Minutes - Executive Policy Committee – April 19, 2006

Minute No. 350
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 3 Rezoning - 144/148 Dumoulin Street
File DAZ 243/2005

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, as amended, 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 243/2005 dated February 21, 2006, 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.

        ii. That final plans for development of the land shall be consistent with plans submitted in support of rezoning application DAZ 243/2005 and shall be submitted and approved by the Director of Planning, Property and Development prior to issuance of any development permit.

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.

Report - Standing Policy Committee on Property and Development - April 4, 2006

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.

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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, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendment, namely:

- That a new Recommendation be added as No. 1.A.ii. as follows, namely:

  "1.A.ii. That final plans for development of the land shall be consistent with plans submitted in support of rezoning application DAZ 243/2005 and shall be submitted and approved by the Director of Planning, Property and Development prior to issuance of any development permit.",

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 144/148 Dumoulin Street**
File DAZ 243/2005 [c/r DAV 145660/2005D]

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

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

Report date: **March 2, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 243/2005 dated February 21, 2006, 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 February 21, 2006.

PUBLIC HEARING SUMMARY

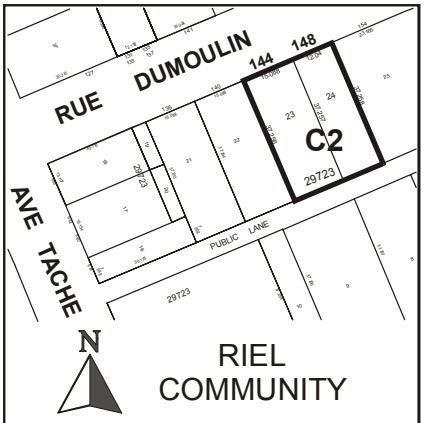
File: DAZ 243/2005 [c/r DAV 145660/2005D]

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

Public Hearing: February 28, 2006
Council Building, 510 Main Street

Applicant: McGowan Russell (Ross McGowan)

Subject:



APPLICANT: McGOWAN RUSSELL
FILE: DAZ 243/05
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 : McGOWAN RUSSELL
N° DE RÉFÉRENCE : DAZ 243/05
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: 144/148 Dumoulin Street

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Exhibits Filed:

1. Application dated December 16, 2005
2. Notification of Public Hearing dated December 23, 2005
3. Manitoba Status of Titles 2060892 and 2083110
4. Letter of authorization dated November 26, 2004 from Martin D. Maykut, StreetSide Development Corporation to The McGowan Russell Group
5. Plans (3 pages)
6. Report from the Manager of Planning and Land Use dated February 21, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Ross McGowan, McGowan Russell Group

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ross McGowan, McGowan Russell Group appeared in support of the application.

Exhibit “6” referred to in File DAZ 243/2006 [c/r DAV 145660/2005D]

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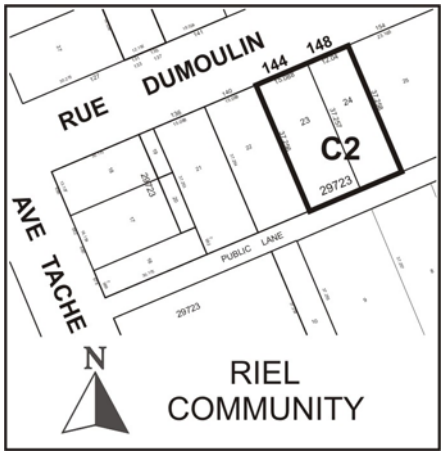
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 21, 2006
File: DAZ 243/05
Related Files: DAV 05 –145660D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an “R2” Residential District to a “C2” Commercial District.

Location: 144/148 Dumoulin St.

Legal Description: SP Lots 23 & 24, Plan 29723



Applicant: McGowan –Russell Design Group
Owner: Streetside Development Corp.

Recommendation: *Approved with conditions*

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 approximately 10,858 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 single family dwelling zoned R2 Residential District. And further to the east is a newly rezoned parking area and zoned C2 Commercial. 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 . To the west is a single remaining residential dwelling 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 the properties are currently occupied by dwellings. ND-Lea recently, on behalf of a client, initiated an application (DAZ 251/05) 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. That application was subsequently approved by the Riel Community Committee and the rezoning to commercial has been approved by City Council. McGowan-Russell ,on behalf of Streetside Developments , has plans to similarly demolish the buildings at 144/148 Dumoulin under Demo 148186/05 and upon ratification of the subject proposed rezoning, establish a 22 stall parking area for direct long term use by the adjoining Place Joseph Royal currently under construction along Provencher Blvd .These properties were , up until recently, designated "Residential" under the St. Boniface Secondary Plan and procedurally a secondary plan amendment was required ,in order to permit applications for commercial development to occur.

Under the recently approved Planning, Property, & Development Department -initiated amendments, this block of Dumoulin Street has now been designated a "Mixed-Use" area, which can accommodate a range of residential, commercial, and commercial support uses—including properly designed and accessed parking areas which are compatible with remaining residential properties along both sides of Dumoulin St.

Description of the Proposed Development

Specifically, the applicants are proposing to first demolish the two existing dwellings at 144 and 148 Dumoulin (previous Demo application 05 148186). Procedurally if the aforementioned Secondary Plan Amendment for North St. Boniface (SPA 4/05) has been ratified by the Riel Community Committee and City Council, the lands in question can be rezoned commercial and developed ultimately developed for parking lot use. The specifics of the parking lot design itself

call for the creation of 22 overall stalls with direct vehicle access to the rear lane. Access to Dumoulin will be limited to pedestrian traffic; the existing vehicular approach to be removed. There is to be a high level of landscaping established and maintained along the Dumoulin frontage with some new sodding and planting along the eastand west property lines. If and when 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, specifically a new commercial/residential complex called Place Joseph Royal.

Analysis

As outlined earlier, recent amendments to the St. Boniface Secondary Plan included a change in the designation for the lands along the south side of Rue Dumoulin between Rue St. Joseph and Rue Tache. The change now allows 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 have been 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 endeavored to reduce the impact of the proposed parking area on the lands lying immediately to the west and east with a reasonable level of landscaping and fencing. 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.

<u>Recommended Conditions of Approval</u>

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule “A”, for file DAZ 243/05, attached hereto and dated February 21, 2006, to an “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
PPD File # DAZ 243/05

By-Law No. _____

File No. **DAZ 243/05**

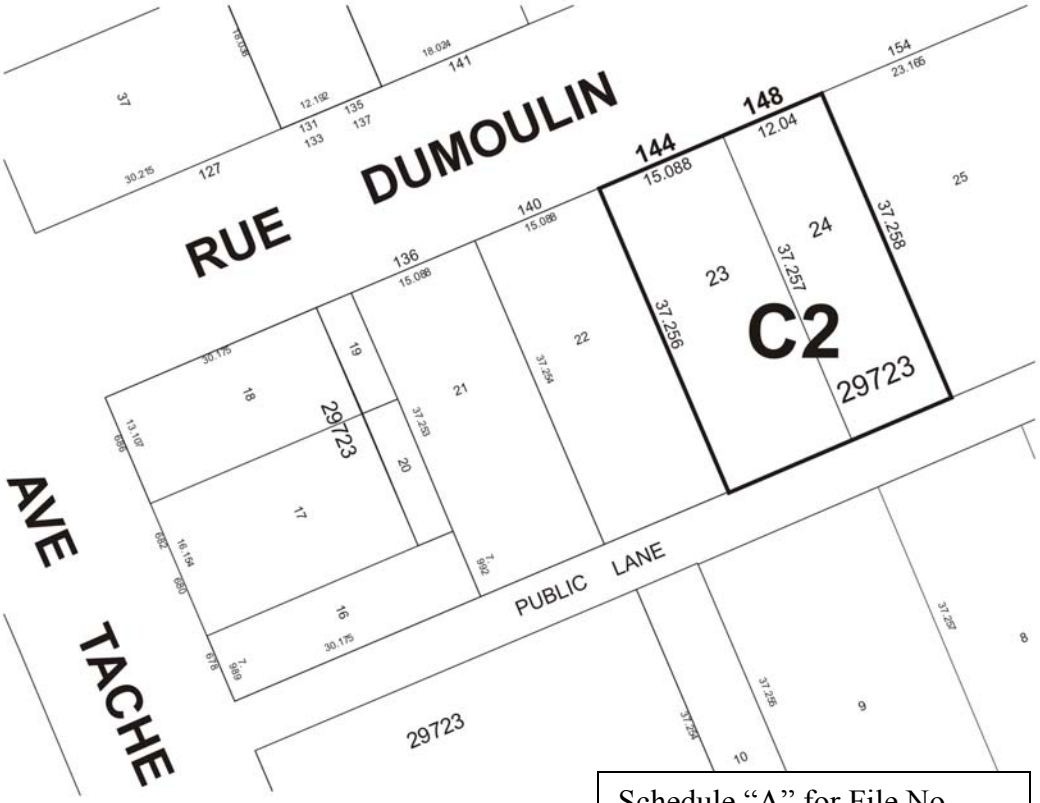
Atlas Sheet No.

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COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 144/148 Dumoulin Street from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 243/05, Riel Community Committee, dated February 21/06

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

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