Agenda – Council – December 14, 2005

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

Item No. 21 Subdivision and Rezoning - 138 Aubert Street
File DASZ 48/2005

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 plan of subdivision proposed under File DASZ 48/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 48/2005 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 48/2005 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:

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: **Subdivision and Rezoning - 138 Aubert Street**
File DASZ 48/2005 [c/r DAV 163833/2005D]

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 plan of subdivision proposed under File DASZ 48/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 48/2005 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 48/2005 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 nay 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.

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.

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

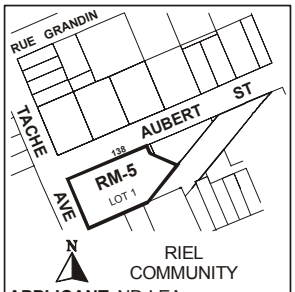
File: File DASZ 48/2005 [c/r DAV 163833/2005D]

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

Public Hearing: November 22, 1005
Council Building, 510 Main Street

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

Subject:



APPLICANT: ND-LEA ENGINEERS & PLANNERS INC.
FILE : DASZ 48/05
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 "C1" 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 48/05
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 C1 (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: 138 Aubert Street

5290

Exhibits Filed:

1. Application dated October 28, 2005
2. Notification of Public Hearing dated October 31, 2005
3. Manitoba Status of Titles 1127797 and 1127799
4. Letter of authorization dated August 23, 2005 from Léo Gagné, President, Festival du Voyageur, to ND Lea Engineers and Planners Inc.
5. Plans (4 pages)
6. Report from the Manager of Planning and Land Use dated November 15, 2005
7. Inspection Report
8. Communication dated November 21, 2005, from Jay Lev, President, Stride Development Corporation, in support of the application

REPRESENTATIONS:

In Support:

John Bockstael
Larry Bockstael
Michael Carruthers
Leo Degagné
Norm Gousseau
Alain Hogue
Jay Lev
Noreen Scott
M. 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 PUBLIC HEARING

The applicant, Michael Carruthers, accompanied by John Bockstael, appeared in support of the application, provided an overview of the proposal and indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated November 15, 2005.

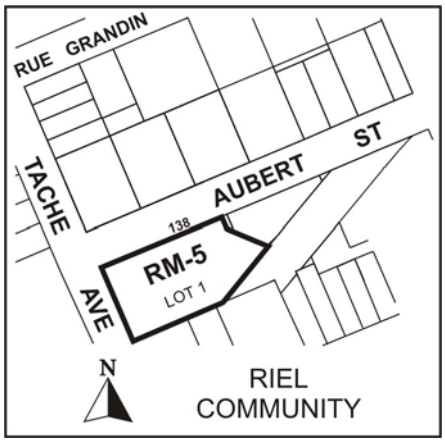
Exhibit "6" referred to in File DASZ 48/2005 [c/r DAV 163833/2005D]

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 15/2005
File: DASZ 48 /05
Related Files: DAV 05 163833D
Subject: A plan of subdivision and a proposed zoning change to By-Law 6400/94 to rezone the subject property from a "C1" Commercial District to an " Rm-5" Multiple Family District to permit construction of a seven story (49 unit) condo project.

Location: 138 Aubert
Legal Description:



Applicant: ND LEA Engineers and Planners

Owner: Festival Du Voyageur Inc.

Recommendation: Approved with Conditions

Site Description

The subject property is approximately .69 acres in overall area and lies at the S.E. corner of Tache Ave. and Rue Aubert. Occupying the site is a parking lot and accessory buildings owned and operated previously by the Festival Du Voyageur.. The land is zoned " C1" Commercial and up until recently the parking area was utilized in conjunction with the banquets and other social activities periodically held in the Festival Hall across the street. 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 the adjoining Festival property zoned C2 and further still to the 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 for a block are generally vacant lands zoned " R2" Residential and a hydro right0of-way with towers. To the south is a mix a business and single family dwellings, all zoned"R2" Residential.

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. Unlike the accompanying application DASZ 46/05 for the Festival property north of Rue Aubert, no amendment to the St. Boniface Secondary Plan is required in advance of the rezoning being considered and ratified. The subject lands south of Rue Aubert are currently designated for future residential development. Therefore when the application to rezone and subdivide is endorsed by City Council, the land will be cleared and a seven story condo complex is proposed to be constructed on the site. The new structure will have a total of 49 rental suites and a 72 space under ground parkade. No surface parking is envisaged for this site. Access to the underground parking will be via Rue Aubert. As with the accompanying project to the north, preliminary landscaping plans are as yet only rudimentary. However, it is expected that more detail will be available at the public hearing and certainly much more detail will be required for evaluation and approval in advance of building permits being issued.

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 163833D.

Recommendation

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

- The proposed rezoning to a multiple family housing category is in accordance with ongoing initiatives in St. Boniface to to provide a range of housing types throughout the community to meet a growing demand.
- The subject property is, from a land use perspective, better suited to residential development than commercial development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 48/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 48/05, 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 48/05, attached hereto and dated November 15/05 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 and Land Use or his designate and the Riel Community Committee prior to the issuance of nay building permits

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

By-Law No. _____

File No. **DASZ 48/05**

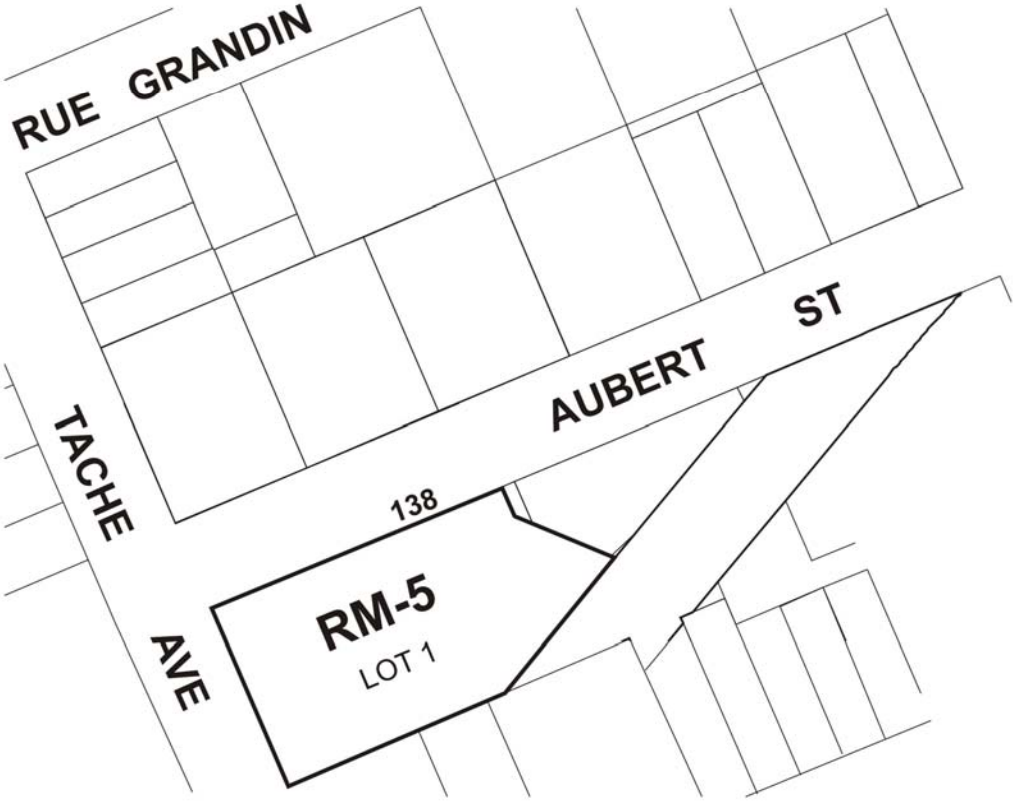
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COMMUNITY

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 138 Aubert Street from a "C1" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 48/05, Riel Community Committee, dated November 15/05

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____