Minute No. 44
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 7 Subdivision and Rezoning – 825 Taché Avenue
(St. Boniface Ward)
File DASZ 34/2016 [c/r DAV 135803/2016D & DAC 13/2016]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the plan of subdivision under File DASZ 34/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2016 dated September 1, 2016, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated September 1, 2016, with the following amendments:

        i. Add the following words after "The Developer shall," to items 3), 4), 5) and 7):

        "either pay their share, or"

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34/2016 dated September 1, 2016, to a "RMU" Residential Mixed Use District and "PR1" Parks and Recreation 1 (Neighbourhood) subject to the following:

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

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COUNCIL DECISION (continued):

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMU" Residential Mixed Use, 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 no building, structure or vehicular parking area be developed within Parcel F.

3. The Developer shall provide a cash payment representing 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 Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

COUNCIL DECISION (continued):

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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 October 19, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Add the following to recommendation 1.A. after "September 1, 2016":

  "with the following amendments:

  i. Add the following words after "The Developer shall," to items 3), 4), 5) and 7):

  "either pay their share, or""

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On October 3, 2016, the Riel Community Committee concluded public representations and adjourned the public hearing to its meeting on October 19, 2016, at 5:00 p.m.in the Council Building at 510 Main Street.

On September 12, 2016, the Riel Community Committee adjourned the public hearing to its meeting on October 3, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – 825 Taché Avenue**
File DASZ 34/2016 [c/r DAV 135803/2016D & DAC 13/2016]

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

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

Report date: **October 21, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2016, 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, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 34/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2016 dated September 1, 2016, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated September 1, 2016, ***with the following amendments:***

        i. Add the following words after "The Developer shall," to items 3), 4), 5) and 7):

        "either pay their share, or"

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34/2016 dated September 1, 2016, to a "RMU" Residential Mixed Use District and "PR1" Parks and Recreation 1 (Neighbourhood) subject to the following:

    A. That the applicant enter into, execute and deliver 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 "RMU" Residential Mixed Use, 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 no building, structure or vehicular parking area be developed within Parcel F.

3. The Developer shall provide a cash payment representing 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 Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 project will be a net benefit to the community by converting industrial lands by the riverbank to park land to help complete the Promenade St. Boniface trail
2. It will provide density that will support the Provencher Boulevard that we will all want; which is for it to be walkable, a cycling and transit friendly neighbourhood, have vibrant successful local businesses, and is a tribute to the historic nature of the neighbourhood.
3. The proponent has provided the community with an exciting and beautiful project, overcoming the complexities of an extremely complicated piece of land. The project also stabilizes the riverbank where it will be built, as we are losing land to the river and the bank needs to be stabilized.
4. The project will also upgrade Tache Avenue and Hebert Street by providing greater pedestrian connectivity to the existing pathway.
5. This project has the support of our civic administration and conforms to the North St. Boniface secondary plan. The parcels of land are complicated to develop for reasons including the need not to build on a potential rapid transit corridor, the proximity to a rail line, a decommissioned rail line land parcel, and the proximity to the river.

PUBLIC HEARING SUMMARY

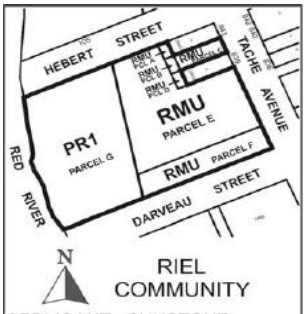
File: DASZ 34/2016

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard

Public Hearing: October 19, 2016
October 3, 2016
September 12, 2016
Council Building, 510 Main Street

Applicant: Sunstone Resort Communities

Subject:



APPLICANT : SUNSTONE RESORT COMMUNITIES
FILE : DASZ 34/16
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 "M2" MANUFACTURING GENERAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling, a two-family dwelling and mixed use buildings which includes the closing of the north-south public lane right-of-way and the establishment of park land. **For information, phone Mr. Richard Mahé, Planner, at 204-986-8631.**
DEMANDEUR: SUNSTONE RESORT COMMUNITIES
N° DE DOSSIER : DALZ 34/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie M2 (secteur manufacturier général) à la catégorie RMU (secteur résidentiel polyvalent) et à la catégorie PR1 (secteur des parcs et des loisirs 1 [Quartier]) afin de faciliter le remembrement des terres pour permettre la construction d'une habitation multifamiliale, d'une habitation bifamiliale et de bâtiments polyvalents comprenant la fermeture du droit de passage public nord-sud et l'aménagement d'un espace vert. **Pour plus de renseignements, communiquez avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 825 Taché Avenue

Exhibits Filed:

1. Application dated July 6, 2016
2. Notification of Public Hearing dated July 15, 2016
3. Manitoba Status of Titles 2371769/1, 1702575/1, 1279195/1, 1279146/1
   Certificate of Title 423802
4. Letter of authorization dated December 3, 2015 from The City of Winnipeg to Sunstone Resort Communities LP
5. Plans (9 pages)
6. Site Plan and Photographs Index dated July 2015
7. Slope Stability Analysis on Sections 1 & 2 dated July 2015
8. Plan of Topographic Survey of Part of River Lot 76, Parish of St. Boniface dated June 18, 2015
9. Plan of Survey of Part of River Lot Parish of St. Boniface
10. Sketch of Proposed Plan of Public Lane to be Closed dated January 14, 2016
11. Title Plot Sketch Showing Proposed Plan of Survey dated January 14, 2016
12. Wastewater Flow Estimation from Barnes and Duncan dated January 26, 2016
13. Report from The City of Winnipeg's Water and Waste Department dated January 28, 2016
14. Computer Simulation Report from The City of Winnipeg's Water and Waste Department dated June 11, 2015
15. Slope Stability Assessment dated February 2016
16. Material and Architectural Reference Images
17. Photos of Encroachments at 843 Taché Avenue
18. Report from the Urban Planning Division dated September 1, 2016
19. Inspection Report
20. Communication dated September 9, 2016, submitted at the public hearing by Leo Pelland
21. Presentation submitted at the public hearing by Sheila Holland and Constance Menzies
22. Communication dated September 12, 2016, submitted at the public hearing on behalf of Stephane Dorge
23. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
24. Communication dated September 12, 2016, from Real Rioux in opposition to the application.
25. Communication dated September 30, 2016, from John Stockwell in opposition to the application

26. Communication dated September 30, 2016, from Constance Menzies in opposition to the application
27. Communication dated September 30, 2016, from Heather Sorko in opposition to the application
28. Communication dated October 1, 2016, from Peter Panufnkip in opposition to the application
29. Communication dated October 1, 2016, from Brenda Hildebrand in opposition to the application
30. Communication dated October 1, 2016, from Sheila Holland in opposition to the application
31. Communication dated October 2, 2016, from Margie Harris in opposition to the application
32. Communication dated October 3, 2016, from Brad Senkiw in opposition to the application
33. Communication dated October 3, 2016, from Kanwal Saran in opposition to the application
34. Communication and presentation dated October 3, 2016, from Meghan Robert in opposition to the application
35. Communication dated October 3, 2016, from Frederick and Denise Keep in opposition to the application
36. Communication dated October 3, 2016, from Paul Lussier in opposition to the application
37. Communication dated September 30, 2016, submitted at the public hearing by Jason Coreau and Christine Wilson MacLeod
38. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
39. Communication submitted at the public hearing by Jason Coreau

REPRESENTATIONS:

In Support:

Bill Coady
Jason Coreau
Ray MacNutt
Christine Wilson-MacLeod

In Opposition:

Walter Kleinschmit
Leo JR Pelland
Real Rioux
Ben Starkey
Peter Panufnik
Christopher Nikkel
Don Sawatzky
Sheila Holland
Constance Menzies
Josée Lemoine
Margie Harris
Gavin Jag
Annelie Reimer
Mireille Lamontagne
David Lesage
Louise R. Potter
Gil Grenier
Girard Pelland
Dr. Pat O'Leary
Paul Lussier
Karl Brosch
Susan Brosch
Brenda Hildebrand
John Stockwell
Claudette Toupin
Jennifer Janzen
Tom Scott
Richard Baril
Ray MacNutt
Daniel Simard
Adam Janzen
Asha Janzen
Stephane Dorge
Malinda Lee
Brad Senkiw
Heather Sorkow
Kanwal Saran
Meghan Robert
Frederick Keep
Denise Keep

For Information:

Pat Wat
Scott Chang
Adam Janzen
Jeremy Frost
Ravi Joshi

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "18" referred to in File DASZ 34/2016

ADMINISTRATIVE REPORT

Title: DASZ 34/2016 – 825 Taché Avenue

Issue: An application for consideration at the Public Hearing to close a public right-of-way and consolidate it with three lots with the lands to be rezoned to "RMU" in order to facilitate the construction of a multi-family building, a two-family dwelling and two mixed-use buildings. A portion of the lands will be subdivided and rezoned to "PR1" for City park land.

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 34/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2016 dated September 1, 2016, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated September 1, 2016.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34/2016 dated September 1, 2016, to a "RMU" Residential Mixed Use District and "PR1" Parks and Recreation 1 (Neighbourhood) subject to the following:

    A. That the applicant enter into, execute and deliver 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 “RMU” Residential Mixed Use, 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 no building, structure or vehicular parking area be developed within Parcel F.

3. The Developer shall provide a cash payment representing 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 Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 close a public right-of-way and consolidate it with three lots with the lands to be rezoned to "RMU" in order to facilitate the construction of a multi-family building, a two-family dwelling and two mixed-use buildings. A portion of the lands will be subdivided and rezoned to "PR1" for City park land.
- Subdivisions and re-zonings 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 consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

- The City of Winnipeg issued an Expression of Interest (EOI) 617-2014 for the lands known as 825 Taché Avenue. On April 29, 2015, Council approved the sale of the land to Sunstone Resort Communities LP in accordance with the EOI 617-2014.

CONSULTATION

In preparing this report there was consultation with: CN

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé, MCIP
Date:	September 1, 2016
File No.	DASZ 34/2016

List of Schedules and Attachments

1. Appendix A Planning Discussion

2. Schedule “A” Recommended File No. DASZ 34/2016 Riel Community Committee, dated September 1, 2016
3. Schedule “B” Report of the Administrative Co-ordinating Group – September 1, 2016

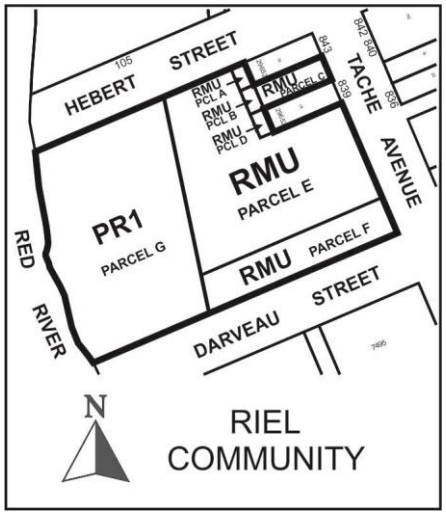
APPENDIX 'A'

DATE: September 1, 2016

FILE: DASZ 34/2016
RELATED FILES: DAV 16-135803/D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.501

SUBJECT: To close a public right-of-way and consolidate it with three lots with the lands to be rezoned to "RMU" in order to facilitate the construction of a multi-family building, a two-family dwelling and two mixed-use buildings. A portion of the lands will be subdivided and rezoned to "PR1" for City park land.

LOCATION: 825 Taché Avenue (see map below)



APPLICANT: Christine Wilson-MacLeod
275 Commerce DR
Winnipeg , Manitoba R3P 1B3

OWNER:
65 GARRY ST
Winnipeg , Manitoba R3C 4K4

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on Taché Avenue, in the North St. Boniface neighbourhood of the St. Boniface ward.
- The site is located within the High Density Residential Area of the North St. Boniface Secondary Plan. The property is zoned "M2".
- The entire site is approximately is approximately 53,126 square feet in area (this does not include Parcel G).

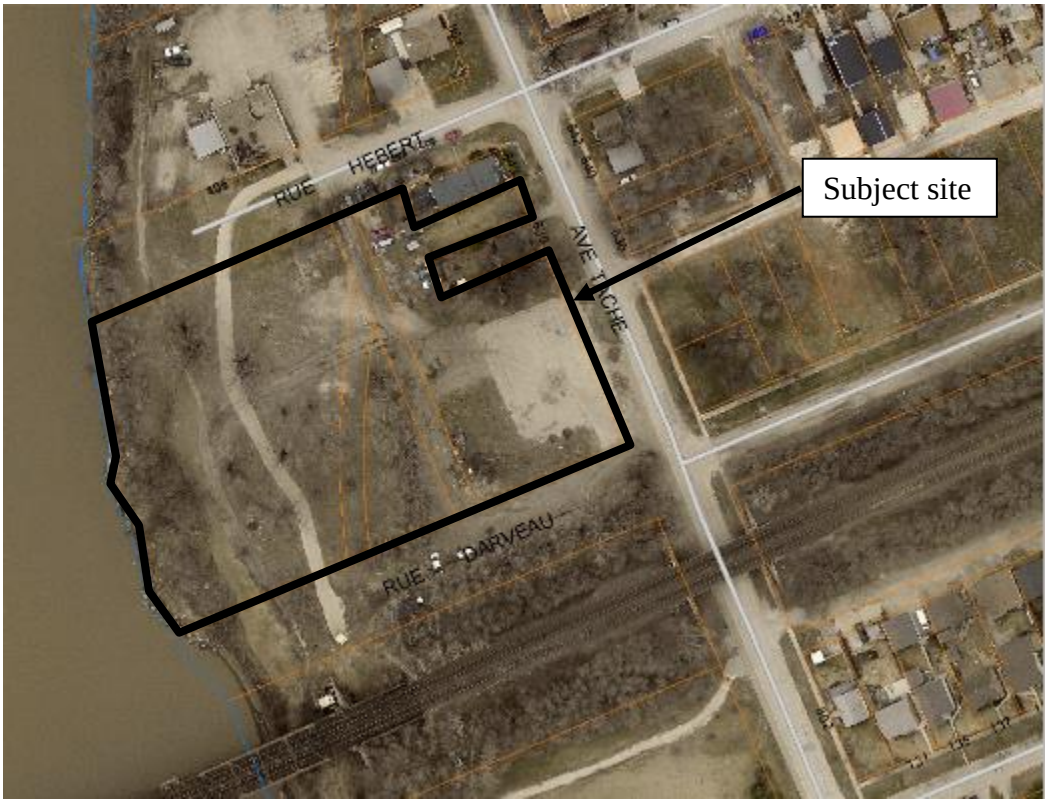


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: commercial properties zoned "M2" – Manufacturing General

South: rue Darveau right of way and the CNR Main Line zoned "M2" – Manufacturing General

East: two single family homes zoned "M2" – Manufacturing General

West: Red River

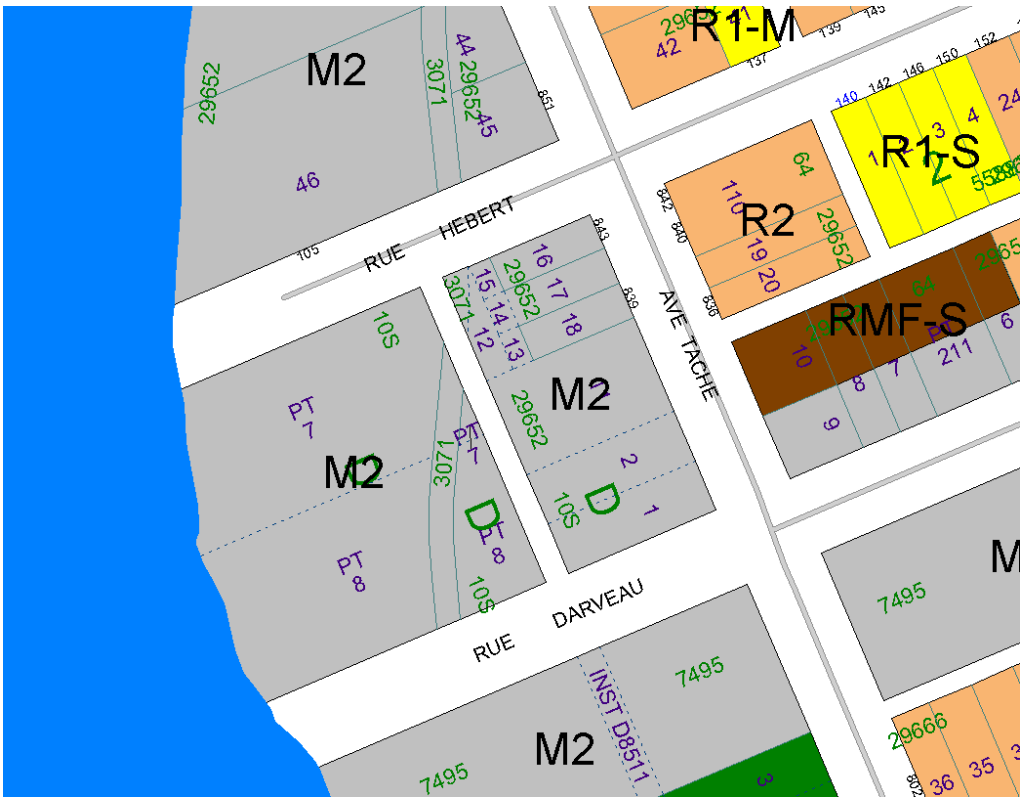


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish a mixed use project with a maximum of 82 units. This project would include:
  - Developing a seven (7) storey residential condominium building containing 78 units along the Red River at Taché Avenue and Rue Hébert;
  - Developing two (2) two-storey mixed use buildings each containing one mixed use unit and one residential unit on Taché Avenue and Rue Darveau; and
  - Developing one (1) two-storey duplex building containing two (2) residential units on Taché Avenue.

Site Plan & Building design

- The proposed seven (7) storey building will be built of steel and concrete.
- Exterior finish materials will be a combination of aluminum siding, fiber cement boards and stucco.
- Common residential amenities will include an exercise room, interior bike storage and resident's lounge.

Site Circulation and Access

- The applicant is proposing that all site access be via Rue Hébert.

Vehicular and Bicycle Parking

- Every unit will have one parking stall and there will be 6 on-site visitor parking stalls as well.
- There will be six (6) bike parking at the entrance of the building. In addition, there will be dedicated indoor bike parking for all residents.

Garbage and Recycling

- Garbage and recycling will be private services and will be located within the multi-family building.

ANALYSIS AND ISSUES

NORTH ST. BONIFACE SECONDARY PLAN (BY LAW 965/75)

- The subject site (825 Taché) is located within the High Density Residential area within the North St. Boniface Secondary Plan. Within the implementation section of the Plan, it allows for:
    - Residential densities at 55 units per acre for properties along Taché Avenue; and
    - The establishment of new locally-oriented commercial development in conjunction with higher density residential development.
- The site is approximately 53,126 square feet in area (with the potential future rapid transit corridor). The Residential High Density area allows a maximum of 67 residential dwelling units at 55 units per acre. However, given the property meets condition (D) of under Section 2 of the Implementation Section of the North St. Boniface Secondary Plan, the project is able to receive an additional 25% density. This 'density bonus' would allow for a maximum of 83 residential dwelling units.

- The Implementation section of the plan also encourages the assembly and enhancement of riverbank properties to enable an integrated and continuous linear parkway system. This proposal achieves that by rezoning and dedicating approximately 100 feet from the top of bank as PR-1 zoned lands. This is shown as Parcel G on Schedule A.

RAIL PROXIMITY CONSIDERATIONS

- For applications involving a rezoning and/or subdivision, the Urban Planning Division requires new development adjacent to or abutting rail operations to incorporate the safety measures identified in *The Guidelines for New Development in Proximity to Railway Operations* (2013) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- What's unique about the subject application in relation to the guidelines is that, although the land may be "adjacent" to the CNR Main Line, the City of Winnipeg has a reversionary right over Parcel F for a potential route for the eastern rapid transit corridor (See Schedule A). This reversionary right does not permit the construction of any buildings or structures within Parcel F, and if executed, would mean that the subject property may no longer be "adjacent" to the rail line and would abut the rapid transit line. Considering this reversionary right, the proposed development is separated from the rail line by both Parcel F (+/-15 metres) and the Darveau right-of-way, which is 66 feet (+/-20 metres) wide. In addition to these setbacks, the City of Winnipeg has requested a 3 metre construction easement associated with the potential future rapid transit corridor. In total, including the proposed building will be set back 38 metres from the CN right-of-way, which is 27% further than the recommended 30 metre setback from a Principal Main Line.
- The Winnipeg Public Service recommends that no building, structure or vehicular parking area be developed within Parcel F. In the scenario where the City does not act upon its reversionary rights to Parcel F, and the landowner wishes to develop within Parcel F, it would require the landowner to apply for a zoning agreement amendment. The City would then have the ability, through a public hearing process, to assess the application at that time and place conditions that address issues associated with development adjacent to rail operations.

PARCELS A, B & D

- It should be noted that the single family dwellings at 839 and 843 Taché Avenue have access rights to Parcels A, B & D. This proposal shows that these parcels of land are to be used as a drive aisle to access the proposed project. The owners of 839 and 843 Taché will maintain their access rights to these parcels to get to the rear of their properties.

RIVERBANK & PARKS

- A Waterways Permit, issued pursuant to the City of Winnipeg's Waterways By-law, must be obtained prior to commencing any site development or construction works within the Waterways Regulated Area (i.e. 350' from the Normal Regulated Summer Water Level).
- This application will rezone and create a separate parcel for the riverbank parkway lands (Parcel G).

TRANSIT

- Winnipeg Transit has a concept for a rapid transit corridor alignment in close proximity to this site (one of several options to be explored in detail in the future), however further study is required and the timeline is unknown at this time. Transit has no objections to the proposed development.
- As part of an eastern rapid transit corridor study, the City of Winnipeg has reversionary rights to Parcel F as shown on Schedule "A".

ZONING

- Currently, the lands are zoned "M2" – Manufacturing General. The intent of the "M2" zoning district is to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. This zoning district is incompatible with the intent of the North St. Boniface Secondary Plan for this area.
- The applicant is proposing to create a large "RMU" – Residential Mixed Use site for their intended mixed use project. The intent of the "RMU" zoning district is to facilitate the development of primarily medium- to higher-scale residential development, though it also may contain limited small-scale commercial, institutional, recreational and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. The development in the RMU district should provide convenient access for pedestrians and transit users from the public street, and should facilitate pedestrian travel between residential and non-residential uses. This district is often part of Community or Regional Mixed Use Centres, Major Redevelopment Sites, and Rapid Transit Corridors.
- The applicant is also proposing to rezone the property into to create a "PR1" - Parks and Recreation 1 site along the riverbank. The intent of the "PR1" zoning district is for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These types of parks spaces are generally located in a residential neighbourhood or riverbank context.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located along Taché Avenue within the High Density Residential area in the North St. Boniface Secondary Plan. The proposed density meets the requirements within the Plan. Taché Avenue has seen significant increases in density since over the last 10 years with the Verve Condos (see figure 3 below), the Mode Taché Condos (see figure 4 below) and the Rive Gauche Condos (see figure 5 below). This project fits within that transition towards higher density residential options for residents in North St. Boniface. This transition towards higher density housing is encouraged within the North St. Boniface Secondary Plan.
- The project also provides maintains compatibility in terms of the scale and size of buildings along the Taché Avenue street frontage. The applicant is proposing a two-storey duplex between the two existing single family dwellings and two (2) two-storey mixed use buildings along the vacant frontage south of the existing home at 839 Taché Avenue.



Figure 3: Verve condos along Taché Avenue

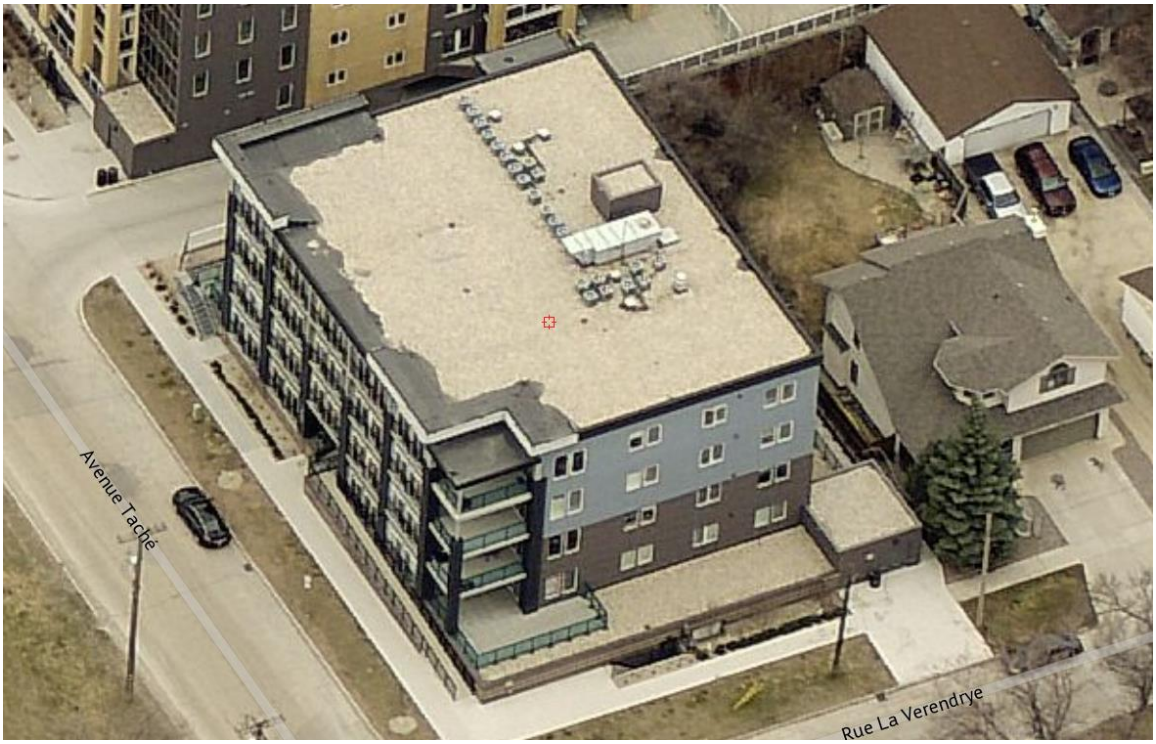


Figure 4: Mode Taché condos along Taché Avenue



Figure 5: Rive Gauche condos along Taché Avenue

- This project also meets the EOI requirements to establish an approximate 100 foot wide (from top of riverbank) park lands to formally extend the riverbank trail. The ultimate goal is to connect this trail to riverbank lands along Messager Street and to Whittier Park.

PUBLIC WORKS

- The Public Works Department has reviewed the proposed subdivision and rezoning of the subject property and has no objections, subject to meeting certain infrastructure requirements as set out in Schedule "B" - Report of the Administrative Co-ordinating Group.

RECOMMENDED ZONING AGREEMENT

- The Urban Planning Division recommends the following elements to be included into a zoning agreement in order to meet key planning objectives:
    - Plan approval should be a condition of approval where the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMU" Residential Mixed Use, 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. This will provide additional oversight to ensure that what is built at this location meets the objectives of the North St. Boniface Secondary Plan and is compatible with the neighbourhood.
    - Given the rail proximity considerations and the uncertain future of Parcel F, it is recommended that no building, structure or vehicular parking area be developed within Parcel F, as per the Rail Proximity section above. .

RECOMMENDATION

The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the North St. Boniface Secondary Plan; and
- The proposed development is compatible with surrounding properties and the trend of development along Taché Avenue in terms of scale and density.

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

Report Prepared By: Richard Mahé, MCIP
PPD File # DASZ 34/2016

Schedule "A" for File No. DASZ 34/2016, Riel Committee, dated September 1, 2016

By-Law No. _____

File No. **DASZ 34/16**

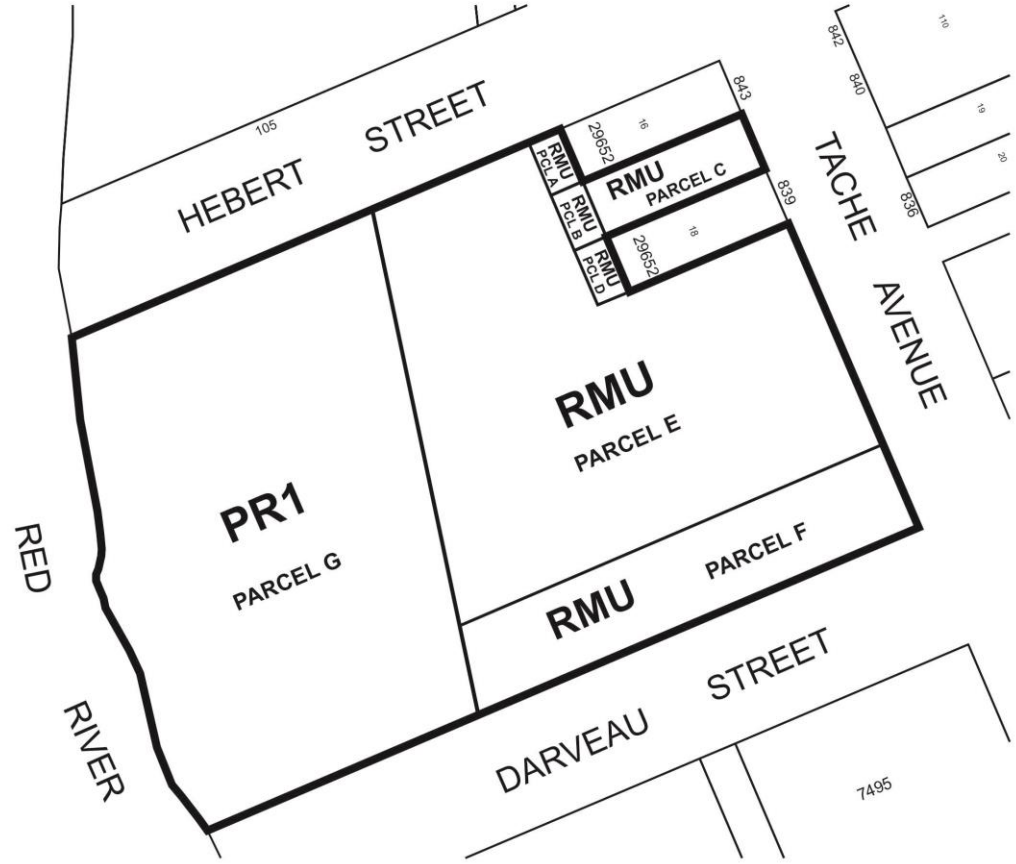
Explanation

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 825 Tache Avenue from an "M2" MANUFACTURING GENERAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling, a two-family dwelling and mixed use buildings which includes the closing of the north-south public lane right-of-way and the establishment of park land as shown outlined below.

Atlas Sheet No.

N

Z26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 825 TACHE AVENUE – DASZ 34/16 - dated September 1, 2016

It is recommended that the approval of DASZ 34/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Water

The Developer shall, at no expense to the City, construct a 250 mm diameter water main from Rue La Verendrye to Rue Hebert, or if installed by others, pay their share of the cost of the water main constructed by others, as determined by and to the satisfaction of the Director of Water and Waste.

2) Land Drainage

The Developer shall, upon demand by the City, pay their share of future land drainage sewer in Tache Avenue, as determined by the Director of Water and Waste.

3) Tache Avenue Improvements

The Developer shall, at no expense to the City, construct a 10.0m wide by 200mm thick Portland cement concrete pavements in Tache Avenue from Hebert Street to Darveau Street, and all related works, including but not limited to street lighting and boulevard landscaping (sod and trees) on both sides of Tache Avenue, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

4) Public Lane

The Developer shall, at no expense to the City, construct a 5.0m wide by 150mm thick Portland cement concrete pavements in the east-west public lane between Hebert Street and Darveau Street, from Tache Avenue to the terminus of the existing concrete pavement approximately 13m east of Tache Avenue, all as determined by and to the satisfaction of the Director of Public Works.

5) Sidewalks

The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the west side of Tache Avenue from Hebert Street to the existing pathway connection, approximately 45m south of Darveau Street, as determined by and to the satisfaction of the Director of Public Works.

6) Recoveries

The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent development agreements.

7) Hebert Street Improvements

The Developer shall, at no expense to the City, construct 7.5m wide by 150mm thick Portland cement concrete pavements in Hebert Street from Tache Avenue to the west limit of the Planned Area, including but not limited to a sidewalk on the south side of Hebert Street, boulevard landscaping (sod and trees) on both sides of Hebert Street, ornamental street lighting, and land drainage sewer, all as determined by the Director of Public Works.

8) Boulevard Improvements

a) The Developer shall, at no expense to the City, sod, and plant trees on all boulevards abutting 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.

b) 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.

9) Construction Traffic

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

10) Utilities

a) 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.

b) 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.

11) Cleanup

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 Work

12) Fencing

The Developer shall, at no expense to the City, install fencing within the Developer's lands abutting the abutting the park space, to the satisfaction of the Director of Public Works.

13) Waterway Permit

a) The Developer shall obtain a Waterways Permit, issued pursuant to the City of Winnipeg's Waterways By-law, prior to commencing any site development or construction works within the Waterways Regulated Area (ie. 350' from the Normal Regulated Summer Water Level).
b) All construction activity shall be contained within the subject property, unless permitted by all necessary Agreements, and the subject of a Waterway Permit.
c) A geotechnical report addressing the potential short and long term risks and impacts may be required in support of a Waterway Permit and any Agreement permitting construction activity, temporary works or permanent works to take place on, or be constructed within the City-owned lands intervening the subject property and the River.
d) The City shall not be responsible for preventing, mitigating or remediating natural riverbank processes including erosion, and slope instabilities, and shall not be held liable for impacts to integrity or utility of private or public lands caused by naturally occurring riverbank processes.

14) 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.

15) 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.

16) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 34/2016
September 2, 2016

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

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

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

"*Original signed by D. Beaton"*
D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj