Minutes – Executive Policy Committee – December 7, 2005

Minute 104
Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 18 Subdivision and Rezoning - 768 Taché Avenue
File DASZ 46/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 46/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 46/2005 dated November 15, 2005, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 46/2005 dated November 15, 2005, to an "RM-5" Multiple Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

   A. That final site plans outlining the details of building locations and profiles, parking areas, approaches, exterior lighting, landscaping, fencing, garbage enclosures etc... shall be submitted to and approved by the Director of Planning Property and Development or his designate and the Riel Community Committee prior to the issuance of any building permits.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - November 29, 2005

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, 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 November 22, 2005, the Riel Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation 3. B. be deleted in its entirety,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 768 Taché Avenue**
File DASZ 46/2005 [c/r DAV 162849/2005D, SPA 5/2005]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **November 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 46/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 46/2005 dated November 15, 2005, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 46/2005 dated November 15, 2005, to an "RM-5" Multiple Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition~~s~~:

   A. That final site plans outlining the details of building locations and profiles, parking areas, approaches, exterior lighting, landscaping, fencing, garbage enclosures etc... shall be submitted to and approved by the Director of Planning Property and Development or his designate and the Riel Community Committee prior to the issuance of any building permits.

   ~~***B. That maximum building height be limited to fifty (50') feet.***~~

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites (if applicable).

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the

matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 15, 2005.

PUBLIC HEARING SUMMARY

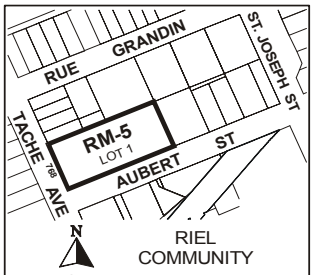
File: DASZ 46/2005 [c/r DAV 162849/2005D, SPA 5/2005]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: November 22, 2005
Council Building, 510 Main Street

Applicant: ND Lea Engineers and Planners Inc. (Michael Carruthers)

Subject:



APPLICANT: ND-LEA ENGINEERS & PLANNERS INC.
FILE : DASZ 46/05
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. 6400/94 by rezoning the land shown outlined above from a "C2" Commercial District to an "RM-5" Multiple-Family District to allow for the establishment of a multiple-family development, and to withdraw the existing zoning agreement affecting the subject site. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND-LEA ENGINEERS & PLANNERS INC.
DOSSIER : DALZ 46/05
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie C2 (SECTEUR COMMERCIAL) à la catégorie RM-5 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et à abroger la convention de zonage existante s'appliquant au site visé. **Pour obtenir des renseignements, veuillez communiquer avec M. K. Lalor, urbaniste principal, au 986-5069.**

Premises Affected: 768 Taché Avenue

Exhibits Filed:

1. Application dated October 28, 2005
2. Notification of Public Hearing dated October 31, 2005
3. Manitoba Status of Title 1276685
4. Letter of authorization dated August 23, 2005 from Léo DeGagné, President, Festival du Voyageur to ND-Lea Engineers and Planners Inc.
5. Plans (5 pages)
6. Report from the Manager of Planning and Land Use dated November 15, 2005
7. Inspection Report
8 Communication dated November 18, 2005, from Donna and Glen Burke in support of the application.
9. Communication dated November 22, 2005, from Claude Dorge in support of to the application.
10. Communication dated November 22, 2005, from Dennis Lockerby in support of the application.
11. Presentation and supporting documentation in support of the application submitted by Michael Carruthers at the Public Hearing
12. Presentation in support of the application submitted by Léo DeGagné, President, Festival du Voyageur Inc., at the Public Hearing

REPRESENTATIONS:

In Support:

John Bockstael
Larry Bockstael
Robert Bockstael
Marc Boucher
Donna and Glen Burke
Michael Carruthers
Léo Degagné
Claude Dorge
Gerald Dorge
Jacques Gagnon
Norm Gousseau
Alain Hogue
Mireille Lamontagne and David Lesage
Jay Lev
Dennis Lockerby
Georges Rajotte
Denis Remillard

Réal Rioux
Noreen Scott
Gerald Simard

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department
Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE COMBINED PUBLIC HEARING FOR SECONDARY PLAN AMENDMENT FILE SPA 5/2005 AND SUBDIVISION / REZONING FILE DASZ 46/2005

The applicant, Michael Carruthers, ND Lea Engineers and Planners Inc., accompanied by John Bockstael and Georges Rajotte, appeared in support of the applications. Mr. Carruthers read a presentation and submitted supporting documentation which have been filed as Exhibit 12. Mr. Carruthers did not concur in Recommendation 3. B. in the report from the Manager of Planning and Land Use dated November 15, 2005, for File DASZ 46/2005 pertaining to limiting the maximum building height to fifty (50) feet and requested that said Recommendation be deleted.

Jacques Gagnon appeared in support of the application and stated that there is a shortage of buildable land in North St. Boniface and the proposal will provide much needed housing in the area.

David Lesage appeared in support of the application. Mr. Lesage iterated concerns regarding:

- Location of fencing;
- Preservation of existing trees;
- Location of exhaust fans from the underground parking area.

Mireille Lamontagne appeared in support of the application and reiterated the concerns raised by David Lesage and asked if any consideration has been given to sound attenuation around the site.

Léo Degagné, President, Festival du Voyageur Inc., appeared in support of the application and submitted his presentation, filed as Exhibit 13.

In rebuttal, Michael Carruthers stated that consultation would occur with Mireille Lamontagne and David Lesage prior to submitting plans and that said plans will illustrate the exhaust from the parking garage not being directed towards their property.

Exhibit "6" referred to in File DASZ 46/2005 [c/r DAV 162849/2005D and SPA 5/2005]

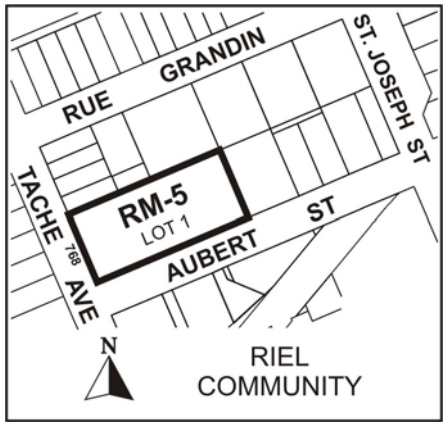
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 15/2005
File: DASZ 46 /05
Related Files: SPA 5/05 , DAV 05 162849D
Subject: A plan of subdivision and a proposed zoning change to By-Law 6400/94 to rezone ths subject property from a " C2" Commercial District to an " RM-5" Multiple Family District to permit construction of a 7-8 story (65 unit) condo project.

Location: 768 Tache Ave.
Legal Description: Lot 407, 409, 411, Plan 64



Applicant: ND LEA Engineers & Planners

Owner: Festival Du Voyageur Inc.

Recommendation: Approved with Conditions

5244

Site Description

The subject property is approximately .9 acres in overall area and lies at the N.E. corner of Tache Ave. and Rue Aubert. Occupying the site is a large one story building, a parking area and a garage structure. The land is zoned "C2" Commercial and up until recently the building was utilized for banquets and other social activities, in addition to the offices of the Festival du Voyageur Corporation. To the west are public reserve lands extending to the river and owned by the City of Winnipeg and a privately owned parcel (First Nations Education Trust) zoned "M2" Industrial. To the immediate north is a mixture of single and multiple family housing zone " R2" and " RM-4", and a single parcel of land zoned " M2" Industrial owned and operated by Winnipeg Elevator. To the immediate east is a zoned "C2" commercial operation (Lawn Man Inc.) and residential properties zoned "R2" Residential. To the south is a parking lot area and accessory buildings zoned "C1" Commercial and a Hydro right-of –way.

Background

Under previous policy outlined in the North St. Boniface Secondary Plan, a portion of Le Rendezvous site was designated for future commercial use; the remainder to be utilized for residential purposes. In recent public hearings, as part of a Plan review process, local property owners, in conjunction with the Residents Association, have clearly indicated that commercial uses such as banquet facilities and private clubs etc. (in addition to most other types of commercial) are no longer appropriate land uses at the subject location. They are deemed to be major traffic and noise generators and are not compatible with the adjoining residential neighbourhood.. In response to the aforementioned concerns, amendments to the Secondary Plan, are being considered which will permit use of Le Rendezvous lands adjoining Rue Aubert for future low to medium residential development.

Description of the Proposed Development

The proposal calls for the rezoning of the subject property to a medium density housing category. However in order for that to occur there must first be either 1) an endorsement by the Riel Community Committee of the overall North St. Boniface Secondary Plan Amendments outlined in SPA 4/05 which re-designate the property from an existing commercial designation to "residential (higher density) " designation **or** an endorsement of the Plan Amendment application SPA 5/05 which specifically relates to the subject site at 768 Tache and requests the same re-designation.

If the necessary re-designation is endorsed by the Riel Community Committee and City Council, and subsequently the proposed rezoning is ratified, then the existing structures will be demolished and replaced either a seven or an eight story condo complex comprised of 65 dwelling units. The proposed structure will be constructed paralleling the south property line with 53 surface parking stalls to be sited on the north and east sides of the new structure. The proposed orientation of the building , will , to some extent , reduce the visual impact on east west sight-lines. There will alos be provision for an additional 46 stalls in underground parking areas.

Access to the surface parking areas will be both via Tache and Rue Dumoulin. Although detailed landscaping plans are as yet incomplete, there is an expectation that final site plans will reflect heavy landscaping along both the Tache and the Rue Dumoulin frontages. The applicant has indicated that the development concept calls for and architecturally designed, more traditional building, with well appointed suites.

Analysis

Located at the north east and south east corners of Tache Avenue and Aubert Street, these properties are currently occupied by the former le Rendezvous (north east corner) and surface parking area (south east corner). ND-Lea, on behalf of their client, has initiated application to demolish the former club and develop multiple-family dwellings. The former le Rendezvous property is designated "Commercial" under the current secondary plan and would require secondary plan amendment to "Residential" (and rezoning and other related development approvals) prior to proceeding with the proposed multiple-family development. Development of the parking area at the south east corner can proceed without secondary plan amendment—it is currently designated "Future Residential".
Under the proposed Planning, Property, & Development Department-initiated amendments, both Tache/Aubert properties are to be designated "Higher Density Residential", which can accommodate multiple-family dwellings. Subsequent rezoning and related development approvals provide opportunities for detailed review of the proposed multiple-family development.

The proposed redevelopment of both properties at 768 Tache and 138 Aubert will provide a significant boost to the entire North St. Boniface community. The development will bring in new residents and community members, by providing much needed housing alternatives with the construction of over a hundred new households. In our opinion, the proposed new development will increase existing property values by removing a former commercial use that has run its course at this location and more importantly the new construction should act as a catalyst for further housing redevelopment initiatives in the area. * It should be noted that while the Administration supports the proposed re-designation of the property and the proposed use and suggested densities, we do not support, in principle, the proposed height of 80 feet. That , however should be addressed under accompanying variance DAV 05 162849D.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed amendment and re-designation of the site is in accordance with ongoing community initiatives in North and Central St. Boniface to provide a range of much needed housing in the area, including multiple family housing to meet the growing demand.
- This affords an opportunity to replace a former high activity commercial use with a less intensive , more compatible use.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 46/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 46/05, attached hereto and dated November 15/2005, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 46/2005, attached hereto and dated November 15/2005, to an "RM-5" multiple Family District , subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final site plans outlining the details of building locations and profiles, parking areas, approaches, exterior lighting, landscaping, fencing, garbage enclosures etc. shall be submitted to and approved by the Director of Planning and Land Use or his designate and the Riel Community Committee prior to the issuance of nay building permits.

B. That maximum building height be limited to fifty (50') feet.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites, (if applicable).

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

X. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

XI. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Kevin Lalor
PPD File # .501

Schedule "A" for File DASZ 46/2005 dated November 15, 2005

By-Law No. _____

File No. **DASZ 46/05**

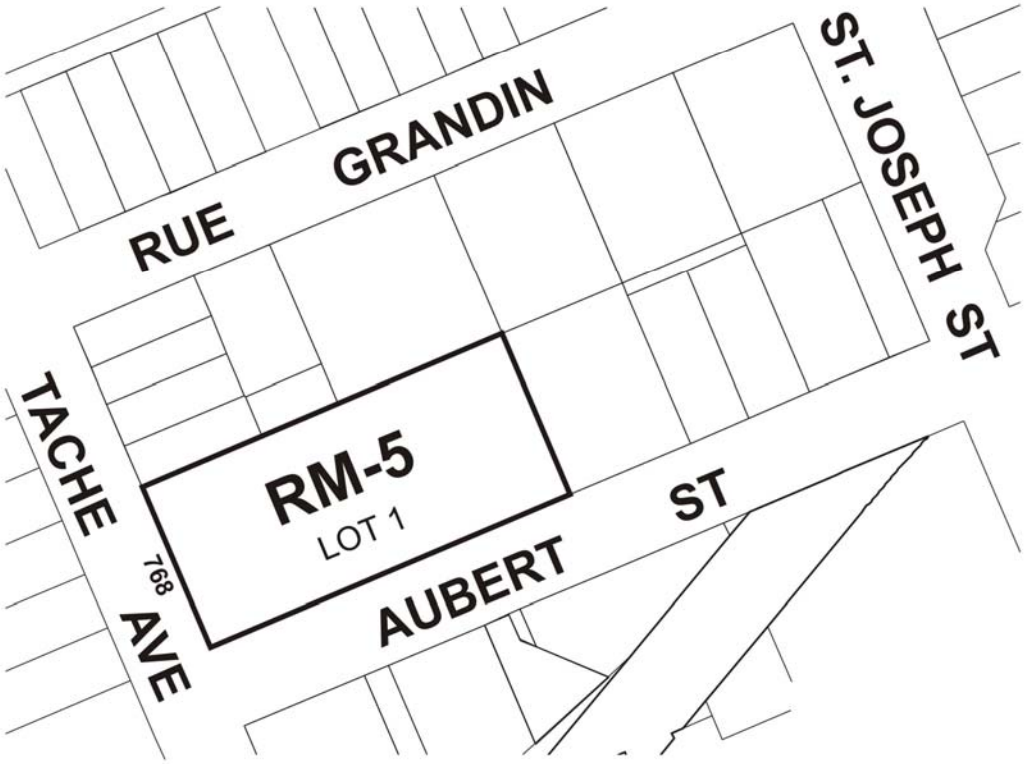
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 768 Tache Avenue from a "C2" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

Z26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____