Agenda – Council – July 13, 2023

Report – Executive Policy Committee – July 5, 2023

Item No. 9 Rezoning – 49 Fermor Avenue
(St. Vital Ward)
File DAZ 202/2023 [c/r DAV 132157/2023D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 202/2023 by rezoning the subject land to an "RMF-S" Residential Multi-Family (Small) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 24, 2023 and attached as Schedule "B" to this report, subject to the following conditions:

    A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter, if required, in accordance with the report of the Administrative Coordinating Group dated May 30, 2023 and attached as Schedule "C" to this report.

    B. That the City, enter into, execute and deliver with the Developer a Servicing Agreement, if required, in accordance with Recommendation 1.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 Director of Planning, Property and Development to negotiate and approve the terms and conditions of a Servicing 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.

2. 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 (the "Dedication Fee"), as determined by the City's Director of Planning, Property and Development.

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report (the "By-law") and bring same directly to Council by way of communication for first reading.

Report – Executive Policy Committee – July 5, 2023

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for consideration for second and third reading.

5. That Development Application No. DAZ 202/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law unless the Developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That the By-law will come into force when the Servicing Agreement is fully executed.

7. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Servicing Agreement, if required, is not fully executed in accordance with Recommendation 6 unless the Developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

9. 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 DAZ 202/2023.

Report – Executive Policy Committee – July 5, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 2023, 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: DAZ 202/2023

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

Public Hearing: June 19, 2023
Council Building, 510 Main Street

Applicant: Cam Couper

Subject:



APPLICANT: Cam Couper
FILE: DAZ 202/2023
PROPOSAL: To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow for the establishment of a Multi-Family Dwelling use. **For information, phone D. Iskierski, Planner at 204-986-5337.**
DEMANDEUR: Cam Couper
N° DE DOSSIER: DAZ 202/2023
PROJET: Modifier le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie RMF-S (secteur de petites habitations multifamiliales) afin de permettre l'aménagement d'une habitation multifamiliale. **Pour obtenir des renseignements, appelez D. Iskierski, urbaniste, au 204-986-5337.**

Premises Affected: 49 Fermor Avenue

For submission to: Executive Policy Committee

Prepared by: Pieter W. Prinsloo, Senior Committee Clerk
Riel Community Committee

Report date: June 19, 2023

Community Committee Recommendation:

On June 19, 2023, 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 202/2023 by rezoning the subject land to an "RMF-S" Residential Multi-Family (Small) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated May 24, 2023 and attached as Schedule "B" to this report, subject to the following conditions:

    A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter, if required, in accordance with the report of the Administrative Coordinating Group dated May 30, 2023 and attached as Schedule "C" to this report.

    B. That the City, enter into, execute and deliver with the Developer a Servicing Agreement, if required, in accordance with Recommendation 1.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 Director of Planning, Property and Development to negotiate and approve the terms and conditions of a Servicing 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.

2. 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 (the "Dedication Fee"), as determined by the City's Director of Planning, Property and Development.

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for consideration for second and third reading.

5. That Development Application No. DAZ 202/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law unless the Developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That the By-law will come into force when the Servicing Agreement is fully executed.

7. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Servicing Agreement, if required, is not fully executed in accordance with Recommendation 6 unless the Developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

9. 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 DAZ 202/2023.

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

1. This complies with the infill guidelines, too small to make them pave the back lane, it's only 3 units, that wouldn't be fair to the builder.

2. It sounds like there may still be some costs as well related to land drainage but I think in this instance it's a end of block addition so it makes sense within the context of the neighbourhood.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Exhibits Filed:	1. Application dated April 4, 2023 2. Notification of Public Hearing dated May 16, 2023 3. Manitoba Status of Title 3184521/1 4. Plans (9 pages) 5. Report from the Urban Planning Division dated May 24, 2023 6. Inspection Report

REPRESENTATIONS:

In Support:

Cam Couper

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
D. Iskierski, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit “5” referred to in File DAZ 202/2023

ADMINISTRATIVE REPORT

Title: DAZ 202/2023 at 49 Fermor Avenue

Issue: For consideration at the public hearing for a rezoning to the “RMF-S” Residential Multi-Family Small district to enable the construction of a multi-family residential building with three (3) residential units.

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
D. Iskierski, MCIP	n/a	n/a	n/a	n/a

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 202/2023 by rezoning the subject land to an “RMF-S” Residential Multi-Family (Small) District in accordance with the proposed by-law attached as Appendix “A” to this report and as shown on the map dated May 24, 2023 and attached as Schedule “B” to this report, subject to the following conditions:

    A. That the Developer enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter, if required, in accordance with the report of the Administrative Coordinating Group dated May 30, 2023 and attached as Schedule “C” to this report.

    B. That the City, enter into, execute and deliver with the developer a Servicing Agreement, if required, in accordance with recommendation 1.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”).

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3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report (the "By-law") and bring same directly to Council by way of communication for first reading.
4. That, upon instruction from the Director of Planning, Property and Development that the developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for consideration for second and third reading.
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6. That the By-law will come into force when the Servicing Agreement is fully executed.
7. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Servicing Agreement, if required, is not fully executed in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
8. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.
9. 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 DAZ 202/2023.

REASON FOR THE REPORT

- The applicant wishes to rezone the subject property from the "R1-M" Residential Single-Family Medium district to the "RMF-S" Residential Multi-Family Small district to enable the establishment of a multi-family residential building with three (3) residential units.
- 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 and Design Division are concurred in, the land will be rezoned.

CONSULTATION

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared By:	D. Iskierski, MCP
Date:	May 24, 2023
File No.	DAZ 202/2022

1. Schedule A — Planning Discussion
2. Schedule B — Recommended File No. DAZ 202/2023 Riel Community Committee, dated May 24, 2023
3. Schedule C — Report of the Administrative Working Group – May 30, 2023
4. Appendix B — Proposed By-law

Schedule 'A' – Planning Report

DATE:	May 24, 2023
FILE:	**DAZ 202/2023**
RELATED FILES:	DAV 23-132157\D, 23-130359 ZR
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	1.110 – Varennes
SUBJECT:	To rezone a residential lot from an "R1-M" Residential Single-Family Medium District to an "RMF-S" Residential Multi-Family Small District in order to facilitate the construction of a two storey three (3) unit multi-family residential building.
LOCATION:	49 Fermor Avenue
LEGAL DESCRIPTION:	LOT 17 BLOCK 4 PLAN 2785 112/113 ST B



APPLICANT:	Cam Couper (Camco Electric) 1432 Erin St Winnipeg, MB R3G 2S8
OWNER:	Cameron Couper 1432 Erin St Winnipeg, MB R3E 2S8
RECOMMENDATION:	Approval with conditions

SITE DESCRIPTION

- The subject property is located on the north side of Fermor Avenue in the Varennes neighbourhood of the St Vital ward.
- The subject site is 5174 square feet (480.68 square metres) in area. The site is currently occupied by a one-storey house built in 1922.
- Under the *Complete Communities Direction Strategy 2.0*, the site is within the Established Neighbourhoods - Mature Communities policy area. The property is zoned “R1-M” Residential Single-Family Medium district.



Figure 1: Aerial photo of subject site and surrounding area *(flown 2021).*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Laneway then detached single-family dwelling zoned “R1-M” Residential Single-Family Medium District.

South: Fermor Avenue then detached single-family dwelling zoned “R1-M” Residential Single-Family Medium District.

East: Detached single-family dwelling zoned “R1-M” Residential Single-Family Medium District.

West: St. Thomas Road then detached single-family dwelling zoned “R1-M” Residential Single-Family Medium District.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a multi-family building that will encompass three (3) residential units.
- The building being proposed is two storeys in height with entrances on the front façade facing Inman Avenue and along the west façade in the corner side yard and along the rear façade in the rear yard.
- The building footprint is 22 feet (6.71 metres) wide by 39 feet (11.89 metres) in length which represents a lot area coverage of 25.1% with soft landscaping covering 40% of the lot area.
- A total of five (5) parking stalls will be provided behind the building.
- Of the five (5) parking stalls, one (1) is designated as an accessible parking stall as well as a visitor stall.
- Vehicular access to the property is proposed by way of the existing rear laneway accessed from St. Thomas Road to the west.
- Garbage is located in an enclosure adjacent to the parking area and rear laneway.
- A site plan, landscaping plan, floor plans, elevations and renderings have been provided.
- Additional variances to reduce the minimum lot area requirement and to permit no insufficient buffering of the accessory parking area are also required. For the complete analysis of required variances, please see the corresponding planners report for File No. DAV 23-132157\D.
- The applicant also applied for and was approved to provide an alternative equivalence compliance for the street edge landscaping along St. Thomas Road where there was insufficient space to include all of the required trees. Instead the applicant planted the required trees in the rear yard (application No. 23-130359 ZR).

REASON FOR APPLICATION

- The subject property is currently zoned “R1-M” Residential Single-Family Medium District.
- In order to accommodate this higher density development a rezoning application is required.
- The “RMF-S” Residential Multi-Family Small District enables a maximum residential density of one (1) residential unit per 1250 sq. ft. of site area.
- Given the proposed lot area of 5174 square feet (480.68 square metres), the proposed three-unit building would result in a density of 1724.66 square feet (160.23 square metres) per dwelling unit.

COLLABORATIVE PLANNING and CONSULTATION

With the Urban Planning and Design Division

The applicant engaged the Urban Planning and Design Division for preliminary discussions prior to making a formal application and revised the site plan and elevation drawings as per the recommendations of the Urban Planning and Design Division to align the proposed development with the newly adopted *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities.*

With the Public

The applicant did not include any signatures of support in their application.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* 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.
- As part of *Complete Communities Direction Strategy 2.0*, the City has an intensification target under Section B1. General Growth Goal 2 - Policy 2.1 states that a minimum of 50% of all new dwelling units be accommodated in the intensification target area of the city of which this property is located within.
- The subject property is located in an Established Neighbourhood designated as a “Mature Community” as outlined in *Complete Communities Direction Strategy 2.0.*
- The Vision for Established Neighbourhoods is for them to continue to evolve as complete communities to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
- Goal 1 states “encourage compatible residential development within Established Neighbourhoods to build more *Complete Communities* and align with the City’s residential intensification target.
- General policies for Established Neighbourhoods that relate to the subject proposal are as follows:

  1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development

1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.

1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:

a. Applicable City-endorsed policies or guidelines;

b. Existing zoning of the property and adjacent properties;

c. Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks and layout;

d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;

e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;

g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;

h. The supporting transit, pedestrian and active transportation network; and

i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.

1.8 Low-rise residential uses will generally be encouraged on arterial roads and collector streets where compatible with adjacent land uses, where they can be conveniently served by transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.

1.9 Small-scale residential uses other than single-family residential may be accommodated

- *Complete Communities Direction Strategy 2.0* states Mature Communities "present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure."
- Goal 2 states "design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride." More specifically, policies that relate to the subject proposal are as follows:

  2.3 Encourage, where contextually suitable, the location of multi-family buildings at or near the front and corner side property lines to create a pedestrian orientation that is respectful of the area context. Use setbacks to provide landscaping, front courtyards for individual units or other amenities that support the pedestrian environment, building design and relationship to the street.

  2.4 Encourage the use of high-quality, energy efficient, and durable exterior building façade materials.

  2.5 Encourage a variety of architectural styles.

  2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the aesthetics of the street and neighbourhood.

2.9 Buildings with multi unit residential uses should be designed to support pedestrian activity and reinforce the public realm through thoughtful use of architectural features which may include, but are not limited to, the following:

a. Window placement that supports passive surveillance;

b. Unit entrances with direct access to the street;

c. Front porches;

d. Balconies;

e. Awnings;

f. Lighting; and

g. Height of primary entrances.

2.12 New developments should respect and complement the existing character of the built form of surrounding properties.

2.14 Avoid buildings that create long blank walls facing public streets.

2.15 Encourage the use of architectural features to articulate building walls in order to mitigate the impact of new building mass.

2.16 For properties with public lane access, vehicular access should be taken from the public lane in order to:

a. Reduce potential conflict between pedestrians using sidewalks and motor vehicles crossing the public right-of-way to access private property;

b. Preserve green space and protect existing trees that can be impacted by the establishment of front approaches and corresponding private driveways; and

c. Prevent fragmentation of the public boulevard in order to better accommodate on-street motor vehicle parking and public snow clearing.

2.17 Locate commercial, mixed-use, or multiple family residential parking underground or behind buildings in order to create a more pedestrian-oriented built form. Active uses should be located at grade when these buildings face public streets.

2.21 Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.

2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development has a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.

- Goal 3 states “ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs.” More specifically, policies that relate to the subject proposal are as follows:

3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.

3.2 Encourage a mix of types, tenures and unit sizes within residential developments. Make provisions for unit sizes that can accommodate varying family sizes and multi-generational households.

3.6 Encourage new developments that incorporates housing types that enable "aging in place" in Established Neighbourhoods.

The subject proposal aligns with the above applicable policies for Mature Communities for the following reasons:

- The development will help achieve residential intensification targets;
- The development will positively contribute to the surrounding neighbourhood by providing additional housing options;
- The proposed development will better utilize existing infrastructure including the street network, active transportation paths to the east, water and wastewater service capacity and city services such as library, recreation and education;
- The proposed density is compatible with the surrounding context where this section of Fermor Avenue in that it is only a slight increase from the adjacent detached single-family dwellings; and
- The proposed design meets the design policies mentioned above. Namely, the building is oriented to the street, has a height and scale similar to surrounding buildings, uses a variety of building materials, adds to the architectural interest of the area, includes features such as porches and balconies that increase activity along the street edge, and takes vehicular access from the rear laneway.

SMALL SCALE AND LOW-RISE RESIDENTIAL DEVELOPMENT GUIDELINES FOR MATURE COMMUNITIES

- The *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities (Infill Guidelines)* were adopted by Council on June 24, 2021.
- The subject application was submitted to the Urban Planning Division after the adoption of the *Infill Guidelines* therefore the *Infill Guidelines* apply.
- The proposed development meets the Preferred Location Criteria for Triplexes and all of the applicable site design guidelines including front, rear and side yard setbacks, lot coverage and landscaping.
- The proposed development meets all of the applicable building design guidelines including building height, roof pitches, façade materials and architectural features, main floor height, entrances, projections into setbacks, privacy and utilities servicing and mechanical.
- The only *Design Guidelines* that the proposed development does not meet from the *Infill Guidelines* is to design for accessible suites and that the design of the building takes cues from surrounding architectural features.
    - Please note that the language in the *Infill Guidelines* used is 'encouraged' therefore this is not a requirement.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The Residential Multi-Family District is intended to accommodate the development of multi-family units in areas with medium to high residential densities.

- Development in the ”RMF” district should provide convenient access for pedestrians and transit users from the public street, and should facilitate pedestrian travel between residential uses and the public realm.
- The subject site is located on a block of Fermor Avenue that is characterized by a mix of residential uses with similar scale and built form to what is being proposed.
- *Complete Communities Direction Strategy 2.0* designates this site as an “Established Neighbourhood – Mature Communities” which supports increasing residential densities.
- The proposed density is within the maximum 1250 sq. ft. per dwelling unit typically permitted in the “RMF-S” Residential Multi-Family Small Zoning District.
- The established residential context, supportive planning policy, high degree of neighbourhood walkability, proximity to high frequency transit service and proximity to a full range of commercial services are supporting factors in the use of the “RMF-S” Residential Multi-Family Small Zoning District.

Based on these considerations, the “RMF-S” Residential Multi-Family Zoning District is the most appropriate zoning district to enable the proposed development.

SUMMARY

The Urban Planning and Design Division recommends approval for the following reasons:

- The subject rezoning will result in the establishment of a multi-family residential development that is consistent with policies in *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0* as well as meets both the Preferred Location Criteria and Design Guidelines for Triplexes found within the *Small-Scale and Low-Rise Residential development Guidelines for Mature Communities*.
- The proposed development will increase residential density in the Varennes neighbourhood, thereby increasing housing options in this pedestrian oriented, bikeable, transit connected, amenity rich mature neighbourhood as well as helping the city to achieve its residential intensification targets.
- The proposed development will utilize existing infrastructure including the street network, active transportation paths to the east, water and wastewater service capacity and city services such as library, recreation and education.

RECOMMENDATIONS

The Urban Planning and Design Division recommends this application be **approved** and the subject property be rezoned into the “RMF-S” Residential Multi-Family Small District.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning and Design Division

Report Prepared by:
Dan Iskierski, MCP

PPD File# DAZ 202/2023

Schedule "B" for File DAZ 202/2023, Riel Community Committee, May 24, 2023

By-Law No.

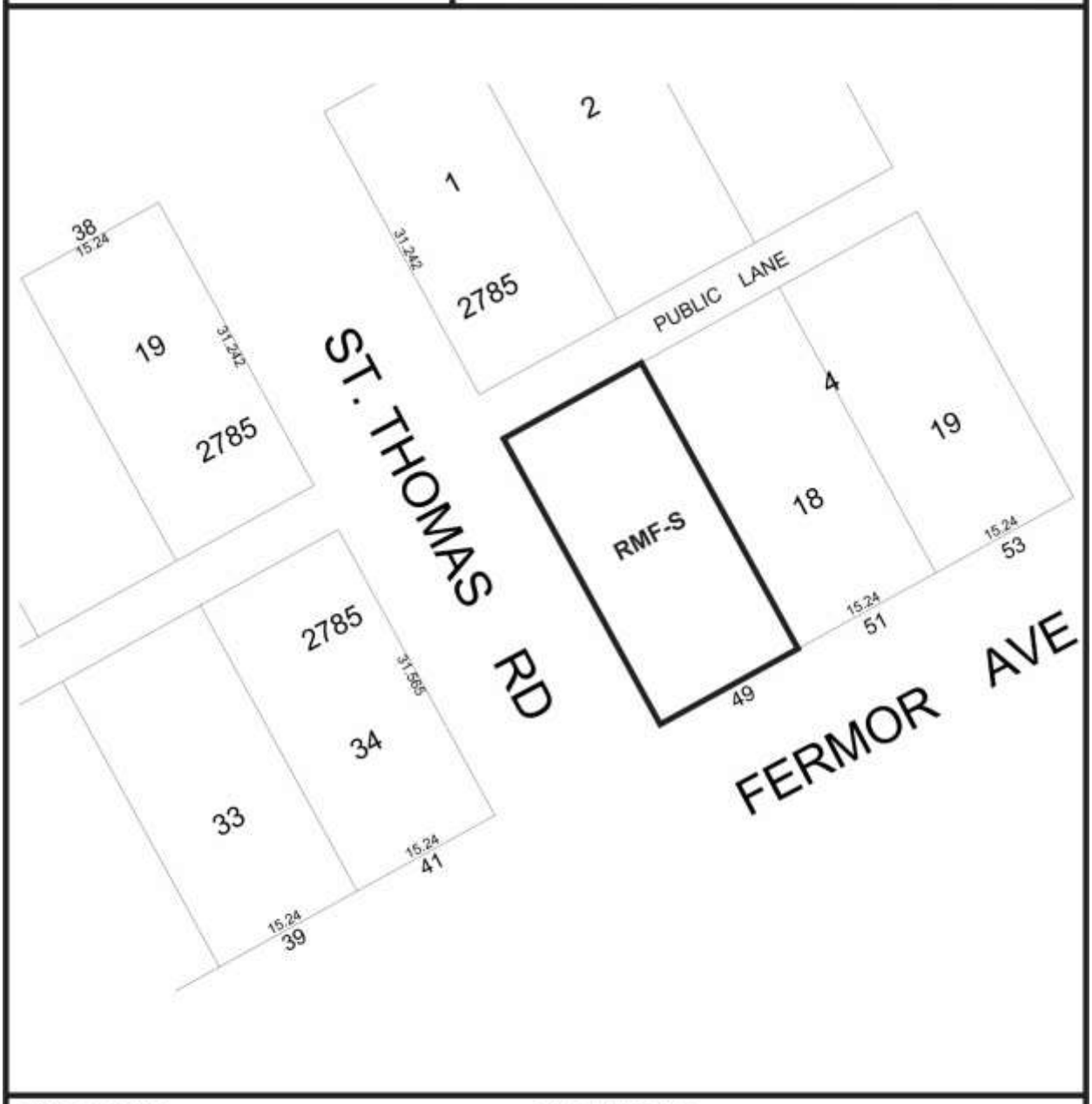
File No. **DAZ 202/2023**

Atlas Sheet No. **AE27 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 49 Fermor Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow for the establishment of a Multi-Family Dwelling use.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

SCHEDULE C

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 49 FERMOR AVENUE

It is recommended that approval of DAZ 202/2023, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following servicing requirements, if required by the accepted technical memorandum requested by the Water and Waste Department:

Section I – Engineering Studies

1) The Developer shall, at no expense to the City, provide a land drainage technical memorandum, prepared by a qualified municipal engineer, outlining the provision of land drainage sewer for the planned area and adjacent lands.

Section II - Servicing Conditions

1) Land Drainage Sewers

   a) The Developer shall, at no expense to the City, extend the land drainage system as required to service the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

2) Construction Traffic

   a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

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

3) Utilities

   a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

   b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the

works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

4) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

5) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section III – 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 agreements 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

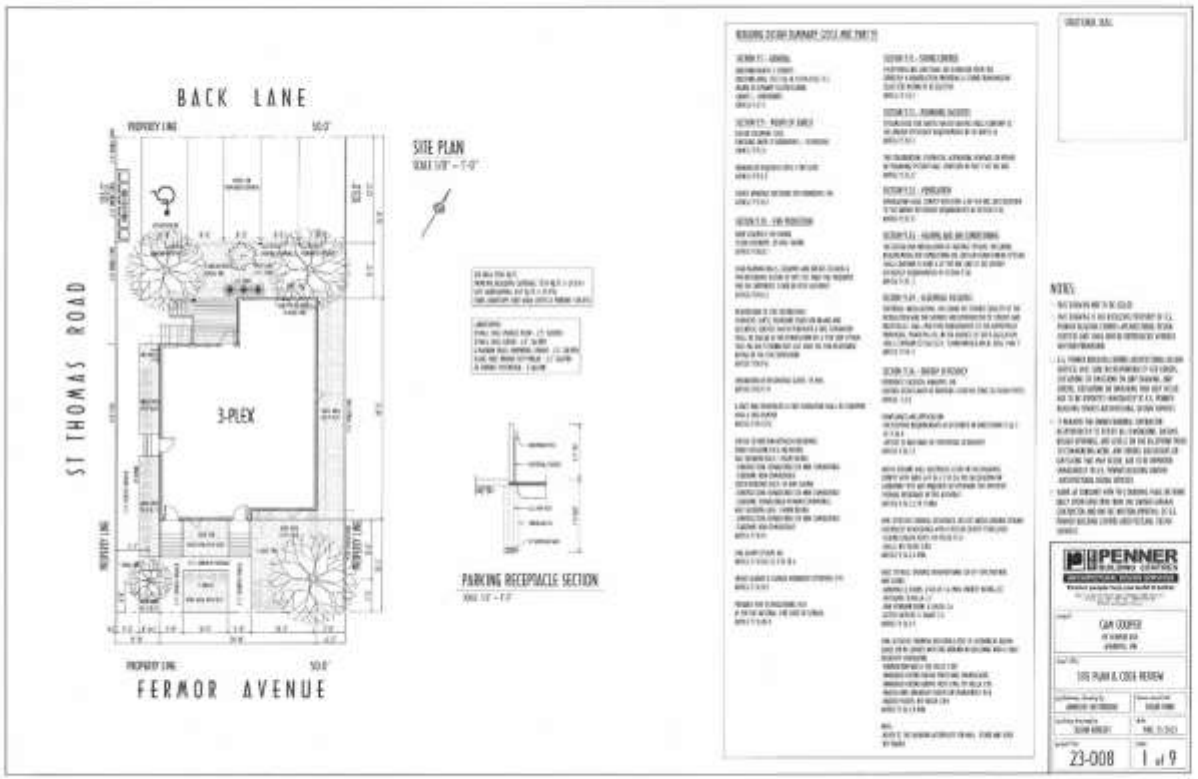
Administrative Co-ordinating Group
File No. DAZ 202/2023
May 30, 2023

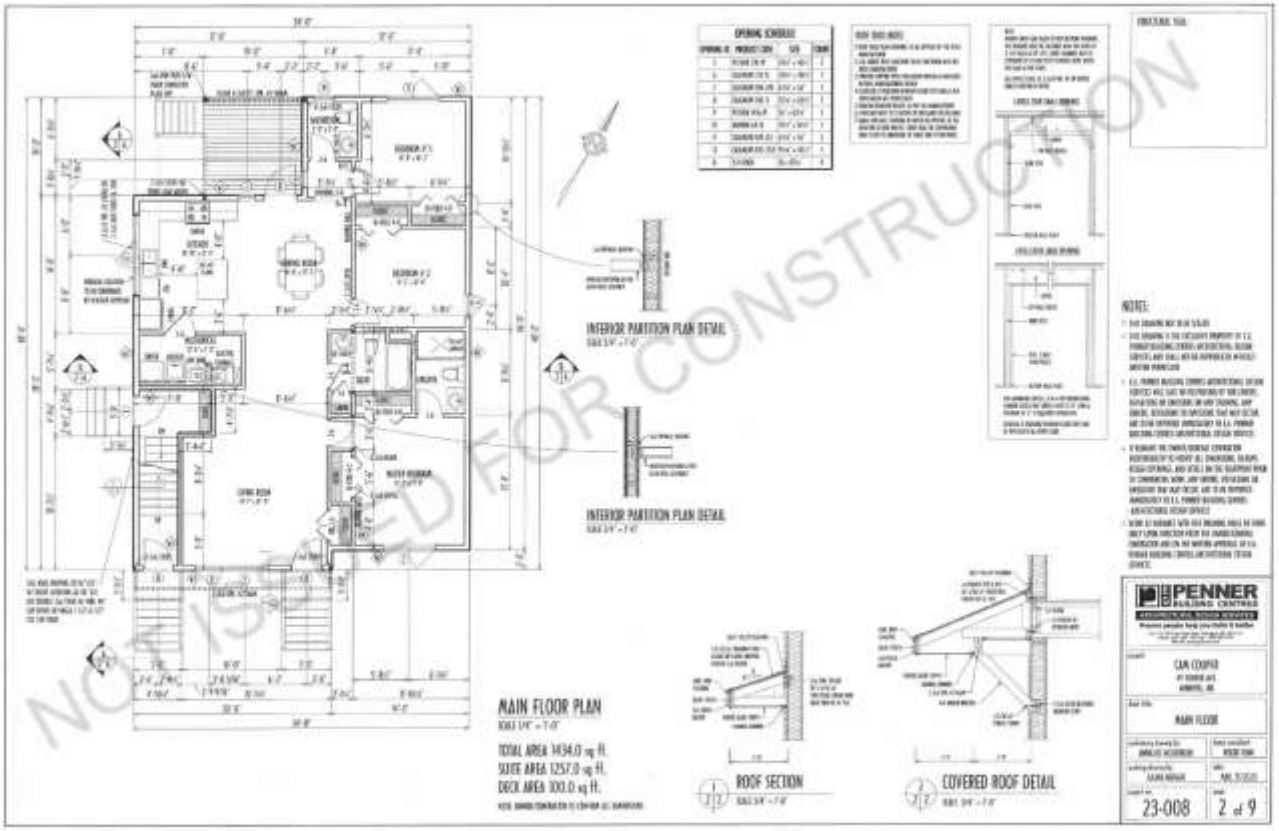
"*Original Signed by K. Kowalyk"*
K. Kowalyk, P. Eng.
Land Development Branch
Planning, Property and Development Department

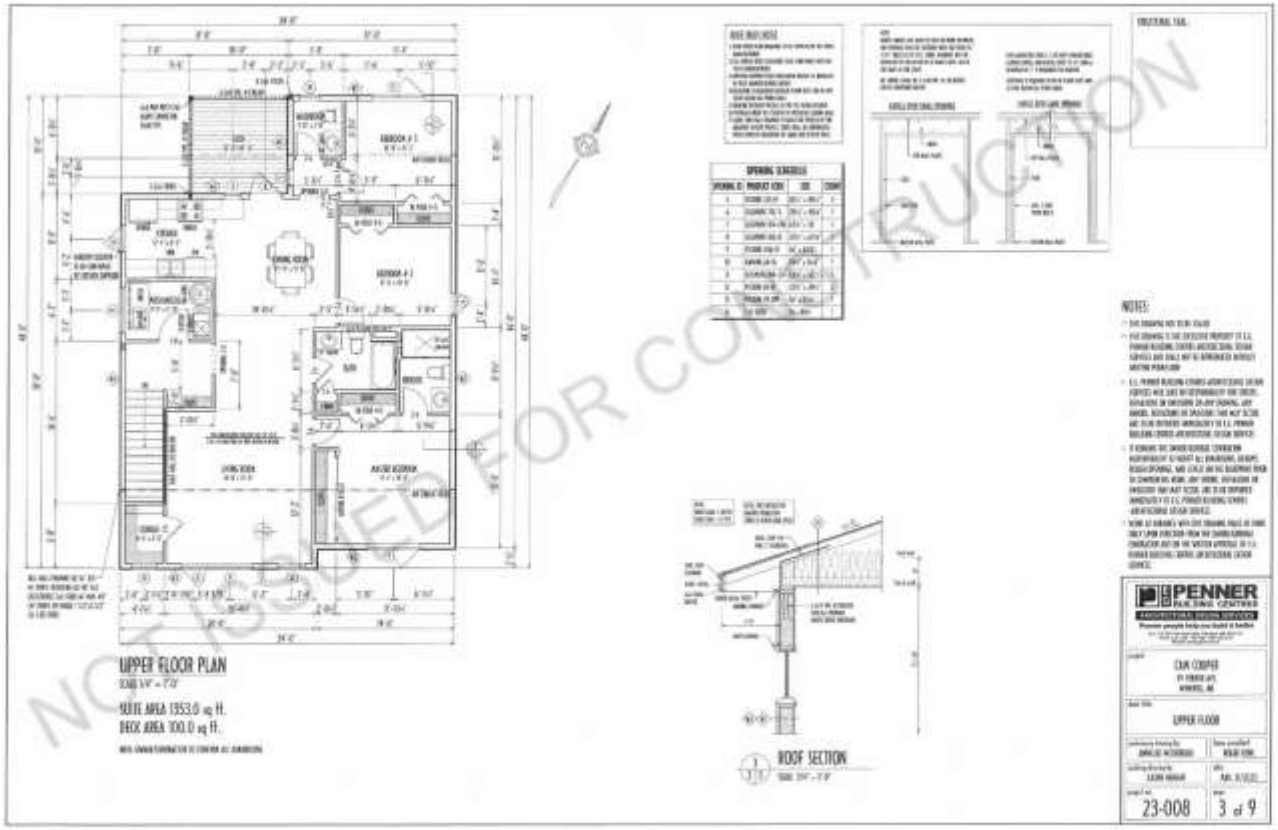
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

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

Exhibit “4” referred to in File DAZ 202/2023




MAIN FLOOR PLAN
TOTAL AREA 1434.0 sq ft.
SUITE AREA 1257.0 sq ft.
DECK AREA 300.0 sq ft.
INTERIOR PARTITION PLAN DETAIL
INTERIOR PARTITION PLAN DETAIL
ROOF SECTION
COVERED ROOF DETAIL
NOTES:
PENNER BUILDING CENTRES
CLIA COUPER
MAIN FLOOR
23-008
2 of 9
NOT ISSUED FOR CONSTRUCTION



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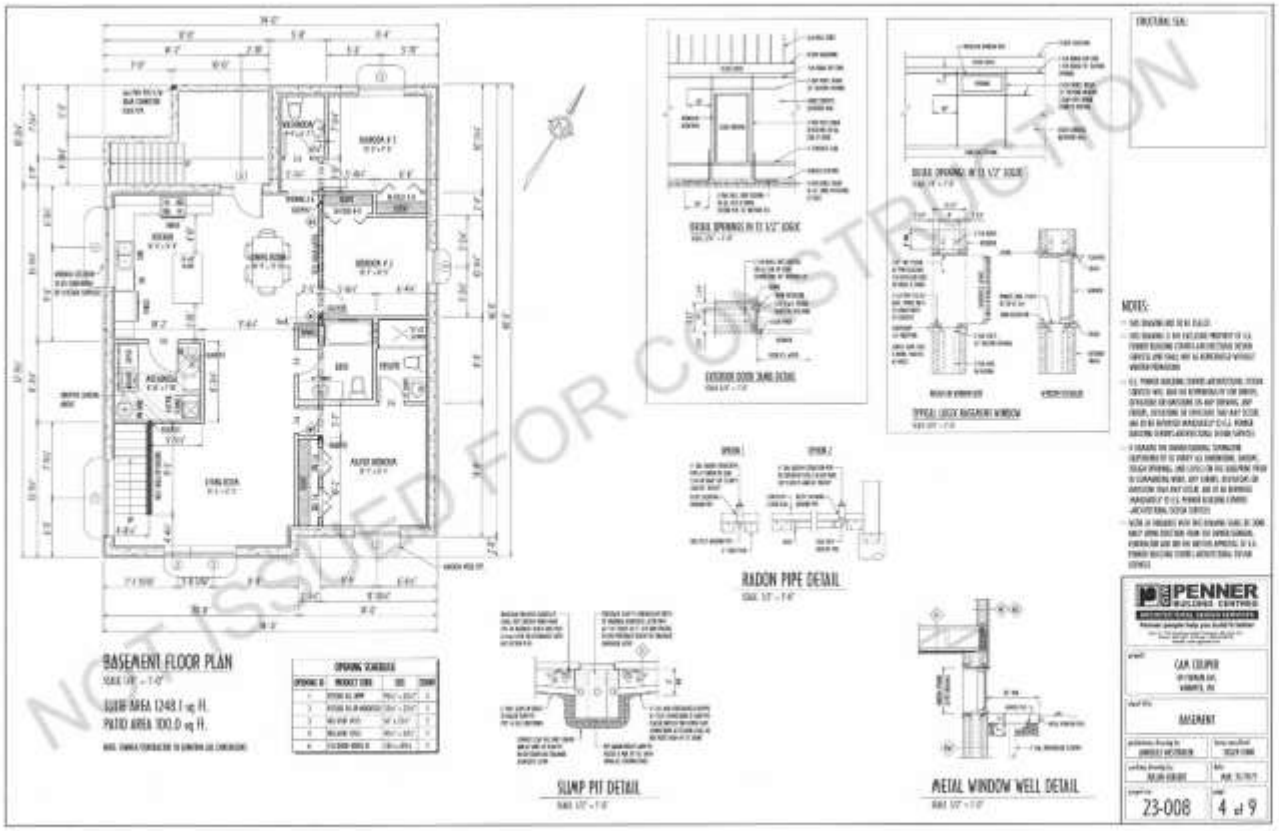
BASEMENT FLOOR PLAN
SLUMP PIT DETAIL
RADON PIPE DETAIL
METAL WINDOW WELL DETAIL
NOTES:
PENNER
BUILDING CENTRES
BASEMENT
23-008
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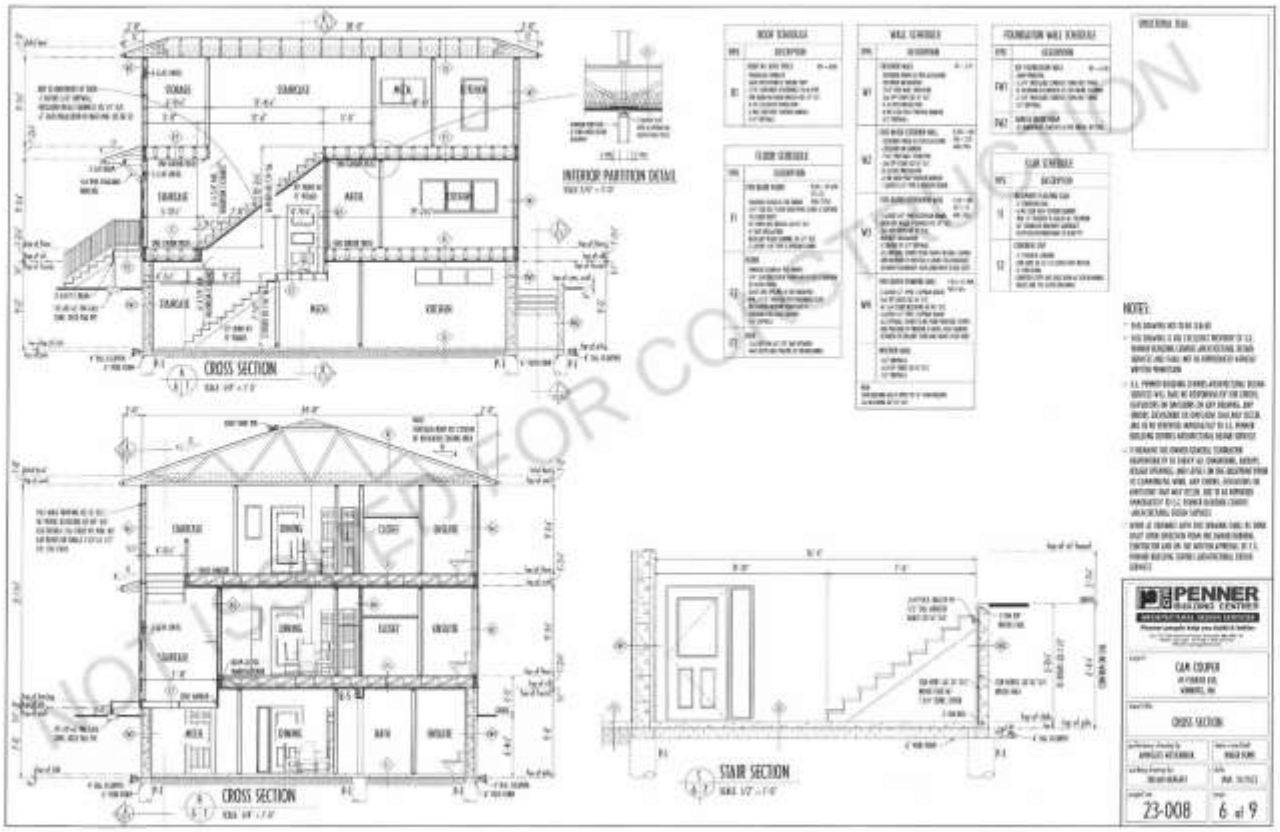
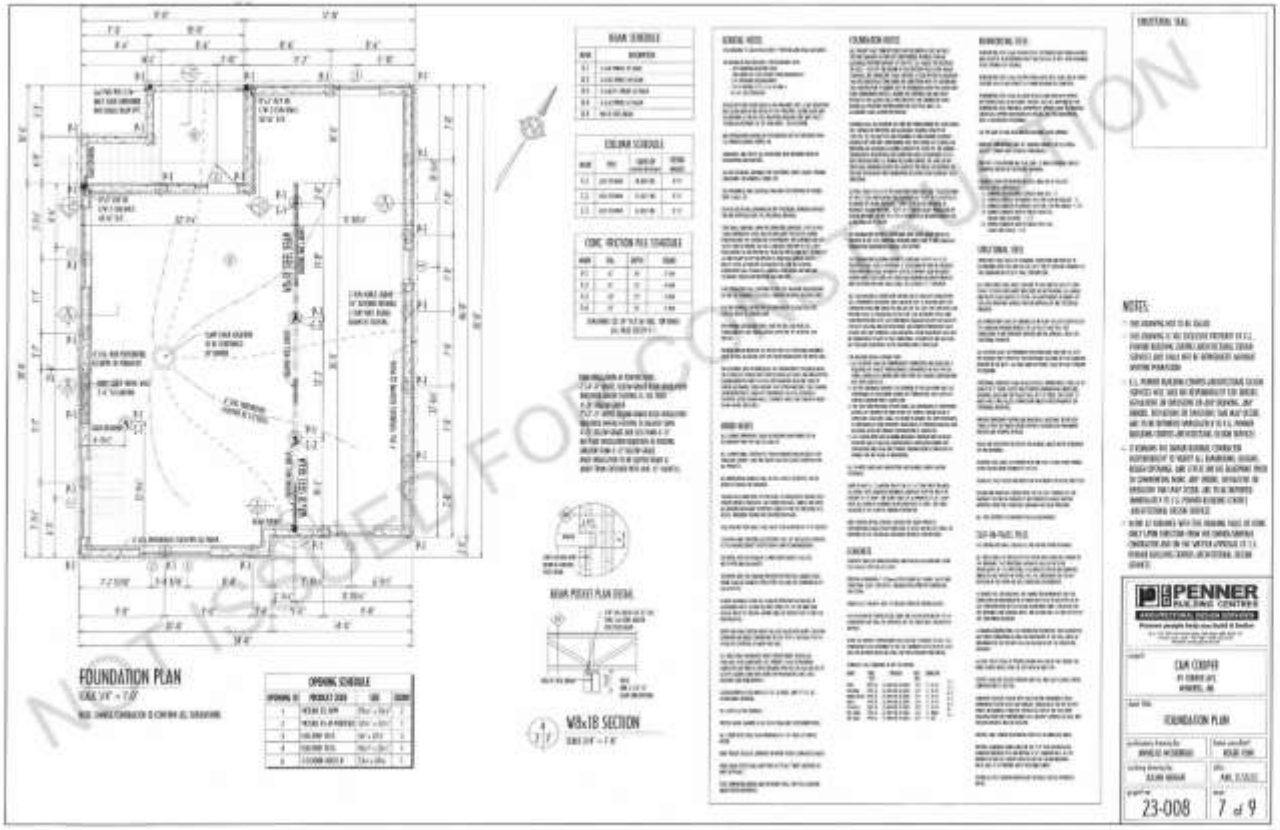
NOT ISSUED FOR CONSTRUCTION


SOUTH ELEVATION
WEST ELEVATION
NORTH ELEVATION
EAST ELEVATION
PENNER
ELEVATIONS
23-008
5 of 9


CROSS SECTION
INTERIOR PARTITION DETAIL
CROSS SECTION
STAIR SECTION
NOTES:
PENNER
CAR COUPER
CROSS SECTION
23-008
6 of 9


FOUNDATION PLAN
W8x18 SECTION
NOTES:
PENNER
CLIA COOPER
FOUNDATION PLAN
23-008
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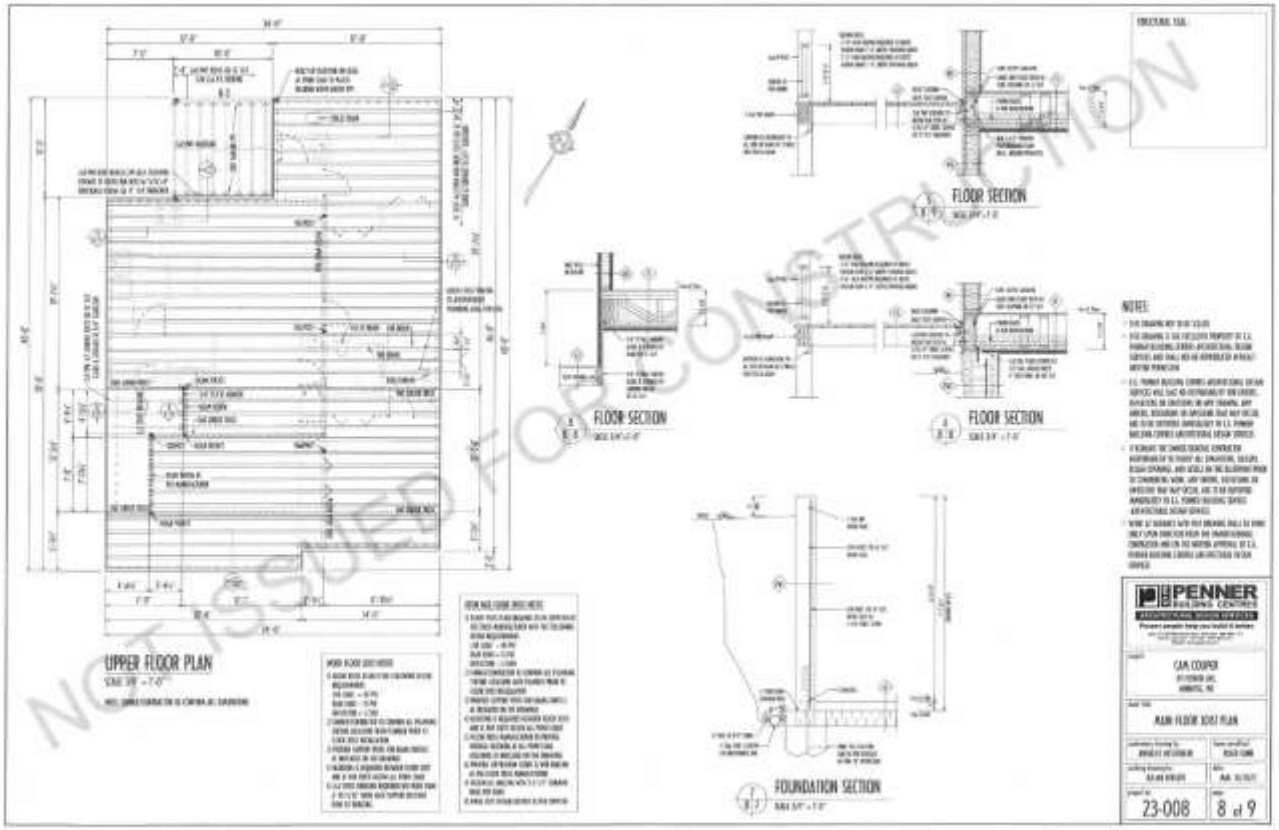
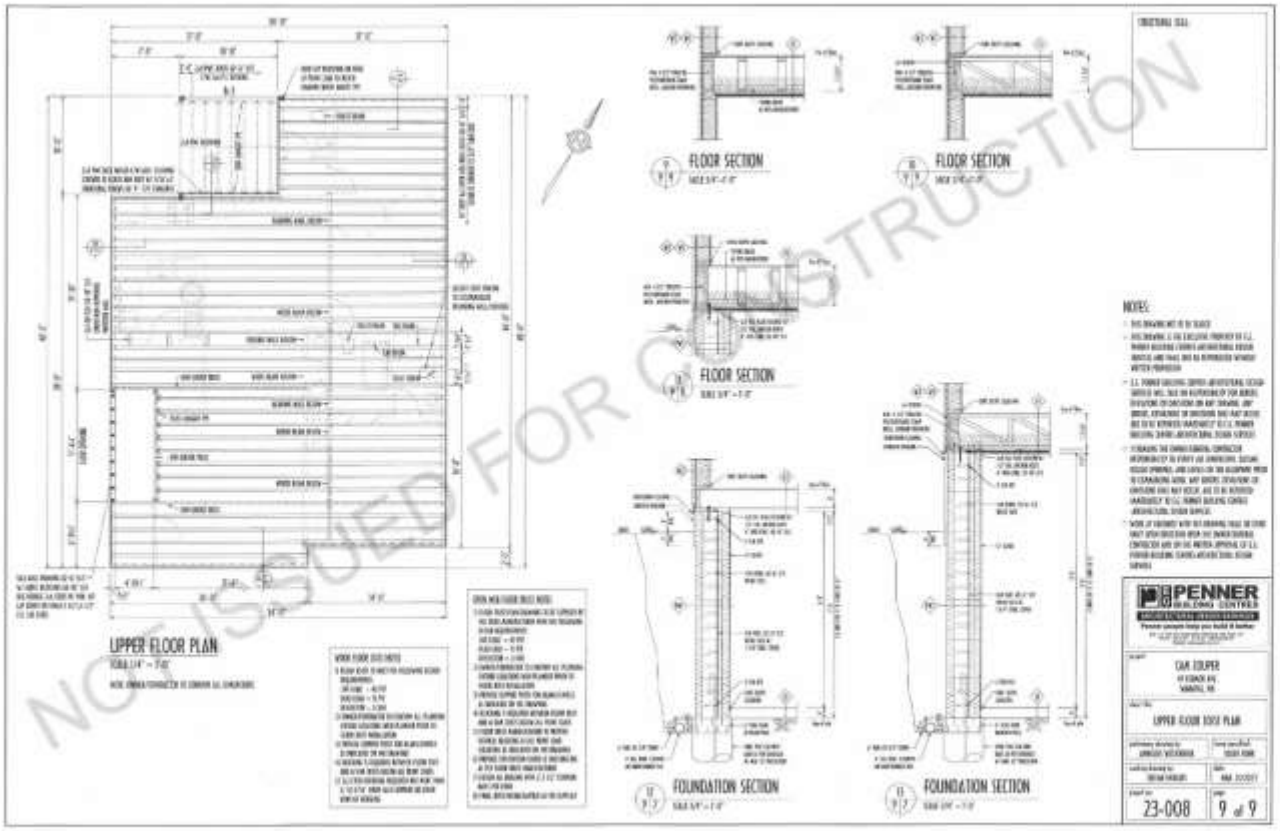

UPPER FLOOR PLAN
FLOOR SECTION
FLOOR SECTION
FLOOR SECTION
FOUNDATION SECTION
NOTES:
PENNER
23-008
8 of 9


UPPER FLOOR PLAN
FLOOR SECTION
FLOOR SECTION
FLOOR SECTION
FOUNDATION SECTION
FOUNDATION SECTION
NOTES:
PENNER
23-008
9 of 9
NOT ISSUED FOR CONSTRUCTION