Minutes – Executive Policy Committee – October 20, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

Item No. 2 Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 74 St. Mary's Road (St. Boniface Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That a by-law to amend By-law No. 1810 of the former City of St. Boniface (draft amending by-law is attached as Appendix D to this report) be enacted to exclude the property commonly referred to as 74 St. Mary's Road and legally described as:

   SP LOT 1 PLAN 28940
   IN RL 93 PARISH OF ST BONIFACE

2. That Instrument No. 563784 be discharged from title to the property referred to in Recommendation 1.

3. 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 – October 13, 2021

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 13, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 74 St. Mary's Road

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Robinson (Acting)	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

On December 3, 2020, the Appeal Committee concurred in the decision of the Director of Planning, Property and Development, and approved a Conditional Use and associated Variances for the establishment of a multi-family building (six dwelling units) at 74 St. Mary's Road. This approval is subject to approval by Council to amend By-law No. 1810 of the former City of St. Boniface (the "By-law") to exclude the subject property (74 St. Mary's Road).

The By-law only permits single-family uses and accessory uses incidental to single-family uses in the Norwood West neighbourhood, which includes 74 St. Mary's Road. Therefore, the proposed six-unit multi-family building can only be established at 74 St. Mary's Road if the subject property is excluded from the By-law.

RECOMMENDATIONS

1. That a by-law to amend By-law No. 1810 of the former City of St. Boniface (draft amending by-law is attached as Appendix D to this report) be enacted to exclude the property commonly referred to as 74 St. Mary's Road and legally described as:

   SP LOT 1 PLAN 28940
   IN RL 93 PARISH OF ST BONIFACE

2. That Instrument No. 563784 be discharged from title to the property referred to in recommendation 1.

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

REASON FOR THE REPORT

On December 3, 2020, the Appeal Committee approved a Conditional Use and associated Variances for the establishment of a multi-family building (six dwelling units) at 74 St. Mary's Road, subject to approval by Council to amend the By-law to exclude the subject property at 74 St. Mary's Road.

Copies of the administrative report for DCU 20-175511/C and DAV 20-178639/C are attached as Appendix B and Appendix C respectively.

IMPLICATIONS OF THE RECOMMENDATIONS

By-law No. 1810 of the former City of St. Boniface will be amended to exclude 74 St. Mary's Road.

The six-unit multi-family building approved by the Appeal Committee can be established at 74 St. Mary's Road.

HISTORY / DISCUSSION

In 1927 the City of St. Boniface enacted By-law No. 1810, which placed a number of building restrictions on the properties located in the Norwood West neighbourhood, including the subject property. The majority of these restrictions were repealed in 1982 under By-law No. 3177/82 (a copy of which is attached as Appendix A), while others were amended. One of the amended provisions that is relevant to the proposal to establish a multi-family use at 74 St. Mary's Road is Section 1(c), which reads as follows:

> *"The following uses only shall be permitted on said land:*
>
> *(i) Single-family dwellings; and*
>
> *(ii) Accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957."*

On December 3, 2020, the Appeal Committee concurred in the decision of the Director of Planning, Property and Development, and approved a Conditional Use for the establishment of a multi-family building (six dwelling units) at 74 St. Mary's Road, subject to the following conditions:

1. That the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2. That the Owner must submit plans showing the location and design of any and all proposed:

   i. buildings
   ii. accessory parking areas
   iii. driveways
   iv. garbage enclosures
   v. fencing
   vi. freestanding signage and

vii. landscaping

on the Owner's Land ("Works") to the Director of Planning, Property and Development 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.

At the same meeting, the Appeal Committee also concurred in the decision of the Director of Planning, Property and Development, and approved Variances associated with the Conditional use, subject to the following conditions:

1. That the Developer shall submit private access application to the Public Works Department to subsequently:
    A. Remove the existing private approach to Claremont Avenue and restore the curb, boulevard and sidewalk, as determined by and to the satisfaction of the Director of Public Works.
    B. Construct a pedestrian connection from the front property line of the subject property to the public sidewalk located in the St. Mary's Road right-of-way, as determined by and to the satisfaction of the Director of Public Works.

FINANCIAL IMPACT

Financial Impact Statement

Date: September 8, 2021

Project Name:

Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 74 St. Mary's Road

COMMENTS:

There are no material financial implications associated with this report.

Mike McGinn September 8, 2021
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)

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.

01-1c Key Directions for Specific Areas – Centres and Corridors

- **Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:**
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

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
Prepared by: Elise Finnigan, MA Planning
Date: September 9, 2021

ATTACHMENTS:

Appendix A: Copy of By-law No. 3177
Appendix B: Administrative report for DCU 20-175511/C
Appendix C: Administrative report for DAV 20-178639/C
Appendix D: DRAFT Amending By-law

Appendix A: By-law No. 3177

DAZ 272/81

THE CITY OF WINNIPEG

BY-LAW NO. 3177/82

A BY-LAW OF THE CITY OF WINNIPEG
TO AMEND BY-LAW NO. 1810 OF THE
FORMER CITY OF ST. BONIFACE

THE CITY OF WINNIPEG, and Council assembled, enacts as follows:

1. Section 6 of By-law No. 1810 of the former City of Saint Boniface is re-numbered Section 1 and amended to read as follows:

"1(a) The provisions of this Section shall apply to the following described land:

Lots 12 to 22, both inclusive in Block 15; Lots 12 to 22, both inclusive in Block 16; Block 18; Block 19; Block 20; Block 24; Block 25; Block 26; Block 27; Block 28; Block 29; Block 30; Block 31; Block 32; Block 33; Block 35; Block 36; Block 37; Block 38; all of Block 40 excepting thereout Lot 12; Block 41; All of Block 42 excepting thereout Lot 14 and the North 10 feet of Lot 13; Block 43, Block 45; Block 46; Block 47; Lots 1 to 10, both inclusive, in Block 49; Lots 1 to 7, both inclusive, in Block 50, all in Plan No. 385; Lots 1 to 10, both inclusive in Plan No. 2152; Lots 1 to 16, both inclusive in Plan No. 4233; and Parcel A in Plan No. 13,656. Lots 46 to 56 Plan No. 2167.

(b) The area comprising said land is hereby made and declared an exclusive residential zone to be used solely for residential purposes.

(c) The following uses only shall be permitted on said land:

(i) single-family dwellings; and

(ii) accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957.

(d) The minimum cost and the minimum perpendicular width of each single-family dwelling shall be Five Thousand Dollars ($5,000.00) and Thirty-three (33) feet respectively, and the design thereof shall require approval of the Building Inspector of the City prior to such dwelling being constructed or located on any parcel of said land.

. . . /2

Appendix B: Administrative Report, DCU 20-175511/C

ADMINISTRATIVE REPORT

Title: DCU 20-175511\C – 74 St Mary's Road

Issue: For a Conditional Use associated with the establishment of a multi-family dwelling.

Critical Path: Director, Planning, Property and Development.

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Hildebrand	n/a	n/a	

DECISION & CONDITIONS

The Urban Planning Division approves the conditional use under Zoning By-Law No. 200/2006 for the establishment of a multi-family dwelling. Subject to the following condition(s):

1) That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2) That final plans, showing the location and details of buildings, landscaping, parking, walkways, signage, lighting and garbage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

REASON FOR THE REPORT

- The applicant is proposing to construct a multi-family building in an 'R2' zoning district; a conditional use is required to accommodate the proposal.

FILE/APPLICANT DETAILS

FILE: **DCU 20-175511\C**
RELATED FILES: DAV20-178639/C
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.514 (Norwood West)

SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 for the establishment of a multi-family dwelling.
LOCATION:	74 St Mary's RD
LEGAL DESCRIPTION:	LOT 1 PLAN 28940 93 ST B
APPLICANT:	RONALD MELVIN 58 ALBURG DR Winnipeg, Manitoba R2N 1L9
OWNER:	58 ALBURG DR Winnipeg, Manitoba R2M 1L9

HISTORY

By-Law 1810/27

In 1927 the City of St. Boniface established By-law No. 1810 which placed a number of restrictions on the properties located in the Norwood West neighbourhood including the subject property intended to preserve the residential quality of the area. The majority of these restrictions were repealed in 1982 under By-law No. 3177 while others were amended. One of the clauses that was amended and is most relevant to the subject application is Section 1(c) which states:

> *The following uses only shall be permitted on said land:*
> *(i) Single-family dwellings; and*
> *(ii) Accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957.*

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a conditional use with respect to a property may be approved if the conditional use:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the south side of St. Mary's Road, between Claremont and Monck Avenues, in the Norwood West neighbourhood of the St Boniface ward.
- The site is approximately 57 feet wide, and approximately 8,488 square feet in area. The northeast corner of the lot contains an angle approximately 13 feet long. The site currently

contains a one-storey single-family dwelling and a garage. Vehicular access is currently provided from an approach on Claremont Avenue and from the rear lane.

- The site is located along St. Mary's Road, which is designated a 'Regional Mixed-Use Corridor' under the *Complete Communities Direction Strategy*. The property is zoned 'R2' Residential Two-Family.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: St. Mary's Road, then Coronation Park (zoned 'PR1' Parks and Recreation 1 (Neighbourhood).

South: Rear lane, then residential uses zoned 'R1-M' Residential Single-Family Medium.

East: Residential uses zoned 'R2' Residential Two-Family, then Monck Avenue, then residential uses zoned 'R2' Residential Two-Family, then commercial and residential uses zoned 'C1' Commercial Neighbourhood and 'C2' Commercial Community.

West: Claremont Avenue, then residential uses zoned 'R1-M' Residential Single-Family Medium.

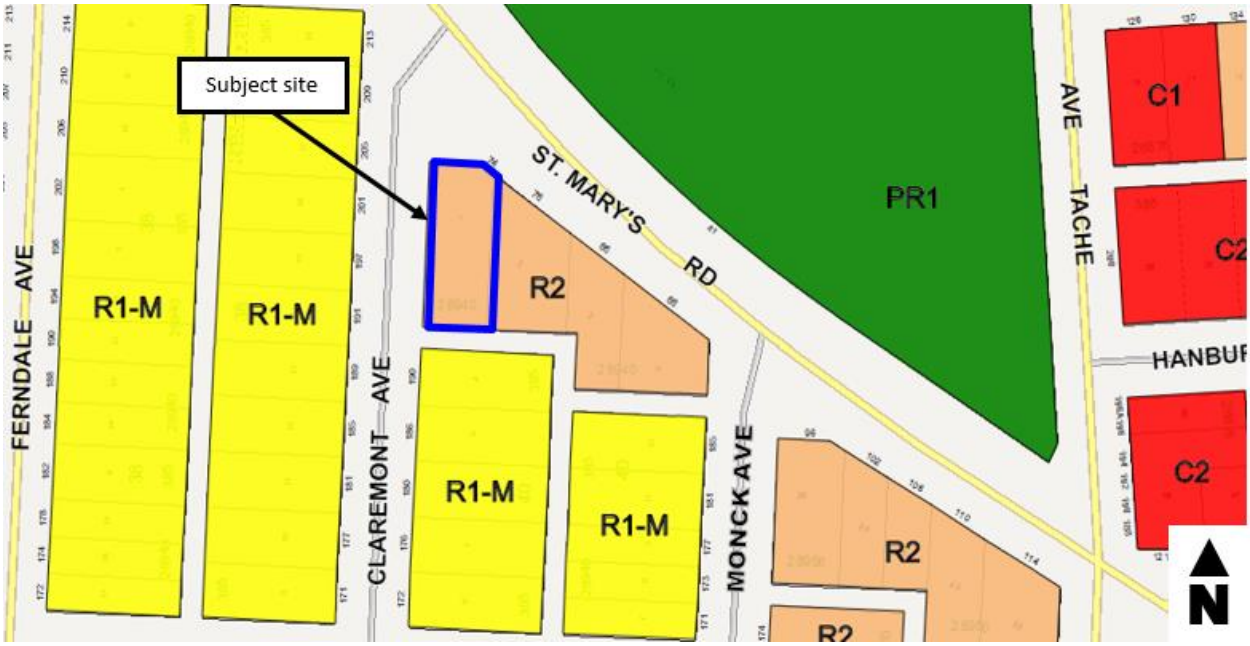


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a two-storey multi-family building containing six residential units. The existing structures on the site will be demolished to accommodate this development.
- Six parking stalls will be provided, and will be accessed from the rear lane. The front approach on Claremont Avenue will be closed.
- Bicycle parking will be provided behind the building.
- The applicant has provided a site plan (including landscaping), as well as floor plans and building elevations. Entrances are provided on the north (front), west, and south (rear) sides of the building.
- There is an associated Variance application (DAV 178639/C) for the proposed front yard, the amount of parking spaces, and insufficient landscape buffering to a parking area located within 20 feet of a rear lot line adjacent to a residential zoning district. Please refer to the planner's report for this application for more information.
- As mentioned above, Bylaw 1810/27, which restricts uses in the Norwood West area to single-family uses and accessory uses incidental to single-family uses, applies to the subject property. In order for a multi-family use to proceed on the subject property, an application to amend the bylaw must be submitted to the Standing Policy Committee on Property and Development, Heritage and Downtown Development. It would then go to Executive Policy Committee, and finally City Council. This application would be initiated by the Urban Planning Division following an approval of the Conditional Use and Variance applications, and the process would take approximately three months to complete.

COLLABORATION

With the Urban Planning Division

- The applicant has collaborated with the Public Service to arrive at the proposed submission.

With the Public

- The applicant initially scheduled a public open house at the Norwood Community Centre, which then had to be cancelled due to the pandemic.
- The applicant distributed 100 leaflets door-to-door in the neighbourhood, describing the proposed development and including a rendering of the building. The leaflet also included the applicant's email address and phone number, for residents to follow up with questions or concerns. Approximately 16 people emailed with comments, and approximately five people telephoned with comments.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located along a 'Regional Mixed-Use Corridor' (St. Mary's Road) in *Complete Communities*' Urban Structure map. *Complete Communities* directs a significant share of growth to Corridors in a way that:
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.
- With regard to this proposal, the key policies guiding the development of Regional Mixed-Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed-use development are appropriate.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The applicant is proposing to establish a multi-family dwelling use on the land, which is zoned 'R2.' Multi-family dwellings require a conditional use application in the 'R2' zone.

ANALYSIS OF CONDITIONAL USE

Compatibility

- Certain uses in the Zoning By-law 200/06 are deemed conditional as they may or may not be appropriate for the particular context considered. As such, conditional uses require a higher level of planning review and analysis to determine suitability.
- As noted above, Regional Mixed-Use Corridors are 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.
- The subject property is located along a portion of the St. Mary's Road Regional Mixed-Use Corridor that is characterized by multi-family, single-family, park, and commercial land uses. It is also located within close proximity to many public transit routes, including high-frequency and express routes (Routes #10, #14, #53, #54, #55, #59). As such, the proposal to establish a multi-family use on the subject property is compatible with existing land uses and aligns with the policies guiding development along Regional Mixed-Use Corridors in the Complete Communities Direction Strategy. With these considerations in mind, the Urban Planning Division is supportive of the proposed multi-family development.

Zoning

- The 'R2' Residential Two-Family district allows for multi-family units where appropriate through a conditional use application. In this instance, the applicant is proposing to establish six residential units which is a moderate intensification for this location. The proposed density for the site is a lot area per dwelling unit of 1,414 square feet, a density which is slightly less than what is allowed in the 'RMF-S' Residential Multi-Family Small zoning district.
- The maximum density permitted within the 'R2' zoning district (in association with a successful conditional use application) is a lot area per dwelling unit of 800 square feet, or 10 dwelling units for the subject property.

By-Law 1810/27

- As mentioned previously, there is an existing bylaw in place for the Norwood West area, which restricts uses in the area to single-family uses and uses incidental to single-family uses. Following an approval of the Conditional Use and Variance applications, the Urban Planning Division would initiate a bylaw amendment application, the process for which is described above.
- As has been the case in other similar applications in this portion of the St. Mary's Road Regional Mixed-Use Corridor, the Urban Planning Division would be supportive of a bylaw amendment to exclude the subject property, based on the policies for Regional Mixed-Use Corridors outlined in the *Complete Communities Direction Strategy*.

CONDITIONS OF APPROVAL

- Noting that By-law No. 1810/27 currently restricts the uses on the subject property to single-family dwellings, the Public Service is recommending a condition be included whereby the Conditional Use for the multi-family use only come into force and effect upon approval by Council to amend By-law No. 1810/27 to exclude the subject property.
- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before development takes place on the site.

REASONS FOR THE DECISION

In the context of Section 247(3), the Urban Planning Division **approves** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

In that, *the application is consistent with the 'Complete Communities Direction Strategy,' which supports intensification along Regional Mixed-Use Corridors.*

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

In that, *the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors.*

(d) is compatible with the area in which the property to be affected is situated.

In that, *the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors.*

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.

01-1c Key Directions for Specific Areas – Centres and Corridors

- **Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:**
  - Provides compact, mixed-use, high-quality urban development.
  - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.

- Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
- Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

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
Prepared by:	Jonathan Hildebrand
Date:	Monday, September 14, 2020
File No.	DCU 20-175511\C

Appendix C: DAV 20-178639/C

ADMINISTRATIVE REPORT

Title: DAV 20-178639\C – 74 St. Mary's Road

Issue: For Variances associated with the construction of a multi-family dwelling.

Critical Path: Director, Planning, Property and Development.

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Hildebrand	n/a	n/a	

DECISION & CONDITIONS

The Urban Planning Division approves the application to vary the 'R2' dimensional standards of Zoning By-Law No. 200/2006 as follows:

1) for the construction of a multi-family dwelling to permit the following:
   a. a front yard of 9 feet (2.74 metres) instead of 16 feet (4.88 metres);
   b. 6 parking spaces instead of 7 parking spaces.
2) for the establishment of an accessory parking area to permit insufficient landscape buffering to a parking area that is located within 20 feet of a rear lot line adjacent to a residential zoning district.

Subject to the following conditions:

1) That the Developer shall submit private access application to the Public Works Department to subsequently:
   a. Remove the existing private approach to Claremont Avenue and restore the curb, boulevard and sidewalk, as determined by and to the satisfaction of the Director of Public Works.
   b. Construct a pedestrian connection from the front property line of the subject property to the public sidewalk located in the St. Mary's Road right-of-way, as determined by and to the satisfaction of the Director of Public Works.

REASON FOR THE REPORT

- The applicant is proposing to construct a multi-family dwelling with a reduced front yard, reduced parking spaces, and insufficient landscape buffering to a parking area within 20 feet of a rear lot line adjacent to a residential zone. Variances are required to accommodate the proposal.

FILE/APPLICANT DETAILS

FILE:	**DAV 20-178639\C**
RELATED FILES:	DCU 20-175511/C
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.514 (Norwood West)
SUBJECT:	To vary the "R2" dimensional standards of Zoning By-Law No. 200/2006 as follows: 1) for the construction of a multi-family dwelling to permit the following: a. a front yard of 9 feet (2.74 metres) instead of 16 feet (4.88 metres); b. 6 parking spaces instead of 7 parking spaces. 2) for the establishment of an accessory parking area to permit insufficient landscape buffering to a parking area that is located within 20 feet of a rear lot line adjacent to a residential zoning district.
LOCATION:	74 St Mary's RD
LEGAL DESCRIPTION:	LOT 1 PLAN 28940 93 ST B
APPLICANT:	RONALD MELVIN 58 ALBURG DR Winnipeg, Manitoba R2N 1L9
OWNER:	58 ALBURG DR Winnipeg, Manitoba R2M 1L9

HISTORY

N/A

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the south side of St. Mary's Road, between Claremont and Monck Avenues, in the Norwood West neighbourhood of the St Boniface ward.
- The site is approximately 57 feet wide, and approximately 8,488 square feet in area. The northeast corner of the lot contains an angle approximately 13 feet long. The site currently contains a one-storey single-family dwelling and a garage. Vehicular access is currently provided from an approach on Claremont Avenue and from the rear lane.
- The site is located along St. Mary's Road, which is designated a 'Regional Mixed-Use Corridor' under the *Complete Communities Direction Strategy*. The property is zoned 'R2' Residential Two-Family.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: St. Mary's Road, then Coronation Park (zoned 'PR1' Parks and Recreation 1 (Neighbourhood).

South: Rear lane, then residential uses zoned 'R1-M' Residential Single-Family Medium.

East: Residential uses zoned 'R2' Residential Two-Family, then Monck Avenue, then residential uses zoned 'R2' Residential Two-Family, then commercial and residential uses zoned 'C1' Commercial Neighbourhood and 'C2' Commercial Community.

West: Claremont Avenue, then residential uses zoned 'R1-M' Residential Single-Family Medium.

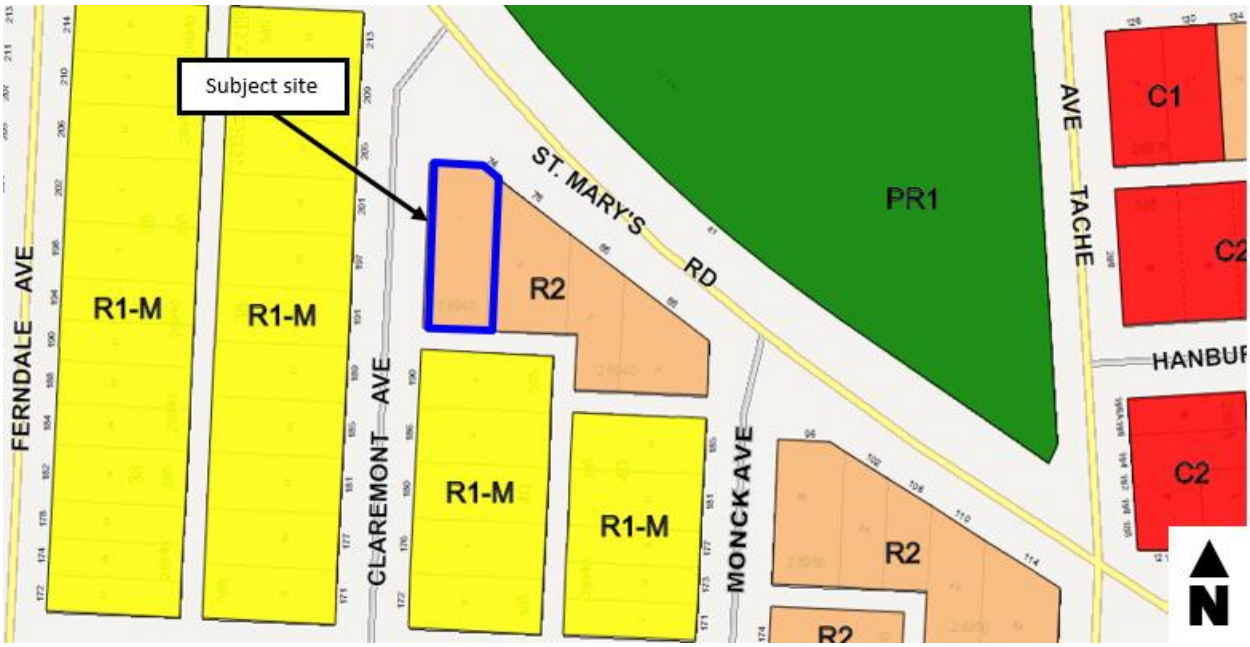


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a multi-family building containing six residential units. The existing structures on the site will be demolished to accommodate this development.
- Six parking stalls will be provided, and will be accessed from the rear lane. The front approach on Claremont Avenue will be closed.
- Bicycle parking will be provided behind the building.
- The applicant has provided a site plan (including landscaping), as well as floor plans and building elevations. Entrances are provided on the north (front), west, and south (rear) sides of the building.
- There is an associated Conditional Use application (DCU 175511/C) for a multi-family use within an 'R2' zoning district. Please refer to the planner's report for that application for more information.

COLLABORATION

With the Urban Planning Division

- The applicant has collaborated with the Public Service and made several revisions to the design in order to arrive at the proposed submission.

With the Public

- The applicant initially scheduled a public open house at the Norwood Community Centre, which then had to be cancelled due to the pandemic.
- The applicant then distributed 100 leaflets door-to-door in the neighbourhood, describing the proposed development and including a rendering of the building. The leaflet also included the applicant's email address and phone number, for residents to follow up with questions or concerns. Approximately 16 people emailed with comments, and approximately five people telephoned with comments.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located along a 'Regional Mixed-Use Corridor' (St. Mary's Road) in *Complete Communities*' Urban Structure map. *Complete Communities* directs a significant share of growth to Corridors in a way that:
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.
- With regard to this proposal, the key policies guiding the development of Regional Mixed-Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed-use development are appropriate.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- A Front Yard Alignment (Section 139 of the Winnipeg Zoning By-Law) is required in cases where the standard required front yard for the zoning district is inconsistent with the majority

of front yards on the block. The front yard alignment in this case is 16 feet. The applicant proposes a front yard of 9 feet; therefore, a variance is required.

- The site is located within the Urban Infill Area of the Winnipeg Zoning By-Law, where the number of required stalls may be reduced to 80% of the minimum amount required. For a multi-family use, this works out to 1.2 stalls per unit. The applicant is requesting one stall per unit; therefore, a variance is required.
- A landscaped buffer is required when a parking or accessory to any use, other than a single or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district. The proposed development does not include this buffering of the parking area, as vehicular access is to be taken from the rear lane. Therefore, a variance is required.

ANALYSIS OF VARIANCES

Front Yard

- The Urban Planning Division supports a reduced front yard, as this can help to support a more pedestrian-friendly and active street edge which is generally encouraged along Regional Mixed-Use Corridors.

Parking

- The Urban Planning Division is supportive of the variance for six parking stalls instead of seven (resulting in a parking ratio of 1:1), as there is frequent transit access along this length of St. Mary's Road, and *Complete Communities* supports the concentration of people in areas well-service by transit.

Insufficient Buffering

- The variance to allow for insufficient buffering to the parking area along the rear lot line is being supported because the proposed development requires access to parking from the rear lane. Given the proposed orientation of parking stalls accessed directly from the rear lane, it would not be possible to establish an effective buffer due to the need to access the stalls.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division **approves** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

In that, *the application is consistent with the Complete Communities Direction Strategy, which supports intensification along Regional Mixed-Use Corridors.*

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

In that, *the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors*

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

In that, *the variances are the minimum modification of the zoning by-law to achieve the goals of the Complete Communities Direction Strategy along Regional Mixed-Use Corridors.*

(d) is compatible with the area in which the property to be affected is situated.

In that, *the building provides a high-quality, compact urban form suitable along Regional Mixed-Use Corridors*

CONSULTATION

In preparing this report there was internal consultation with: Public Works Department (Transportation Division).

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.

01-1c Key Directions for Specific Areas – Centres and Corridors

- **Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:**
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

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
Prepared by:	Jonathan Hildebrand
Date:	Thursday, September 17, 2020
File No.	DAV 20-178639\C

Appendix D: DRAFT Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2021

A By-law of THE CITY OF WINNIPEG to repeal By-law No. 1810 of the former City of St. Boniface insomuch as it affects the property commonly referred to as 74 St. Mary's Road.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 By-law No. 1810 of the former City of St. Boniface is amended by adding the following after clause (a.2):

(a.3) Despite anything else in this By-law, the provisions of this By-law do not apply in respect of the property commonly referred to as 74 St. Mary's Road, in the City of Winnipeg, in the Province of Manitoba, and legally described as follows:

SP LOT 1 PLAN 28940 WLTO
IN RL 93 PARISH OF ST BONIFACE

DONE AND PASSED this day of , 2021.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property
and Development

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor