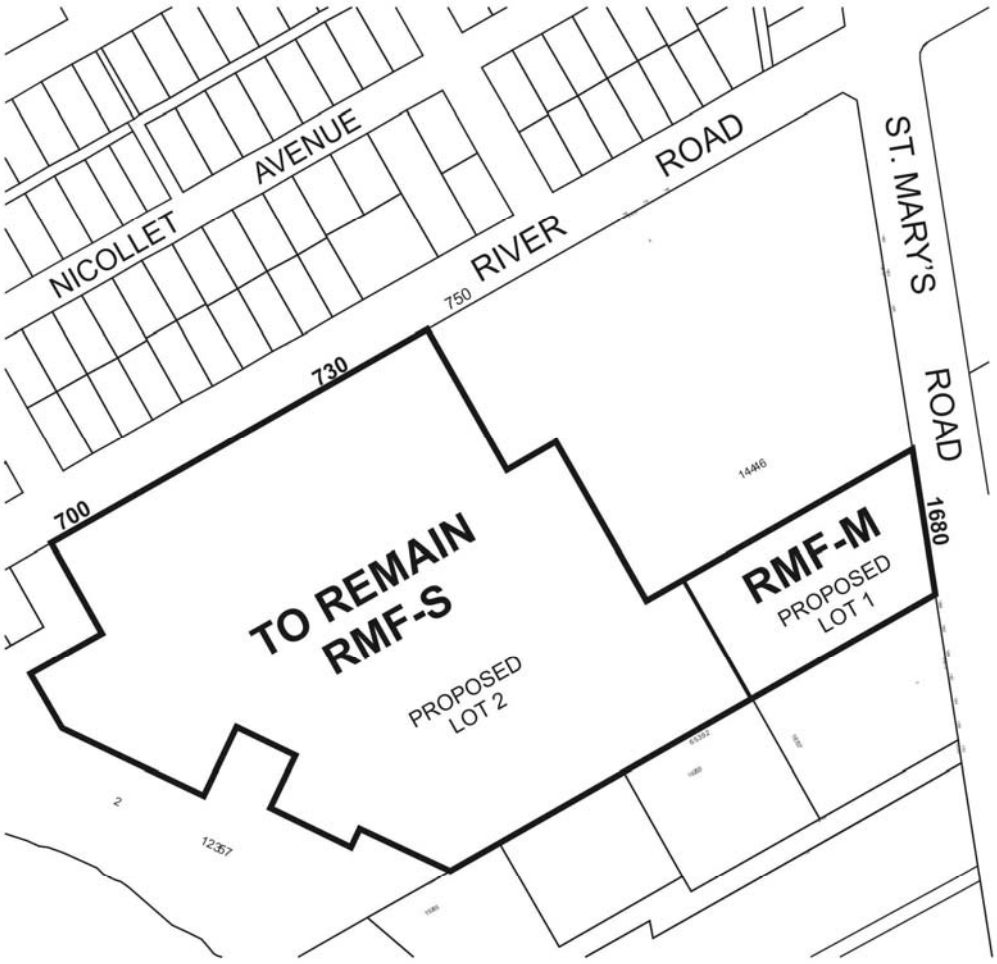
Atlas Sheet No.

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 1680 St. Mary's Road and 700 & 730 River Road from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and to withdraw caveat 235461/1, which restricts the number of dwelling units on proposed Lot 1 and 2 to 150 and limits the bulk and location of the buildings to the plans and drawings submitted for DAZ 52/73, in order to allow for the construction of a multi-family dwelling on proposed Lot 1 and the maintenance of existing multi-family dwellings on proposed Lot 2 as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Nov. 20, 2014

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1680 ST. MARY'S ROAD, 700 RIVER ROAD AND 730 RIVER ROAD, – DASZ 28/2014**

It is recommended that the approval of DASZ 28/2014, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Sidewalk

   The Developer shall, at no expense to the City, construct, on demand, (or alternatively pay to the City, in cash, on demand, all costs to construct) a 1.5m wide by 100mm thick Portland cement concrete sidewalk, on a standard alignment 0.3m from the property line, on the south side of River Road, abutting the subject property, from the existing sidewalk to the west limit of the subject property, as determined by and to the satisfaction of the Director of Public Works;

2) Pedestrian Corridor

   The Developer shall, pay to the City, in cash, on demand, all costs associated with a pedestrian corridor (push button activated with overhead flashing lights) across River Road at Nicollet Avenue, as determined by and to the satisfaction of the Director of Public Works.

3) Cross Access Agreements

   The Developer shall enter into the appropriate cross access agreements between proposed lot 1 and proposed lot 2. The City must approve the form of the documents and the owner must register the agreement against the title to the land and provide the City with a copy of the registered documents.

4) 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.

5) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 28/2014
Nov. 21, 2014

*"Original signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

*"Original signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj