Minute No. 591
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

Item No. 4 Subdivision and Rezoning – 469, 471, 473, 475 and 481 St. Anne's Road (St. Vital Ward) File DASZ 23/2019 [c/r DAV 103079/2019D]

COUNCIL DECISION:

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

1. That the plan of subdivision under Development Application No. DASZ 23/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, 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 a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 23, 2019 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "RMU" Residential Mixed Use District, the Owner must submit plans showing the location and design of any and all proposed:
            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

COUNCIL DECISION (continued):

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed six storeys and 67 feet.

iii. That, any buildings must not extend into a 45 degree angular plane measured from a point 6 feet above grade at the western property line of 204 Hindley Avenue extending over the subject property.

iv. That no private vehicular approaches shall be permitted on St. Anne's Road.

3. That the City enter into, execute and deliver with the Developer:

A. a Servicing Agreement in accordance with Recommendation 1; and

B. a Zoning Agreement in accordance with Recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 23/2019, as determined by the City's Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

COUNCIL DECISION (continued):

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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 October 15, 2019, 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 September 30, 2019, 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 September 9, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

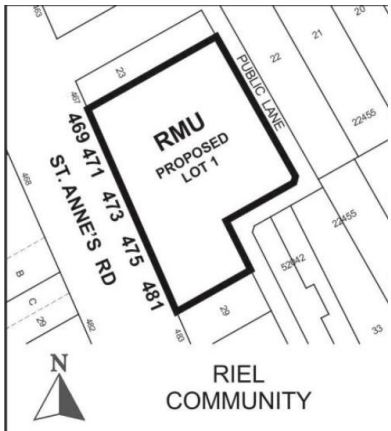
File: DASZ 23/2019

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

Public Hearing: September 9, 2019
Council Building, 510 Main Street

Applicant: John Wintrup, J. Wintrup Consulting Ltd.

Subject:



APPLICANT: J. Wintrup Consulting Ltd.
FILE: DASZ 23/2019
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT, and a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of lots and to allow the construction of a Multi-Family Dwelling use containing commercial tenant spaces. **For information, phone E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR: J. Wintrup Consulting Ltd.
N° DE DOSSIER: DALZ 23/2019
PROJET: Demande d'approbation par le conseil municipal 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 modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent des catégories R1-M (secteur d'habitations unifamiliales moyennes), C1 (secteur commercial de quartier) et C2 (secteur commercial communautaire) à la catégorie RMU (secteur résidentiel polyvalent), en vue de faciliter le remembrement des lots et de permettre la construction d'une habitation multifamiliale comprenant des locaux commerciaux à louer. **Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 469, 471, 473, 475 and 481 St. Anne's Road

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

Prepared by: Kate McMillan, Senior Committee Clerk
Riel Community Committee

Report date: September 9, 2019

Community Committee Recommendation:

On September 9, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee / and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision under Development Application No. DASZ 23/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, 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 a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 23, 2019 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "RMU" Residential Mixed Use District, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed six storeys and 67 feet.

iii. That, any buildings must not extend into a 45 degree angular plane measured from a point 6 feet above grade at the western property line of 204 Hindley Avenue extending over the subject property.

iv. That no private vehicular approaches shall be permitted on St. Anne's Road.

3. That the City enter into, execute and deliver with the Developer:

A. a Servicing Agreement in accordance with Recommendation 1; and

B. a Zoning Agreement in accordance with Recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 23/2019, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

1. I agree with what the Planning Department is saying here. I would like to see a development here and I don't actually have a big issue with the height on the St. Anne's frontage, but I do with the step back. I am very conscious of there being a low rise, single family neighborhood immediately to the east.

2. In the zoning here we talk about the 45 degree angular plane; I'm not going to take that out because if I took that out and all the variances get ditched at the next hearing, then this thing is going as proposed and I don't agree with that.
3. There are issues that don't concern me; issues of crime, which I don't think is going to be worsened by a building like this; traffic – I'm not going to ask for traffic study. I've done this enough and it'll say St. Anne's is equipped to handle a huge volume of traffic and this is a relatively small amount and there are lights are Worthington. In a way that's a double edged sword if you want to go south why wouldn't you go down the back lane from Hindley and get the lights at Worthington? I've never sat there for three cycles I must admit I've sat there for more than one cycle but there are lights so I don't really think traffic is the Achilles heel here.

4. Privacy – I don't think is the Achilles heel, I actually agree with the comments made in that people live in high rise buildings, we have a lot of this, we're trying to encourage it on the main streets (St. Mary's and St. Anne's) so I'm not worked up about the privacy.

5. What concerns me is exactly what the Public Service has said; the density, the angle, the step back towards the residential neighborhood and the parking. I'm in the position of agreeing with the public service.

6. Both sides have presented very politely and very professionally so I appreciate that from both sides.

7. I would like to see something go in here, but to the credit of most of the people who spoke they agreed with that that. Something should go in, but what's proposed here isn't quite the right fit so if it can be fit in by the criteria developed by the Planning Department, great, but concerns still remain on the set back, density and the parking. Paving gravel lanes is a good precedent. Where I land is what the public service is recommending.

Exhibits Filed:

1. Application dated June 11, 2019
2. Notification of Public Hearing dated July 22, 2019
3. Manitoba Status of Titles 2655008/1, 2655009/1, 2655013/1, 1634966/1, 2986436/1
4. Letter of authorization dated November 13, 2018 from Concetta Theresa Cianflone, G. Cianflone and G. Cianflone to J. Wintrup Consulting Ltd.
5. Letter of authorization dated May 7, 2019 from Aktanoor Haque to J. Wintrup Consulting Ltd.
6. Surveyor's Building Location Certificate and sketch dated May 2, 2019
7. Plans (5 pages)
8. Report from the Urban Planning Division dated August 30, 2019
9. Inspection Report
10. Communication dated September 9, 2019 from Wilfred G. Brock in opposition to the application
11. Community Engagement Report dated July 2019, in support of the application submitted by the Applicant in at the public hearing
12. Presentation in support of the application submitted by Kurtis Sawatzky at the public hearing
13. Communication dated September 9, 2019 from Heather Brandon in opposition to the application submitted by Brian Rich at the public hearing
14. Recording of Representations

REPRESENTATIONS:

In Support:

Mehul Patel
Ryan Ridge
Tracy Ridge
Kurtis Sawatzky
John Wintrup

In Opposition:

Mike Berard
Wilfred Brock
Marcien Bouchard
Andrea Giacobbo
Doreen M. Harrison
George Harrison

Eric Janzen
Matt Jaques
Renate Jubinville
Mary-Ann Klassen
Inis Melnick
Eva Peloquin
Alan Rich
Brian Rich

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
J. Hildebrand, Planner, Planning Property and Development Department

Exhibit "8" referred to in File DASZ 23/2019

ADMINISTRATIVE REPORT

Title: DASZ 23/19 – 469 – 481 St. Anne's Road

Issue: An application for consideration at the Public Hearing to consolidate five existing lots and rezone from R1-M (Residential Single-Family Medium), C1 (Commercial Neighbourhood), and C2 (Commercial Community) to RMU (Residential Mixed Use) for the purposes of constructing a 6-storey mixed multi-family residential/commercial building.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet, Acting	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under Development Application No. DASZ 23/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, 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 a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 23, 2019 and attached as Schedule "B" to this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

i. For those portions of the Owner's Land zoned "RMU" Residential Mixed Use District, the Owner must submit plans showing the location and design of any and all proposed:

(a) buildings;

(b) accessory parking areas;

(c) private approaches;

(d) garbage enclosures;

(e) fencing;

(f) landscaping; and

(g) free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed six storeys and 67 feet.

iii. That, any buildings must not extend into a 45 degree angular plane measured from a point 6 feet above grade at the western property line of 204 Hindley Avenue extending over the subject property.

iv. That no private vehicular approaches shall be permitted on St. Anne's Road.

3. That the City enter into, execute and deliver with the Developer

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 23/2019, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That the property officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to consolidate five existing lots and rezone from R1-M (Residential Single-Family Medium), C1 (Commercial Neighbourhood), and C2 (Commercial Community) to RMU (Residential Mixed Use) for the purposes of constructing a 6-storey mixed multi-family residential/commercial building.
- Rezoning applications 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 properties will be consolidated and rezoned from R1-M, C1, and C2 to RMU with a zoning agreement further restricting the property.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan, MA Planning
Date:	August 30, 2019
File No.	DASZ 23/19

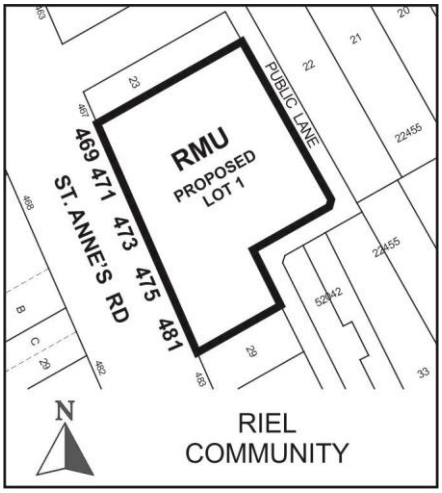
1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 23/2019 Riel Community Committee, dated August 30th, 2019.
3. Schedule “B” — Report of the Administrative Working Group – August 23rd, 2019

APPENDIX 'A'

FILE: **DASZ 23/19**
RELATED FILES: DAV 19-103079\D
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.510 – Lavalee Neighbourhood

SUBJECT: To consolidate five existing lots and rezone from R1-M, C1, and C2 to RMU for the purposes of constructing a 6-storey mixed multi-family residential/commercial building.

LOCATION: 469 – 481 St. Anne's Rd



APPLICANT: John Wintrup
139 Roslyn RD Unit 301
Winnipeg , Manitoba R3L 0G7

OWNER: 1420 TAYLOR AVE 100
Winnipeg , Manitoba R3N 1Y6

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject lands are located on the east side of St. Anne's Road between Hindley Avenue and Worthington Avenue in the Lavalee neighbourhood of the St Vital ward.
- The site is comprised of five (5) separate lots (i.e., 469, 471, 473, 475, and 481 St. Anne's Road).
- The subject site is **approximately 35,988** square feet in area and is currently occupied by three vacant single family dwellings and a vacant restaurant.

- 469, 471, 473, and 475 St. Anne's Road are split zoned C1 and R1-M and 481 St. Anne's Road is zoned C2. The properties are located along a Regional Mixed Use Corridor (St. Anne's Road) under *the Complete Communities Direction Strategy*.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Restaurant split zoned C1 (Commercial Neighbourhood) and R1-M (Residential Single Family Medium); then Hindley Avenue.

South: Commercial uses zoned C2 (Commercial Community); then Worthington Avenue.

East: Public lane; then single-family homes zoned R1-M (Residential Single Family Medium).

West: St. Anne's Road; then commercial uses zoned C1 (Commercial Neighbourhood) and C2 (Commercial Community).

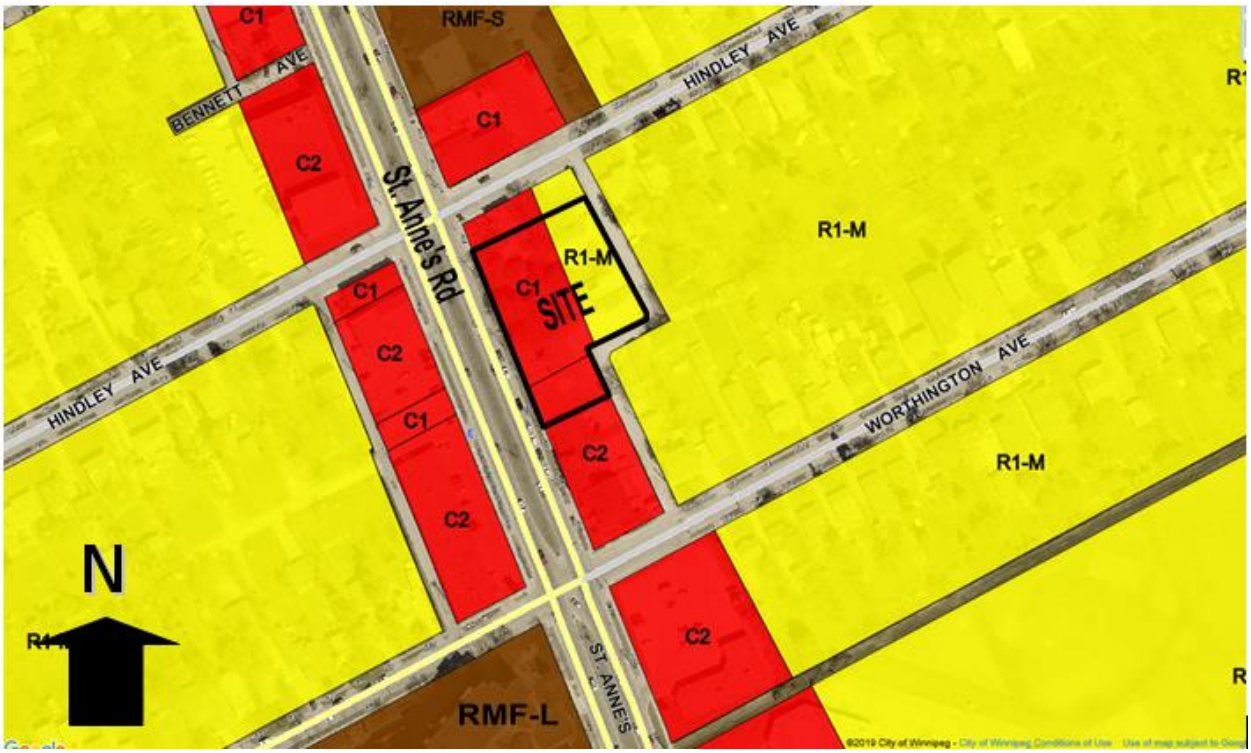


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Per DASZ 23/2019, the applicant is proposing to consolidate five existing lots and rezone from C1 (Commercial Neighbourhood), C2 (Commercial Community) and R1-M (Residential Single-Family Medium) to RMU (Residential Mixed Use) for the purposes of constructing a 6-storey mixed use building. The building will encompass 109 residential units and five small scale commercial units (unit sizes vary from approximately 1,261 square feet to 1,756 square feet) on the ground floor.
- A total of ninety-four (94) parking stalls will be provided. Forty-three (43) parking stalls will be located at-grade under the building and fifty-one (51) parking stalls will be located below grade under the building. In the underground parking area the applicant has also identified locations for “Scooter Parking” as well as “Motorcycle Parking”.
- As part of the 94 parking stalls, there will be 10 visitor parking stalls, 4 accessible parking stalls, 2 van accessible parking stalls, and 3 small car parking stalls.
- Vehicular access to the property is proposed by way of the public lanes.
- Landscaping will be provided along the entire street frontage except where the pedestrian access points are located.
- Ten bicycle parking stalls will be provided near the entrances to the commercial units and a secure bicycle storage room accommodating 42 bicycle parking stalls will be provided in the at-grade parking area.

- A four (4) sided garbage enclosure will be located at the northeast corner of the site abutting the public lane.
- The proposed development requires variances for yard setbacks, insufficient buffering of the parking area, a reduction in the number of parking stalls, as well as density (see associated variance application DAV 19-103079\D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy* the proposed development is located along a Regional Mixed-Use Corridor (Pembina Highway). With regard to this proposal, the key policies guiding development along Centres and Corridors include:

- Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
- Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
- Encourage the tallest buildings and highest densities close to major transit stops and stations.
- Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
- Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
- Encourage urban design and/or form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.

- Urban Design is also identified in the Complete Communities Direction Strategy. Key relevant policies include:
  - Consider the comfort, convenience, safety and visual interest of streetscapes, recognizing that streets are places where people gather.
  - Use planning tools to establish high quality design standards for signage.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

CURRENT ZONING DISTRICT:

"R1-M" Residential Single-Family Medium

The R1-M zone is intended to accommodate primarily single-family development in lower-density areas. The dimensional standards in the R1-M zone are: a minimum front yard of 15 feet (except where a new residential structure is constructed on a block where at least 80 percent of the lots are developed then the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block); 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 3,500 square feet.

"C1" Commercial Neighbourhood

The C1 zone is intended to accommodate small, compact commercial uses within or surrounded by residential areas that area attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. The dimensional standards for commercial structures in the C1 zone are: a maximum building height of 39 feet, a minimum front yard, rear yard, and side yard of 0 feet.

"C2" Commercial Community

The C2 zone 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, recreational, limited residential 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 Community or Regional mixed use corridors. The dimensional standards in the C2 zone are: a minimum front yard of 10 feet to open parking and no front yard to a building wall; a minimum rear yard of 25 feet; no side yard requirement and, a maximum building height of 49 feet.

PROPOSED ZONING DISTRICT:

"RMU" Residential Mixed-Use District

The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 5 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 100 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

Reason for the Subdivision and Rezoning

The applicant is proposing to construct a 6-storey mixed multi-family residential and commercial building. The subject proposal requires consolidation of the five existing lots and a rezoning to RMU (Residential Mixed Use).

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- It is recognized that since the original construction of the existing houses on the subject properties in the 1920s and the 1950s a lot of changes have occurred along St. Anne's Road placing significant pressure on the viability of single family uses at this location. St. Anne's Road has evolved into a major arterial street experiencing over 30,000 vehicular trips per day and warranting its classification under *OurWinnipeg* and *the Complete Communities Direction Strategy* as a Regional Mixed Use Corridor.
- Regional Mixed Use Corridors were identified in the *Complete Communities Direction Strategy* as important areas for accommodating growth as they help accomplish several objectives:
    - Build a critical population mass, creating vibrancy while supporting local amenities.
    - Link land use with transportation and mobility.
    - Accommodate Winnipeg's projected growth in a sustainable way.
    - Increase predictability and reduce the impact of new development and increased traffic in Areas of Stability.
    - Increase certainty for the development industry.
- The subject properties are located along a portion of the St. Anne's Road Regional Mixed Use Corridor which is characterized by multi-family, two family, institutional and commercial land uses. They are also located within close proximity to two public transit routes (i.e., Routes #55 and #59). As such, the proposal to establish a mixed use building on the subject properties is compatible with existing land uses and aligns with the policies guiding development along Regional Mixed Use Corridors in the *Complete Communities Direction Strategy.*

PUBLIC CONSULTATION

- The applicant indicates that on Tuesday, June 11th a total of 175 flyers were hand-delivered to residences and businesses within an approximate 250-metre radius from the proposed development site. The applicant had direct communication either via phone, email, or in-person with 18 individuals. A summary report of the feedback received was submitted as part of the application. The applicant indicates that residents were primarily concerned with an increase in traffic, on-street parking, and the proposed height of the building.

RECOMMENDED SERVICING AGREEMENT

- Per the report of the Administrative Coordination Group (Schedule "B" of this report), conditions in the servicing agreement include a requirement that the applicant pave the entire lane between Hindley Avenue and Worthington Avenue as well as increase the corner cut where the two existing lanes intersect.

RECOMMENDED ZONING AGREEMENT

Plan Approval

The Urban Planning Division 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 lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before any future development takes place on the site. This is of particular concern with the subject proposal as the current site and building design proposal do not align with the recommendation of the Public Service for the associated variance application (see DAV 19-103079\D). Items the City will be looking for at the plan approval stage are as follows:

1. Site Planning

1.1 The site layout, building orientation, and massing should ensure that the building relates appropriately to the street (St. Anne's Road) and surrounding developments and creates a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be located below the building and screened from the street with active uses.

1.4 The ramp to the parking area should be located directly off the lane away from the street.

1.5 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

2. Building Orientation and Design

2.1 The building façades should be well-articulated and should avoid featureless building massing. The inclusion of balconies and ground floor patio spaces is encouraged along the building façade facing St. Anne's Road as a way of better articulating the building as well as activating the streetedge.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, balconies, etc. to break up tracts of continuous blank walls.

2.4 Ground floor residential units facing the street should include individual, private front entries and landscaped yards to help encourage a stronger connection with the street.

3. Landscaping

3.1 High-quality landscaping should be provided along the streetedge of the site (i.e. St. Anne's Road) and along the side yards.

Height

The maximum building height permitted in the RMU zone is 100 feet. To ensure the project is compatible with the surrounding area, the Public Service is recommending that the maximum height of any building on the site be restricted to six-storeys and 67 feet.

Rear Yard Setback

One of the factors when considering the compatibility of a proposed building with the surrounding context is the proposed height and setbacks of the building and their potential impact on adjoining properties. This is of particular importance when adjacent to residential properties. Many cities ensure that when the rear yard of a development is adjacent to residential properties the building setback be determined by setting the building back so it does not project into a 45 degree angular plane measured from the single family residential property line (starting at a six foot height above grade) to the top of the proposed building (see Figure 3). This provides a lower building at the rear of the site, improved "fit", and a gradual transition from the rear property line in terms of building massing.

The Public Service is recommending the rear yard setback be restricted in the Zoning Agreement based on the 45 degree angular plane measurement. This is of particular concern with the subject proposal as all of the units facing the rear yard include balconies. Typically existing neighbours feel balconies may impact their privacy.

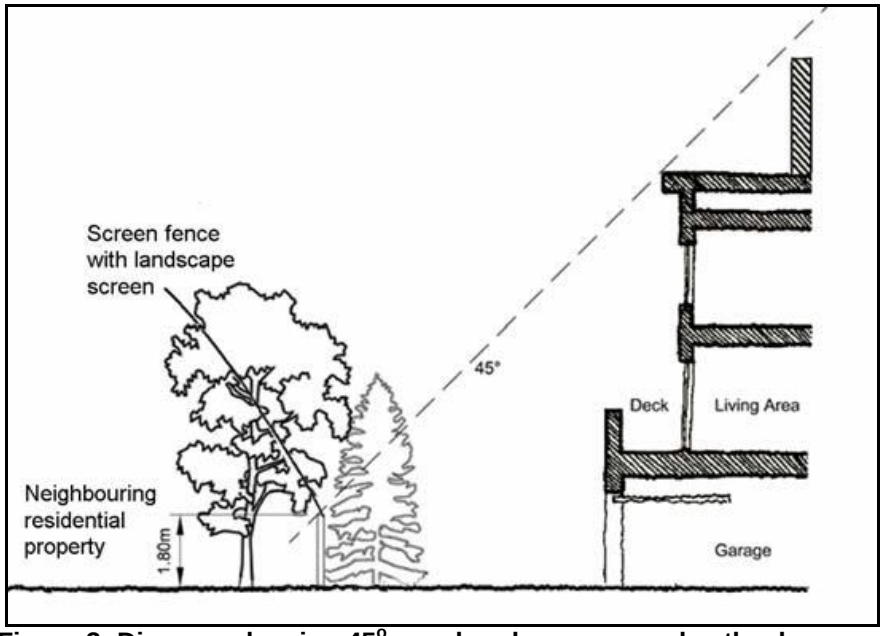


Figure 3: Diagram showing 45° angular plane rear yard setback.

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.

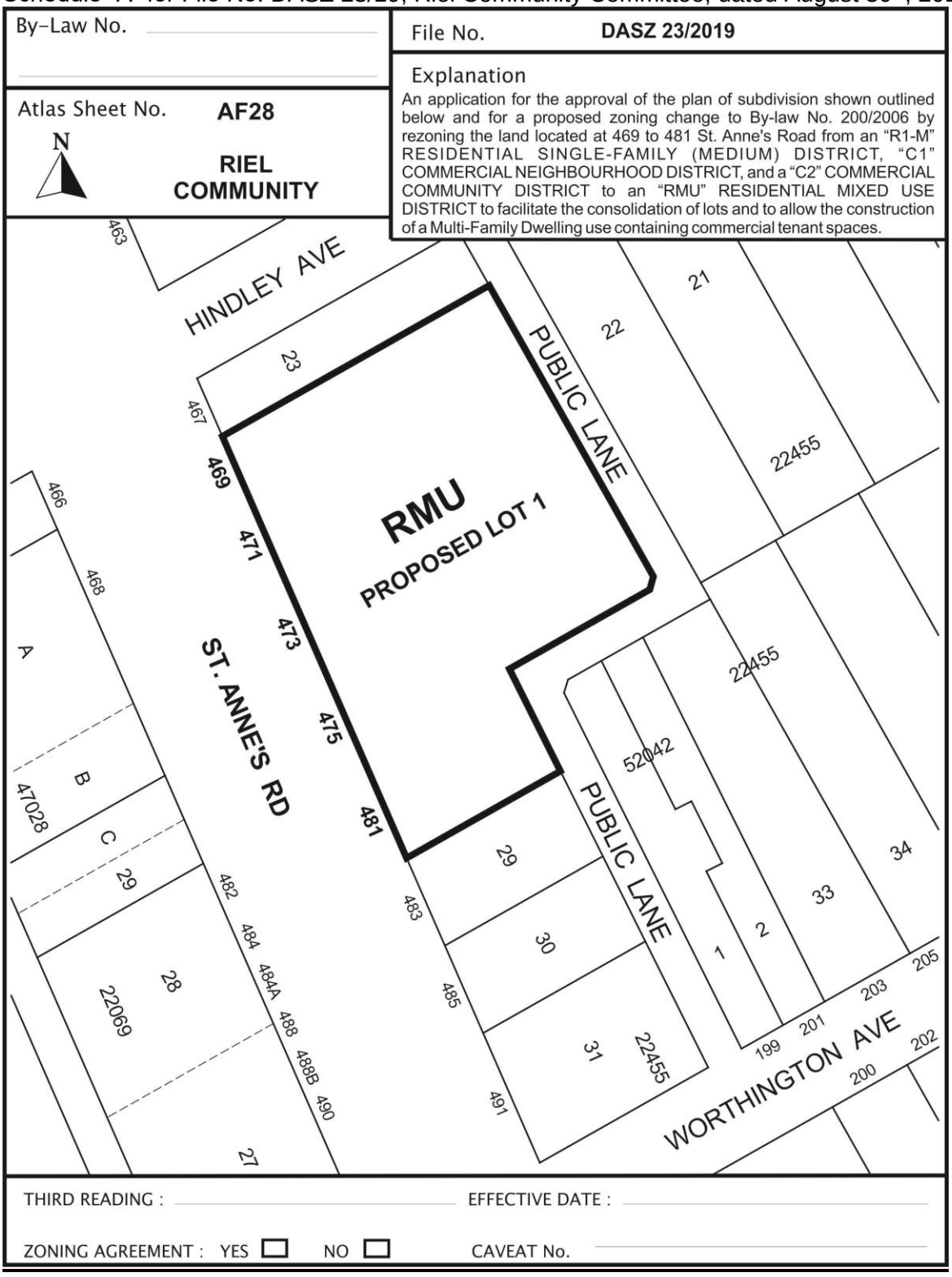
RECOMMENDATION

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

- The proposal is consistent with the policies guiding development along *Regional Mixed Use Corridors* in the *Complete Communities Direction Strategy* where higher intensity mixed use developments are encouraged.
- The proposal is consistent and compatible with existing land uses where there is a mix of uses, including multi-family dwellings, commercial uses, and institutional uses.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 23/19

Schedule "A" for File No. DASZ 23/19, Riel Community Committee, dated August 30th, 2019.



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 469 TO 481 ST ANNE'S ROAD

It is recommended that approval of DASZ 23/2019, if granted, be subject to the applicant entering into a Servicing Agreement with the City to address the following items where applicable:

Plan Considerations

The Developer shall, at no expense to the City, legally open property required for a 5.0m x 5.0m corner cut where the two existing public lanes intersect, to the satisfaction of the Director of Public Works.

Servicing Conditions

1) Water and Waste Department

The Water and Waste Department has advised that there is adequate servicing based on the development plans provided. Additional review will be required by their Department should the plans of development change during the design process.

2) Pavements

The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavement, 5.0m in width, and all related works, including but not limited to land drainage facilities, in the north-south and east-west public lanes between Hindley Avenue and Worthington Avenue, as determined by and to the satisfaction of the Director of Public Works.

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 this 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, parklands, parkways 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 pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

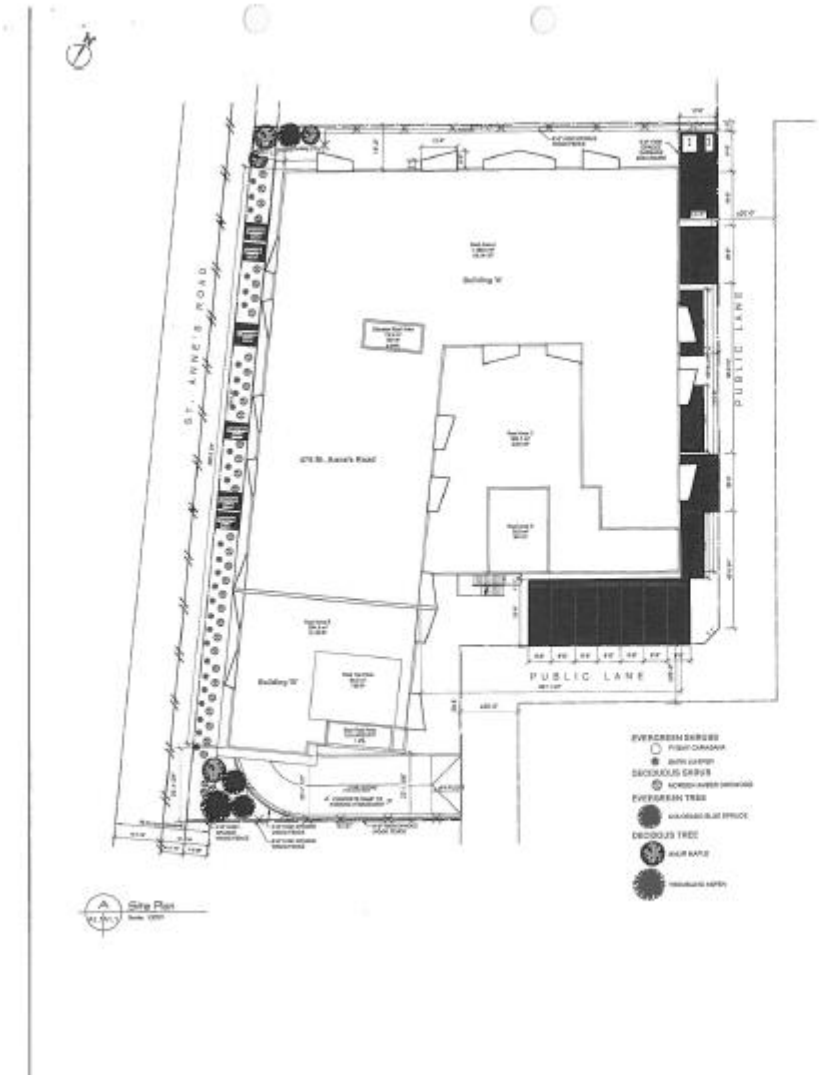
Administrative Co-ordinating Group
File No. DASZ 23/2019
August 23, 2019

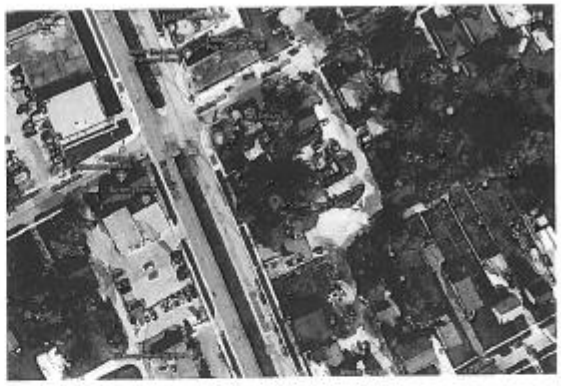
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.,
Land Development Branch

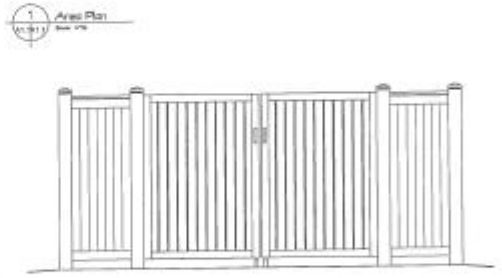
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

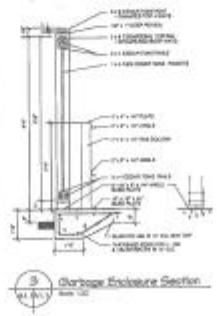
"Original Signed By C.J. Desjardine"
C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

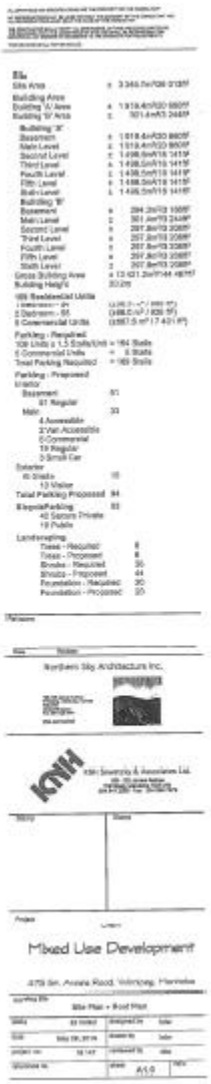
Exhibit "7" referred to in File DASZ 23/2019

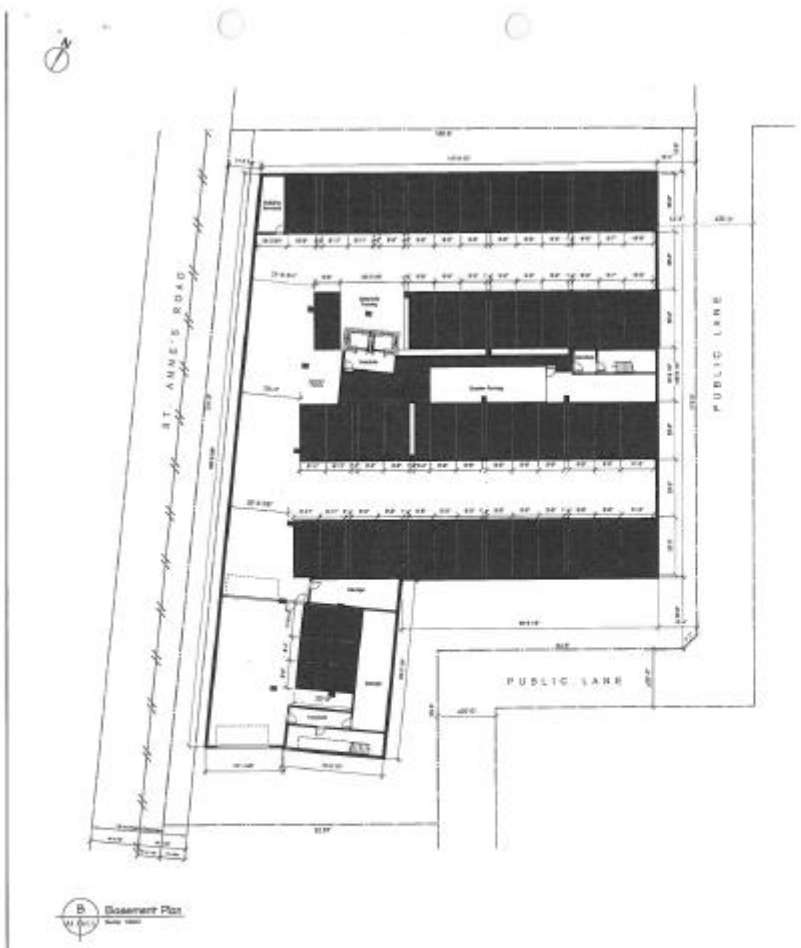


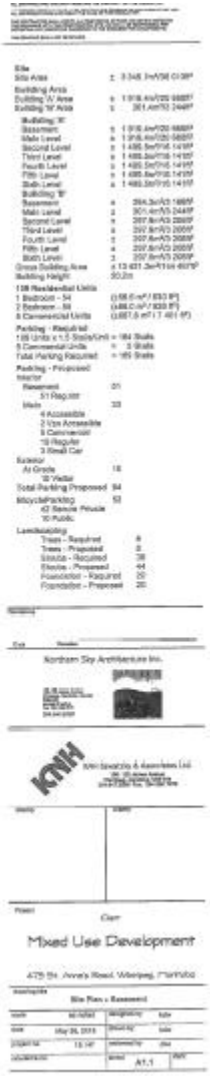


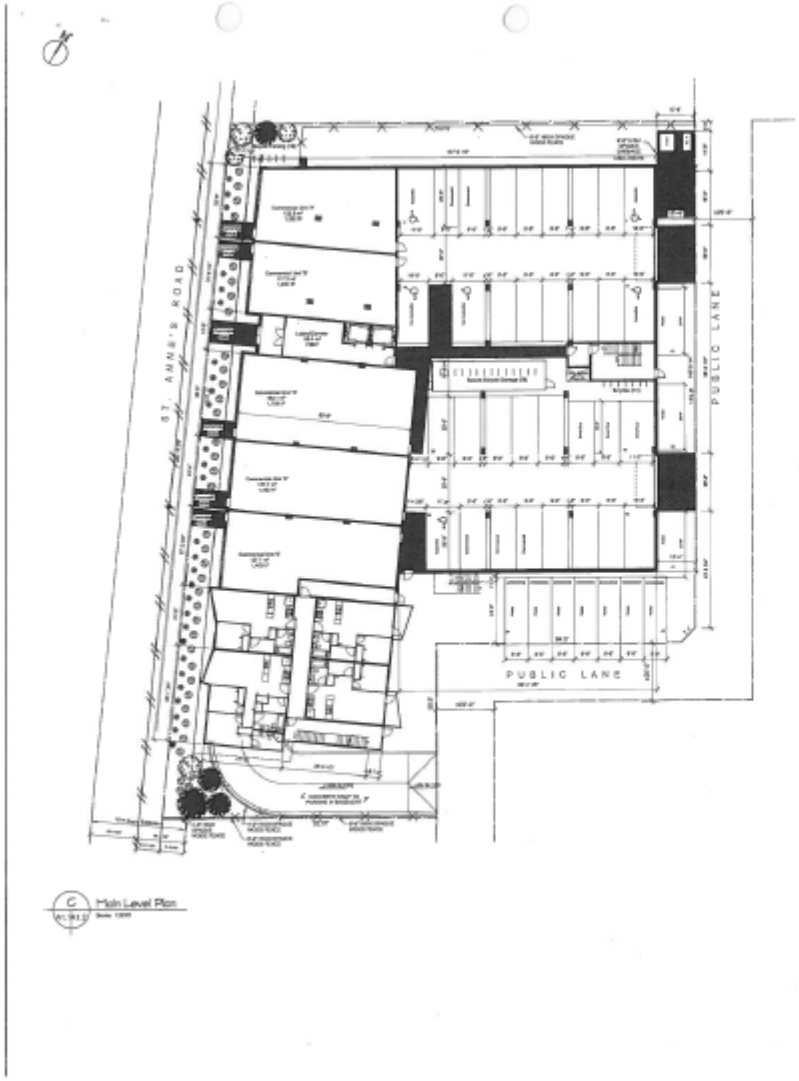


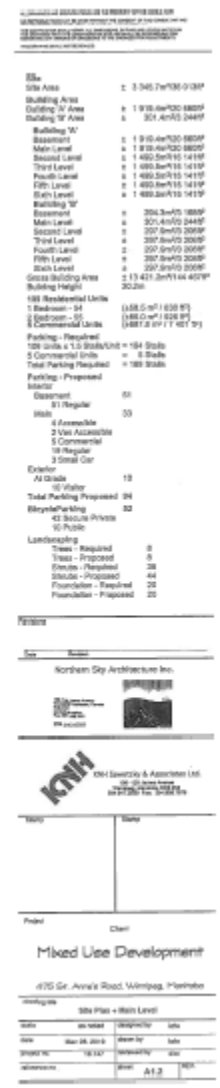


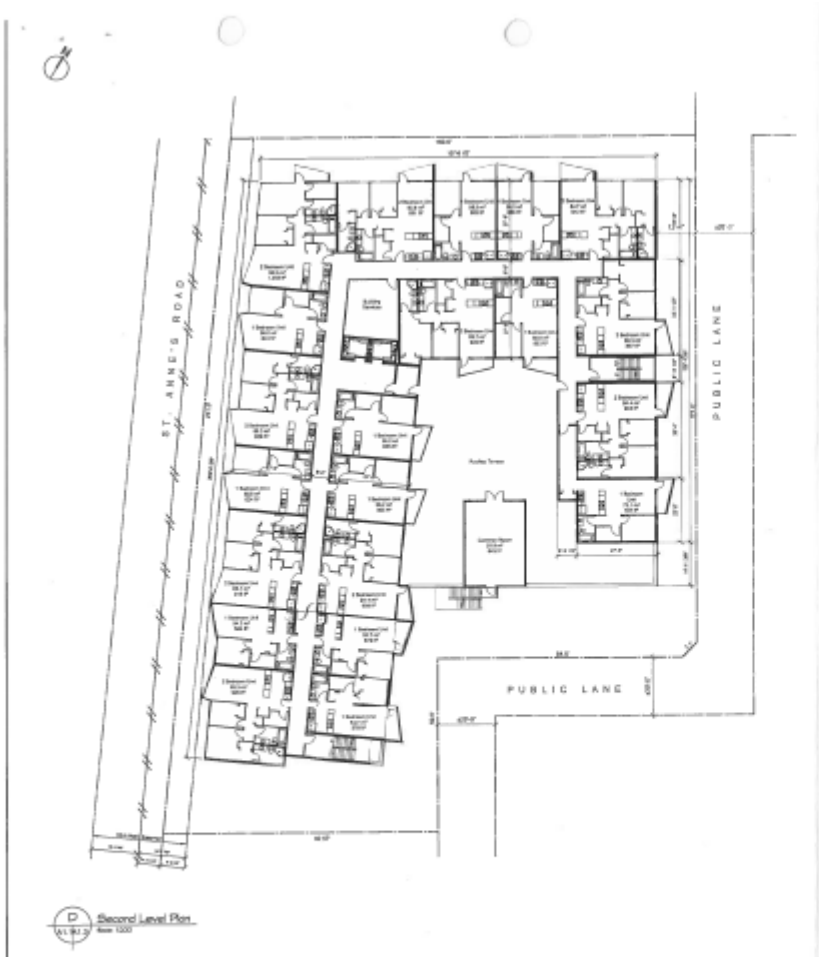



ST. ANNE'S ROAD
PUBLIC LANE
PUBLIC LANE
B
Basement Plan


Mixed Use Development


ST. ANNE'S ROAD
PUBLIC LANE
PUBLIC LANE
Main Level Plan


Site Area
Building Area
Building 'A' Area
Building 'B' Area
Building 'A'
Basement
Main Level
Second Level
Third Level
Fourth Level
Fifth Level
Sixth Level
Building 'B'
Basement
Main Level
Second Level
Third Level
Fourth Level
Fifth Level
Sixth Level
Gross Building Area
Building Height
Parking - Required
Parking - Proposed
Interior
Basement
Main
Exterior
At Grade
Total Parking Proposed
Bicycle Parking
Landscaping
Trees - Required
Trees - Proposed
Shrubs - Required
Shrubs - Proposed
Foundation - Required
Foundation - Proposed
Northern Sky Architecture Inc.
KNH
Mixed Use Development
Site Plan + Main Level
A1.2



Second Level Plan

Site
Site Area ± 3 348.1m²/36 013ft²

Building Area
Building 'A' Area ± 1 973.4m²/20 668ft²
Building 'B' Area ± 361.4m²/3 344ft²

Building 'A'
Basement ± 1 913.4m²/20 668ft²
Main Level ± 1 913.4m²/20 668ft²
Second Level ± 1 480.5m²/16 149ft²
Third Level ± 1 480.5m²/16 149ft²
Fourth Level ± 1 480.5m²/16 149ft²
Fifth Level ± 1 480.5m²/16 149ft²
Sixth Level ± 1 480.5m²/16 149ft²

Building 'B'
Basement ± 294.3m²/3 168ft²
Main Level ± 361.4m²/3 344ft²
Second Level ± 297.3m²/3 200ft²
Third Level ± 297.3m²/3 200ft²
Fourth Level ± 297.3m²/3 200ft²
Fifth Level ± 297.3m²/3 200ft²
Sixth Level ± 297.3m²/3 200ft²

Gross Building Area ± 13 421.2m²/144 481ft²
Building Height 20.2m

109 Residential Units
1 Bedroom - 54 (±58.6 m² / 630 ft²)
2 Bedroom - 55 (±85.0 m² / 920 ft²)
0 Commercial Units (±567.0 m² / 7 481 ft²)

Parking - Required
109 Units x 1.5 Stalls/Unit = 164 Stalls
0 Commercial Units + 0 Stalls
Total Parking Required = 165 Stalls

Parking - Proposed
Interior
Basement 51
51 Regular
Main 33
4 Accessible
2 Van Accessible
0 Carwash/Car
18 Regular
3 Small Car
Exterior
At Grade 10
10 Visitor
Total Parking Proposed 84
Bicycle Parking 62
48 Secure Private
10 Public

Landscaping
Trees - Required 0
Trees - Proposed 0
Shrubs - Required 36
Shrubs - Proposed 44
Foundation - Required 28
Foundation - Proposed 28

Northern Sky Architecture Inc.

KNH Synergy & Associates Ltd.

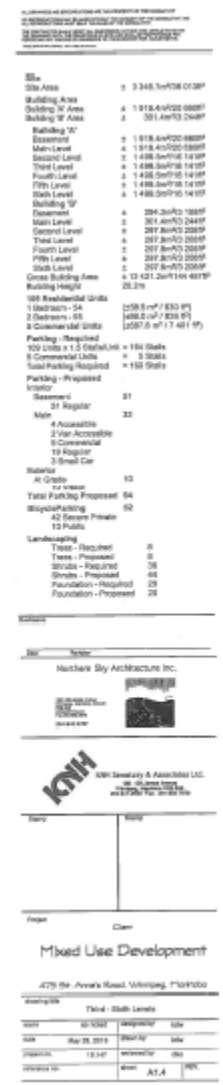
Mixed Use Development

470 St. Annes Road, Winnipeg, Manitoba

Site Plan + Second Level

date	as noted	designed by	mike
date	May 06, 2019	drawn by	kate
revision no.		sheet	A1.3


ST. ANNE'S ROAD
PUBLIC LANE
PUBLIC LANE
Third – Sixth Level Plans


Site Area
Building Area
Building 'A' Area
Building 'B' Area
Building 'A'
Basement
Main Level
Second Level
Third Level
Fourth Level
Fifth Level
Sixth Level
Building 'B'
Basement
Main Level
Second Level
Third Level
Fourth Level
Fifth Level
Sixth Level
Gross Building Area
Building Height
Residential Units
1 Bedroom - 54
2 Bedroom - 65
3 Commercial Units
Parking - Required
Total Parking Required
Parking - Proposed
Interior
Basement
31 Regular
Main
4 Accessible
2 Van Accessible
6 Commercial
19 Regular
3 Small Car
Exterior
At Grade
Total Parking Proposed
Bicycle Parking
42 Secure Private
10 Public
Landscaping
Trees - Required
Trees - Proposed
Shrubs - Required
Shrubs - Proposed
Foundation - Required
Foundation - Proposed
Northern Sky Architecture Inc.
KNH
Mixed Use Development
Third - Sixth Levels
A1.4