Minutes – Council – April 25, 2024

Minute No. 263
Report – Standing Policy Committee on Property and Development – April 11, 2024

Item No. 16 Rezoning – 744 St. Mary's Road
(St. Vital Ward)
File DAZ 200/2024 [c/r DAV 257426/2023D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 200/2024 by rezoning the subject land to a "C2" Commercial Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 13, 2024 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, private vehicular approaches shall not be permitted on St. Mary's Road and Glenlawn Avenue.

Report – Standing Policy Committee on Property and Development – April 11, 2024

COUNCIL DECISION (continued):

B. That the Developer enter into a Servicing Agreement, if required, with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 15, 2024 and attached as Schedule "B" to this report.

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

i. A Zoning Agreement in accordance with Recommendation 1.A.; and

ii. A Servicing Agreement, if required, in accordance with Recommendation 1.B.

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").

D. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, the 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 No. DAZ 200/2024 (the "Dedication Fee"), as determined by the 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 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 second and third reading.

Report – Standing Policy Committee on Property and Development – April 11, 2024

COUNCIL DECISION (continued):

5. That Development Application No. DAZ 200/2024 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 that 2-year period and Council approves the extension.

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

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with Recommendation 6, unless the Developer applies for an extension of time before the expiration of that 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 200/2024.

Report – Standing Policy Committee on Property and Development – April 11, 2024

DECISION MAKING HISTORY:

Pursuant to The Municipal Conflict of Interest Act, Councillor Wyatt advised that he would refrain from entering the discussion and voting on the following matter, due to a direct pecuniary interest, and left the meeting.

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2024, 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 April 11, 2024, 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 April 5, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 1.A.i., add the words “and the Riel Community Committee,” immediately after the word ("Director")

and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DAZ 200/2024

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

Public Hearing: April 5, 2024
Council Building, 510 Main Street

Applicant: M. Richard & Associates Ltd. (Kate Moir)

Subject:



APPLICANT: M. Richard & Associates Ltd. (Kate Moir)
FILE: DAZ 200/2024
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of a mixed-use commercial and residential building. **For information, phone D. Iskierski, Planner at 204-986-5337**
DEMANDEUR: M. Richard & Associates Ltd. (Kate Moir)
N° DE DOSSIER: DAZ 200/2024
PROJET: Modification du zonage des sols indiqués ci-dessus de sorte qu'ils passent de la catégorie C1 (secteur commercial de quartier) à la catégorie C2 (secteur commercial communautaire) afin de permettre l'aménagement d'un bâtiment polyvalent à usage commercial et résidentiel. **Pour obtenir des renseignements, appelez D. Iskierski, urbaniste, au 204-986-5337.**

Premises Affected: 744 St. Mary's Road

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

Prepared by: R. Ford, Committee Clerk
Riel Community Committee

Report date: April 8, 2024

Community Committee Recommendation:

On April 5, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 200/2024 by rezoning the subject land to a "C2" Commercial Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 13, 2024 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, private vehicular approaches shall not be permitted on St. Mary's Road and Glenlawn Avenue.

B. That the Developer enter into a Servicing Agreement, if required, with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 15, 2024 and attached as Schedule “B” to this report.

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

i. A Zoning Agreement in accordance with Recommendation 1.A.; and

ii. A Servicing Agreement, if required, in accordance with Recommendation 1.B.

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").

D. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, the 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 No. DAZ 200/2024 (the “Dedication Fee”), as determined by the 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 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 second and third reading.

5. That Development Application No. DAZ 200/2024 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 that 2-year period and Council approves the extension.

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

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with Recommendation 6, unless the Developer applies for an extension of time before the expiration of that 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 200/2024.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This may be one of the final ones we see like this, where people are allowed to come in and ask for some accommodation, mitigation on infill proposals.

2. This is on a major corridor. This is the kind of project we've been trying to encourage. There isn't a gravel lane, to the relief of all. So that's positive.

3. It is only three stories. I suspect if we were sitting here in a year or two, it might be double to triple that. Of course, we won't be sitting here in a year or two on these sorts of things because of the move to do as-of-right approvals along major corridors.

4. This is still a chance for people to have their democratic right to come-in and raise issues. One of my colleagues putting out a letter saying "there will still be public hearings", capitals, exclamation points. For clarity, no there won't, because its going to be an as-of-right regime.

5. To quote the Planning Department, "inherent in the meaning of as-of-right, is the loss of public hearings". This may be the last go-round we have on some of these streets.

6. In any event, we will try to accommodate the concern about garbage and recycle pick-up. Leave that to the staff. It will come back to the elected officials to make sure we're ok on the garbage and recycle pick-up. The tree issue is already being addressed.

7. Otherwise, its on a Transit corridor. The applicant was completely correct in pointing out its near community centres, schools, high schools, French immersion schools. Any number of advantages to the location.

8. Those are my reasons of support with the proviso about having plan approval come back.

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 January 10, 2024
2. Notification of Public Hearing dated February 21, 2024
3. Manitoba Status of Title 3076875/1
4. Letter of authorization dated January 5, 2024 from Ron Melvin, President, 744 St. Mary's Rd. Ltd. to Kate Moir (M. Richard & Associates Ltd.)
5. Surveyor's Building Location Certificate and sketch dated Between May 20, 2020 and July 28, 2021
6. Community Engagement Report Study dated April 2023
7. Engineered Stormwater Management Plan dated August 30, 2023
8. Planting Plan and Plants Schedule
9. Shadow Study
10. Plans (7 pages)
11. Report from the Urban Planning Division dated March 13. 2024
12. Inspection Report
13. Communication dated April 2, 2024, from Alexander Campbell in opposition to the application
14. Presentation dated April 5, in support of the application submitted by Kate Moir at the public hearing
15. Communication dated April 5, 2024 from Armin Barsomian in support of the application
16. Recording of representations

REPRESENTATIONS:

In Support:

Kate Moir
Ronald Melvin
Armin Barsomian

In Opposition:

Alexander Campbell

For Information:

Nil

For the City:

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

Exhibit "11" referred to in File DAZ 200/2024

ADMINISTRATIVE REPORT

Title: DAZ 200/2024 – 744 St. Mary's Road

Issue: An application for consideration at the public hearing to rezone the subject property from "C1" Commercial Neighbourhood District to "C2" Commercial Community District 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
D. Iskierski, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 200/2024 by rezoning the subject land to a "C2" Commercial Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated March 13, 2024 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") 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, private vehicular approaches shall not be permitted on St. Mary's Road and Glenlawn Avenue.

