Agenda – Council – July 13, 2023

Report – Standing Policy Committee on Property and Development – June 27, 2023

Item No. 13 Subdivision and Rezoning – 199 and 201 Marion Street (St. Boniface Ward) File DASZ 10/2023 [c/r DAV 124905/2023D]

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the subdivision proposed under Development Application No. DASZ 10/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 25, 2023 and attached as Schedule "C" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 25, 2023 and attached as Schedule "C" to this report, subject to the following conditions:

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

        i. That the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping
            g. Free-standing signage

Report – Standing Policy Committee on Property and Development – June 27, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

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

ii. That excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 70 feet or 21.33 metres.

iii. That private vehicular approaches shall not be permitted on Marion Street.

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 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 the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated June 5th, 2023 to the satisfaction of the Director of Planning, Property and Development

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 10/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

5. 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 – Standing Policy Committee on Property and Development – June 27, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

6. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with Recommendation 1 and has paid the Dedication and all other associated ancillary fees (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 second and third reading.

7. That Development Application No. DASZ 10/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (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 that 2 year period and Council approves the extension.

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

9. 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.

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

11. That Development Application No. DASZ 10/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the Developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 27, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 2023, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DASZ 10/2023

Before: Riel Community Committee
Councillor Chambers, Chairperson
Councillor Allard

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

Applicant: Landmark Planning & Design Inc. (Brennan Johnson)

Subject:



APPLICANT: Landmark Planning & Design Inc. (Brennan Johnson)
FILE: DASZ 10/2023
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 to an "RMU" RESIDENTIAL MIXED-USE DISTRICT to facilitate the consolidation of lands for the construction of a mixed use commercial and residential building. **For information, phone E. Finnigan Planner at 204-986-8602**
DEMANDEUR : Landmark Planning & Design Inc. (Brennan Johnson)
N" DE DOSSIER : DALZ 10/2023
PROJET : Demande d'approbation par le conseil municipal du plan de lotissement délinéé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C2 (secteur commercial communautaire) à la catégorie RMU (secteur résidentiel polyvalent) en vue de faciliter le remembrement des terres aux fins de la construction d'un bâtiment polyvalent commercial et résidentiel. **Pour obtenir des renseignements, appelez E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 199 and 201 Marion Street

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

Prepared by: Pieter 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 recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 10/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 25, 2023 and attached as Schedule "C" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 25, 2023 and attached as Schedule "C" to this report, subject to the following conditions:

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

        i. That the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping; and
            g. Free-standing signage

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

ii. That excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 70 feet or 21.33 metres.

iii. That private vehicular approaches shall not be permitted on Marion Street.

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 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 the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated June 5th, 2023 to the satisfaction of the Director of Planning, Property and Development

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 10/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

5. 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.

6. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with Recommendation 1 and has paid the Dedication and all other associated ancillary fees (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 second and third reading.

7. That Development Application No. DASZ 10/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (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 that 2 year period and Council approves the extension.

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

9. 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.

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

11. That Development Application No. DASZ 10/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the Developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

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

1. First of all, to recognize the opposition concerns, I mean in terms of the concern about odours and residence and smells, I don't think, I think there are worse smells in St. Boniface and I think in terms of smells I think this probably not even a negative, I think it is a positive if you happen to live near the restaurant, at least that's what I would feel and we've heard from the applicant that the venting will not be in line with the restaurant and I guess, yes, the patio some of the people on the patio will likely be impacted in my opinion in a positive way by the smells and so I think that's not a compelling reason not to pose the development on the issue of people jumping off the building onto the other building, I think that's if, if we are going to use that as a rationale, I think we wouldn't be having any buildings that have any differences in heights, I think that I don't see that as a compelling reason, I think if somebody wants to jump off of a building, I don't think this one is very special compared to other buildings.

2. Finally on the shadows which we delved into deeply, I am satisfied that the applicant has mitigated the shadow impact on the environment, I now know that we have guidelines that are guiding, I understand that there are guidelines that inform the planning department's recommendations on shadows and that this application exceeds those guidelines and that the height of the buildings also been restricted to the width of the right of way which makes it a building that fits the street, the way that it stood, I mean, 42 units that's 42 new potential customers for everyone of those businesses that are around there, I remember reading that much of the success of restaurants and we do want to see restaurants, more restaurants on Marion, is due to local residents that are loyal customer base that you have from people living in the area and I think this building is in line with the direction of moving on Marion Street more, the most urban of St. Boniface Ward I think one of the best places in St. Boniface if you're going to choose a lifestyle that involves multiple modes of transport, this is really one of the best places to be, a plethora of bus options available to grocery stores, a hospital, I mean this is the most urban part of St. Boniface which I understand 10,000 people walking from the commercial street and perhaps this can be a flagship complete street, we'll see what the outcome is of the moving on Marion study which is almost done and if that is supported by Council this is the type of location that will fit well with that moving on Mario street study to increase the safety and equality for all road users of that street. I think this is a good project and we have the trust of the opposition to the development.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 1

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated April 28, 2023
2. Notification of Public Hearing dated May 9, 2023
3. Manitoba Status of Titles 3197220/1, 3197212/1
4. Letter of authorization dated November 14, 2022 from 10128551 Manitoba Ltd. (Sohan Jammu) to Landmark Planning & Design Inc.
5. Caveat 173786/1
6. Letter of Agreement in Principle between Urban Ridge Homes and Peg City Car Co-op dated July 5, 2022
7. Communication dated November 16, 2022 from Raymond Champagne, President, L'Association des Résidents du Vieux Saint Boniface in support of the application
8. Communication dated November 15, 2022 from Norm Gousseau, Chief Executive Officer, Entreprises Riel in support of the application
9. Plans (10 pages)
10. Report from the Urban Planning Division dated May 25, 2023
11. Inspection Report
12. Presentation dated June 19, 2023 from Brendan Salakoh in support of the application
13. Communication dated June 16, 2023 from Sohan Jammu in support of the application.
14. Communication dated June 16, 2023 from Karl Dela Cruz in support of the application.

REPRESENTATIONS:

In Support:

Karl Dela Cruz
Sohan Jammu
Brennan Johnson
Brendan Salakoh
Lauren Sheedy
Andre Silva

REPRESENTATIONS (continued):

In Opposition:

Kenneth Mungal

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 “10” referred to in File DASZ 10/2023

ADMINISTRATIVE REPORT

Title: DASZ 10/2023 – 199 & 201 Marion Street

Issue: An application for consideration at the public hearing to consolidate and rezone the subject properties from “C2” Commercial Community to “RMU” Residential Mixed Use to allow for the construction of a mixed-use residential and commercial building.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
E. Finnigan, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 10/2023 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated May 25, 2023 and attached as Schedule “C” to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.
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ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 70 feet or 21.33 metres.

iii. That, private vehicular approaches shall not be permitted on Marion Street.

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 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 the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated June 5th, 2023 to the satisfaction of the Director of Planning, Property and Development

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 10/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

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Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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12. 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

- The applicant is proposing to consolidate the properties and rezone from “C2” Commercial Community to “RMU” Residential Mixed Use to allow for the construction of a mixed-use residential and commercial building.
- Subdivision and rezoning applications require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be consolidated and rezoned from “C2” to “RMU”.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

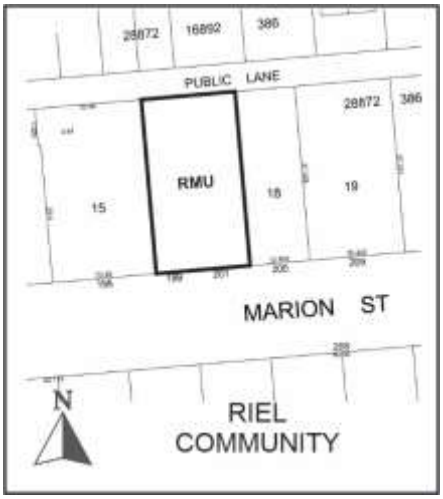
Department	Planning, Property and Development
Division	Urban Planning and Design Division
Prepared by	Elise Finnigan, RPP, MCIP
Date:	May 25th, 2023
File No.	DASZ 10/2023

List of Schedules and Appendices

Schedule A	Planning Discussion
Schedule B	Report of the Administrative Working Group – June 5th, 2023.
Schedule C	Recommended File No. DASZ 10/2023 Riel Community Committee, dated May 25th, 2023
Appendix A	Public Consultation Report
Appendix B	Proposed By-law
Appendix C	Sun/Shadow Study

SCHEDULE 'A'

FILE:	**DASZ 10/2023**
RELATED FILES:	DAV 23-124905\D
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.502 – Central St. Boniface
SUBJECT:	To consolidate and rezone the subject properties from "C2" Commercial Community to "RMU" Residential Mixed Use.
LOCATION:	199 & 201 Marion Street



APPLICANT:	Brennan Johnson (Landmark Planning & Design Inc) 298 Waterfront Dr Winnipeg, MB R3B 0G5
OWNER:	10128551 MANITOBA LTD. 311 Hargrave St 101 Winnipeg, MB R3B 0V8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject properties are located on the north side of Marion Street between Kenny Street and Traverse Avenue in the Central St. Boniface neighbourhood of the St Boniface ward.
- The subject site is **approximately 8,080** square feet in area and comprised of two (2) lots (i.e., 199 Marion and 201 Marion). 199 Marion Street is currently occupied by a two-storey single-family house, constructed in 1908; and 201 Marion Street is occupied by a one-storey commercial building.
- The site is zoned Commercial Community ("C2") and located along a "Priority Urban Mixed Use Corridor" under the *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Across the public lane there are commercial businesses zoned “C2” Commercial Community and multi-family residential buildings zoned ‘RMF-M’ Residential Multi-Family Medium.

South: Marion Street then commercial businesses zoned “C2” Commercial Community.

East: A mix of commercial businesses and multi-family residential uses zoned “C2” Commercial Community.

West: An 11-unit apartment building and commercial businesses zoned “C2” Commercial Community.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate two lots and rezone from “C2” (Commercial Community) to “RMU” (Residential Mixed Use) for the purposes of constructing a 6-storey (68 feet) mixed use building. The building will encompass 26 residential units and a commercial unit on the ground floor.
- The building will be clad primarily in gray cementitious panels. The front façade will include transparent glazing along the ground floor and second floor, and a steel frame structure to help articulate this façade.
- A total of eighteen (18) parking stalls will be provided at-grade behind the ground floor commercial unit as well as underground.
- As part of the 18 parking stalls, there will be 2 accessible parking stalls, 10 small car stalls, and 1 stall designated for a car share vehicle.
- A total of twenty-eight (28) bicycle parking stalls will be provided. Four bicycle parking stalls will be located near the entrance to the commercial unit, 15 bicycle parking stalls will be located in a storage room located near the main entrance, and 9 wall-mounted bicycle racks will be located at the base of the parking stalls in the underground parkade.
- Landscaping is proposed in the front yard including 13 shrubs and sod as ground cover.
- A wall mural is proposed on the west-facing building wall.
- A garbage enclosure is located at-grade, directly off the lane.
- The proposed development requires variances for yard setbacks, density, parking, lot area, as well as buffering as well as the access to and buffering of the parking area (see associated variance application and planner’s report for DAV 23-124905\D).

COLLABORATION

With the Public Service

- The Urban Planning and Design Division has been in communication with the applicant about the proposal via email and meetings since January 2022 in which the details of the proposed development were discussed including additional refinements to the design.

With the Public

- The applicant has indicated that a public consultation process was undertaken with adjacent and nearby residents as well as other stakeholders including a series of stakeholder meetings and a public open house over a 5-month period between March and July 2022. A detailed summary of the public engagement process is included in Appendix 'C'.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- *The Complete Communities Direction Strategy 2.0* (CCDS 2.0) is a citywide secondary plan that guides growth, development, and land use in the city of Winnipeg.
- The subject property is located along a Priority Urban Mixed-Use Corridor under the *CCDS 2.0*. Urban Mixed-Use Corridors are targeted segments of major roadways that, due to their excellent transit service via the Primary Transit Network as well as robust commercial opportunities, provide the best opportunity for mixed use intensification outside of the Downtown. They will provide a wide range of transportation options and will be vibrant destinations for people to live, work, and play. They will be designed to provide a comfortable pedestrian environment and attractive public realm.
- With regard to this proposal, the key policies guiding the development along Urban Mixed Use Corridors include:

  3.1 Ensure that development on Urban Mixed Use Corridors is designed to prioritize a comfortable pedestrian environment and attractive public realm through the use of design elements which may include, but are not limited to the following:

  3.1.1 Providing minimal building setbacks from the public right-of-way to define the street edge.
  3.1.2 Having entrances provide direct access to the public sidewalk.
  3.1.3 Promoting a fine-grained and transparent street-level façade with active ground floor uses.
  3.1.4 Encouraging balconies and public spaces, such as plazas, patios, or other pedestrian amenities.
  3.1.5 Minimizing impacts of vehicular access and parking on the pedestrian environment by having vehicular access off of existing lanes.
  3.1.6 Encouraging the location of parking above- or below-grade, or behind the primary building. Parking located beside the building may be acceptable if the parking area occupies a minimal area and high-quality screening from the public right-of-way is provided.
  3.1.7 Promoting pedestrian-scale signage.

3.2 Fine-grained local commercial uses and vertical mixed-use buildings with ground floor commercial uses will be encouraged.

4.0 Use Corridors to provide local commercial amenities and opportunities for the surrounding neighbourhood and community.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

ZONING

- Currently, the lands are zoned Commercial Community ("C2"). The "C2" zone is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. "C2" districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors. The dimensional standards in the "C2" zone are: a minimum front yard of 10 feet to open parking and no front yard to a building wall; a minimum rear yard of 25 feet; no side yard requirement and, a maximum building height of 49 feet.
- The applicant is proposing to rezone the property to Residential Mixed Use ("RMU"). The "RMU" zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the "RMU" zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 5 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 100 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

Reason for the Subdivision and Rezoning

- The applicant is proposing to consolidate two existing lots and rezone from "C2" to "RMU" for the purposes of constructing a 6-storey mixed use building. The building will encompass 26 residential units and one small scale commercial unit on the ground floor.

CONSISTENCY WITH *CCDS 2.0* AND SURROUNDING NEIGHBOURHOOD

- As noted above, the subject site is located along an "Urban Mixed Use Corridor" policy area under the *Complete Communities Direction Strategy 2.0* where vertical mixed-use buildings with ground floor commercial uses are encouraged. The subject proposal to construct a 6-storey mixed use building with a commercial unit on the ground floor and 26 residential units above aligns completely with the policies directing development along "Urban Mixed Use Corridors".
- It is also noted the site has access to quality transit service and the Winnipeg Transit Master Plan proposes significantly improving the all-day frequency of transit service on Marion Street over the next 5 years. The site is also within walking distance to a number of commercial businesses including two grocery stores, a number of community and cultural amenities, as well as prominent institutions such as the Université de Saint-Boniface and the St. Boniface Hospital. In addition, the site is located in the Norwood Grove Business Improvement Zone.

- The applicant has submitted a design that supports a high quality, pedestrian-oriented urban environment. More specifically, the building and site design encompass the following considerations:
    - a strong pedestrian-oriented ground floor design that incorporates a small scale, fine grained commercial storefront with large transparent windows and a prominent front entrance;
    - all of the units include private, outdoor amenity spaces via the inclusion of balconies helping to add “eyes on the street” which can improve the perception of safety at the street level;
    - the parking area is concealed from street view by the building;
    - the building incorporates a high quality façade design with varying articulations, a combination of cladding materials and colours which helps to break-up the massing of the building and enhance the overall look of the street edge along Marion Street.

RECOMMENDED ZONING AGREEMENT

Plan Approval

The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before any future development takes place on the site. Noting the amount of work that has been done on the design of the project in consultation with the Urban Planning Division to-date, the expectation for the Plan Approval will be that the final plans are substantially consistent with those submitted as part of the DASZ application.

Height

To limit the potential shadowing of the street and neighbouring properties, and recognizing the maximum building height permitted in the “RMU” zone is 100 feet, the Public Service is recommending that the maximum height of any building on the site be restricted to 70 feet.

No vehicular approaches

To help ensure the safety and comfort of pedestrians and cyclists is maintained and recognizing the subject property has access to a public lane, the Urban Planning Division is recommending that no private vehicular approaches be permitted on Marion Street.

RECOMMENDED SERVICING AGREEMENT

Land Dedication

As a condition of a rezoning or subdivision application, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of land is not less than 10%. The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department. The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reason:

- The proposal is consistent with the policies guiding development along “Urban Mixed Use Corridors” under the *Complete Communities Direction Strategy 2.0* where vertical mixed-use buildings with ground floor commercial uses encompassing a pedestrian-oriented design are encouraged.
- The proposal has been well designed based on significant collaboration between the City and the applicant and enhances the overall look of the street edge along Marion Street.

This Report Submitted by: Elise Finnigan, RPP, MCIP
Planning, Property and Development Department
Urban Planning and Design Division
Report Prepared by: PPD File # DASZ 10/2023

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 199 & 201 MARION STREETS

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 10/2023. The applicant should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I - Servicing Conditions

1) Water System Assessment

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

2) Combined Sewer District

The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed development cannot exceed the allowable discharge rate:

i. The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.

ii. The peak land drainage discharged from the site must be based on a c-value of 0.40, with a 5 year rainfall event applied.

iii. The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm), unless otherwise approved.

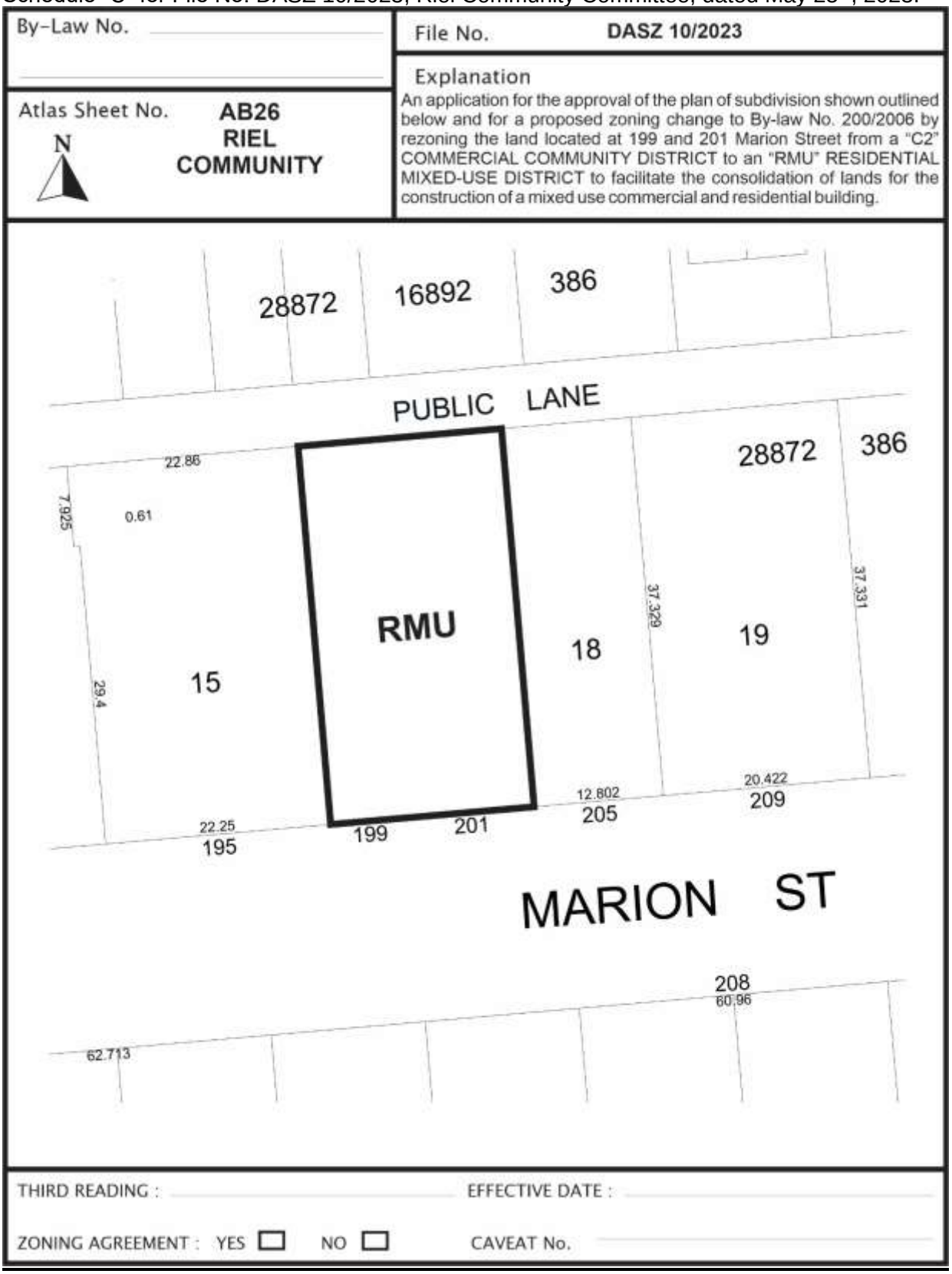
THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 10/2023
June 5th, 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

Schedule “C” for File No. DASZ 10/2023, Riel Community Committee, dated May 25th, 2023.



Appendix A Public Consultation Report

Appendix B	Proposed By-law
Appendix C	Sun/Shadow Study

Exhibit “10” referred to in File DASZ 10/2023

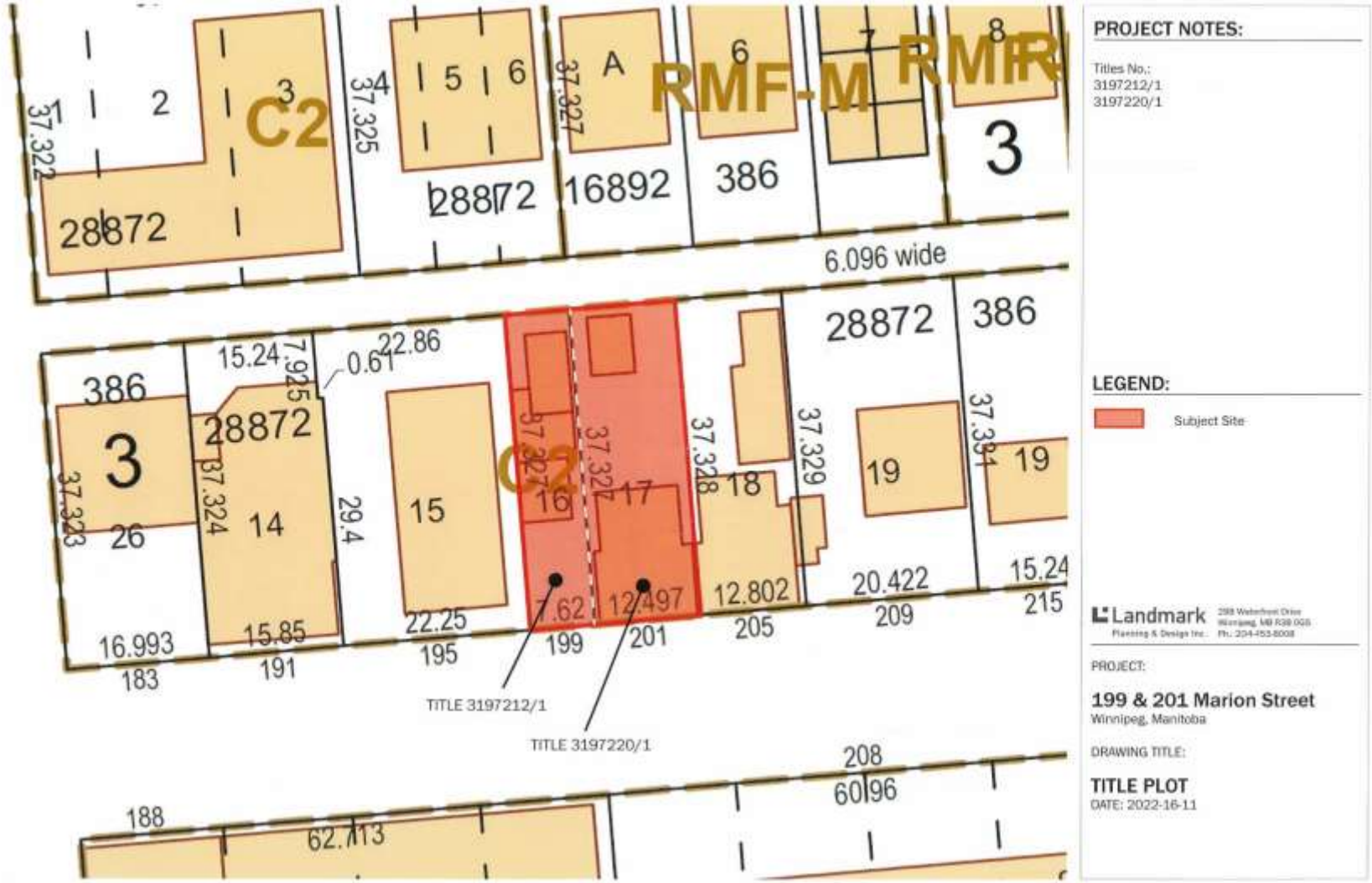


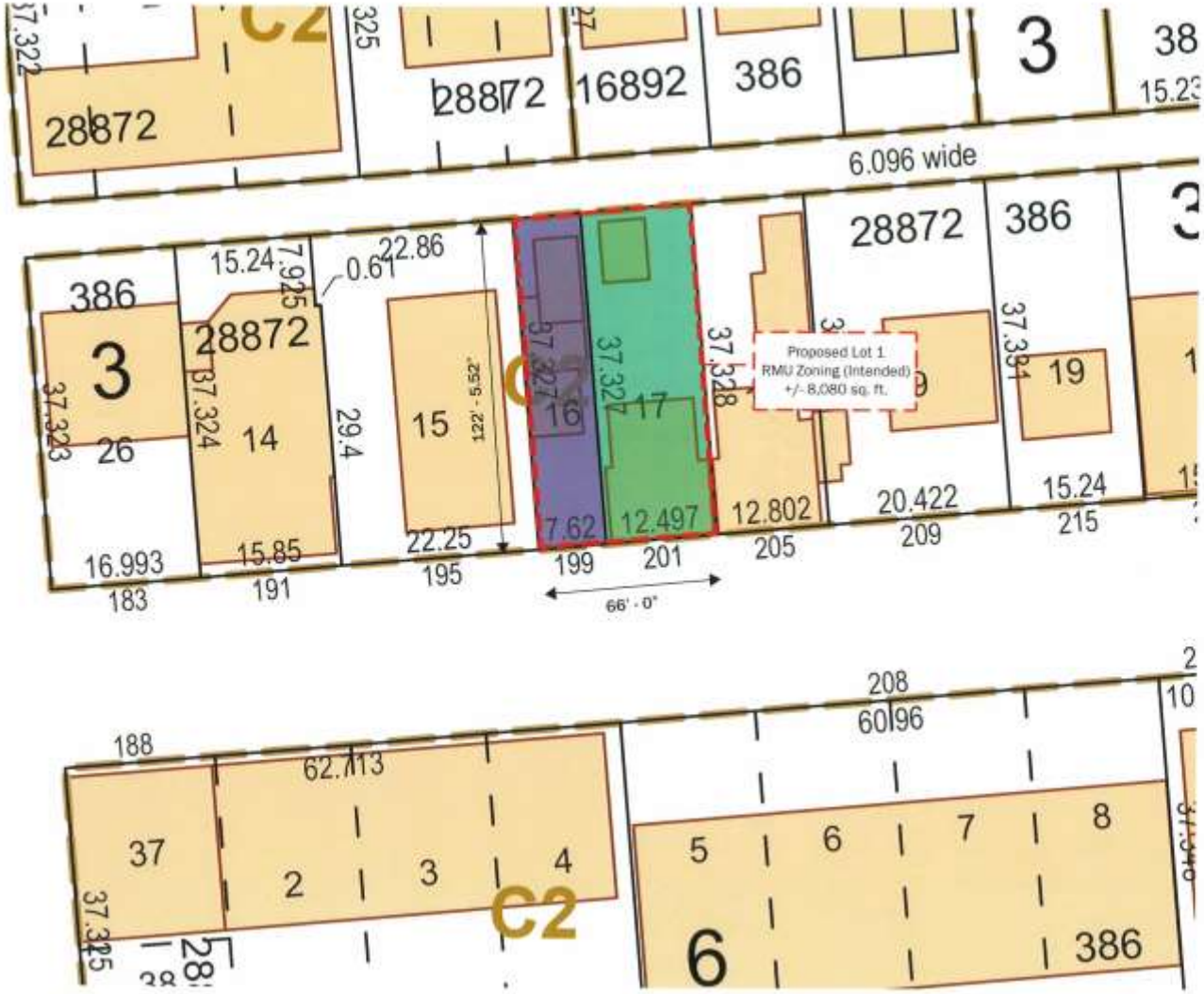
ZARCHITECTURE INC.





2ARCHITECTURE INC.


C2
RMF-M
RMR
6.096 wide
28872
386
16892
TITLE 3197212/1
TITLE 3197220/1
PROJECT NOTES:
Titles No.:
3197212/1
3197220/1
LEGEND:
Subject Site
Landmark
Planning & Design Inc.
PROJECT:
199 & 201 Marion Street
Winnipeg, Manitoba
DRAWING TITLE:
TITLE PLOT
DATE: 2022-16-11



PROJECT NOTES:

Existing Lot 1: C2 Zoning
+/- 3,060 sq. ft.

Existing Lot 2: C2 Zoning
+/- 5,020 sq. ft.

Proposed Lot 1: RMU Zoning
+/- 8,080 sq. ft.

LEGEND:

- Existing Lot 1
- Existing Lot 2
- Proposed Consolidation (Proposed Lot 1)

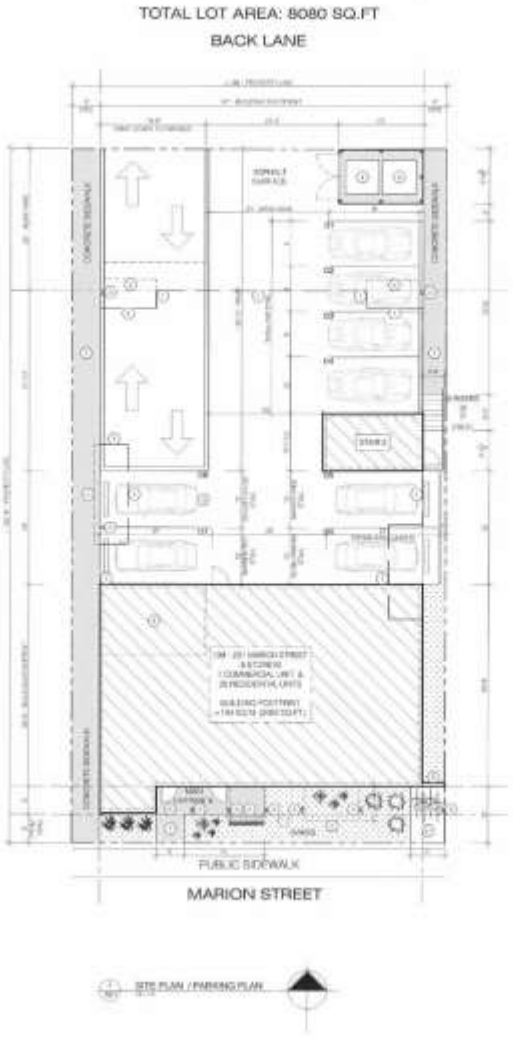
Landmark Planning & Design Inc.
200 Waterfront Drive
Winnipeg, MB R3B 0G5
Ph.: 204-453-6000

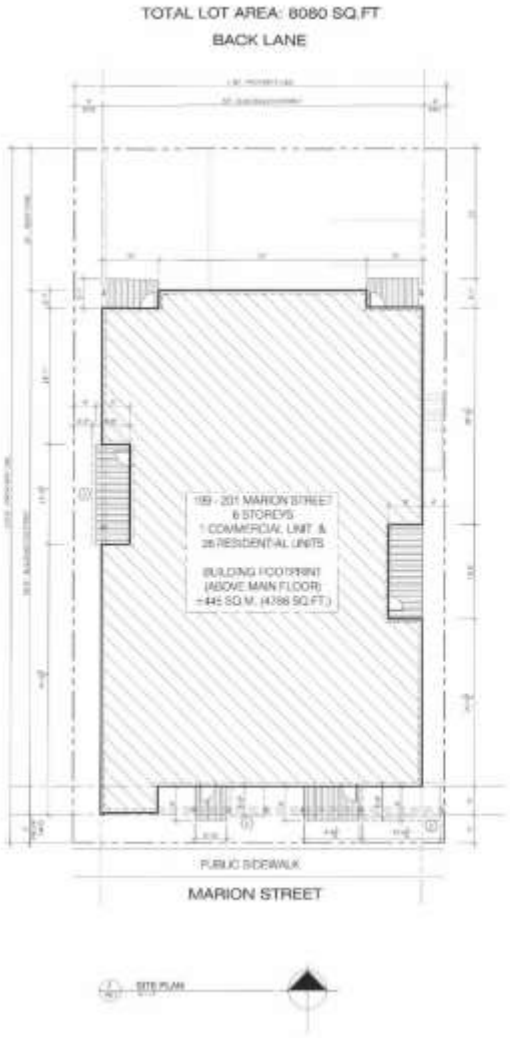
PROJECT:

199 & 201 Marion Street
Winnipeg, Manitoba

DRAWING TITLE:

PLAN OF SUBDIVISION
DATE: 2022-07-10
DRAWN BY: BJ
PROJECT NO.: 22006

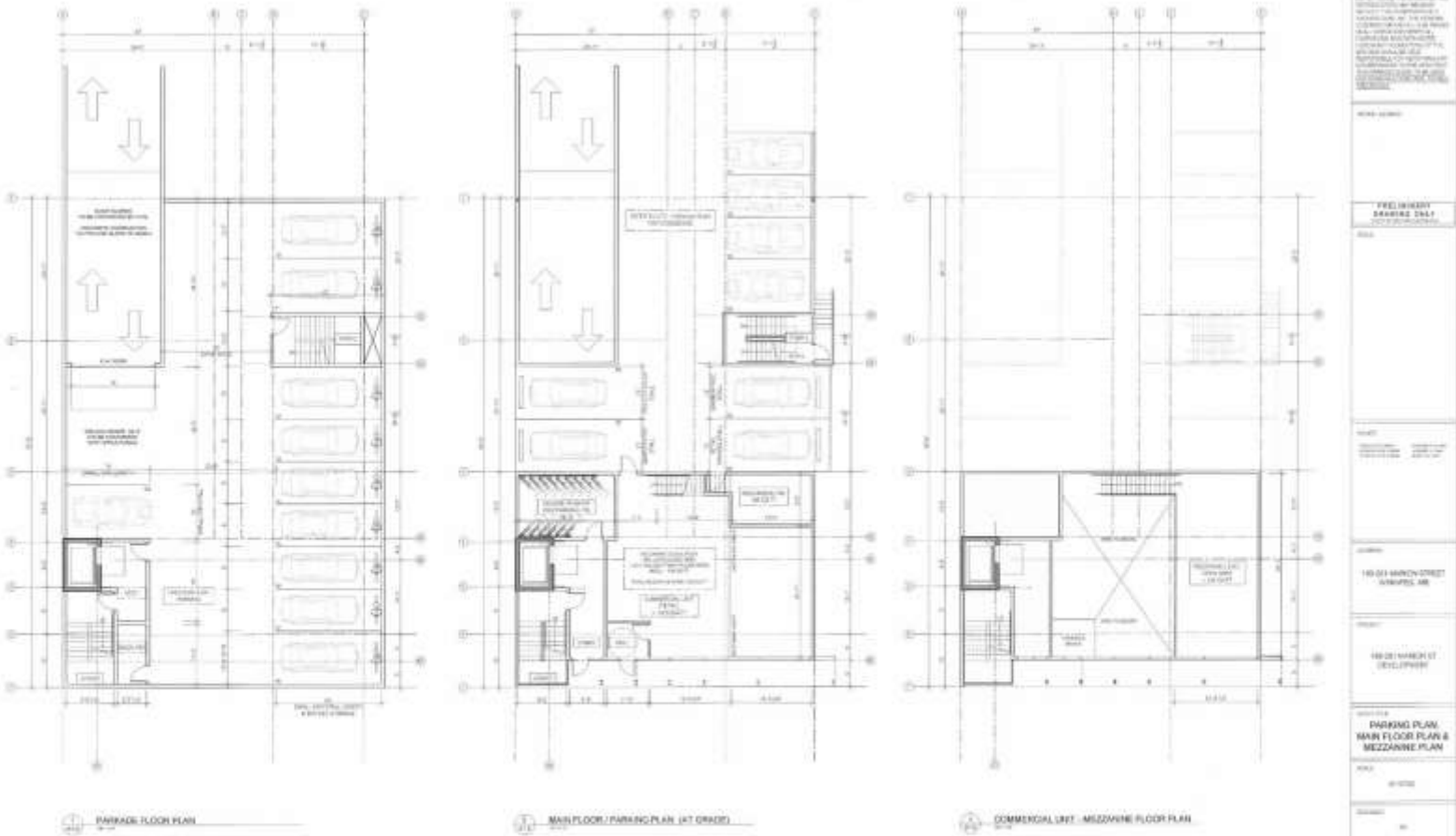

TOTAL LOT AREA: 8080 SQ.FT
BACK LANE
PUBLIC SIDEWALK
MARION STREET
SITE PLAN / PARKING PLAN


TOTAL LOT AREA: 8080 SQ.FT
BACK LANE
199 - 201 MARION STREET
6 STOREYS
1 COMMERCIAL UNIT &
26 RESIDENTIAL UNITS
BUILDING FOOTPRINT
(ABOVE MAIN FLOOR)
=445 SQ.M. (4788 SQ.FT.)
PUBLIC SIDEWALK
MARION STREET
SITE PLAN


ZONING SUMMARY


SITE PLAN KEYNOTES


SITE PLANS
A0.1


PARKADE FLOOR PLAN
MAIN FLOOR / PARKING PLAN (AT GRADE)
COMMERCIAL UNIT - MEZZANINE FLOOR PLAN
PRELIMINARY DRAWING ONLY
PARKING PLAN, MAIN FLOOR PLAN & MEZZANINE PLAN
zarchitecture
A1.0



SECOND FLOOR PLAN



THIRD FLOOR PLAN



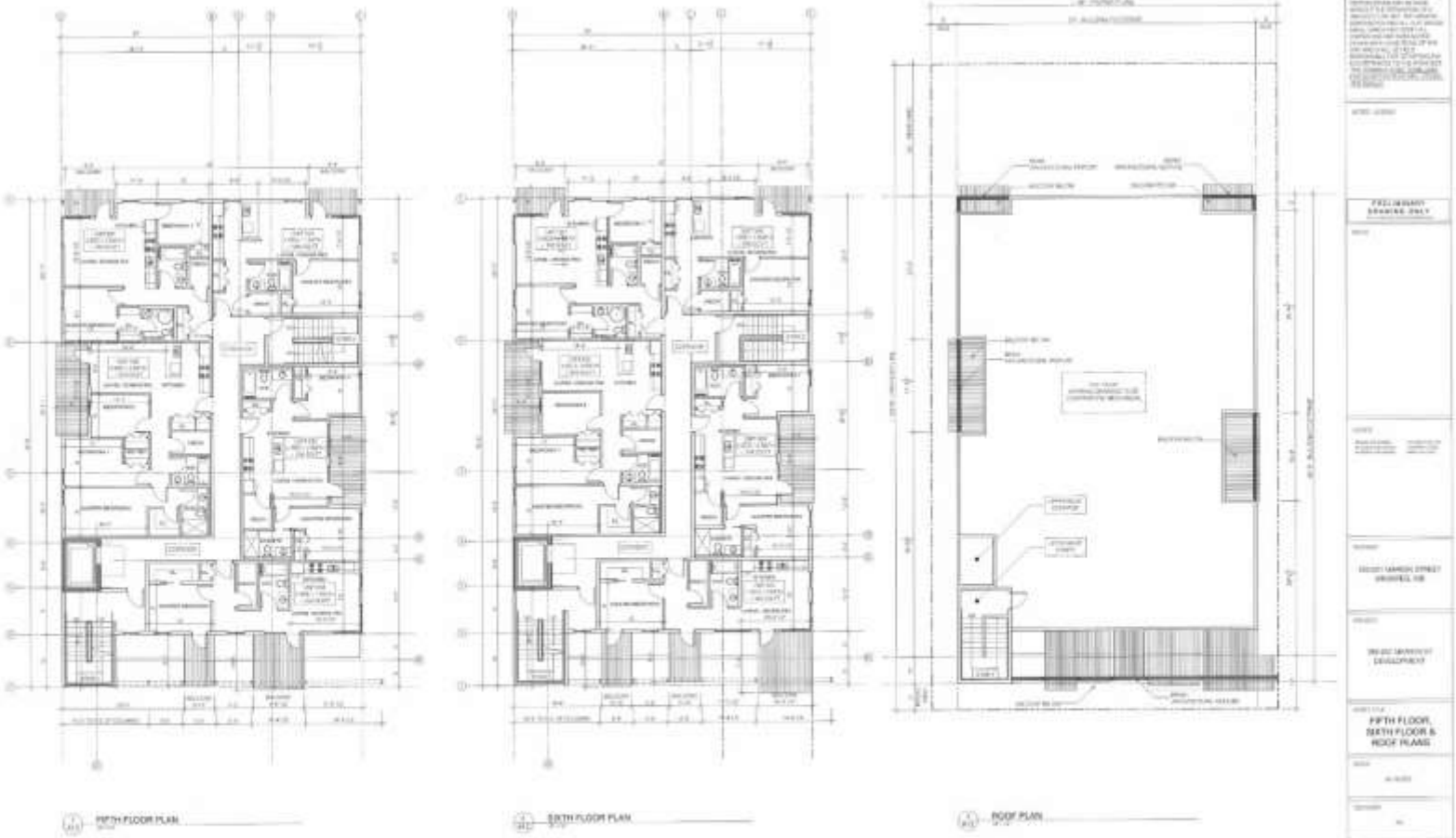
FOURTH FLOOR PLAN

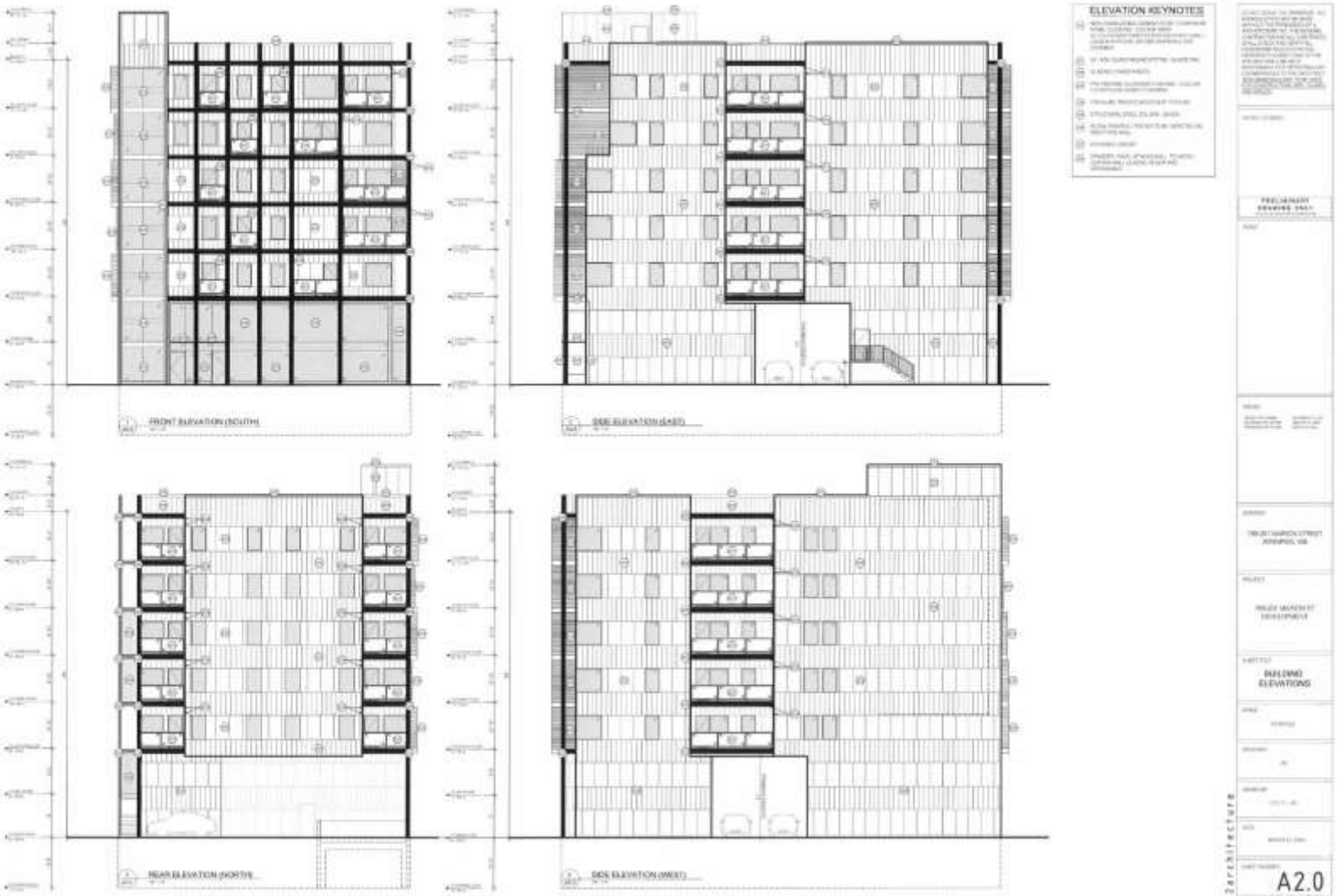
PRELIMINARY
DRAWING ONLY

SECOND FLOOR,
THIRD FLOOR &
FOURTH FLOOR PLANS

zarchitecture

A1.1


FIFTH FLOOR PLAN
SIXTH FLOOR PLAN
ROOF PLAN
PRELIMINARY DRAWING ONLY
FIFTH FLOOR, SIXTH FLOOR & ROOF PLANS
A1.2


ELEVATION #EYNOTES
FRONT ELEVATION (SOUTH)
SIDE ELEVATION (EAST)
REAR ELEVATION (NORTH)
SIDE ELEVATION (WEST)
BUILDING ELEVATIONS
A2.0


ELEVATION KEYNOTES
FRONT ELEVATION (SOUTH)
SIDE ELEVATION (EAST)
REAR ELEVATION (NORTH)
COLOURED ELEVATIONS
A2.1