Minute No. 376
Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 3 Subdivision and Rezoning– 590 St. Anne's Road
(St. Vital Ward)
File DASZ 35/2014 [c/r DCU 171056/2014D and DAV 168845/2014D]

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 35/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 35/2014 dated February 26, 2015 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2015 which is Schedule "C" of this report, with the following amendment:

      i. Amend clause 5 by deleting in its entirety and replacing it with the following:

         B. AGREEMENT CONDITIONS

         SECTION I – SERVICING

         5. <u>Pavement</u>

            The Developer shall, at no expense to the City construct an Asphalt pavement to a width of 6.0m and all related works, in the proposed public lane within the Planned Area all as determined by and to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 35/2014 dated February 26, 2015 to an "RMF-S" Residential Multi-Family District and an "R2" Residential Two-Family District, subject to the following:

Report – Standing Policy Committee on Property and Development – May 12, 2015

COUNCIL DECISION (continued):

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, the minimum rear yard for the lands zoned RMF-S shall be 32 feet.

ii) That, multi-family dwellings shall not be permitted on the lands zoned R2.

iii) That, billboard signs, mobile signs, inflatable signs, or A-board signs shall not be permitted on the lands zoned C2.

iv) That, for the development of any two-family dwelling, multi-family dwelling, or attached dwelling, and/or accessory parking area within the lands zoned "RMF-S" Residential Multi-Family or "R2" Residential Two-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.

v) That for the development of any building and/or accessory parking area and/or freestanding signage within the lands zoned C2, 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, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

Report – Standing Policy Committee on Property and Development – May 12, 2015

COUNCIL DECISION (continued):

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (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.

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

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

8. 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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

11. 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 – May 12, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend recommendations 1.A. and 7 by replacing “Servicing” with “Development”.
- Amend recommendation 1.A. by adding the following after “Schedule “C” of this report”:

  “, with the following amendment:

  i. Amend clause 5 by deleting in its entirety and replacing it with the following:

  B. AGREEMENT CONDITIONS
  SECTION I – SERVICING

  5. <u>Pavement</u>

  The Developer shall, at no expense to the City construct an Asphalt pavement to a width of 6.0m and all related works, in the proposed public lane within the Planned Area all as determined by and to the satisfaction of the Director of Public Works.”and forwarded the matter to the Standing Policy Committee on Property and Development.

Report – Standing Policy Committee on Property and Development – May 12, 2015

DECISION MAKING HISTORY (continued) :

COMMUNITY COMMITTEE RECOMMENDATION (continued) :

On March 9, 2015, the Riel Community Committee adjourned the public hearing to its meeting on April 13, 2015 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning - 590 St. Anne's Road**
File DASZ 35/2014

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

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

Report date: **April 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2015, 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:

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 35/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 35/2014 dated February 26, 2015 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***~~ ***Development*** Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2015 which is Schedule "C" of this report***, with the following amendment:***

        i. Amend clause 5 by deleting in its entirety and replacing it with the following:

            B. AGREEMENT CONDITIONS

            SECTION I – SERVICING

            5. Pavement

            The Developer shall, at no expense to the City construct an Asphalt pavement to a width of 6.0m and all related works, in the proposed public lane within the Planned Area all as determined by and to the satisfaction of the Director of Public Works.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 35/2014 dated February 26, 2015 to an "RMF-S" Residential Multi-Family District and an "R2" Residential Two-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, the minimum rear yard for the lands zoned RMF-S shall be 32 feet.

      ii) That, multi-family dwellings shall not be permitted on the lands zoned R2.

      iii) That, billboard signs, mobile signs, inflatable signs, or A-board signs shall not be permitted on the lands zoned C2.

      iv) That, for the development of any two-family dwelling, multi-family dwelling, or attached dwelling, and/or accessory parking area within the lands zoned "RMF-S" Residential Multi-Family or "R2" Residential Two-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.

      v) That for the development of any building and/or accessory parking area and/or freestanding signage within the lands zoned C2, 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, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (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.

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

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

8. 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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

11. 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. This is a good infill project that provides residential housing that's in keeping with the neighbourhood.

2. It is near a school and mass transit, which is positive for the neighbourhood.

PUBLIC HEARING SUMMARY

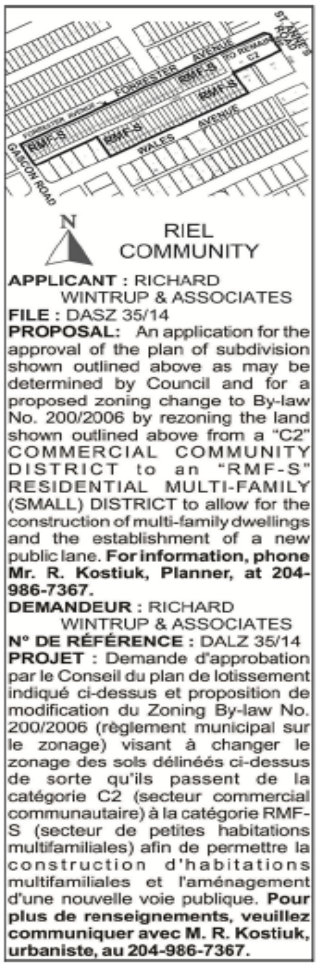
File: DASZ 35/2014

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Lukes
Councillor Mayes

Public Hearing: April 13, 2015
March 9, 2015
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



Premises Affected: 590 St. Anne's Road

Exhibits Filed:

1. Application dated December 17, 2014
2. Notification of Public Hearing dated February 9, 2015
3. Manitoba Status of Titles 1433823/1; 1607965/1, 2370063/1, 2396050/1 and 2403143/1
4. Title Search(s) 1433823/1, 1607965/1, 2370063/1, 2396050/1 and 2403143/1
5. Manitoba Status of Titles 180109 and M92272
6. Letter of Authorization dated September 26, 2014, from The City of Winnipeg to 6313248 Manitoba Ltd.
7. Letter of authorization dated October 22, 2014 from Sukhjinderpal Singhsidhu, President, 6313248 Manitoba Ltd. to Richard Wintrup and Associates
8. Site Plan
9. Elevations Plans (4 pages)
10. Plans (11 pages)
11. Report from the Urban Planning Division dated February 26, 2015
12. Inspection Report
13. Audio Recording of representations
14. Notice of adjournment dated March 10, 2015
15. Audio Recording of representations of public hearing held on April 13, 2015

REPRESENTATIONS:

In Support:
John Wintrup

In Opposition
Nil

For Information:
Nil

For the City:
Mr. G. Jasper, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 35/2014

ADMINISTRATIVE REPORT

Title: DASZ 35/2014 – 590 St. Anne's Road Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone a former City of Winnipeg Public Works yard from C2 to RMF-S in order to accommodate the development of 72 proposed townhouses and a 24 unit multi-family building.

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 35/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 35/2014 dated February 26, 2015 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 February 11, 2015 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 35/2014 dated February 26, 2015 to an "RMF-S" Residential Multi-Family District and an "R2" Residential Two-Family District, subject to the following:

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iv) That, for the development of any two-family dwelling, multi-family dwelling, or attached dwelling, and/or accessory parking area within the lands zoned “RMF-S” Residential Multi-Family or “R2” Residential Two-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.

v) That for the development of any building and/or accessory parking area and/or freestanding signage within the lands zoned C2, 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, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

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

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

8. 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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

11. 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 and rezone the site into lots fronting onto Wales Avenue and Forrester Avenue that are supported by a 7.315 metre wide public lane. A total of 42 lots are proposed along the Forrester Avenue frontage and 30 lots are proposed along Wales Avenue. All of these proposed lots would be rezoned from C2 to RMF-S. One lot would be created at the southwest corner of Forrester Avenue and St. Anne's Road. This lot is separated from the lots along Forrester Avenue by the proposed public lane and will remain zoned C2.
- 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 "B" of this report. This recommendation modifies the proposed development, which was advertised as having RMF-S zoning on both the Wales Avenue and Forrester Avenue frontages. The recommendation of the Urban Planning Division down-zones the development along Wales Avenue to R2. Down-zonings do not require re-advertising or a re-posting.

HISTORY

Sale of City-Owned Property – 590 St. Anne's Road

- The subject City-owned property was a Public Works Yard which was completely vacated in 2013. On May 24, 2006, Council had declared the subject City-owned property as surplus as part of the Public Works – Water and Waste Facilities Master Plan.
- On September 16, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Public Service and approved the sale of the subject property in favour of 6313248 Manitoba Ltd., for the purchase price of $3,600,000.00. This approval was subject to terms and conditions of the Offer to Purchase dated May 30, 2014, and upon such additional terms and conditions that the Director of the Planning, Property and Development Department and the Director of Legal Services and City Solicitor consider necessary to protect the interests of the City.
- It is noted in the Public Service report that:

  The proposed purchaser has advised that they plan to use the frontage of St. Anne's Road as commercial, use Wales Avenue frontage to mirror the other side of the street and to be R2 – side-by-sides, and use Forrester Avenue frontage to be townhouse development of R2 or RMF- 2 (RMF-2 is likely a typo – it is likely that it was meant to be RMF-S). The proposed purchaser plans to get maximum units on this land; they believe they can get a total of 60-75 units on this site.

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:	February 26, 2015
File No.	DASZ 35/2014

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule "A" Advertised Subdivision and Rezoning for DASZ 35/2014
3. Schedule "B" Recommended File No. DASZ 35/2014 Riel Community Committee, dated February 26, 2015
4. Schedule "C" Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: February 26, 2015

FILE: DASZ 35/2014
RELATED FILES: DAV 14-168845/D & DCU 14-171056/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.554

SUBJECT: An application for the approval of the plan of subdivision and rezoning from a C2 Commercial Community District to an "RMF-S" Residential Multi-Family (Small) District in order to allow for the development of townhouses (attached dwellings).

LOCATION: 590 St. Anne's Road (see map below)
LEGAL DESCRIPTION: See application for lengthy title description



APPLICANT: John Wintrup Richard Wintrup & Associates
29 BENSON BLVD
OAK BLUFF MB R4G 0A2

OWNER: CITY - PUBLIC WORKS
C/O PUBLIC WORKS DEPT
700 ASSINIBOINE PARK DR WINNIPEG MB R3P 2N9

RECOMMENDATION: Approval as modified

SITE DESCRIPTION

- The subject plan area is located between St. Anne's Road, Forrester Avenue, Gascon Road, and Wales Avenue in the Meadowood neighbourhood of the St. Vital Ward.
- The plan area is the site of the former City of Winnipeg Public Works Yard and is **4.2 acres in area.**
- The property has frontage along a Regional Mixed Use Corridor (St. Anne's Road), but is predominantly located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy. The site is zoned "C2" Commercial Community.



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

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Riel Park, zoned PR2.

South: Detached single-family homes and duplexes zoned R2 and R1-M.

East: St. Anne's Road.

West: Gascon Road.

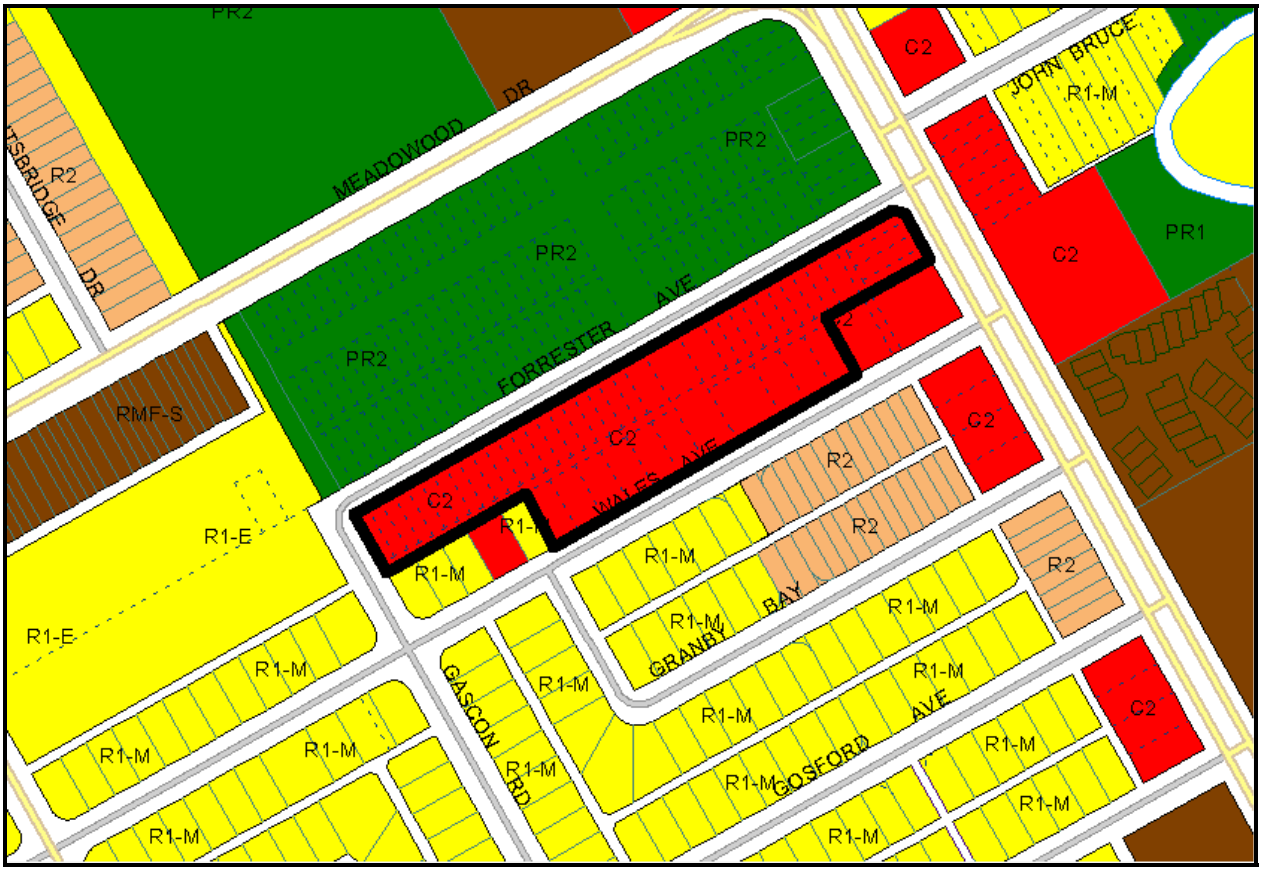


Figure 2: Zoning of the site and surrounding area.

BACKGROUND

- As mentioned in the History section above, the subject site was a former City of Winnipeg Public Works yard that was declared surplus in 2006.
- The site was marketed between April and May of 2014. The following planning and servicing comments were included in the marketing package for the site:

  Planning: *The subject property is predominantly located in the Areas of Stability – Recent Communities policy area under OurWinnipeg – Complete Communities Direction Strategy. The Recent Communities policy area encourages a range of context sensitive development and intensification along corridors.*

  The Urban Planning Division has suggested that a residential use would be most suitable for the majority of the site; although commercial frontage could be maintained along St. Anne's Road for commercial development or a medium-scale multi-family development (ex. RMF-M zoning).

Residential uses most suitable for the majority of the site would include: detached single-family dwellings, two-family dwellings, or small-scale multi-family dwellings such as townhomes.

Single–family and/or two family dwellings should be considered along the Wales frontage to mirror the other side of the street, while the Forrester frontage is a good candidate for increased density with a townhouse development of R2 or RMF-S zoning.

Development along Forrester would require a wastewater sewer extension of the sewer, relocation of overhead services and possible loss of 9 feet in depth for a widened right-of-way.

The subject City property will require rezoning and possibly subdivision, at the purchaser's expense, including any dedication fees payable, for its intended use (see attached Offer to Purchase).

The rezoning and/or subdivision of the Subject Property will require a public hearing.

Services:

Watermains – located on all four frontages. The Water and Waste Department indicate that the existing watermain on Wales is suitable for single family development. The existing watermain on Forrester is suitable for single family development and may be suitable for fire protection for some multi-family uses, but an additional fire hydrant would be required.

Wastewater Sewers – located on three frontage (Gascon, St. Anne's, Wales), while the sewer main on Forrester only extends for about 50 meters from St. Anne's. The Water and Waste Department advises that the wastewater sewer on Forrester may need to be extended dependent on the proposed development. Under a multi-family scenario, the extension of the Forrester sewer would depend on development and subdivision. The existing sewer on Wales is suitable for single family development.

Land Drainage Sewers – located on all four frontages. Any redevelopment of the site would require approval for lot grading.

It is recommended that the Purchaser retain the services of a qualified municipal engineer to investigate the extent to which the watermains and sewers would have to be extended/upgraded to adequately provide service for the Purchaser's development plan.

Prospective purchasers should contact Mr. Frank Mazur, Water and Waste Department, 204-986-4486 regarding specific servicing questions.

Public Works: It is noted that the right-of-way on Forrester is a substandard width of 15.24 metres (50 feet), instead of 18 metres (59 feet). ***New Information:*** *Public Works would recommend that the right-of-way be expanded to the standard width of 18 metres, which would need to be taken from the subject property and overhead services would need to be relocated underground and upgraded services may be recommended.*

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the site into lots fronting onto Wales Avenue and Forrester Avenue that are supported by a 7.315 metre wide public lane. A total of 42 lots are proposed along the Forrester Avenue frontage and 30 lots are proposed along Wales Avenue. All of these proposed lots would be rezoned from C2 to RMF-S. One lot would be created at the southwest corner of Forrester Avenue and St. Anne's Road. This lot is separated from the lots along Forrester Avenue by the proposed public lane and will remain zoned C2. The C2 zoned lot will be 19,744 square feet in area.
- The proposed 42 lots along Forrester Avenue accommodate the required 9 foot widening of Forrester Avenue, which reduces the lot depths to 80 feet. These lots are predominantly 19 feet wide (32 lots) with some lots with widths of 23 feet (8 lots). The westernmost and easternmost lots are slightly larger at 24 and 31 feet wide respectively.
- The proposed 30 lots along Wales Avenue are 104 feet in depth. These lots are also predominantly 19 feet wide (24 lots), with some lots being 23 feet wide (4 lots). The westernmost and easternmost and lots are both 26 feet wide.
- Townhouses, or attached dwellings, are proposed along both the Wales and Forrester frontages. Three sets of 10 attached dwellings units are proposed along Wales Avenue (total of 30 dwelling units), while four sets of 9 attached dwellings units and one set of 6 attached dwelling units are proposed along the Forrester Avenue (42 dwelling units). The attached dwellings are two-and-a-half-storeys in height. All of these units would be individually owned and not form a part of a condominium.
- A 24 dwelling-unit apartment (condominium) is proposed on the lot with the St. Anne's frontage. The proposed building is four storeys tall.
- Variances are required for the proposed townhouse and the apartment block (see DAV 14-168845/D). A conditional use is application is also required for the apartment (see DCU 14-171056/D).

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under OurWinnipeg and the Complete Communities Direction Strategy the proposed development has one lot that is located along a Regional Mixed-Use Corridor (St. Anne's Road), while the remainder of the site is located within the Areas of Stability – Recent Communities policy area.
- Policies guiding development along Regional Mixed-Use Corridors encourage a mix of uses (ex. residential and commercial) and generally encourage higher intensity development. Policies guiding development in Areas of Stability encourage low to moderate change that is compatible with existing development.

CURRENT ZONING DISTRICT:

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional Mixed-Use Centres or along collector streets, at arterial/collector intersections, or along Community or Regional Mixed-Use Corridors. Multi-family buildings in the C2 zone must meet the RMF-M standards of the Zoning By-law.

PROPOSED 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.

ZONING BY-LAW 200/2006

Rezoning

- The applicant is seeking to rezone the majority of the site from C2 to RMF-S in order to develop townhouses along the north side of Wales Avenue and the south side of Forrester Avenue. C2 zoning is generally intended for commercial development. The proposed rezoning would allow for attached townhouses.

Variances (see DAV 14-168845/D)

- The applicant requires variances for both the RMF-S zoned sites and the C2 zoned lot. The variances are explained below.

  Proposed RMF-S-Zoned Lots

  1) When a street block is undeveloped, the minimum front yard requirement in the RMF-S zone is 20 feet. The applicant is proposing 10 foot front yards for all of the proposed lots along Forrester Avenue.

  2) A front yard alignment is conducted when there is existing development along a street block. As result of the alignment, the minimum required front yard along Wales Avenue is 28 feet. The applicant is proposing a front yard of 10 feet.

  3) The proposed lots do not meet the landscape buffering requirements of section 190(8) of the Zoning By-law where buffering is required between a parking area and a residential zoning district.

Proposed Multi-Family Building on the C2-Zoned Lot

1)(a) The minimum required rear yard (south) for a multi-family building on the C2 zone is 25 feet. The applicant is proposing a 16 foot rear yard.

1)(b) Multi-family buildings require 1.5 parking stalls per dwelling unit. As such, the proposed 24-unit building requires 36 parking stalls. Twenty-four (24) parking stalls are proposed.

2)(a) The proposed parking area requires a front yard (north) of 25 feet. A 0 foot front yard is proposed.

2)(b) The parking area requires a west side yard of 8 feet. A 0 foot side yard is proposed.

2)(c) Two visitor parking spaces are required. Zero parking spaces are proposed.

2)(d) Similar to variance 3 above, landscaping is required between a parking area adjacent to a residential zoning district. In this instance, the adjacent residential district is the RMF-S zoned lot to the west of the C2 lot that is included in the developer's proposal.

Conditional Use (see DCU 14-171056/D)

- Use specific standard 67.1(1) of the Zoning By-law requires that multi-family dwelling units must be located above the ground floor of a C1 or C2 zoned site. The applicant is proposing to include multi-family dwelling units on the ground floor of the proposed 24 unit multi-family building on the C2 zoned lot.

ANALYSIS OF THE DASZ & COMPATIBILITY WITH THE SURROUNDING DEVELOPMENT

- The subject site was marketed by the City of Winnipeg with general expectations as to what types of development would be considered compatible with the adjacent uses and the policies included in the OurWinnipeg and the Complete Communities Direction Strategy. Mid-intensity commercial or multi-family development zoned C2 or RMF-M were considered compatible along St. Anne's Road. Detached single-family homes or duplexes along the Wales Avenue frontage, effectively mirroring the opposite side of Wales, were described as the most appropriate use for that portion of the site. Small-scale multi-family dwellings, such as townhomes of R2 or RMF-S zoning, could be considered for development along the Forrester Avenue frontage.
- The successful purchaser appears to have acknowledged the development expectations in stating that:

  They plan to use the frontage of St. Anne's Road as commercial, use Wales Avenue frontage to mirror the other side of the street and to be R2 – side-by-sides, and use Forrester Avenue frontage to be townhouse development of R2 or RMF- 2 (RMF-2 is likely a typo – it is likely that it was meant to be RMF-S). The proposed purchaser plans to get maximum units on this land; they believe they can get a total of 60-75 units on this site.

- The successful purchaser has now submitted a plan with a total of 30 lots for attached townhouse development along the Wales Avenue frontage, 42 lots for attached townhouse development along the Forrester Avenue frontage, and for the development of a 24 unit multi-family building zoned C2 along St. Anne's Road.
- The Urban Planning Division is not supportive of the proposed townhomes on the Wales frontage. These proposed lots are inconsistent with the lot sizes size on the south side Wales Avenue and are predominantly inconsistent with the form of development along Wales within this area. As such, the Public Service is recommending that the lots with frontage along Wales Avenue be rezoned to R2 instead of RMF-S (see Schedule "B"). The R2 zone requires lot area minimums of 5,000 square feet, or 2,500 square feet for a two-family dwelling (duplex). The minimum lot width is 25 feet. These bulk requirements are consistent with the existing lots found on Wales Avenue, which are predominantly comprised of duplexes with 25 feet of lot frontage or single-family lots with 50 feet of frontage. Using the minimum 25 foot frontage requirement, a total of 24 lots can be created for the development of duplexes. Future short-form subdivision applications (DASSFs) will be needed to create additional lots on the R2 zoned lands.
- The 42 proposed townhouse lots along Forrester Avenue face Riel Park and have virtually no developed neighbouring properties. The five single-family lots to the south all have front approaches and are quite removed from the proposed development on Forrester. The Urban Planning Division is generally supportive of this portion of the proposal, but has some design and maintenance concerns that are discussed below.
- The concerns regarding snow removal are predominantly generated by the widths of the lots along Forrester. As such, a minimum rear yard conditions have been recommended in the zoning agreement for the RMF-S zoned lots to help ensure that there is snow storage capacity on the lots. These snow removal concerns may be somewhat less of an issue on the R2 zoned lots as the minimum lot width required under the Zoning By-law is 25 feet.
- The Urban Planning Division does not have any concerns about the creation of the C2-zoned lot with frontage on St. Anne's Road. However, per the recommendations of the associated variance and conditional use, the Division is not supportive of the proposed development on this lot.

Public Works Concerns with Snow Storage

- The Public Works Department Engineering Division confirmed that the City's lane snow clearing policy limits the clearing to an approximately 3m (10 foot) wide front-end loader pass to be made with no clearing of the resultant windrow that is created. This snow clearing is snow-fall dependent, is not high priority, and is provided as determined by the Streets Maintenance Division of the PWD. Furthermore this clearing, normally only after a significant snow-fall is down to snow hard- pack. A more thorough lane clearing down to bare pavement is normally performed in the late winter/early spring to manage the runoff from snow/ice melt.

- It is noted that the proposed development plan for DASZ 35/2014 makes no practical provision for the storage of snow that would require removal after a snow-fall from (1) the parked vehicles, (2) the parking area, and (3) the lane including any snow windrow

that would be created. This lack of snow storage is expected to generate significant frustration, discontent, and complaints for the future residents in the development.

Boulevard and Front Yard Maintenance

- Given the development format of townhouses in blocks of 9 units along Forrester Avenue, front yard maintenance and maintenance of the boulevard (ex. grass cutting) will likely be awkward for owners of the interior units. These owners will not have side yard access to move a lawn mower from the back of the unit to the front. Further, a condominium development is not proposed where the condominium agreement could address maintenance.
- The Public Service is generally supportive of the proposed development from a land use perspective, but again, there are maintenance issues that can come about due to the type of development proposed. If the Committee and ultimately Council believes that these concerns outweigh the merits of the proposal, then the Committee and Council could consider either not supporting the application, or down-zoning the Forrester lots to one R2 lot. This would then require the applicant to come back with a new lot plan consistent with what has been recommended for the Wales Avenue frontage.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- A concept plan showing the proposed design of the townhomes and the multi-family building with the associated parking and landscaping was provided in the subject application. The Public Service has some specific items that should be addressed in the application, notably with the townhouses and future duplex development in the R2. As such, 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 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. The following guidelines will be applied when evaluating the townhomes or duplexes:
    - The building façade facing Forrester Avenue should be well-articulated and should avoid featureless building massing. The plans submitted showed a consistent façade for the 9 unit blocks on Forrester. Changes in the architectural styles per dwelling unit, materials/colour or modest changes in the building setbacks can help better articulate the street-facing portion of the townhomes. This guideline can also be applied to future duplexes on the R2 zoned portion of the site that faces Wales.
    - Landscaping should be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways. Particular attention should also be made towards adding landscaped areas between each lot to allow for snow storage and break-up the mass of paved parking spaces. Ideally, these landscaped areas would be curbed.

  - Rear yard fencing parallel to the lane is generally discouraged to make snow storage more convenient. If fencing is proposed in the rear yard parallel to the lane, it should be no taller than 4 feet in height.

- The following guidelines will be used to evaluate the development on the C2 zoned lot:
  - The site layout and building orientation should ensure that the buildings relate appropriately to the streets (St. Anne's Road and Forrester Avenue) and surrounding developments and create a cohesive visual identity for the neighbourhood.
  - Parking areas should be located below, behind or beside buildings. Surface parking areas behind or beside buildings should be screened with landscaping.
  - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
  - Universally accessible paths or sidewalks should be linked from the future development to public sidewalks.
  - The building façades facing St. Anne's Road and Forrester Avenue should be well-articulated and should avoid featureless building massing.
  - 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.
  - 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.

Restriction on Multi-Family Development in the R2 Zone

- The Urban Planning Division is recommending that multi-family development not be permitted in the R2 zone. This restriction is in place in consideration of compatibility with the other development along Wales Avenue in the subject block.

Minimum Rear Yard

- A minimum rear yard of 32 feet is recommended for the RMF-S zoned lots to allow for space for snow storage. This recommended rear yard is consistent with the lowest rear yard shown in the plans submitted.

Signage

- Signage restrictions are recommended for the C2 zoned site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

REPORT OF THE ACG

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

RECOMMENDATION

The Urban Planning Division recommends **approval as modified in Schedule "B"** for the following reasons:

- The subject subdivision and rezoning is consistent with the policies guiding development within Areas of Stability.
- As recommended, the proposed development is compatible with the surrounding area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 35/2014

Schedule "A" Advertised Subdivision and Rezoning for DASZ 35/2014

By-Law No.

File No. **DASZ 35/14**

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 590 St. Anne's Road from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow for the construction of multi-family dwellings and the establishment of a new public lane as shown outlined below.

Atlas Sheet No.

N

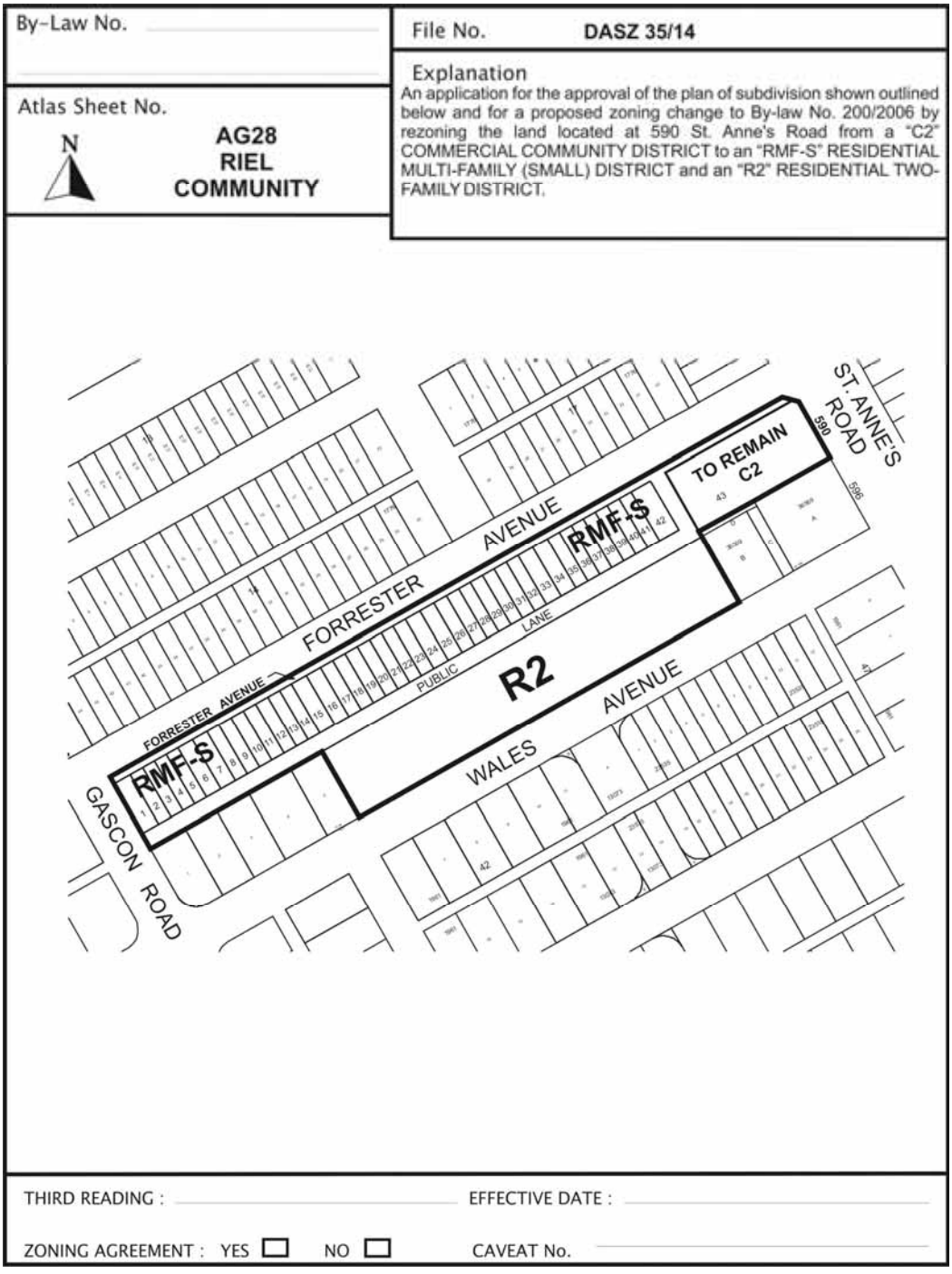
AG28
RIEL
COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Schedule "B" for File No. DASZ 35/2014, Riel Community Committee, dated February 26, 2015



SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Feb. 11, 2015

RE: PROPOSED PLAN OF SUBDIVISION AND REZONING OF LAND LOCATED AT 590 ST. ANNE'S ROAD – DASZ 35/2014

It is recommended that the approval of DASZ 35/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. The Developer shall, at no expense to the City, transfer and legally open, property required for a 2.76m widening to the Forrester Avenue right-of-way for the full length of the Planned Area, abutting Forrester Avenue, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, provide right-of-way width of 7.25m for the proposed public lane within the Planned Area, to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, extend the wastewater sewer on Forrester Avenue as required to serve the Planned Area and to the satisfaction of the Director of Water and Waste.

2. Watermains

   The Developer shall, at no expense to the City, construct and install two (2) fire hydrants on Forrester Avenue , as determined by and to the satisfaction of the Director of Water and Waste.

3. Lot Line Servicing

   a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

   b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

   c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. Lot Grading

   a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

   b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

      i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

      ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

5. Pavement

   The Developer shall, at no expense to the City construct a Portland cement concrete pavement to a width of 6.0m by 150mm in thickness and all related works, in the proposed public lane within the Planned Area all as determined by and to the satisfaction of the Director of Public Works.

6. Sidewalk

a) The Developer shall, at no expense to the City, 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 Forrester Avenue from St. Anne's Road to Gascon Road, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, on a standard alignment 0.3m from the property line, on the east side of Gascon Road from Forrester Avenue to Wales Avenue, as determined by and to the satisfaction of the Director of Public Works.

7. Boulevards

c) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

d) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

8. 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.

9. Utilities

   a) The Developer shall, at no expense to the City, pay the full cost to convert the overhead services on the north side of Forrester Avenue to underground, 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 proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

10. Litter and Refuse Control and Clean-Up

   a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular 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, as determined by and to the satisfaction of the Director of Public Works.

   b) 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.

11. 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.

SECTION II – COSTS AND FEES

1. 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.

2. 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.

3. 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 35/2014
March 2, 2015

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

"*Original Signed by F. Mazur"*
F. C. Mazur, P. Eng.
Water & Waste Department

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

GJ/gj