B. That the Developer enter into a Servicing Agreement, if required, with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 15, 2024 and attached as Schedule "B" to this report.

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

(i) a Zoning Agreement in accordance with recommendation 1.A.; and

(ii) a Servicing Agreement, if required, in accordance with recommendation 1.B.,

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").

D. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, the 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 No. DAZ 200/2024 (the "Dedication Fee"), as determined by the 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 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 second and third reading.

5. That Development Application No. DAZ 200/2024 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 that 2 year period and Council approves the extension.

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

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 6, unless the developer applies for an extension of time before the expiration of that 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 200/2024.

REASON FOR THE REPORT

- The applicant is proposing to rezone the property from “C1” Commercial Neighbourhood District to “C2” Commercial Community District to allow for the construction of a mixed-use residential and commercial building.
- Rezoning applications require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the subject property will be rezoned from “C1” Commercial Neighbourhood District to “C2” Commercial Community District.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design Division
Prepared by	Dan Iskierski, MCP
Date:	March 13, 2024
File No.	DAZ 200/2024

List of Schedules and Appendices

Schedule A	Planning Discussion
Schedule B	Report of the Administrative Working Group – March 15, 2024.
Schedule C	Recommended File No. DAZ 200/2024 Riel Community Committee, dated March 13, 2024
Appendix A	Proposed By-law

SCHEDULE 'A'

FILE:	**DAZ 200/2024**
RELATED FILES:	DAV 23-257426\D
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.516 – Elm Park
SUBJECT:	To rezone the subject property from "C1" Commercial Neighbourhood District to "C2" Commercial Community District.
LOCATION:	744 St. Mary's Road



APPLICANT:	Kate Moir (M Richard Associates Ltd.) 55 Donald St Unit 200 Winnipeg, MD R3C 1L8
OWNER:	744 St. Mary's Rd Ltd 58 Alburg Dr Winnipeg, MB R2N 1L9

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the west side of St Mary's Road in the Elm Park neighbourhood of the St Vital ward.
- The site is 7255 square feet (674 square meters) in area and is currently occupied by a one- and one-half storey building constructed in 1949 used as a single-family residence.
- The property has access from a paved rear laneway (concrete).

- The subject property is located within an “Established Neighbourhood – Mature Community” under the *Complete Communities Direction Strategy 2.0*. The property is currently zoned “C1” Commercial Neighbourhood District.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: 16-unit multi-family residential building zoned “RMF-S” Residential Multi-Family Small District.

South: Glenlawn Avenue then 12-unit multi-family residential building zoned “RMF-S” Residential Multi-Family Small District.

East: St. Mary’s Road then commercial retail strip mall zoned “C2” Commercial Community District.

West: Laneway 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 rezone from “C1” Commercial Neighbourhood District to “C2” Commercial
- The applicant is proposing to construct a mixed-use residential and commercial building with one ground floor commercial unit and ten residential units on the second and third floors.
- The proposed building is three storeys in height with entrances to the commercial unit and upper floor residential units on the front façade.
- The building foot print is approximately 49 feet (14.94 metres) wide by 100 feet (30.48 metres) long at its greatest points.
- The design of the building includes three different cladding materials with cultured stone, Hardie lap siding and acrylic stucco along the front and south (corner side yard) façade.
- The upper floor residential units that face Glenlawn Avenue and St. Mary’s Road include balconies.
- The applicant is proposing ten (10) parking stalls for both the residential and commercial uses located at ground level beneath the upper stories of the building.
- Of the ten (10) parking stalls, one (1) is accessibleand one (1) is a small car stall.
- Vehicular access to the property is proposed via the laneway accessed from Glenlawn Avenue.
- Bicycle parking is provided in the accessory parking area.
- The landscaping plan shows street edge landscaping along St. Mary’s Road and Glenlawn Avenue.
- The proposed development requires variances for lot area, density yard setbacks and parking requirements (see associated variance application and planner’s report for DAV 23-257426\D).

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.

With the Public

The applicant did not include 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.
- 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.
- General policies for Established Neighbourhoods that relate to the subject proposal are as follows:

2.2 Encourage the location of commercial or mixed-use buildings at or near the front and corner side property lines to create a pedestrian orientation.

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.

2.8. Buildings with commercial uses should be designed to support pedestrian activity by providing building elements that increase visual interest which may include, but are not limited to, the following:

a. Direct pedestrian access to main building entrances from the street;

b. Transparent storefront displays; and

c. Human scaled signage.

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.

- Goal 4 states “ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs”.
- General policies for Established Neighbourhoods that relate to the subject proposal are as follows:

  4.1 *Support commercial development where residential neighbourhoods are not well served by local and community commercial amenities.*

  4.3 *Only approve new locations for commercial development where existing commercial areas cannot accommodate expansion and where the location of new commercial uses are in close proximity to transit.*

  4.4 *New commercial development should be complementary and context sensitive to nearby uses.*

  4.8 *Commercial signage should be pedestrian-oriented and contextually sensitive to adjacent uses.*

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 St. Mary’s Road is characterized by a mixture of residential, commercial and institutional uses with greater residential densities than what is being proposed; 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 balconies that increase activity along the street edge, and takes vehicular access from the rear laneway.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Reason for the Rezoning

The applicant is proposing to rezone from “C1” to “C2” for the purposes of constructing a 3-storey mixed use building. The building will encompass ten (10) residential units and one small scale commercial unit on the ground floor.

Current Zone

Currently, the lands are zoned Commercial Neighbourhood District (“C1”). The “C1” zone is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential

uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business.

The dimensional standards for mixed-use buildings have different requirement for the commercial and multi-family portion. For the commercial portion there are no front, side, corner side or rear yard setback requirements, however there is a maximum height of 39 feet (11.89 metres). The multi-family portion of the building follows the "RMF-S" zoning dimensional standards has a minimum front yard of 20 feet (6.10 metres); a minimum rear yard of 25 feet (7.62 metres); a minimum interior side yard of four (4) feet (1.22 metres), a minimum corner side yard of five (5) feet (1.52 metres) and, a maximum building height of 35 feet (10.67 metres). The minimum lot area is 9000 square feet (836.13 square metres) and the minimum lot area per dwelling unit is 1250 square feet (116.13 square metres).

Proposed Zone

The applicant is proposing to rezone the property to the Commercial Community District ("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, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community.

The dimensional standards for mixed-use buildings have different requirement for the commercial and multi-family portion. For the commercial portion there are no front, side or corner side yard setback requirements, however there is a rear yard setback requirement of 25 feet (7.62 metres) and a maximum height of 49 feet (14.94 metres). The multi-family portion of the building follows the "RMF-M" zoning dimensional standards has a minimum front yard of 25 feet (7.62 metres); a minimum rear yard of 25 feet (7.62 metres); a minimum interior side yard of eight (8) feet (2.44 metres) plus two (2) feet (0.61 metres) for every storey above the ground floor to a maximum of 20 feet (6.10 metres), a minimum corner side yard of 20 feet (6.10 metres); and a maximum building height of 60 feet (18.29 metres). The minimum lot area is 9000 square feet (836.13 square metres) and the minimum lot area per dwelling unit is 800 square feet (74.32 square metres).

CONSISTENCY WITH *CCDS 2.0* AND SURROUNDING NEIGHBOURHOOD

As noted above, the subject site is located within an "Established Neighbourhood – Mature Community" policy area under the *Complete Communities Direction Strategy 2.0* where pedestrian-oriented vertical commercial/residential mixed-use development is generally supported where local commercial development currently exists, where there is the presence of a public lane and where there is access to quality transit. In the case of the subject site, it is a corner lot located at an intersection where there are existing commercial businesses, the property abuts a public lane, and is on a major arterial street, St. Mary's Road, which has access to high quality transit service that is proposed, under the Winnipeg Transit Master Plan, to improve significantly over the next 5 years. The site is also within walking distance to a number of commercial amenities and is located in the St. Vital Business Improvement Zone.

The applicant has submitted a design that supports a high quality, pedestrian-oriented urban environment and aligns with the design policies in *CCDS 2.0*. 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;

- the massing and scale of the development is consistent with existing multi-family residential buildings along St. Mary's Road;
- units with balconies that face St. Mary's Road and Glenlawn Avenue 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; and
- the building incorporates a 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 St. Mary's Road and Glenlawn Avenue.

The development will help achieve the residential intensification targets as noted under *CCDS 2.0* and the City's Climate Action Plan of a minimum of 50% of all new development located in the existing built up area of the city resulting in a more efficient and environmentally sustainable use of land, existing infrastructure and existing services. The development will also positively contribute to the surrounding neighbourhood by providing additional housing options.

RECOMMENDED ZONING AGREEMENT

Plan Approval

The Urban Planning and Design Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning and Design Division 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 and Design 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 DAZ application.

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 and Design Division is recommending that no private vehicular approaches be permitted on St. Mary's Road and Glenlawn Avenue.

RECOMMENDED SERVICING AGREEMENT

Boulevard Trees

Per the report of the Administrative Coordinating Group (ACG), the developer is required to plant trees in the boulevard along Glenlawn Avenue as per City specifications and guidelines in coordination with the Urban Forestry Division of Public Works.

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 Public Service is requesting cash in lieu for this application.

RECOMMENDATION

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

- The proposal is consistent with the policies guiding development within the "Established Neighbourhood – Mature Community" policy area under the *Complete Communities Direction Strategy 2.0* where pedestrian-oriented vertical commercial/residential mixed-use development is generally supported where local commercial development currently exists, where there is the presence of a public lane and where there is access to quality transit; and
- The proposal has been well designed based on collaboration between the Public Service and the applicant and enhances the overall look of the street edge along St. Mary's Road and Glenlawn Avenue.

This Report Submitted by: Dan Iskierski, MCP
Planning, Property and Development Department
Urban Planning and Design Division
Report Prepared by: PPD File # DAZ 200/2024

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 744 ST. MARY'S ROAD

It is recommended that approval of DAZ 200/2024, if granted, be subject to the applicant entering into a Servicing Agreement, if required, containing the following conditions:

Section I – General Comments

1) The Water and Waste Department advises there is adequate water servicing for the proposed development. Additional review will be required by the Department should the plans of development change during the design process.

2) The planned area is serviced by a partially separated combined sewer. Any intensification to the land needs to adhere to the City's Environment Act Licence No. 3042 for Combined Sewer Overflow.

3) Given the presence of boulevard trees adjacent to the proposed development area, the developer is required to preserve and protect existing trees that are within City-owned land, including those immediately adjacent to the subject site on St Mary's. The Developer shall adhere to the City's Tree Protection Specifications. The removal or pruning of City-owned trees is not permitted without prior consent by Urban Forestry. The developer will be required to compensate the City for any damage or removal thereof.

Section II – Engineering Studies

1) The Developer shall provide a technical memorandum, prepared by a qualified municipal engineer, demonstrating that the flow from the Planned Area to the combined sewer will not increase due to the development and which shall outline the provision of underground services required for the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

Section IV - Servicing Conditions

1) Combined Sewer

The Developer shall, at no expense to the City, construct and install all infrastructure required to serve the Planned Area as indicated by the technical memorandum, all to the satisfaction of the Director of Water and Waste.

2) 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.

3) Boulevard

a) The Developer shall, at no expense to the City, plant trees on, the flanking boulevard of Glenlawn Ave, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

4) 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.

5) 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.

Section V – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 200/2024
March 15, 2024

"*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

SCHEDULE C

File DAZ 200/2024, Riel Community Committee, March 13, 2024

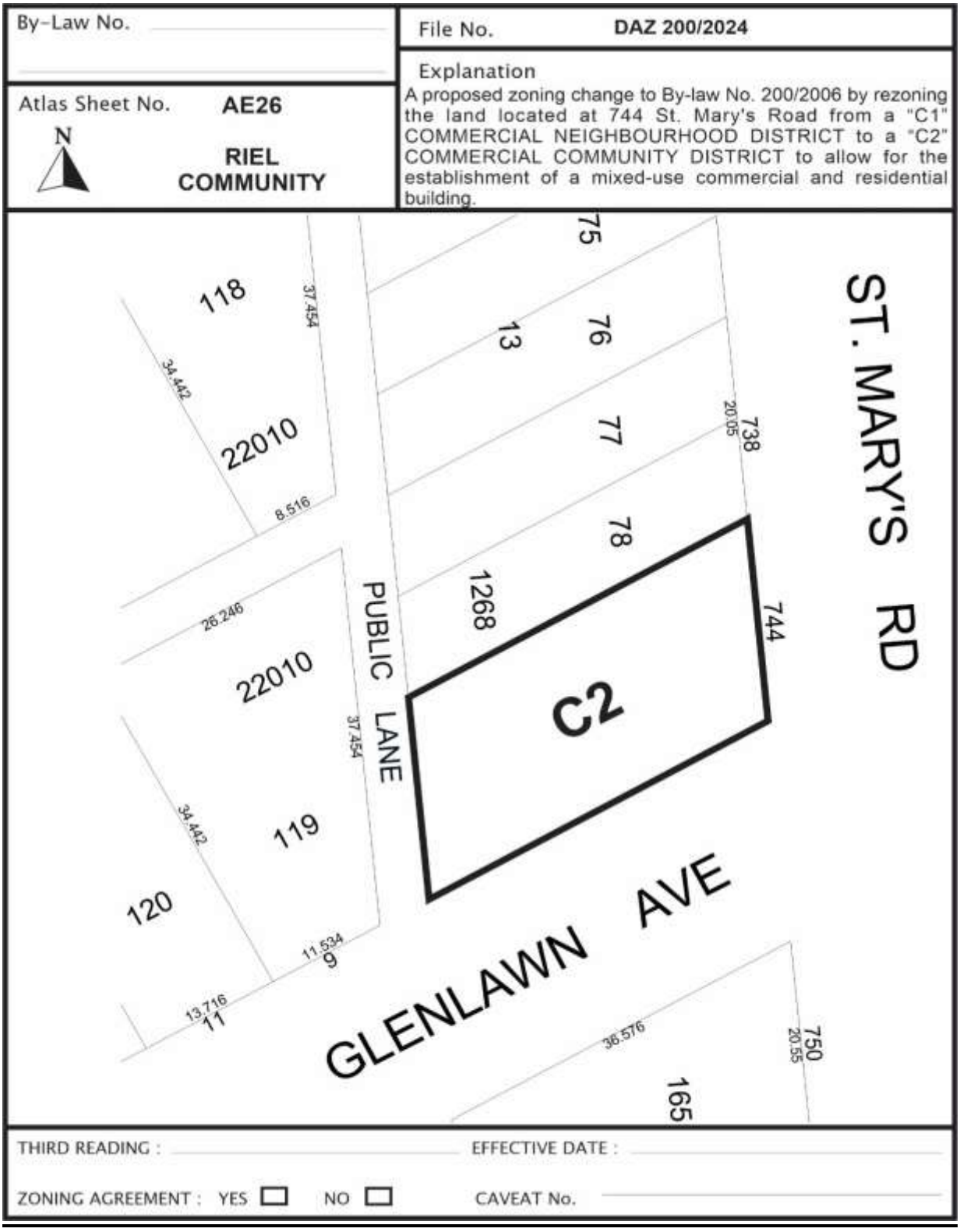
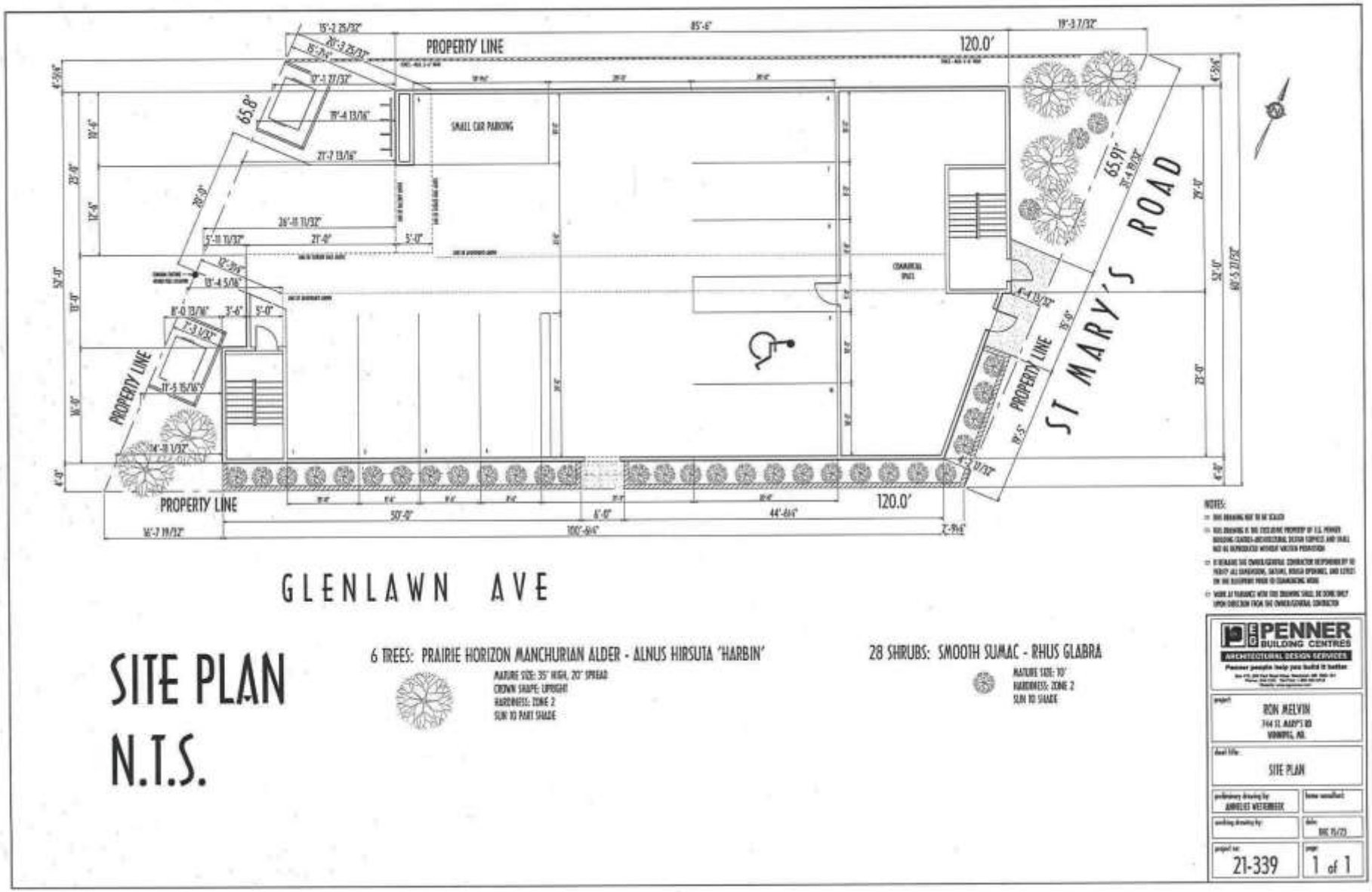
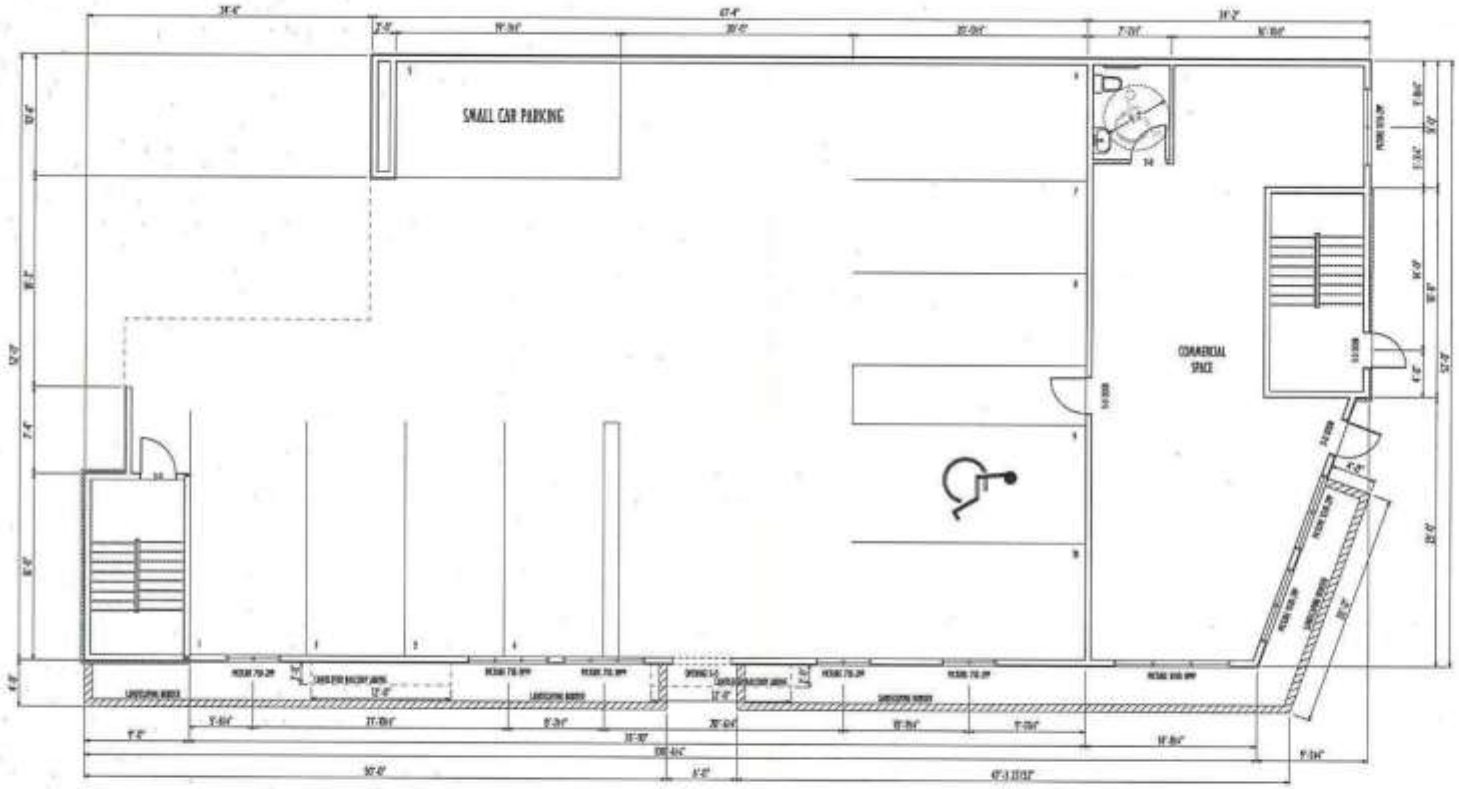


Exhibit “10” referred to in File DAZ 200/2024





MAIN FLOOR PLAN

SCALE 1" = 10'-0"

TOTAL AREA 4989.2 sq ft.
COMMERCIAL AREA 910.0 sq ft.

NOTES:

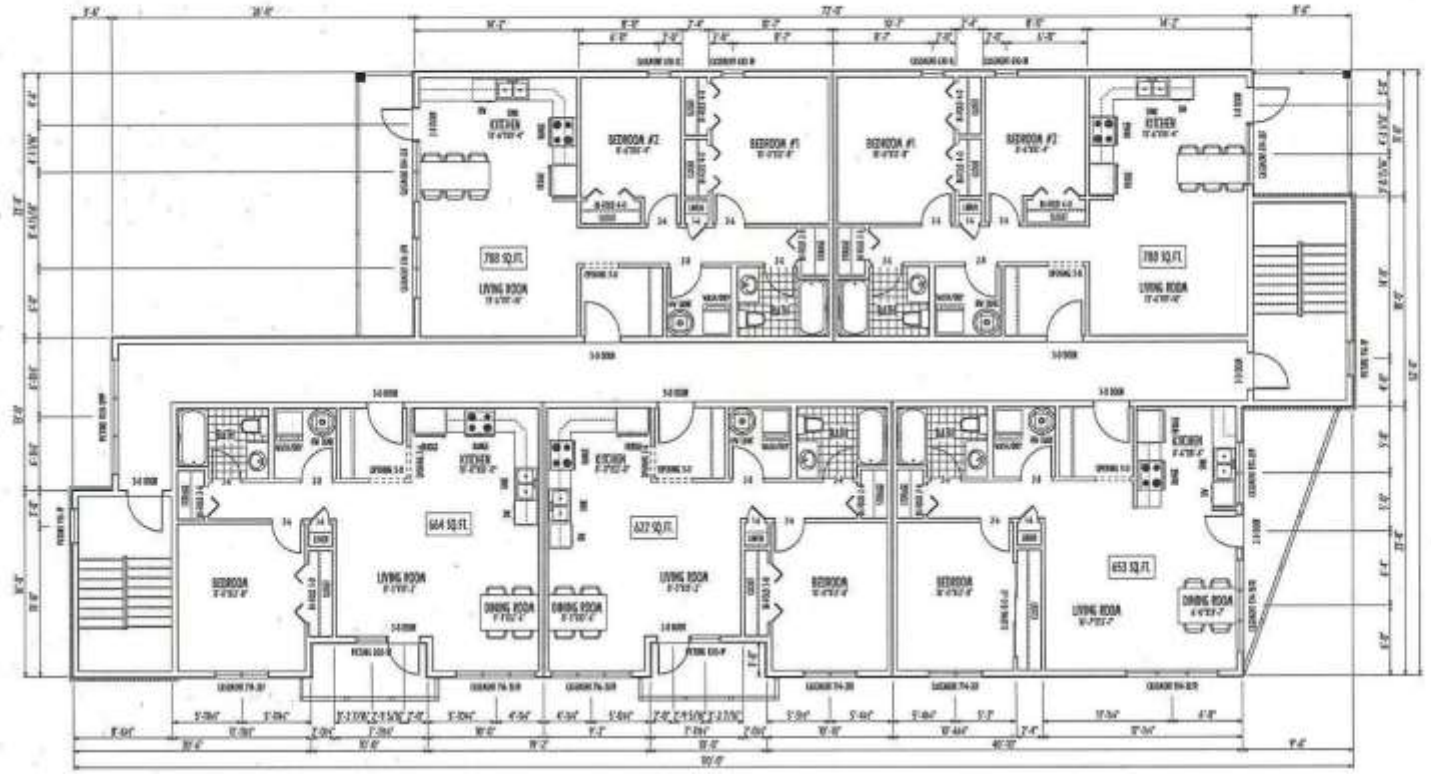
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J.G. PENNER BUILDING CENTRES
ARCHITECTURAL DESIGN SERVICES
Penner people help you build it better

project:
RON MELVIN
744 ST. MARY'S RD
WINNIPEG, MB.

sheet title:
MAIN FLOOR

preliminary drawing by: ARMELES WEERDESTEYN	frame consultant:
working drawing by:	date: DEC 5/23
project no: 21-339	page: 1 of 5



SECOND FLOOR PLAN

SCALE 1" = 10'-0"

AREA 4608.8 sq ft.

NOTES:

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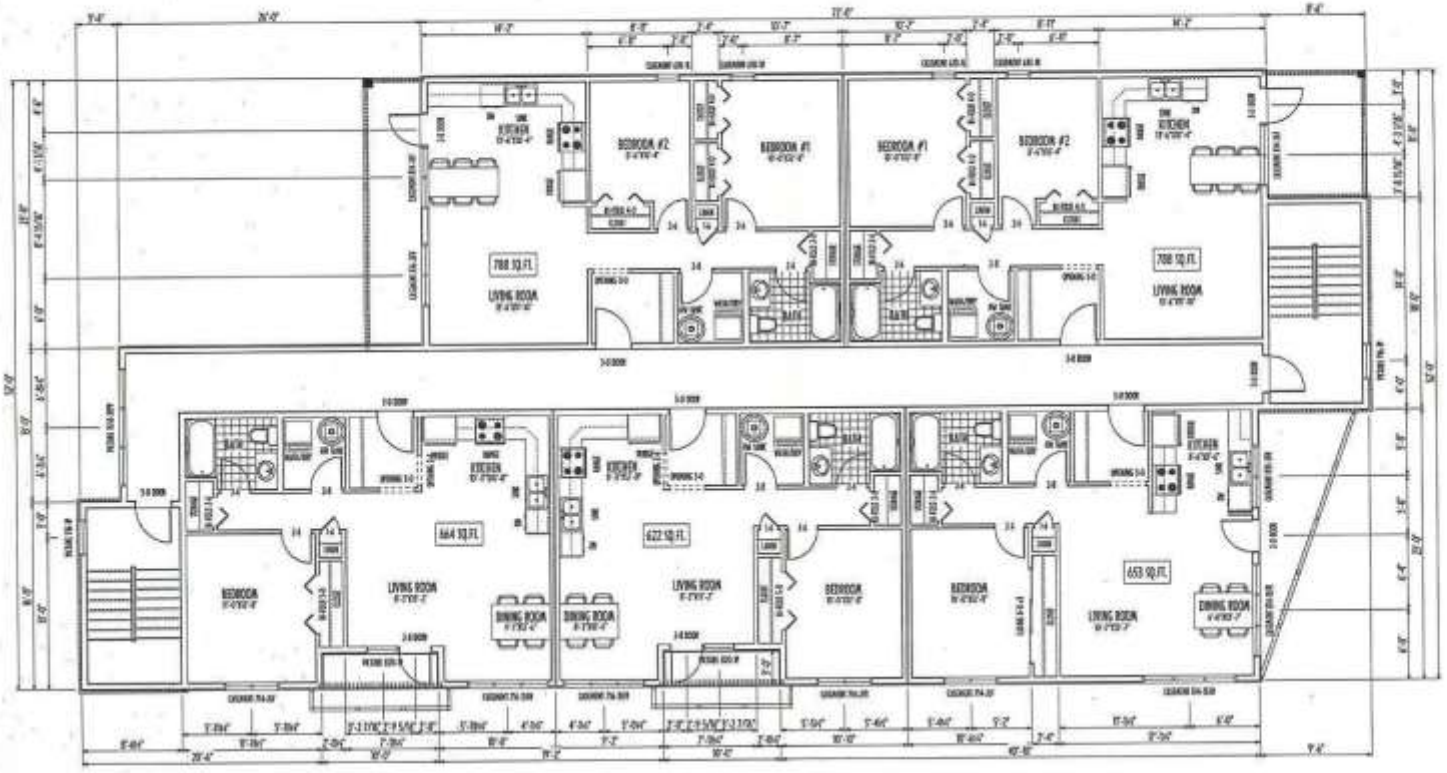
project: RON MELVIN
744 ST. MARY'S RD
WINNIPEG, MB.

sheet title: SECOND FLOOR

preliminary drawing by: ANNELIET WESTERBEEKE | home consultant:

working drawing by: | date: DEC 5/21

project no. 21-339 | page 2 of 5



THIRD FLOOR PLAN

SCALE 1" = 10'-0"

AREA 4605.0 sq ft.

NOTES:

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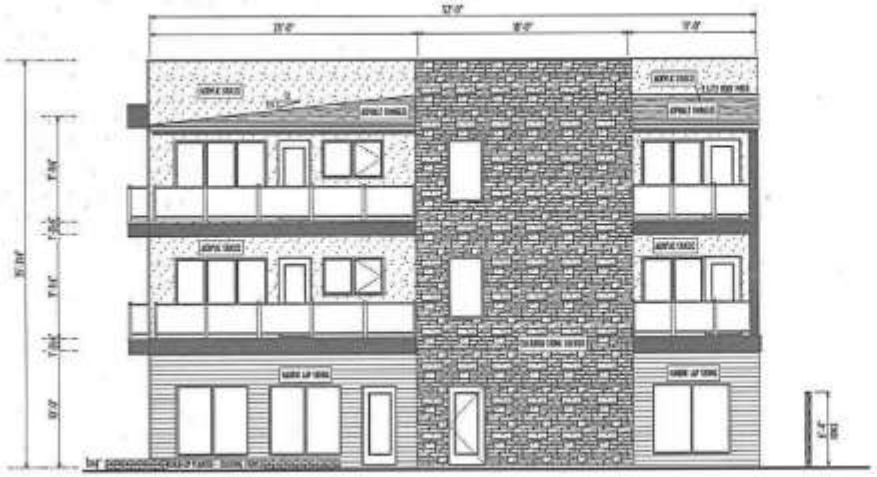
PENNER BUILDING CENTRES
ARCHITECTURAL DESIGN SERVICES
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project: RON MELVIN
744 ST. MARY'S RD
WINNIPEG, MB.

sheet title: THIRD FLOOR

preliminary drawing by: ARMELIUS WEERBEKER
issue consultant:
working drawing by:
date: DEC 5/25

project no: 21-339
page: 3 of 5



FRONT ELEVATION

SCALE 1" = 10'-0"



LEFT ELEVATION

SCALE 1" = 10'-0"

NOTES:

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E.G. PENNER BUILDING CENTRES

ARCHITECTURAL DESIGN SERVICES

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project:

