Minutes – Executive Policy Committee – June 16, 2021

REPORTS

Item No. 10 Subdivision and Rezoning – 1927 St. Mary's Road, 66 Alburg Drive and 70 Alburg Drive
(St. Norbert-Seine River Ward)
File DASZ 9/2021 [c/r DAV 115376/2021D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommended to Council:

1. That the subdivision under Development Application No. DASZ 9/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 20, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated April 30, 2021 to the satisfaction of the Director of Planning, Property and Development.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C1" Commercial Neighbourhood District as shown on the map dated April 20, 2021 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 "C1" Commercial Neighbourhood District, the owner must construct the Works in conformance with the plans submitted as Schedule "C", otherwise plans must be submitted showing the location and design of any and all proposed:

            a. buildings
            b. accessory parking areas
            c. private approaches
            d. garbage enclosures
            e. pedestrian pathways

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

f. fencing
g. landscaping

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 the following uses shall not be permitted on the land:

a. Hotel or Motel
b. Restaurant
c. Outdoor drinking/dining area

iii. That a maximum of one (1) private vehicular approach shall be permitted on those portions of the subject land zoned "R1-M" Residential Single-Family Medium.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., 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").

C. 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 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.

3. That Caveat No. 3336345/1 be discharged as it affects Lot 1, Plan 45358.

4. 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 Development Application No. DASZ 9/2021, as determined by the City's Director of Planning, Property and Development.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

5. 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.

6. 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 the By-law in accordance with the above.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

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

9. 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 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. 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 is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 9/2021.

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

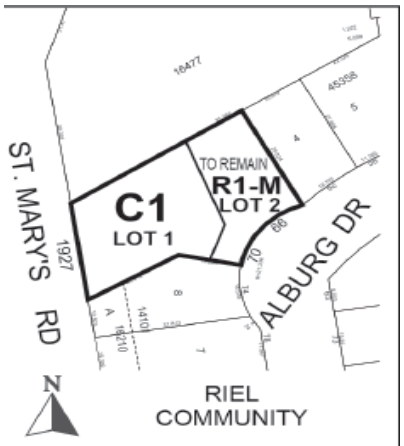
File: DASZ 9/2021

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

Public Hearing: May 25, 2021
Council Building, 510 Main Street

Applicant: Richard + Wintrup Planning and Development (Matthew Robinson)

Subject:



APPLICANT : Richard + Wintrup Planning and Development (Matthew Robinson)
FILE : DASZ 9/2021
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 a "C2" COMMERCIAL COMMUNITY DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the subdivision and consolidation of the land and to allow the expansion of an accessory parking area for the existing business, as well as the maintenance of a single-family dwelling. **For information, phone J. Hildebrand, Planner at 204-986-5337.**
DEMANDEUR : Richard + Wintrup Planning and Development (Matthew Robinson)
N° DE DOSSIER : DALZ 9/2021
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 rezoner les sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C2 (secteur commercial communautaire) et de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie C1 (secteur commercial de quartier), en vue de faciliter le lotissement et le remembrement des terres et de permettre l'agrandissement du terrain de stationnement contigu au commerce existant, ainsi que le maintien d'une habitation unifamiliale. **Pour obtenir des renseignements, veuillez appeler J. Hildebrand, urbaniste, au 204-986-5337.**

Premises Affected: 1927 St. Mary's Road, 66 Alburg Drive and 70 Alburg Drive

For submission to: Executive Policy Committee

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: May 26, 2021

Community Committee Recommendation:

On May 25, 2021, 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;

1. That the subdivision under Development Application No. DASZ 9/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 20, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated April 30, 2021 to the satisfaction of the Director of Planning, Property and Development.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C1" Commercial Neighbourhood District as shown on the map dated April 20, 2021 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 "C1" Commercial Neighbourhood District, the owner must construct the Works in conformance with the plans submitted as Schedule "C", otherwise plans must be submitted showing the location and design of any and all proposed:

            a. buildings
            b. accessory parking areas
            c. private approaches
            d. garbage enclosures
            e. pedestrian pathways
            f. fencing
            g. landscaping

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 the following uses shall not be permitted on the land:

a. Hotel or Motel
b. Restaurant
c. Outdoor drinking/dining area

iii. That a maximum of one (1) private vehicular approach shall be permitted on those portions of the subject land zoned "R1-M" Residential Single-Family Medium.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., 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").

C. 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 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.

3. That Caveat No. 3336345/1 be discharged as it affects Lot 1, Plan 45358.

4. 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 Development Application No. DASZ 9/2021, as determined by the City's Director of Planning, Property and Development.

5. 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.

6. 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 the By-law in accordance with the above.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

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

9. 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 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. 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 is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 9/2021.

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

1. I've had the opportunity to visually inspect this request for an extension of the parking lot. As I had mentioned earlier, in the first iteration of it, had discussed all of the issues with respect to creation of that greenspace for 66 Alburg.

2. The fact that its going to remove traffic, people parking on Alburg and then walking across over to 1927 St. Mary's is something that the residents would be happy with if there is sufficient parking at 1927 through the creation of these additional parking spaces.

3. When I attended in person initially, we talked about lighting and making sure that the light in the parking lot would not be an injurious effect on the adjoining properties. Of course, it was through this plan through Richard Wintrup, he has indicated that there is no additional lighting, its just the lighting from the building that will illuminate the property.

4. The original plan that I witnessed talked about a gravel parking lot, this seems to be a paved parking lot, with the addition of some landscaping. I think will enhance the area and add trees. I'm hoping that with the addition of these trees, that they also tag them on the million-tree challenge as adding to our tree canopy

5. And for those supporting reasons, I'm supporting this subdivision and rezoning.

Exhibits Filed:

1. Application dated March 1, 2021
2. Notification of Public Hearing dated April 20, 2021
3. Manitoba Status of Titles 2776706/1, 2274126/1 & 2774128/1
4. Letter of authorization dated July 20, 2020 from 5229111 Manitoba Inc. and Rosemary St. Laurent to Richard + Wintrup (Matthew Robinson)
5. Letter of authorization dated November 26, 2020 from David Park and Tim Cordoviz to Richard Wintrup & Associates
6. Surveyor's Building Location Certificate and sketch dated November 30, 2020 and December 1, 2020
7. Caveats 3336346, 3336345, 3336344, 3336343
8. Plans (5 pages)
9. Report from the Urban Planning Division dated April 20, 2021
10. Inspection Report
11. Presentation from Matthew Robinson in support of the application

REPRESENTATIONS:

In Support:

Matthew Robinson
David Park

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
J. Hildebrand, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and development Department

Exhibit "9" referred to in File DASZ 9/2021

ADMINISTRATIVE REPORT

Title: DASZ 9/2021 – 1927 St. Mary's Road, 66 Alburg Drive, & 70 Alburg Drive

Issue: For consideration at the public hearing for a subdivision and rezoning of 1927 St. Mary's Road, 70 Alburg Drive, and 66 Alburg Drive, into two lots zoned 'C1' Commercial Neighbourhood and 'R1-M' Residential Single-Family Medium.

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
J. Hildebrand MCIP, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 9/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 20, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated April 30, 2021 to the satisfaction of the Director of Planning, Property and Development.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to a "C1" Commercial Neighbourhood District as shown on the map dated April 20, 2021 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 "C1" Commercial Neighbourhood District, the owner must construct the Works in conformance with the plans

submitted as Schedule “C”, otherwise plans must be submitted showing the location and design of any and all proposed:

a. buildings

b. accessory parking areas

c. private approaches

d. garbage enclosures

e. pedestrian pathways

f. fencing

g. landscaping

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 the following uses shall not be permitted on the land:

a. Hotel or Motel

b. Restaurant

c. Outdoor drinking/dining area

iii. That a maximum of one (1) private vehicular approach shall be permitted on those portions of the subject land zoned “R1-M” Residential Single-Family Medium.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., 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").

C. 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 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.

3. That Caveat No. 3336345/1 be discharged as it affects Lot 1, Plan 45358.

4. 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 Development Application No. DASZ 9/2021, as determined by the City’s Director of Planning, Property and Development.

5. 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.

6. 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 the By-law in accordance with the above.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

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10. 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 is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

12. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 9/2021.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application’s compliance with The City of Winnipeg Charter.
- 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 property may be rezoned and subdivided, subject to conditions.

HISTORY

DASZ 32/2005 & DAV 05-140048/D

- On October 4, 2005, Council approved the subdivision and rezoning of approximately 26,265 square feet of land from Agricultural (A) to Residential Single Family Medium (R1-M) and Commercial Community (C2). A Zoning Agreement was included as a condition of approval for the rezoning. Among the conditions included in the zoning agreement was the requirement for Plan Approval:

    A. That, final site plans illustrating building locations/elevations, parking areas, approaches, exterior lighting, garbage enclosures fencing and landscaping etc. be submitted and approved by the Planning and Land Use Division and the Riel Community Committee prior to the issuance of any building permits.

- There was also an associated Variance application, which was approved by the Riel Community Committee on September 13, 2005, for the establishment of a proposed commercial/office building to permit 8 accessory parking spaces, and for the establishment of a parking area accessory to a proposed commercial/office building to permit no south side yard abutting the side lot line of an adjacent Residential District.

DASZ 1/2008

- On March 25, 2008, Council rejected DASZ 1/2008, which encompassed the expansion of the commercial site with the adjacent residential property to the east and rezoning from Residential Single Family Medium (R1-M) to Commercial Community (C2).

DAV 16-110008/C

- On May 4, 2016, the Board of Adjustment concurred in the recommendation of the Public Service and approved a Variance on the subject property as follows:

    1. for the construction of a two storey commercial building to permit the following:

        A. a rear yard of 19 feet (5.8 metres);

        B. fencing with a continuous horizontal length along the south side yard of 82 feet (25 metres) and on the rear yard of 87.5 feet (26.7 metres);

    2. for the location of a garbage enclosure having a rear yard of 5 feet (1.5 metres) when abutting an R1 zoning district;

    3. for the establishment of an accessory parking area to permit no south side yard when abutting an R1 zoning district;

CONSULTATION

In preparing this Report there was internal consultation with: N/A

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
    - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

SUBMITTED BY

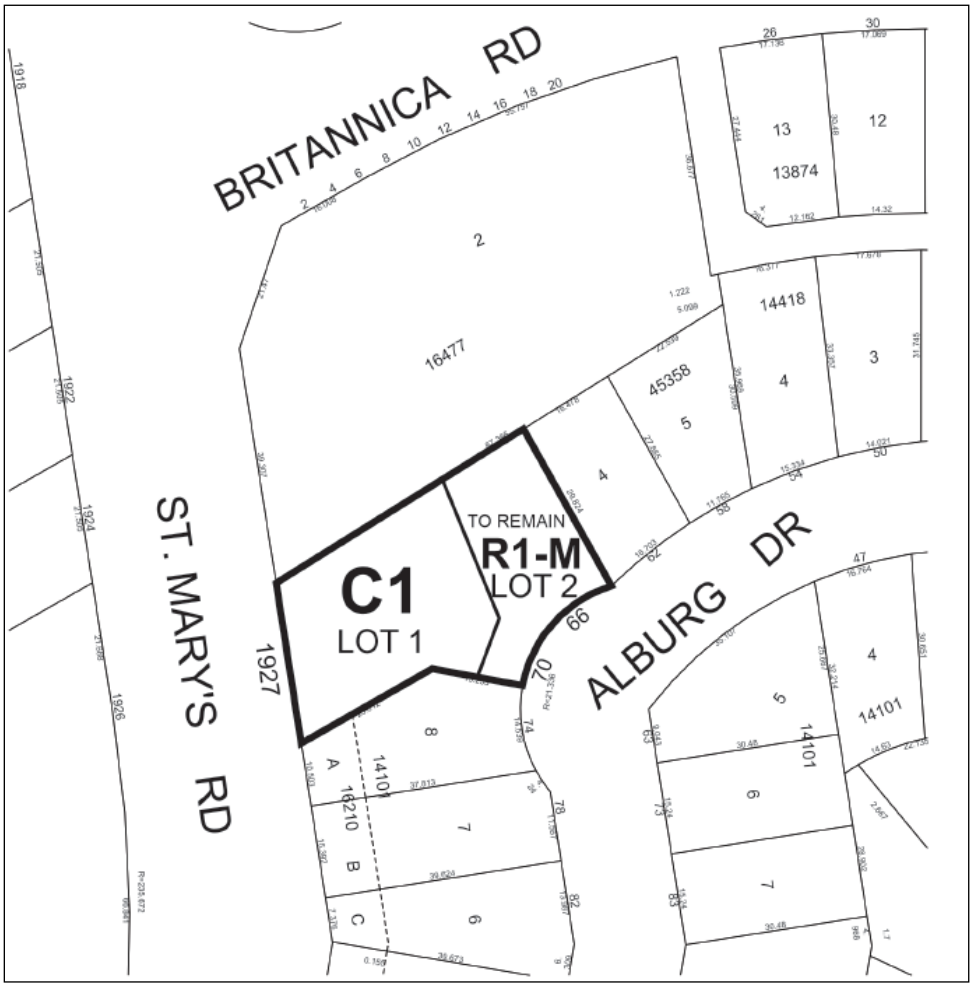
Department	Planning, Property and Development
Division	Urban Planning & Design
Prepared by	Jonathan Hildebrand MCIP, RPP
Date:	April 20, 2021
File No.	DASZ 9/2021

List of Schedules and Attachments

1. Appendix "A" — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 9/2021 Riel Community Committee, dated April 20, 2021
3. Schedule "B" — Report of the Administrative Working Group – April 30, 2021
4. Schedule "C" — Submitted Plans

APPENDIX "A"

DATE:	April 20, 2021
FILE:	**DASZ 9/2021**
RELATED FILES:	DAV 21-115376/D
COMMUNITY:	Riel Community
NEIGHBOURHOOD #:	5.529 (River Park South)
SUBJECT:	To subdivide the residential lot at 70 Alburg Drive, with a portion of the land to be consolidated with the commercial property at 1927 St. Mary's Road (forming Proposed Lot 1), and the residual portion to be added to the residential property at 66 Alburg Drive (forming Proposed Lot 2). Lot 1 will be rezoned to 'C1,' and Lot 2 will remain 'R1-M.'
LOCATION:	1927 St. Mary's Road
LEGAL DESCRIPTION:	LOTS 1, 2 & 3 PLAN 45358 WLTO IN RL 125 PARISH OF ST. NORBERT



APPLICANT:	Richard + Wintrup (Matthew Robinson) 202-885 Notre Dame Ave. Winnipeg , Manitoba R3M 0M4
OWNER:	5229111 MANITOBA INC. 1950 St. Mary's Road Winnipeg , Manitoba R2N 4G8

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site (currently comprising 1927 St. Mary's Road, 70 Alburg Drive, and 66 Alburg Drive) is located on the east side of St. Mary's Road between Britannica Road and Normand Avenue, in the River Park South neighbourhood of the South Winnipeg – St. Norbert ward.
- The site encompasses approximately 16,377 square feet in total, with 1927 St. Mary's measuring 6,507 square feet, 70 Alburg measuring 4796 square feet, and 66 Alburg measuring 5,074 square feet.
- 1927 St. Mary's contains a salon and spa facility and a surface parking lot zoned 'C2' Commercial Community. 70 Alburg is currently undeveloped and is zoned 'R1-M' Residential Single-Family Medium. 66 Alburg contains a one-storey single-family dwelling with an attached garage and front approach, and is zoned 'R1-M' Residential Single-Family Medium.
- Under the *Complete Communities Direction Strategy*, 1927 St. Mary's is located along a portion of St. Mary's Road that has characteristics of a 'Community Mixed-Use Corridor,' and 70 and 66 Alburg are located within the 'Areas of Stability – Recent Communities' policy area.

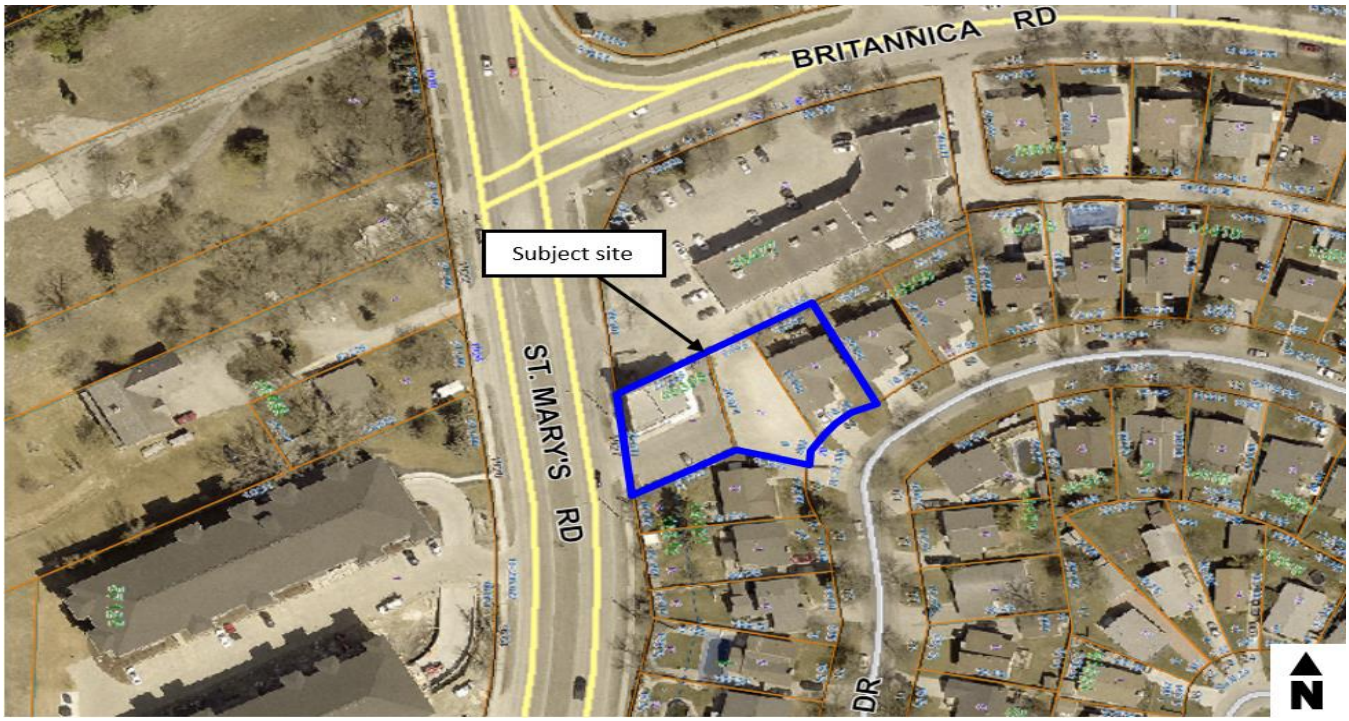


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Commercial uses zoned ‘C2’ Commercial Community, then Britannica Road.

South: Residential uses zoned ‘R1-M’ Residential Single-Family Medium.

East: Residential uses zoned ‘R1-M’ Residential Single-Family Medium.

West: St. Mary’s Road, then uses zoned ‘R1-M’ Residential Single-Family Medium and ‘RMF-M’ Residential Multi-Family Medium.

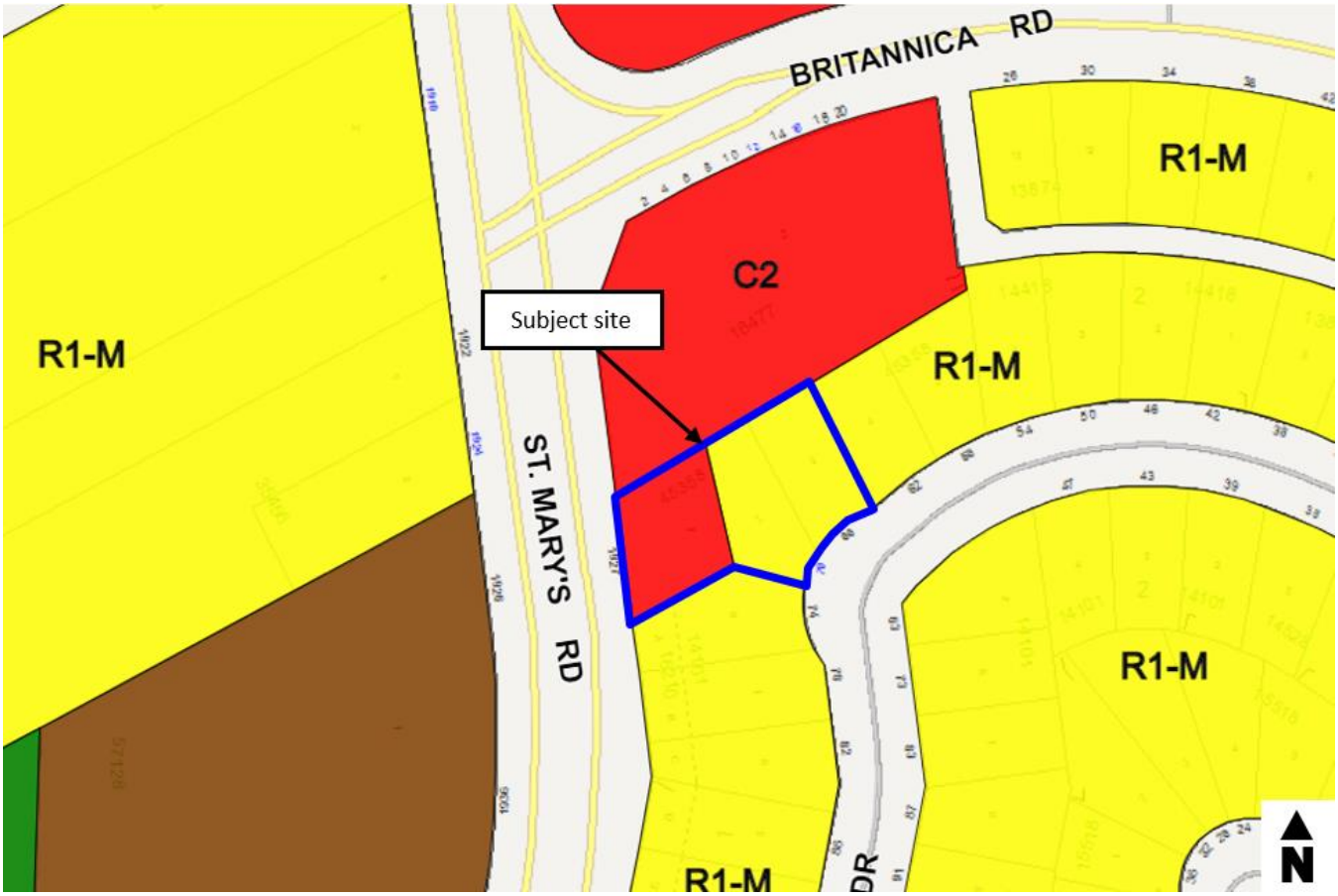


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing a subdivision and rezoning to create two lots from the existing three lots. A portion of 70 Alburg will be consolidated with 1927 St. Mary’s, forming proposed Lot 1. The remaining portion of 70 Alburg will be added to the 66 Alburg, forming proposed Lot 2.
- Proposed Lot 1 will be approximately 9,910 square feet in area, and rezoned to ‘C1’ Commercial Neighbourhood, to facilitate the addition of eight parking stalls in the surface parking lot at 1927 St. Mary’s.
- Proposed Lot 2 will be approximately 6,600 square feet in area and would remain ‘R1-M’ Residential Single-Family Medium, with the existing single-family dwelling being maintained on the site. A portion of this lot would also run along the frontage of what is currently 70 Alburg, allowing this frontage along Alburg to remain ‘R1-M’ as opposed to ‘C1.’

- The applicant is also proposing to remove the existing approach at 70 Alburg. Vehicular access to the expanded parking area will be provided from St. Mary's Road.
- The proposal allows for the addition of surface parking stalls at 1927 St. Mary's, while also ensuring that no commercially-zoned lot fronts onto Alburg Drive, which is a residential street.

The proposal also includes a landscape buffer on the east side of proposed Lot 1, to mitigate potential conflict between that commercial use and the residential use on proposed Lot 2, and to shield the commercial property from the street along Alburg at the southeast corner of Lot 1.

- The landscape buffer includes a six-foot-high light-proof fence along with seven new coniferous trees and four new deciduous trees. One new deciduous tree will be planted along St. Mary's Road, in addition to the existing two deciduous trees and thirteen shrubs along the street edge. From the eastern edge of the parking area, the buffer is approximately five feet at its narrowest point, and approximately 10 feet at its widest point.
- There is an associated Variance application (DAV 21-115376/D) for the proposed Lot 1, for no building foundation landscaping and reduced front, side, and rear yards. Please see the Administrative Report on that application for more details.

COLLABORATION

With Neighbouring Residents

- The applicant has engaged with the landowners at 66 Alburg Drive in developing the proposal, and they have indicated agreement with the proposal through a letter approving the proposed plan.
- As well, the applicant undertook consultation with other property owners, sending notification flyers to the properties at 62, 63, 66, 73, 74, and 78 Alburg, with responses received from the owners on either side of the proposed development (66 and 74 Alburg). The applicant has indicated that further consultation with the owners of these two properties continued through Zoom, email, and telephone.

With the Urban Planning Division

- The applicant has also engaged with the Urban Planning Division from the project's initial stages through to the application process. The Division provided feedback in particular related to the provision of landscape buffer and fencing, and to ensure that adequate consultation was undertaken with the adjacent property owners.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the subject property is located on a portion of St. Mary's Road that has the characteristics of a 'Community Mixed-Use Corridor.' Related to the subject proposal, key policies guiding development along 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.*

- *Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.*
- *Mitigate the potential impacts of new development on neighbouring streets, parks and properties.*

- The proposed Lot 2 is located within the 'Areas of Stability – Recent Community' policy area. Relative to the subject proposal, policies for Areas of Stability include:
  - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
  - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
  - *Support a mix of commercial services and employment uses that serve the local community.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The 'C1' district does not have minimum front, rear, or side yard setbacks. It does stipulate a maximum building height of 39 feet, and a maximum floor area ratio of 1.0.
- The Zoning By-law also stipulates that a 10-foot yard side or rear yard is required when a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, and that this yard be landscaped pursuant to the *Landscaping and Buffering* section of the By-law.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The proposal addresses several Corridor policies within the *Complete Communities Direction Strategy*, namely:
  - The existing use on the site maintains the commercial character desired for Community Mixed-Use Corridors.
  - Given the proposed Lot 1's adjacency to a residential area, the landscape buffer provides a sensitive transition between the Corridor along St. Mary's Road and the single-family uses to the east of the corridor.
  - Rezoning the commercial use from 'C2' Commercial Community to 'C1' Commercial Neighbourhood allows for a less intense commercial use adjacent to the residential uses.
- The proposal also addresses 'Areas of Stability' policies in the *Complete Communities Direction Strategy* related to neighbourhood compatibility in the following ways:
  - The landscape buffer, as well as the less-intense commercial zoning district, are elements that provide a level of context-sensitivity between the commercial and residential areas, providing a transition between these different uses that complements the existing context.
  - As well, the configuration of the proposed Lot 2 (zoned 'R1-M') fronting Alburg Drive at the southwest corner of proposed Lot 1 allows for the residential zoning to be

maintained along the Alburg street frontage, further providing a sensitive transition between these different uses.

RECOMMENDED ZONING AGREEMENT
Substantial Conformance / Plan Approval

- In light of the work that has been done in developing the proposed site design in consultation with the Urban Planning Division to date, the Division is recommending the project either be built in substantial conformance with the drawings submitted as part of the DASZ application and included in Schedule "C" of this report, or, if changes are required, that the revised plans be submitted to the Director of Planning, Property and Development and the Riel Community Committee for review prior to the issuance of a development permit on the lot.

Restricting Certain Uses

- While the existing commercial use, having been established on the site for quite some time, is not anticipated to have a significant impact on the adjacent properties, the 'C1' zoning district does permit certain uses that could have greater impacts on the surrounding residential area, given the notable proximity and adjacency between commercial and residential uses here. For this reason, the Division is recommending that the uses "Hotel or Motel," "Restaurant," and "Outdoor drinking/dining area" not be permitted on the proposed Lot 1, in order to mitigate any such future impacts.

Restricting Front Approaches

- As part of the proposed design, the existing front approach at 70 Alburg (to become part of the proposed Lot 2) will be closed. To ensure that this condition continues and that no more than one approach is permitted to the proposed Lot 2, a condition has been added to this effect.

RECOMMENDATION

The Urban Planning Division recommends **approval** as the subject rezoning and subdivision is consistent with policies for 'Community Mixed-Use Corridors' and 'Areas of Stability' within the *Complete Communities Direction Strategy.*

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

Report Prepared by: Jonathan Hildebrand MCIP, RPP
PPD File #: DASZ 9/2021

Schedule "A" for File No. DASZ 9/2021, Riel Committee, dated April 20, 2021

By-Law No. _____

File No. **DASZ 9/2021**

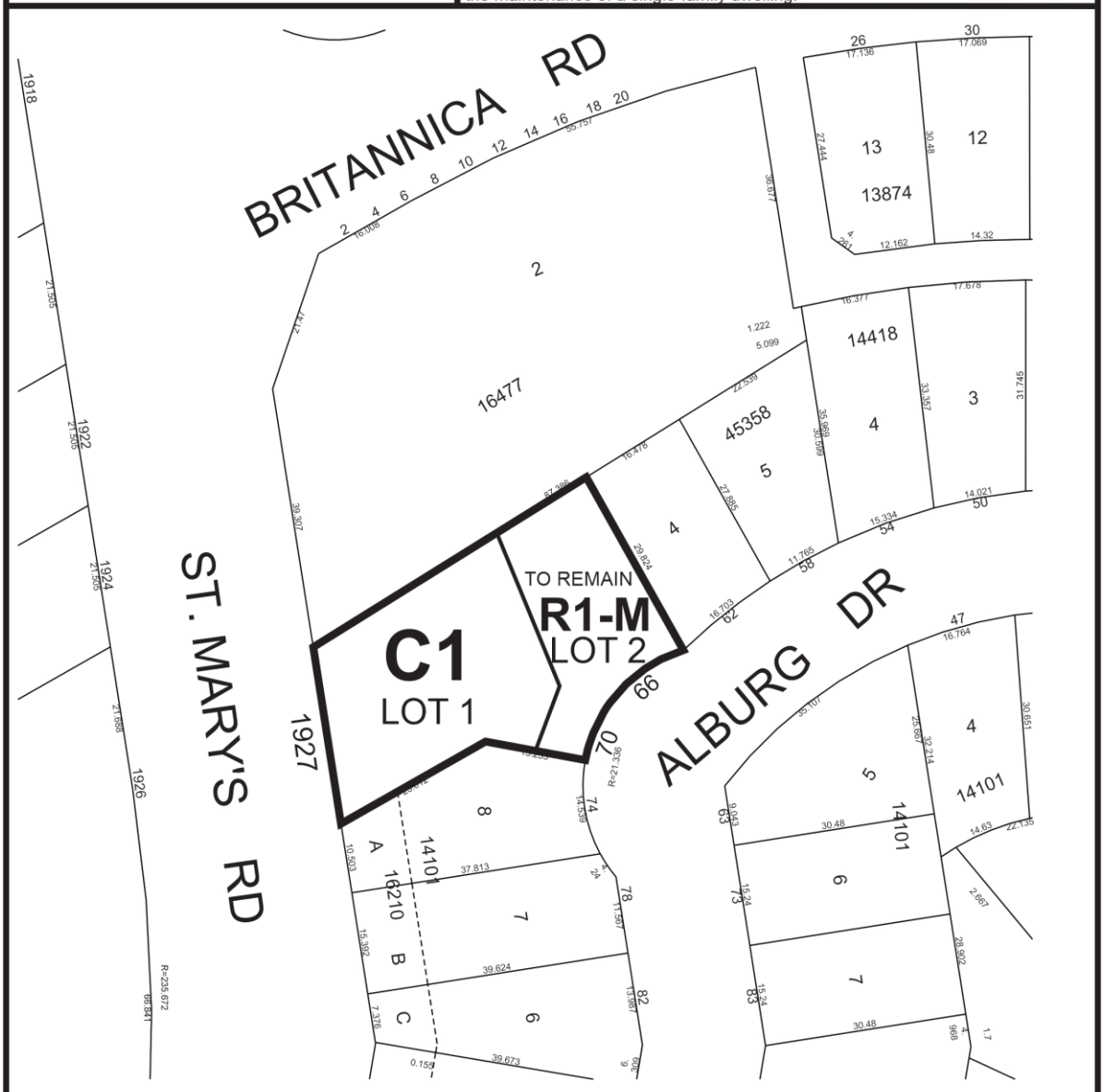
Atlas Sheet No. **AJ27**

N

RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1927 St. Mary's Road and 66 and 70 Alburg Drive from a "C2" COMMERCIAL COMMUNITY DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the subdivision and consolidation of the land and to allow the expansion of an accessory parking area for the existing business, as well as the maintenance of a single-family dwelling.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1927 ST. MARY'S ROAD, 66 ALBURG DRIVE AND 70 ALBURG DRIVE

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 9/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – General Comments

1) The Water and Waste Department requires the submission of a lot grading plan (and a site services plan) prepared by a municipal engineer to that Department's requirements, on which are indicated all required easements as necessitated by the drainage design. If a drainage easement is required it will be necessary to register an easement agreement in the Winnipeg Land Titles Office in series with the plan of subdivision. The agreement is prepared by The City.

2) The Public Works Department wishes to advise that no approval was issued for the existing private approach serving 70 Alburg Drive and the existing approach does not comply with the Private Access By-law of the City's standards.

3) The Developer shall, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, remove the existing private approach serving 70 Alburg Drive and restore the curb and boulevard, as determined by and to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 9/2021
April 30, 2021

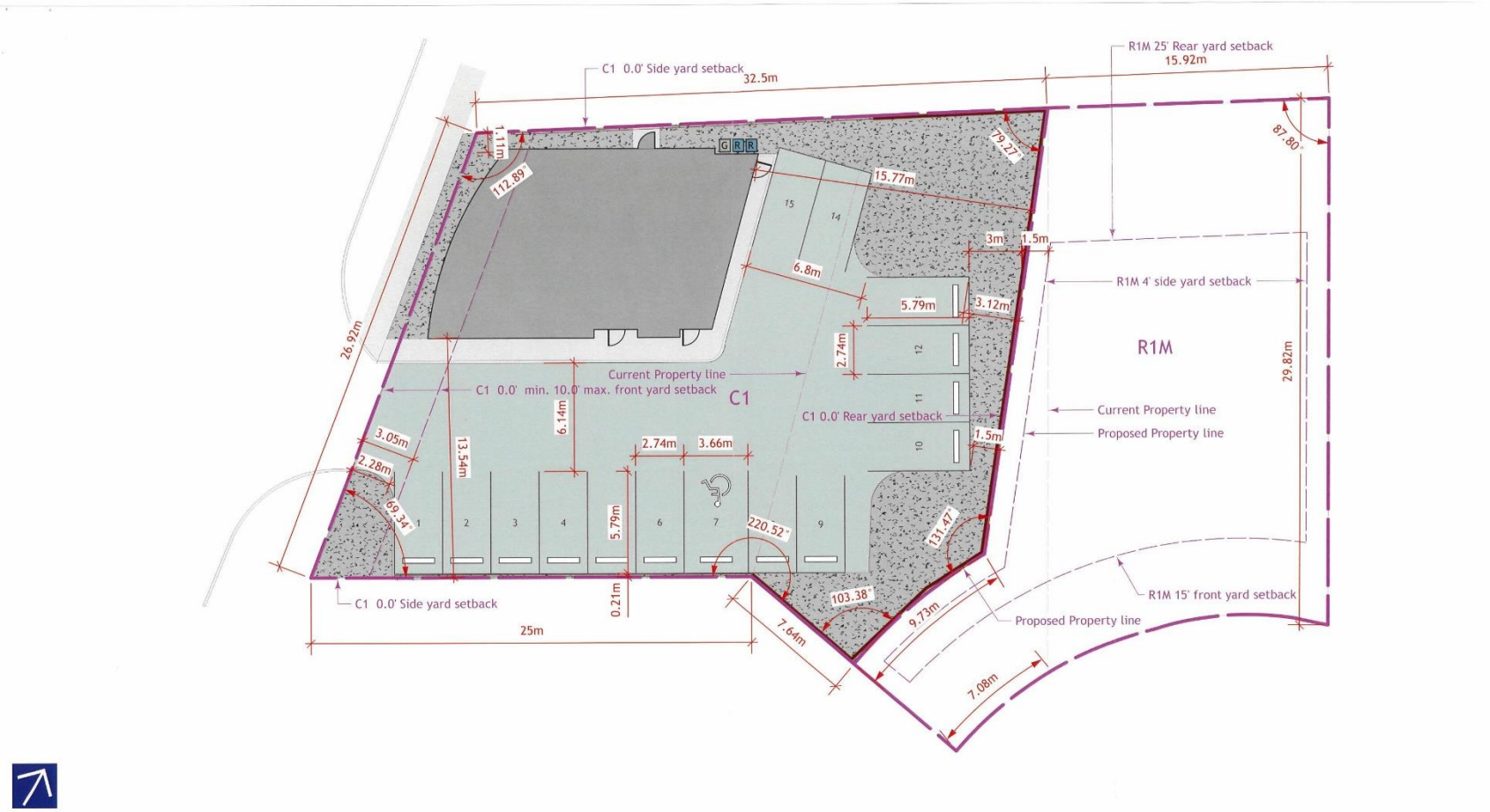
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

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

Schedule "C" – Submitted Plans





No.	Date	Issue Notes
B	2021-02-09	Street Front Tree Added
A	2020-10-15	For Review

Drawing No.

LC-1.2 of 4

Essentique - 1927 St. Mary's Rd.

Layout 15' buffer

Dean Spearman
Landscape Architect

Plant Schedule- Proposed

Common Name	Botanical Name	Qty	Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees			
Black Hills Spruce	Picea glauca 'Black Hills'	7	1.8 m ht. 90 cm wire basked. Single straight leader. Full, Bushy Plants
Trees			
Amur Maple	Acer ginnala	1	1.8 m ht.
Spring Snow Flowering Crab Apple	Malus 'Spring Snow'	4	40 mm ø 3 m. ht. min 5 branches
Shrubs			
Evergreen Shrubs			
Perennials			
Ornamental Grasses			
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		12	
Total Plants in Drawing		27	

Plant Schedule- Existing

Common Name	Botanical Name	Qty	Current Size
Evergreen Trees			
Trees			
Amur Maple	Acer ginnala	2	1.8 m ht.
Shrubs			
Frobel Spirea	Spirea bumilda 'froebelii'	13	30 cm ht.
Evergreen Shrubs			
Perennials			
Ornamental Grasses			
Ferns / Mosses			
Vines			
Aquatic Plants			
Total Plants on Schedule		15	
Total Plants in Drawing		27	

No.	Date	Issue Notes
B	2021-02-09	Street Front Tree Added
A	2020-10-15	For Review

Drawing No.

LC-1.3 *of* 4

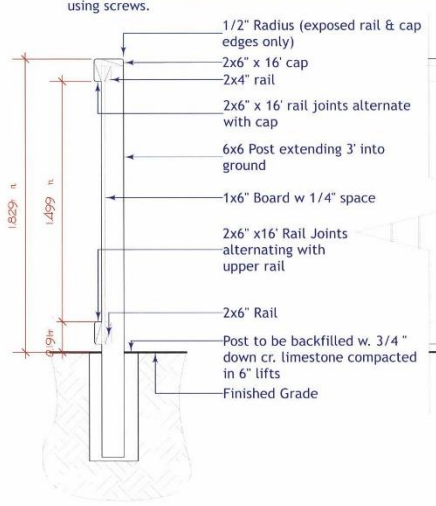
Essentique - 1927 St. Mary's Rd.

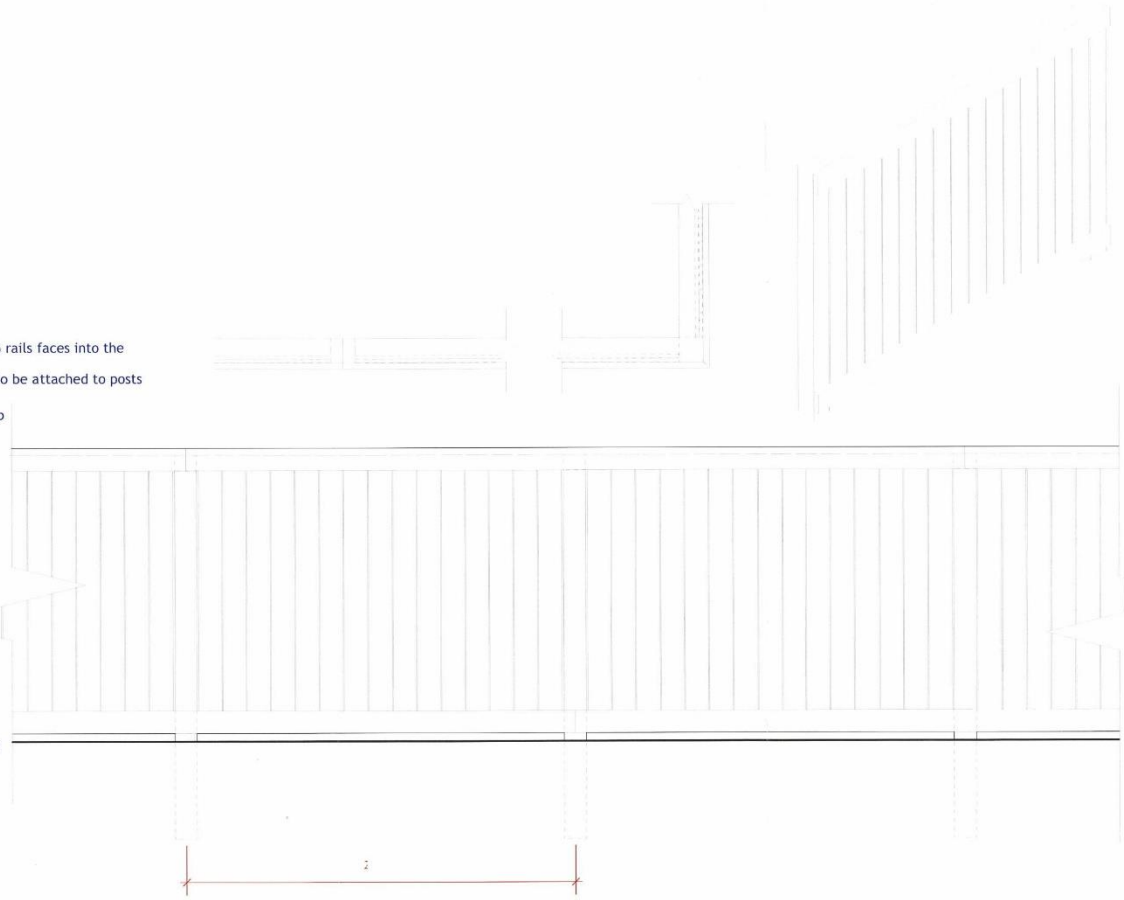
Plant List

Dean Spearman
Landscape Architect

Fence Notes:

1. All wood to be Cedartone Pressure Treated.
2. Ensure that the side of the fence with the recessed 2x6 rails faces into the property
3. All hardware to be galvanized or aluminum. Rails are to be attached to posts using screws.





No.	Date	Issue Notes
B	2021-02-09	Street Front Tree Added
A	2020-10-15	For Review

Drawing No.

LC-1.4 *of* 4

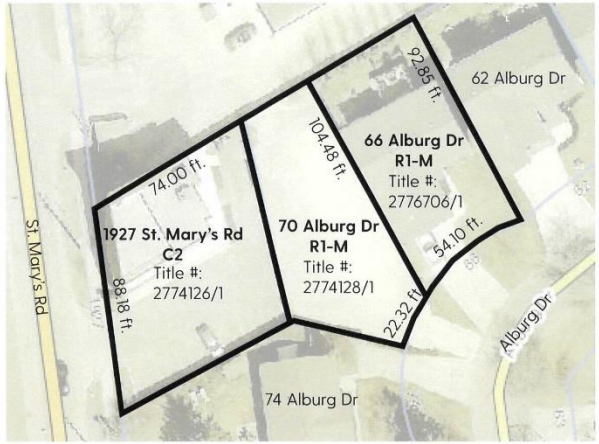
Essentique - 1927 St. Mary's Rd.

Fence Detail

Dean Spearman
Landscape Architect

Exhibit “8” referred to in File DASZ 9/2021

CURRENT LOTS



PROPOSED LOTS

