Minute No. 641
Report - Standing Policy Committee on Property and Development - September 18, 2007

Item No. 1 **Amendment to the North St. Boniface Secondary Plan No. 965/75 – Tache Avenue and La Verendrye**
(St. Boniface Ward)
File SPA 1/2007

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare a by-law to amend the North St. Boniface Secondary Plan No. 965/75, as described in the report dated August 24, 2007 from the Acting Director of Planning, Property and Development dated June 28, 2007, and that said by-law be forwarded to Council for First Reading.

2. That a public hearing be scheduled on November 6, 2007 for the Riel Community Committee in accordance with the Development Procedures By-law No. 5893/92 and Section 234(3) of The City of Winnipeg Charter.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

(See Minute No. 640 for disclosure of conflict by Councillor Vandal)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2007, the Standing Policy Committee on Property and Development did not concur in the administrative recommendation and submitted the following to the Executive Policy Committee and Council, namely:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare a by-law to amend the North St. Boniface Secondary Plan No. 965/75, as described in the report dated August 24, 2007 from the Acting Director of Planning, Property and Development dated June 28, 2007, and that said by-law be forwarded to Council for First Reading.

2. That a public hearing be scheduled on November 6, 2007 for the Riel Community Committee in accordance with the Development Procedures By-law No. 5893/92 and Section 234(3) of The City of Winnipeg Charter.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing

On September 4, 2007, the Standing Policy Committee on Property and Development laid over consideration of the matter to the meeting of the Committee scheduled for October 2, 2007.

RE: SPA 1/07, A proposed amendment to the North St. Boniface Secondary Plan (By-Law No. 965/75)

FOR SUBMISSION TO: Standing Policy Committee on Property & Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: August 24, 2007

RECOMMENDATION:

1. That the request to amend the North St. Boniface Secondary Plan (No.965/75) **not** be proceeded with.

Report Summary

Key Issues:

- Secondary Plan amendment applications require first reading of the by-laws at Council, followed procedurally by a public hearing at community committee, and second and third reading at Council to put the proposed amendment(s) into force and effect.

- Riel Community Committee would be the committee designated for public hearing should Council give first reading to the subject application.

- The subject application is a developer-initiated amendment, pertaining to a specific site on Tache Avenue, with accompanying rezoning and variance applications.

- While the Planning and Land Use Division does not oppose a rezoning of the subject site for multiple family purposes at a reasonable scale, the Division does not support a modification/ increase of the maximum density guidelines outlined for higher density residential development outlined in paragraph 1 B. i of North St. Boniface Secondary Plan.

Implications of the Recommendation(s):

General Implications

(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

- In 2003, the City initiated a review of the North St. Boniface Secondary Plan adopted in 1975. That review took place over a period of two years with community stakeholder involvement and a public open house. The result of this process led to an updated and revised Plan for North St. Boniface. Adherence to the policies and guidelines outlined in the new Plan will hopefully ensure that the redevelopment of properties in the specified areas along Tache and Rue St. Joseph will be both compatible with the adjoining neighbourhoods and will be in accordance with the expectations outlined by the community during the aforementioned open house process.

Policy Implications

(x) No

( ) Yes

Comment(s):

- There are no policy implications if the current policies (including those in the referenced implementation section) are adhered to. If the proposed secondary plan amendment is approved, a precedent would be set, that would, in all likelihood, have negative impacts on and policy implications for future development in North St. Boniface.

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No

( ) Yes

Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

Standing Policy Committee on Property & Development has the authority to consider, provide recommendations, and forward secondary plan amendment by-laws through Executive Policy Committee to Council for first reading of Secondary Plan Amendment applications.

HISTORY:

The North St. Boniface Secondary Plan (By-Law No.965/75) has been in force and effect since January, 1976.

In November, 2002, Standing Policy Committee on Property & Development concurred with the Planning, Property and Development Department recommendation to commence review of the North St. Boniface Secondary Plan.

Following review and discussion of the Secondary Plan involving the then ward councillor and representatives of several community organizations (including Old St. Boniface Residents Association, Entreprises Riel, and the French Quarter BIZ) , the Planning, Property & Development Department held an open house in November, 2003, to gauge community reaction to proposed secondary plan amendments.

In the spring and early summer, 2005, the Planning, Property & Development Department completed revised secondary plan amendments and met with the ward councillor and community representatives to confirm the extent of amendments and initiate a secondary plan amendment.

In December of 2005, Council adopted the revisions to the North St. Boniface Secondary Plan. Several of the substantive changes that were endorsed by Council were in the implementation section, including clause 1 B.i , that set density limits for new higher density residential developments along Tache and other collector streets . The purpose and intent of the new policies was to provide increased development opportunities at specific locations which would be compatible and in scale with neighbouring housing. The maximum density endorsed by Council to guide future multiple family development is 55 units per acre net (which is roughly equivalent to “RM-4” Multiple Family District densities). There is an additional clause, citing that under certain exceptional or extraordinary circumstances (i.e. the overall lot area is reduced by a required road widening or the site requires exceptionally high infrastructure costs) and with the

approval of the Riel Community Committee, an extra 25% increase in the density could be granted without a plan amendment.

On July 20/2006, Stride Development Corporation made application (DASZ 32/06) to rezone their property at 750 Tache Avenue from an "R2" Two Family District to "RM-7" Multiple Family District to permit construction of an eight story 29 unit condominium complex. The applicant was informed that the Secondary Plan limits the 0.299 acre site in question to a maximum of 16 dwelling units with a potential for 20 units overall if the developer could demonstrate that extraordinary circumstances are evident. The applicant decided to proceed with an application to establish a 29 unit multiple family complex and initiated the necessary Secondary Plan amendment on June 5/2007. The proposed amendment would accommodate a density of 97 dwelling units per acre on the subject site at Tache Avenue and La Verendrye Street.

DISCUSSION:

The subject application to amend the recently revised secondary plan is the first attempt to increase density via the amendment process. Several attempts, in recent years to increase allowable density for multiple family projects, by way of the exceptional circumstances clause, have met with success. The Riel Community Committee, in their judgment, felt that there were extenuating circumstances on those occasions and supported what amounted to marginal increases in density in both instances. Those decisions were in accordance with due process and not contrary to the intent and purpose of the plan. It is the position of this Department that the sanctioning of developer-initiated changes and modifications to a plan so recently adopted, would invalidate efforts of community members involved in the community consultation process to establish land use policies for the continued orderly development of the neighbourhood immediately north of Provencher and east of Tache Avenue.

It should be noted that the density maximum was added to the secondary plan in order to accommodate additional multiple family development at appropriate locations and to a reasonable scale within North St. Boniface. This neighbourhood is predominantly lower density in nature (single family, duplexes and small multiple family) particularly along streets such as Notre Dame and La Verendrye. The plan advocates medium density multiple family development along Tache Avenue, St. Joseph Avenue and adjacent to future public transportation corridors. Tache and St. Joseph are minor residential collector streets. Development density requiring "RM-7" Multiple Family District zoning is typically located along regional streets such as Goulet Street, St. Mary's Road or Pembina Highway. The " RM-7" density sought by the applicant is excessive at this location and incompatible with the current and anticipated neighbourhood context.

It should be noted that since the density maximums were brought into force and effect, three multiple family developments have been approved along Tache Avenue (at the north east corner of Aubert Street, at the south east corner of Aubert Street and at the south east corner of Dumoulin Street). All three were proposed and approved within the North St. Boniface Secondary Plan's density provisions.

Financial Impact Statement Date: August 15, 2007

Project Name:

North St. Boniface Secondary Plan Amendment

COMMENTS:

The recommendation included in this report is that the request to amend the North St. Boniface Secondary Plan (No. 965/76) not be proceeded with. There are no financial implications associated with this recommendation.

Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

N/A

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Planning, Property and Development Division
Prepared by: Kevin Lalor
PPD File No. : SPA 1/2007

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