RON MELVIN

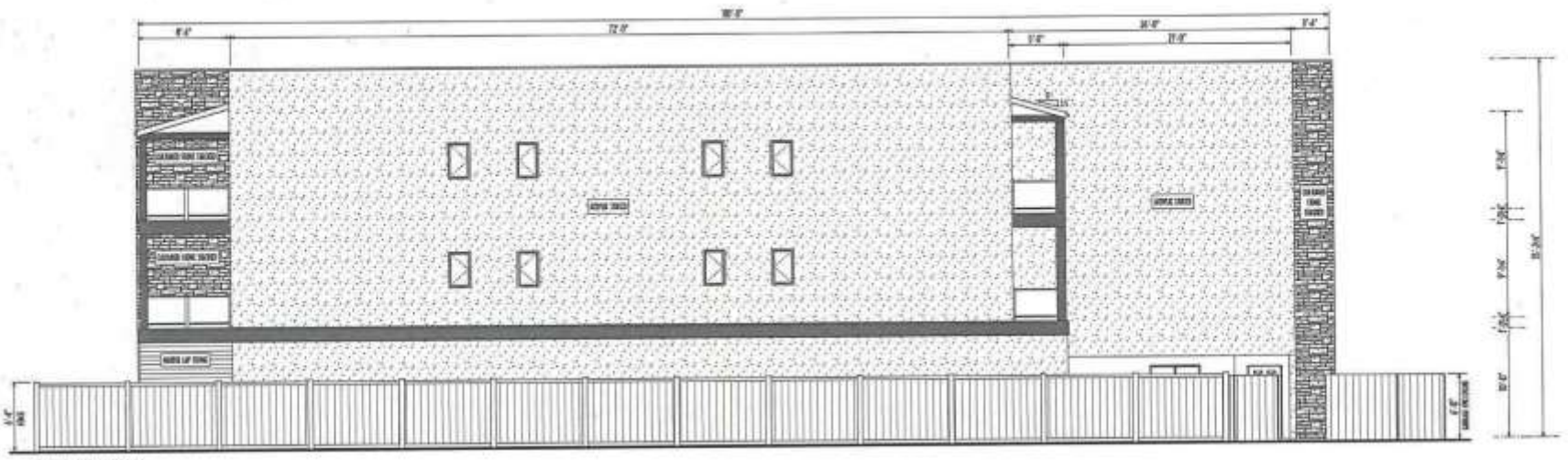
744 ST. MARY'S RD

WINNIPEG, MB.

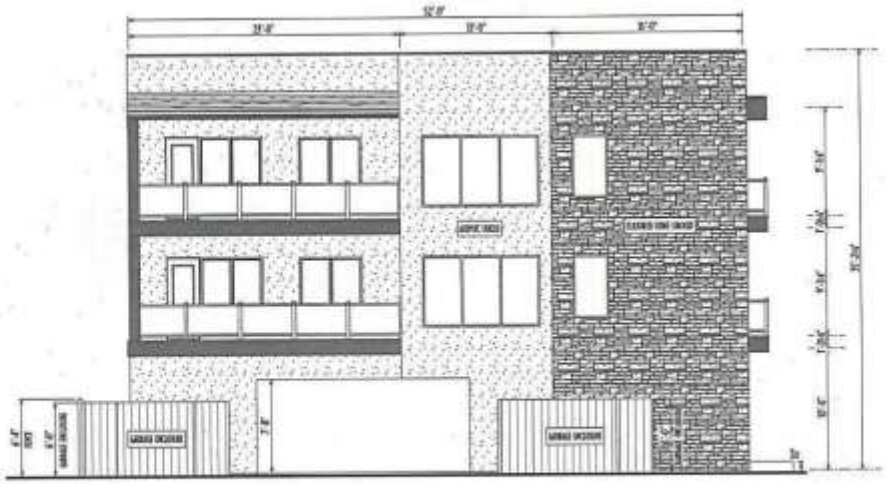
sheet title:

FRONT & LEFT ELEVATION

preliminary drawing by: ARMELEE WESTBROOK	house consultant:
working drawing by:	date: DEC 5/23
project no: 21-339	page: 4 of 5



RIGHT ELEVATION
SCALE 1" = 10'-0"



BACK ELEVATION
SCALE 1" = 10'-0"

NOTES:

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project:
RON MELVIN
744 ST. MARY'S RD
WINNIPEG, MB.

sheet title:
BACK & RIGH ELEVATION

preliminary drawing by: ANNELIESE WESTERBEEK
home consultant:
working drawing by:
date: DEC 5/21
project no: 21-339
page: 5 of 5

PLANTS SCHEDULE

SYMBOL	TYPE	COMMON NAME / BOTANICAL NAME	QTY	SCHEDULE SIZE REMARKS
	TREE	GOLDSPUR AMUR CHERRY *Prunus maackii 'Jefspur'*	8	1" cal. 10 gallon Container.
	GRASS	KARL FOERSTER FEATHER REED GRASS *Calamagrostis acutiflora 'Karl Foerster'*	5	2 gallon Container.
	SHRUB	MANGO TANGO POTENTILLA *Potentilla fruticosa 'Mango Tango'*	5	30 cm ht. 2 gallon Container.
	SHRUB	LEMON CANDY NINEBARK *Physocarpus opulifolius 'Podaras 3'*	6	5 gallon Container.
	SHRUB	GLOBE CARAGANA *Caragana frutex 'Globosa'*	2	60 cm ht. 3 gallon Container. Minimum 5 major branches
	SHRUB	DOUBLE PLAY BIG BANG SPIREA *Spiraea japonica 'Tracy'*	11	2 gallon Container.
	SHRUB	MR. MUSTARD FALSE SPIREA *Sorbaria sorbifolia 'SMNSSC'*	2	2 gallon Container.

LAWN 'N' ORDER
CUSTOM LANDSCAPES

PROJECT INFO.

Project Name: 744 St. Mary's Road
Client Name: Ron Melvin
Address: 744 St. Mary's Road
City: Winnipeg
State / Province: Manitoba
Zip / Postal Code: R2M 3N4
Designer Name:

DRAWING INFO.

Drawing Title: Plants Schedule
Drawn By:
Scale: N.T.S
Date: 11/29/2023
Sheet No.: P1

NOTES:

ATTENTION LANDSCAPE CONTRACTOR:
IF YOU HAVE QUESTIONS ABOUT THIS DESIGN, OR TO LEARN MORE ABOUT LAWN 'N' ORDER, PLEASE CONTACT OFFICE@LAWNNORDER.CA

NOTE:
PLANS ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY