Agenda – Council – December 14, 2005

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

Item No. 20 Rezoning - 158-160 Dumoulin Street
File DAZ 251/2005 [c/r SPA 6/2005]

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 251/2005 dated November 15, 2005, to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That use of the subject properties be limited to a commercial parking lot or residential development.

2. 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

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

7. 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:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

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

RE: **Rezoning - 158-160 Dumoulin Street**
File DAZ 251/2005 [c/r DAV 160425/2005D, SPA 6/2005 and DEMO 160429/2005]

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 and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 251/2005 dated November 15, 2005, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That use of the subject properties be limited to a commercial parking lot or residential development.

2. 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

7. 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.

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

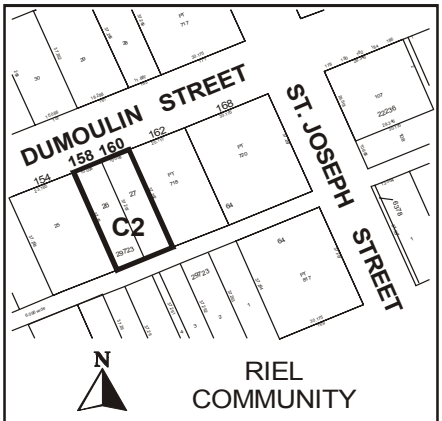
File: Files DAZ 251/2005 [c/r DAV 160425/2005D, SPA 6/2005, DEMO 160429/2005]

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 (Michael Carruthers)

Subject:



APPLICANT: ND LEA
FILE: DAZ 251/05
PROPOSAL: To rezone the land shown outlined above from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA
N° DE RÉFÉRENCE : DAZ 251/05
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2 (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 158 - 160 Dumoulin Street

Exhibits Filed:

1. Application dated October 5, 2005
2. Notification of Public Hearing dated October 31, 2005
3. Manitoba Status of Titles 1313237 and 1313239
4a. Letter of authorization dated August 29, 2005 from Marcel and Anita DeGagne to ND Lea Engineers and Planners Inc.
4b. Letter of authorization dated August 29, 2005 from Denis A. and Susan D. Gareau to ND Lea Engineers and Planners Inc.
4c. Letter of authorization dated August 29, 2005 from Gerald Dorge, CEO, Entreprises Riel, to ND Lea Engineers and Planners Inc.
5. Plans (2 pages)
6 Report from the Manager of Planning and Land Use dated November 15, 2005
7. Inspection Report
8. Site Plan submitted Michael Carruthers at the Public Hearing

REPRESENTATIONS:

In Support:

John Bockstael
Larry Bockstael
Michael Carruthers
Anita and Marcel Degagné
Gerald Dorge
Norm Gousseau
Alain Hogue
George Rajotte

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Martin 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 6/2005 AND REZONING FILE DAZ 251/2005

The applicant, Michael Carruthers, ND Lea Engineers and Planners Inc., appeared in support of the applications and submitted revised site plans, filed as Exhibit 8. In response to questions from the Councillors, Mr. Carruthers stated that access to the parking lot will be limited to the back lane and that a light proof fence will be constructed.

Exhibit "6" referred to in File DAZ 251/2005 [c/r DAV 160425/2005D, SPA 6/2005, DEMO 160429/2005]

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 15/2005
File: DAZ 251/2005
Related Files: DAV 160425C
Subject: To amend By-Law 6400/94 by rezoning the subject land from an " R2" Residential District to a " C2" Commercial District.

Location: 158-160 Dumoulin St.
Legal Description: Lot 26 & 27, Plan 29723



Applicant: ND LEA Engineers and Planners

Owner: Marcel and Anita Degagne / Denis and Susan Gareau

Recommendation:

That the application to rezone the subject property from "R2" Residential to "C2" Commercial for purposes of a parking lot be approved.

Site Description:

The subject properties lie on the south side of Rue Dumoulin just west of Rue St. Joseph. Consolidated, the two properties have an overall total of 7875 sq. ft. of area and are currently occupied with two residential dwellings. Both lots are zoned "R2" Two Family Residential.
To the immediate east is a multiple family dwelling owned by T &V Enterprises which is zoned RM-4 Multiple Family. To the east of that structure is a parking lot zoned M1 Industrial. On the north side of Dumoulin is a mix of single and two family homes zoned R2 Residential and a hotel/restaurant facility zoned C2 Commercial and also owned by T&V Enterprises. To the west are residential dwellings zoned R2 Residential and to the south along Provencher Blvd. are existing businesses and proposed new mixed commercial/ residential buildings zoned BP District.

Background:

Located along the south side of Dumoulin Street, between Tache Avenue and St. Joseph Street, many of the existing properties are currently occupied by dwellings. ND-Lea, on behalf of their client, has initiated application to demolish the two dwellings at 158 and 160 Dumoulin and develop a parking area for the use of staff and patrons of a new development on Boulevard Provencher, across the public lane to the south. These properties are designated "Residential" under the current secondary plan and would require secondary plan amendment to "Commercial" (and rezoning and other related development approvals) prior to proceeding with the proposed parking area.

Under the proposed Planning, Property, & Development Department -initiated amendments, this block of Dumoulin Street is to be designated "Mixed-Use", which can accommodate a range of residential, commercial, and commercial support uses - preferably, with a mix of component land uses established within each development; alternatively, with a range of land uses located along the block that are respectful of the residential properties along the north side of Dumoulin Street. Subsequent rezoning and related development approvals provide opportunities for detailed review of the proposed parking area.

Description of the Proposed Development:

Specifically, the applicants are proposing to first demolish the two existing dwellings at 158 and 160 Dumoulin (accompanying Demo application 05 160429). Procedurally if the aforementioned Secondary Plan Amendment (SPA 6/05) for these specific two properties and/or the Secondary Plan Amendment for North St. Boniface (SPA 4/05) is ratified by the Riel Community Committee and City Council, the lands in question can be rezoned commercial and developed ultimately developed into a parking lot. The specifics of the parking lot design itself call for the creation of 26 overall stalls with direct vehicle access to the rear lane. Access to Dumoulin will be limited to pedestrian traffic. There is to be a high level of landscaping established and maintained along the east periphery of the lot and along the Dumoulin frontage. If and when the

accompanying Plan Amendments are ratified and the land is rezoned and consolidated, the subject parking lot will provide much needed parking for new developments being constructed along the north side of Provencher Blvd.

Analysis

As outlined earlier, proposed amendments to the St. Boniface Secondary Plan include a change in the designation for the lands along the south side of Rue Dumoulin between Rue St. Joseph and Rue Tache. The change, if endorsed, will allow for a mix of either residential or commercial or commercial support uses. The merits of such a change have been discussed for years by both the business community and neighbourhood residents and recent open house forums and survey results indicate that changes to the Secondary Plan are now warranted. The intent is not to ultimately create a single large parking lot along the south side of Dumoulin but rather to allow for the provision of some spill-over parking for new developments underway along Provencher Blvd. It is hoped that properly designed and accessed parking areas along the south side of Dumoulin, while helping to address future parking deficiencies, will be limited in number and will not have any adverse effect on adjoining residential property owners. It is apparent that the applicants of the subject application have endeavoured to work with the adjoining owner of the land lying immediately to the west with a degree of success. The Planning and Land Use Division therefore endorses the proposed rezoning for the proposed use as submitted.

Recommendation

The Planning and Land Use Division recommend approval for the following reason:

- There is currently a need for well designed parking facilities along the south side of Dumoulin St. to help accommodate new developments already underway along the north side of Provencher Blvd.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 251/05 attached hereto and dated November 15/2005 to a "C2" Commercial District , subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1) That use of the subject properties be limited to a commercial parking lot or residential development.

II. That a ten (10) per cent 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 the market value of the land.

III. 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.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

VII. 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

By-Law No. _____

File No. **DAZ 251/05**

Atlas Sheet No.

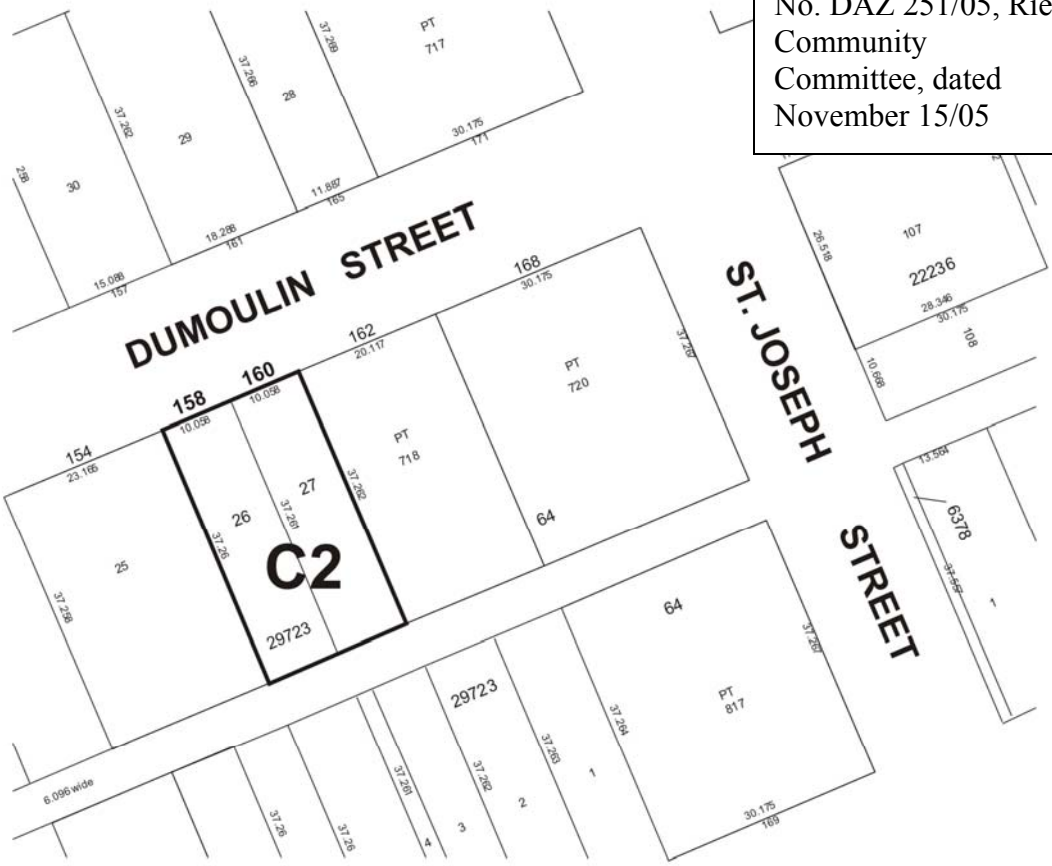
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Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 158/160 Dumoulin Street from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 251/05, Riel Community Committee, dated November 15/05



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____