Minutes - Executive Policy Committee – September 19, 2007

Minute No. 539
Report - Standing Policy Committee on Property and Development – September 4, 2007

Item No. 8 Rezoning - 396 Bertrand Street
(St. Boniface Ward)
File DAZ 220/2007

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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2007 dated July 10, 2007, to an "RM-L" Multiple Family Residential District subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 10, 2007.

   B. That the Developer 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 for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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.

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.

Minutes - Executive Policy Committee – September 19, 2007

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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.

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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 September 4, 2007, 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 July 17, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 396 Bertrand Street**
File DAZ 220/2007 [c/r DAV 134282/2007D]

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

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

Report date: **July 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, 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 220/2007 dated July 10, 2007, to an "RM-L" Multiple Family Residential District, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 10, 2007.

    B. 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 for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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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 Planning and Land Use Division dated July 10, 2007 and in the report from the Administrative Coordinating Group dated July 10, 2007.

PUBLIC HEARING SUMMARY

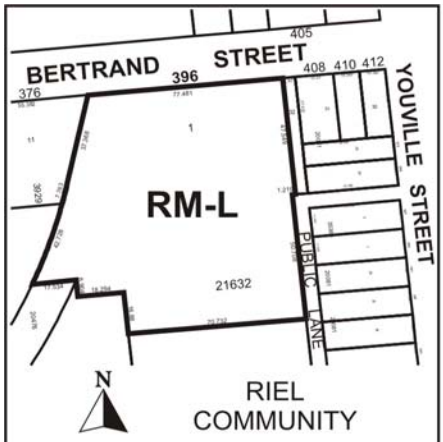
File: DAZ 220/2007 [c/r DAV 134282/2007D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: July 17, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Raymond S.C. Wan Architect

Subject:



APPLICANT: RAYMOND S.C. WAN ARCHITECT
FILE: DAZ 220/07
PROPOSAL: To rezone the land shown outlined above from an "M2" INDUSTRIAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : RAYMOND S.C. WAN ARCHITECT
N° DE RÉFÉRENCE : DAZ 220/07
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie M2 (SECTEUR INDUSTRIEL) à la catégorie RM-L (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 396 Bertrand Street

Exhibits Filed:

1. Application dated June 19, 2007
2. Notification of Public Hearing dated June 18, 2007
3. Manitoba Status of Title 1084132
4. Letter of authorization dated April 17, 2007 from Ten Ten Sinclair Housing Inc. to Raymond S.C. Wan Architect
5. Site Plan
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated July 10, 2007
8. Report from the Administrative Coordinating Group dated July 10, 2007
9. Inspection Report
10. Communication and supporting documentation dated July 15, 2007, from Bob Lafreniere, Président, L'Association des résidants du Vieux Saint-Boniface, in support of the application
11. Communication dated July 13, 2007, from Norm Gousseau, Acting Chief Executive Officer, Entreprises Riel, in support of the application

REPRESENTATIONS:

In Support:

Ken Cassin
Norm Gousseau, Acting Chief Executive Officer, Entreprises Riel
Michelle Hogue
Wade Kastes
Bob Lafreniere, Président, L'Association des résidants du Vieux Saint-Boniface
Ray Wan

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms. A Clark, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ray Wan appeared in support of the application and provided an overview of the proposal.

Exhibit "7" referred to in File DAZ 220/2007 [c/r DAV 134282/2007D]

Winnipeg

Planning, Property and Development Department Report

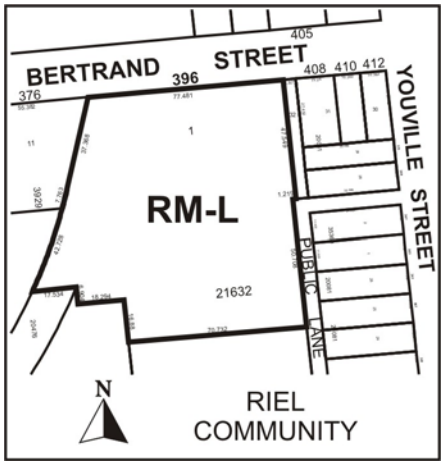
To the Riel Community Committee

Date: July 10/2007
File: DAZ 220/2007
Related Files: DAV 07–134282/D

Subject: To rezone the subject site from "M1 & M2 " Industrial categories to an " RM-L" Residential category to allow for the construction of a twenty unit multiple family complex.

Location: 396 Bertrand Street

Legal Description: Lot 1, Plan 21632



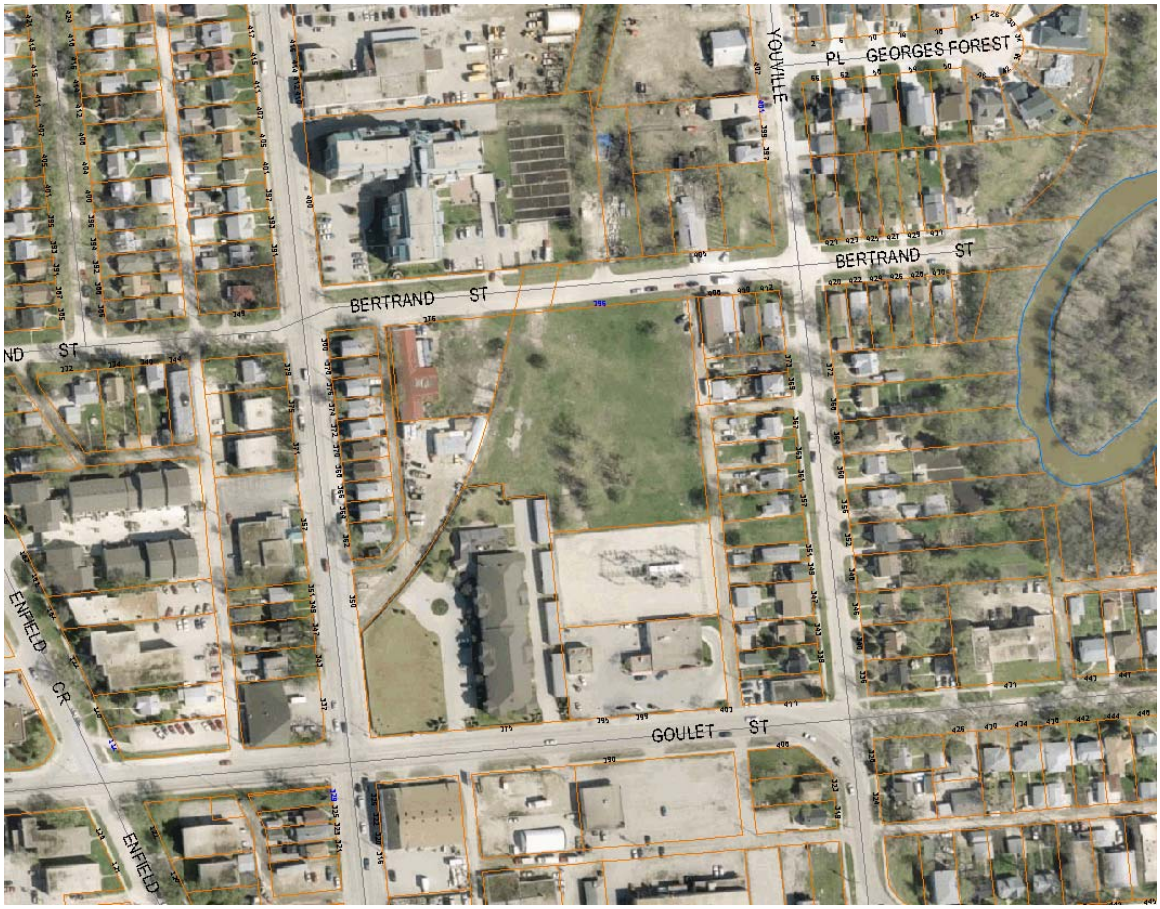
Applicant: Raymond S.C. Wan Architect

Owner: The Manitoba Housing and Renewal Corporation

Recommendation: *Approve with conditions*

5094

Site Description :



Surrounding Land Use:

North: To the north is a large, multi-story seniors complex called Ville Tache, which is Zoned RM-4 multiple family residential.

South: To the south is a seniors complex (Saints Peter & Paul) zoned M1 Industrial and a Manitoba Hydro installation zoned M2 Industrial.

East: To the east is a mix of single family dwellings and two family dwellings zoned R2-T residential.

West: To the west along the east side of Des Meurons are single and two family dwellings zoned R2-T residential.

Existing Zoning: The subject property is currently vacant and zoned M2 Industrial. It is approximately 1.5 acres in size.

Description of the Proposed Development :

The applicant is proposing to rezone the subject property to allow for the construction of three separate one storey housing complexes all oriented inwardly on a central quadrangle and parking

area. One of the complexes has a total of seven (7) units, a second eight (8) units, and a third has five (5) units for an overall total of twenty (20). The units are all wheelchair accessible and range in size from 756 sq. ft. to 1114 sq. ft. Generally, this type of housing unit is called a mobility unit – it is a conventional home in all respects except it is specifically designed to accommodate at least one handicapped individual in the household. For example, and individual living on his own, but dependent on a wheelchair, at least in part, would probably opt for a smaller one bedroom unit; a family of three, one or more of whom are handicapped, would probably find the type (B) 1114 sq. ft. unit, more suitable. There are a total of 35 surface parking stalls but each unit has at least one larger handicapped parking stall. Vehicle access will be directly to Bertrand Street and as part of the serving agreement, a sidewalk is to be constructed along the south side of Bertrand from the subject housing complex to Rue Des Meurons.

Analysis :

The Planning and Land Use Division fully supports the proposed rezoning for several reasons. First of all, over the last fifteen years, there has been a concerted effort to find ways to reduce the level of industrial land in central and north St. Boniface which are designated Neighbourhood Policy areas under Plan Winnipeg. Historically, much of central and north St. Boniface was a mix of residential housing and light and heavy industrial business and some vacant M2 Industrial, most notably the subject site, still sits unused. Any opportunity to replace incompatible industrial land with housing should, in our view, be strongly supported. And particularly, when the densities proposed are equivalent to existing densities in adjoining neighbourhoods. Of equal importance, is the fact that the hosing being proposed, is intended to meet a specific community need, specially housing for individuals who have restricted mobility because of a handicap. The location for a housing project, of this style, is also appropriate given that is it close to an array of institutional, retail and recreational amenities.

Recommendation:

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

- The project itself is of a scale and density that will not have any adverse impact on adjoining properties, and the rezoning will effectively eliminate the possibility of future industrial development which would not be compatible with the existing neighbourhood.

Recommended Conditions of Approval:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2007 dated July 10, 2007, to a "RM-L" Multiple Family Residential District, subject to the following:

   A. The Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 10, 2007.

B. 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:

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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 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.

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

Report Prepared by: Kevin Lalor

Schedule "A"

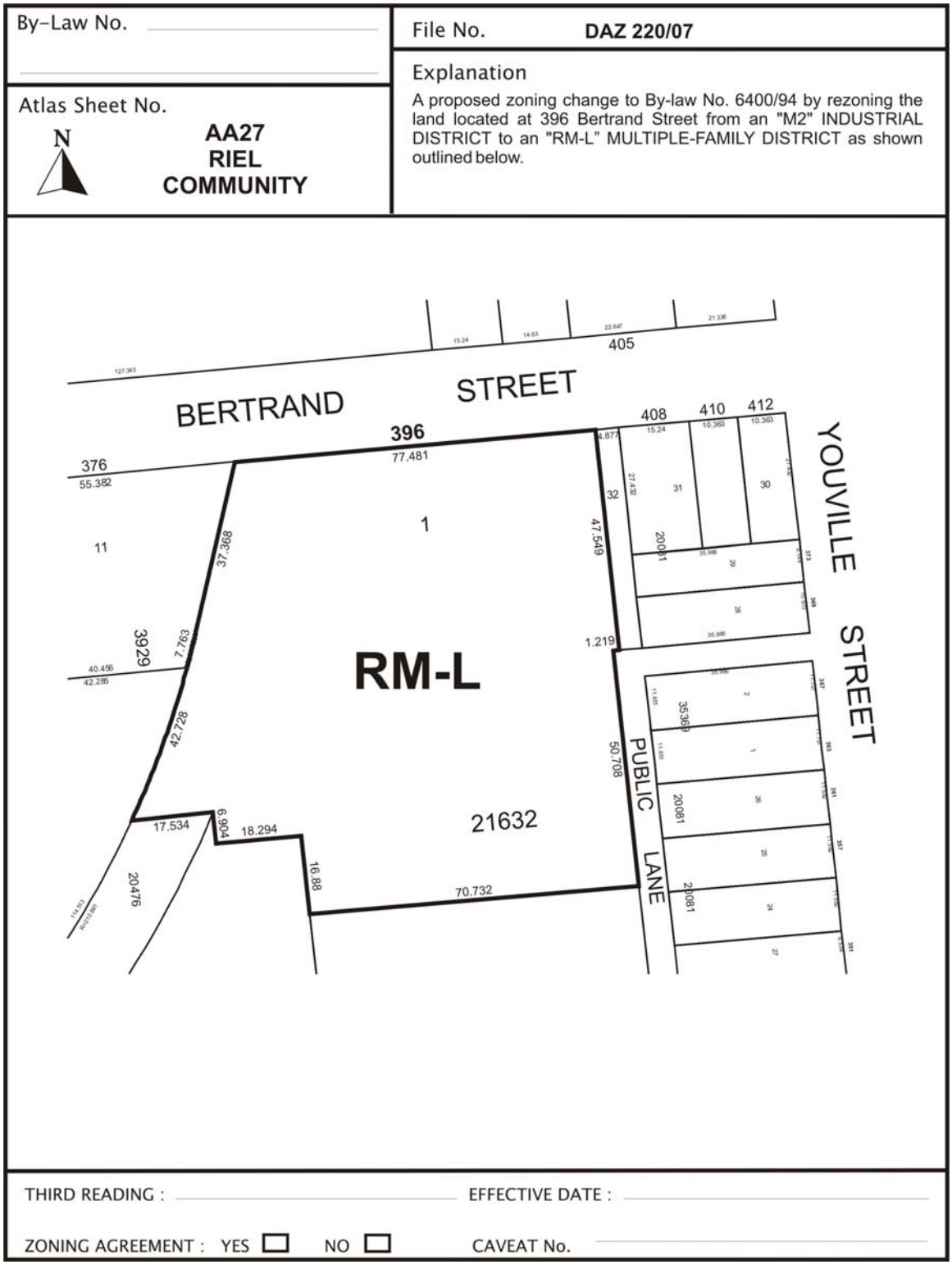


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 220/2007, dated July 10, 2007.

Exhibit "8" referred to in File DAZ 220/2007 [c/r DAV 134282/2007D]

July 10, 2007
Re: Proposed rezoning on land located at 396 Bertrand Street – DAZ 220/07

An application has been submitted by Raymond Wan Architect to rezone land located on the south side of Bertrand Street, west of Youville Street, from an M2 Industrial District to an RM-4 Multiple-Family district.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows;

1. The developer shall, at no expense to the City, construct a watermain in Bertrand Street between Youville Street and rue Des Meurons, all as determined by and to the satisfaction of the Director of Water and Waste.

2. The developer shall, at no expense to the City, construct a 1.5 metre in width by 100mm thick portland cement concrete sidewalk on the south side of Bertrand Street between Youville Street and rue Des Meurons, all as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed development as determined by the Director of Water and Waste. The 2007 rate therefore is $9,801.00/acre.

4. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00 per acre) attributable to the proposed development;

5. The Developer shall pay cash in lieu of dedication of land for public open space in accordance with City Policy.

6. The Developer shall pay $1650.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 220/07
July 10, 2007

_____
[for] Land Development Engineer

_____
Public Works Department
Transportation Engineering Division

_____
Water and Waste Department