Minutes - Executive Policy Committee – February 14, 2007

Minute No. 178
Report - Standing Policy Committee on Property and Development - January 30, 2007

Item No. 7 Subdivision and Rezoning - 231 Goulet Street
File DASZ 52/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 52/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2006 dated January 9, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

A. That the Developer be required to enter into a Subdivision Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 4, 2007.

B. That land drainage run-off from the proposed "C2" Commercial District site (proposed Lot 2) shall be restricted as determined by and to the satisfaction of the Director of Water and Waste.

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 52/2006 dated January 9, 2007, to a "C2" Commercial District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

Report - Standing Policy Committee on Property and Development - January 30, 2007

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Subdivision Agreement.

8. 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.

9. 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.

10. 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.

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

12. 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 Swandel,
That the recommendations 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 January 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- That the Report from the Planning and Land Use Division dated January 9, 2007, be amended by adding the following as Recommendation 1.B., namely:

  "1.B. That land drainage run-off from the proposed "C2" Commercial District site (proposed Lot 2) shall be restricted as determined by and to the satisfaction of the Director of Water and Waste."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2007, 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 - 231 Goulet Street**
File DASZ 52/2006 [c/r DAV 155373/2006D]

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

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

Report date: **January 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2007, 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 52/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2006 dated January 9, 2007, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Subdivision Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January, 4, 2007.

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 52/2006, dated January 9, 2007, to a "C2" Commercial District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Subdivision Agreement.

8. 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.

9. 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.

10. 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.

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

12. 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. Unlike previous applications to develop the property in question, this application has the potential to deliver the best use for the property.

PUBLIC HEARING SUMMARY

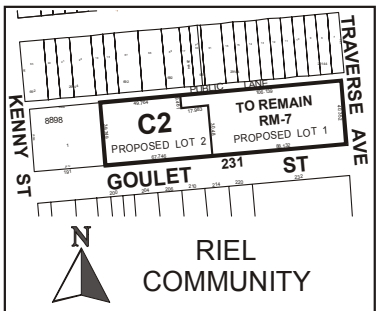
File: DASZ 52/2006 [c/r DAV 155373/2006D]

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

Public Hearing: January 16, 2007
Council Building, 510 Main Street

Applicant: Edison Rental (Hildor Wiens)

Subject:



APPLICANT : EDISON RENTAL
FILE: DASZ 52/06
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 an "RM-7" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT.
For information, phone Mr. K. Lalor, Planner at 986-5069.
DEMANDEUR : EDISON RENTAL
N° DE RÉFÉRENCE : DALZ 52/06
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 RM-7 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL).
Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.

Premises Affected: 231 Goulet Street

Exhibits Filed:

1. Application dated December 12, 2006
2. Notification of Public Hearing dated December 15, 2006
3. Manitoba Status of Title 1151684
4. Letter of authorization dated December 5, 2006 from Bergen - Letkemann Apartments Ltd. to Hildor Wiens, Edison Rental Agency
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated January 9, 2007
7. Report from the Administrative Coordinating Group dated January 4, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Arthur and Diane Prescott
Hildor Wiens, Edison Rental

In Opposition:

Marcia Steadman

For Information:

Edward Laberge
Carrie Longstreet
Denis Marion

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Hildor Wiens, appeared in support of the application and provided a brief overview of the proposal.

In response to questions from Committee, Kevin Lalor, Senior Planner, Planning, Property and Development Department, provided the following information:

- Any development on the proposed Lot 2 would be limited to a maximum height of forty-five (45) feet;
- Permitted uses under a "C2" Commercial District include banks, medical dental or optical clinics, offices, etc…
- That the Planning, Property and Development Department would not likely grant access from the subject property to the back lane.

Marcia Steadman appeared in opposition to the application. Ms. Steadman indicated that she resides directly behind the subject property and stated concern regarding the height of any proposed development. Ms. Steadman further stated that she would prefer if the subject property would be used as a parking lot.

Exhibit "6" referred to in File DASZ 52/2006 [c/r DAV 155373/2006D]

Winnipeg

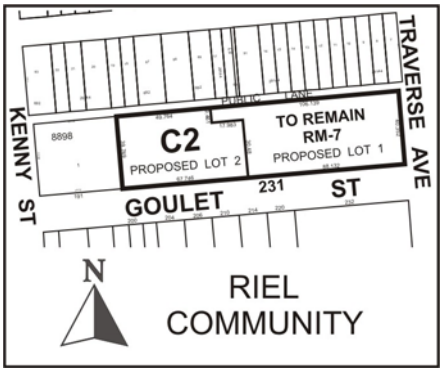
Planning, Property and Development Department Report

To the Riel Community Committee

Date: January 9/ 2007
File: DASZ 52 /06
Related Files: DAV 06 155373/D

Subject: To subdivide an existing parcel into two parcels, Lot 1 and Lot 2, Lot 1 to retain its current "RM-7" Multiple Family zoning and proposed Lot 2 to be rezoned to a " C2" Commercial category.

Location: 231 Goulet Street
Legal Description: Lot 2 , Plan 8898



Applicant: Edison Rental

Owner: Bergen –Letkemann Apartments

Recommendation: Approval

Site Description:

The overall site area totals approximately an acre and a half, on the eastern portion of which lies a 15 story multiple family complex. The most westerly third of the property (approx. 27,243 sq. ft.) has been vacant for thirty years .The entire parcel is zoned " RM-7" Multiple Family. To the immediate west is a business zoned C2 Commercial. To the north along the south side of Thomas Berry are established single family dwellings zoned " R2-T" Residential. On the south side of Goulet Street, there is a mix of "C2" Commercial business and apartment blocks zoned " RM-4" and "RM-5" Multiple.



Background:

In the mid 1980's through to the early 1990's, the owners of 231 Goulet St. (Chateau Guay Apartments) made a series of applications to obtain permission to construct a second 15 story structure on the west half of the subject property. In every instance there was strong neighbourhood, administrative and ultimately political opposition to an additional tower because of 1) the potential for added traffic problems in the rear lane and 2) the overwhelming impact of having two such imposing structures so close to the single family dwellings on Thomas Berry. It was determined that the shadowing effect and the privacy encroachment issues were significant. The local residents would have probably supported a rezoning of the westerly portion of the lot , at that time, to a low density multiple family category or alternatively a commercial category but the owners did not pursue those avenues. In the latter part of 2006, the applicants did make application to subdivide the property , presumably with the intent of selling the west half of the property for development purposes. At that time , the administration approached the applicants and indicated that we would be unable to support a short form subdivision which would effectively create an even smaller parcel of land still zoned for high density multiple family development. However, we did indicate that if the owners of the land were willing to rezone the west half of the property to a "C2" commercial category, (effectively eliminating the possibility of any future applications for high rise development on the site), then we would endorse their application. The owners agreed and a general application to rezone the west portion of the property is now before your Committee.

Description of the Proposed Development:

There are , at this time ,no specific proposals or prospective tenants for the subject property. However, under the terms of the zoning agreement, final detailed plans must be submitted and reviewed by both the Administration and the Riel Community Committee prior to the issuance of any building permits. Site development issues can be addressed at that time.

Analysis:

It is the view of the Neighbourhood Planning Branch that in the long term, commercial development of the subject site (with strict guidelines for site development) would be a better alternative than the continued possibility of having to deal with ongoing applications for high rise housing development as has been the case in the past. It is unlikely that any onerous or incompatible businesses will be constructed on the subject property given that virtually all potentially contentious uses such as carwashes, convenience stores, drive through restaurants etc. are conditional and not permitted outright under the "C2" zoning. Most "C2" uses which could pose a problem for the adjoining neighbourhood would be subject to a public hearing and be subject to review by the neighbourhood at large. It should be further noted that if the subject parcel is developed in accordance with a high standard of landscaping and building design, this particular stretch of Goulet Street might benefit greatly.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed zoning with guidelines for development will be a preferable use to the continuing possibility of high density multiple family development.
- The frontage along Goulet Street between Traverse and Kenny Avenues would appear to be appropriate for continued commercial development at a reasonable scale.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 52/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 52/2006, attached hereto and dated January 9/2007, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Subdivision Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 4/2007.

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 52/2006, attached hereto and dated January 9/2007, to a "C2" Commercial District subject to the applicant entering into a new Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That prior to new construction on the site, detailed site plans illustrating the location of new buildings or new additions , building profiles, parking areas, approaches, landscaping and fencing be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any 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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Subdivision Agreement.

VIII. 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.**

IX. 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.

X. 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.

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

XII. 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 # 5.502

By-Law No. _____

File No. **DASZ 52/06**

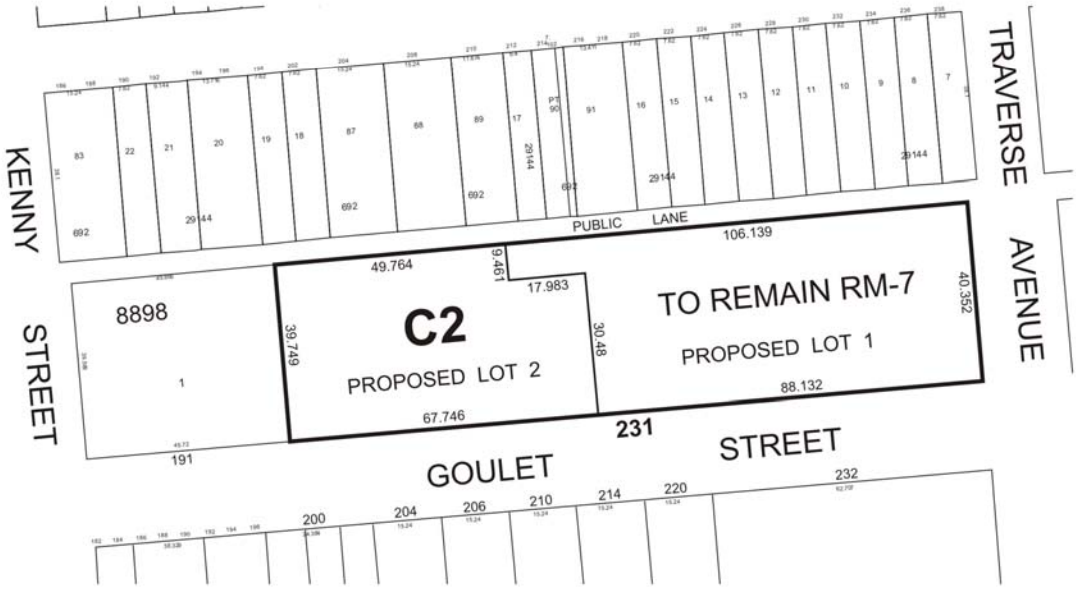
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RIEL
COMMUNITY

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 231 Goulet Street from an "RM-7" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for file no. DASZ 52/06, dated January 9/07, Riel Community Committee

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DASZ 52/2006 [c/r DAV 155373/2006D]

Re: Proposed subdivision and rezoning of land located at 231 Goulet Street – DASZ 52/06

An application has been submitted by Edison Rental to subdivide and rezone land located at 231 Goulet Street. It is recommended that approval of this application be subject to the Owner entering into a Subdivision Agreement with the City as follows:

1. Prior to the issuance of any building permit within the proposed C2 site (proposed Lot 2) the Developer shall submit a report prepared by a municipal engineer to the Director of Water and Waste identifying the fire protection requirements of the proposed C2 site.

2. If the existing water distribution system cannot provide adequate fire protection for the proposed development, the Developer shall enter into a Servicing Agreement with the City covering the upgrading works to be constructed by the Developer, at no expense to the City, as determined by and to the satisfaction of the said Director.

Also, land drainage run-off from the proposed C2 site (proposed Lot 2) shall be restricted as determined by and to the satisfaction of the Director of Water and Waste.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 52/06
January 4, 2007

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["Original signed by E.L. Carriere"]
Land Development Engineer

["Original signed by T.S. Josephson"]
Water and Waste Department