Minutes – Executive Policy Committee – February 13, 2008

Minute No. 157
Report – Standing Policy Committee on Property and Development – January 29, 2008

Item No. 3 Subdivision and Rezoning - 750 Taché Avenue
(St. Boniface Ward)
File DASZ 32/2006

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 under File DASZ 32/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2006 dated October 31, 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 as follows:

        i. Prior to the issuance of any building permit within the proposed "RM-7" Multiple Family District site, 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 "RM-7" Multiple Family District site.

        ii. 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.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32 /2006 dated October 31, 2007, to an "RM-7" Multiple Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

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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.

ii. That the maximum building height be limited to seventy-three (73) feet, two (2) inches.

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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.

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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 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 29, 2008, 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.

On January 8, 2008, the Standing Policy Committee on Property and Development laid the matter over, in accordance with Rule 8(6) of The Procedure By-law No. 50/2007, due to lack of a quorum.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Delete the words '"RM-5" Multiple Family District' in Recommendations 1.A.i and 2 and replace with the words '"RM-7" Multiple Family District' in each instance.

- Delete Recommendation 2.A.ii in its entirety and replace with the following:

  "2.A.ii. That the maximum building height be limited to seventy-three (73) feet, two (2) inches"

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On November 20, 2007, the Riel Community Committee further adjourned the public hearing to its meeting on December 4, 2007.

Report – Standing Policy Committee on Property and Development – January 29, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On November 6, 2007, the Riel Community Committee adjourned the public hearing inasmuch as, pursuant to The Municipal Conflict of Interest Act, Councillor Vandal advised that he would refrain from entering in any discussion and from voting on the Subdivision and Rezoning for 750 Taché Avenue citing a conflict of interest arising out of his property ownership in the area, and left the chamber. In accordance with Rule 51(11) of The Procedure By-law No. 50/2007, the public hearing was rescheduled to November 20, 2007 at 6:00 p.m. in the Council Chamber, City Hall, 510 Main Street, due to a lack of quorum.

RE: **Subdivision and Rezoning - 750 Taché Avenue**
File DASZ 32/2006 [c/r SPA 1/2007 and DAV 146458/2006D]

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

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

Report date: **December 12, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 32/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2006 dated October 31, 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 as follows:

        i. Prior to the issuance of any building permit within the proposed ~~***RM-5***~~ ***"RM-7" Multiple Family District*** site, 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 ~~***RM-5***~~ ***"RM-7"*** Multiple Family District site.

        ii. 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.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32 /2006 dated October 31, 2007, to an ~~***"RM-5"***~~ ***"RM-7"*** Multiple Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

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.

~~***ii. That the maximum residential density on the subject site be limited to twenty (20) dwelling units, including the 25% bonus allowable under special circumstances under the St. Boniface Secondary Plan and which is subject to approval by the Riel Community Committee.***~~

ii. That the maximum building height be limited to seventy-three (73') feet, two (2) inches

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The proposed development is consistent with other existing/proposed structures in the area and the primary concerns of area residents have been addressed by the reduction in density and height.

PUBLIC HEARING SUMMARY

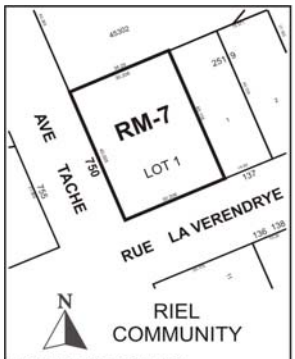
File: DASZ 32/2006 [c/r SPA 1/2007 and DAV 146458/2006D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel

Public Hearing: December 4, 2007
November 20, 2007
November 6, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: Stride Development Corporation (Jay Lev)

Subject:



APPLICANT : STRIDE DEVELOPMENT CORPORATION
FILE: DASZ 32/06
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 "R2" RESIDENTIAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : STRIDE DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 32/06
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage n° 6400/94 visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R2 (SECTEUR RÉSIDENTIEL) à la catégorie RM-7 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 750 Tache Avenue

Exhibits Filed:

1. Application dated June 12, 2007
2. Notification of Public Hearing dated October 11, 2007
3. Title Search 1825272
4. Letter of authorization dated July 24, 2006 from May Chabot, M.C. Tache Ltd. to Stride Development Corporation
5. Plans (11 pages)
6. Report from the Planning and Land Use Division dated October 31, 2007
7. Inspection Report
8. Communication dated November 5, 2007, from Gisèle and Marc Beaudry in opposition to the application
9. Notice of adjournment dated November 7, 2007
10. Presentation, plans and supporting documentation submitted at the public hearing on November 20, 2007, by Jay Lev, Stride Development Corporation, in support of the application
11. Communication dated November 19, 2007, from Normand Gousseau, Chief Operating Officer, Enterprises Riel, in support of the application
12. Petition dated November 20, 2007, submitted by Don Puhach, purporting to contain the signatures of thirty-five (35) area residents in opposition to the application
13. Communication dated November 16, 2007, from Robert Lafrenière, President, L'Association des Résidents du Vieux Saint-Boniface, in opposition to the application
14. Notice of adjournment dated November 21, 2007
15. Communication dated November 28, 2007, from Michel Gagnon and Petra Franzen, in opposition to the application
16. Presentation submitted at the public hearing on December 4, 2007, by Jay Lev, Stride Development Corporation, in support of the application
17. Presentation submitted at the public hearing on December 4, 2007, by Robert Lafrenière, President, L'Association des Résidents du Vieux Saint-Boniface, in opposition to the application

REPRESENTATIONS:

In Support:

Joe Bova
Fernand Chabot
Norm Gousseau, Chief Operating Officer, Enterprises Riel
5034

Jay Lev
Gisele MacDonald
Verne Reimer
Bill Thiessen

In Opposition:

Michel Audette
Gisele and Marc Beaudry
Derrick Finch
Petra Franzen and Michel Gagnon
Gerald and Viola Hince
Ed and Helen Kiezik
Phyllis Kuypers
Robert Lafreniere
David McIntosh
Don Puhach
Paul Savoie

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE COMBINED PUBLIC HEARING FOR THE AMENDMENT TO THE NORTH ST. BONIFACE SECONDARY PLAN UNDER FILE SPA 1/2007 AND THE SUBDIVISION / REZONING UNDER FILE DASZ 32/2006

November 6, 2007
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

November 20, 2007
The applicant, Jay Lev, Stride Development, accompanied by Verne Reimer, Stantec, and Fernand Chabot appeared in support of the applications and gave a brief overview of the proposal. Mr. Lev read into the record and submitted a copy of his presentation which, along with plans, photographs, a survey of area residents and a letter of support from StreetSide Development Corporation, have been filed as Exhibit 10.

Don Puhach appeared in opposition to the application and read into the record a petition in opposition to the application purporting to contain the signatures of thirty-five (35) area residents in opposition to the application, filed as Exhibit 12.

Derrick Finch appeared in opposition to the application and read into the record a letter opposing the proposed development from Robert Lafrenière, President, L'Association des Résidents du Vieux Saint-Boniface, filed as Exhibit 13.

Jay Lev, Verne Reimer and Fernand Chabot returned in rebuttal. In response to questions arising from members of the Committee and representations, Mr. Lev and Mr. Reimer provided the following responses:

- A copy of the plan was submitted to L'Association des Résidents du Vieux Saint-Boniface some time ago;
- Views of the river would be blocked even if the development was limited to three (3) storeys in height;
- The development is configured to limit ingress and egress to Taché Avenue so the impact on traffic on the surrounding residential streets would be minimal and traffic will be dispersed throughout the day;
- The majority of windows on the building will face the river to protect the privacy of area residents;
- Efforts to notify the community were focussed on the residents in the immediate area.

Councillor Swandel indicated that he would be adjourning the application to provide the opportunity for the developer to host an open house for stakeholders in the area. Councillor Swandel further stated that he would be limiting representation at the next meeting to Mr. Lev and a representative from the Old St. Boniface Resident's Association.

December 4, 2007

The applicant, Jay Lev, Stride Development appeared in support of the application and read into the record a presentation, filed as Exhibit 16.

Robert Lafrenière, President, L'Association des Résidents du Vieux Saint-Boniface, appeared in opposition to the application and read into the record a presentation, filed as Exhibit 17.

In response to questions from Committee, Mr. Lafrenière provided the following responses:

- Prior to the public hearing, area residents did not understand the extent of the application, in particular with respect to the increase in density. Residents who may have supported the developer by signing a petition earlier in the process have now been made fully aware of the scope of the project and are no longer supportive;
- He is not supportive of the compromise as proposed by Mr. Lev or any compromise that would provide for any increase in density that would permit the construction of more units than what is allowed under the secondary plan;
- L'Association des Résidents du Vieux Saint-Boniface delivered approximately 300 flyers notifying area residents of the open house hosted by the developer on November 29, 2007. Approximately 45 people attended the open house.

Committee recessed to allow Mr. Lafrenière the opportunity to consult with area residents. After the recess, the Senior Planner, Kevin Lalor, provided a summary of the recommendations of the

Winnipeg Public Service and indicated that the administrative recommendation was to approve a development similar in scope to the one that was approved on the former Rendezvous site. Mr. Lafrenière indicated that area residents would be supportive of a development that would range from 2 to 4 residential storeys in height. Mr. Lafrenière indicated that the variance application for a reduction in the set back on the south side of the proposed development was a major issue for area residents and he requested that, should the application be approved, the footprint of the building should be amended accordingly.

Jay Lev returned in rebuttal.

In response to questions from Committee, Mr. Lev provided the following responses:

- The compromise as outlined in his opening statement (a reduction in height from 93' 6" to 83' 4" and density from 29 units to 25 units) is the minimum the developer could proceed with;
- At an average of 4 units per floor, the building was designed with density sensitivity in mind;
- It is anticipated that Empty nesters, young professional couples and young families will be the future tenants of the building;
- The proposed development is a major improvement over the current use of the property;
- The proposed development provides for the majority of parking to be underground;
- If 25 units were approved by Committee, the developer would retain the proposed 1 ½ floors of parking to provide the flexibility for future residents to have an extra parking stall;
- The footprint of the building was carefully designed to limit the negative impact of the development on the area by fronting on Taché Avenue and would be very difficult to reconfigure it.

Committee recessed to provide the applicant with the opportunity to discuss with his partners whether or not a reduction in height of the proposed development to 73' 2" and density to 21 or 22 units would be economically feasible. After a brief recess, Mr. Lev indicated that he would support a reduction in height to 73' 2" and a reduction in density to 22 units subject to the developer being allowed to eliminate half a level of underground parking, reducing the number of underground stalls from 30 to approximately 22.

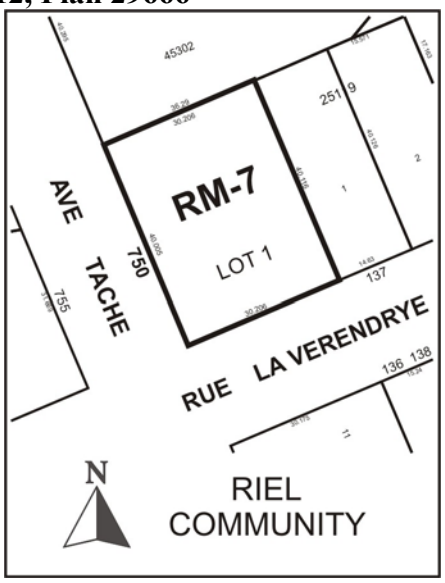
Exhibit "6" referred to in File DASZ 32/2006 [c/r SPA 1/2007 and DAV 146458/2006D]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: October 31/2007
File: DASZ 32 /06
Related Files: SPA 1/07, DAV 06 146458D
Subject: The purpose of the subject application is to consolidate five (5) separate parcels into one and to rezone the lands in question from an " R2" Residential category to an " RM-7" Multiple Family category allow for the construction of a twenty- nine unit condo facility, ninety three (93) feet in height.
Location: 750 Tache Avenue
Legal Description: Lots 8-12, Plan 29666



Applicant: Stride Development Corporation
Owner: May Isabel Charbot
Recommendation: Recommend approval with modifications and conditions

Site Description:

The subject parcel is situated at the n.e. corner of Rue La Verendrye and Tache Avenue. It is .299 acres in overall size and is zoned " R2" Residential. For years, it has been occupied with a non conforming automotive repair business . The property lying immediately adjacent to the

north was recently rezoned to an " RM-5" Multiple Family category for purposes of a condo housing project. Properties to the east are a mix of single family and two family housing and are zoned "R2" Two Family Residential. On the south side of Rue La Verendrye is a mix of low density multiple family housing and with some single family dwellings. The zoning is " RM-4" Multiple Family. West of Tache is a large remaining zoned " M2" parcel which is now under City ownership and is in the process of being cleared and developed for Parks & Recreation purposes.



Background:

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, under a bonus clause, are evident. The applicant decided to proceed with the application to establish a 29 unit multiple family complex and initiated the necessary Secondary Plan amendment on June 5/2007. The proposed amendment (SPA 1/07) would , if approved , accommodate a density of 97 dwelling units per acre on the subject site at Tache Avenue and La Verendrye Street.

It should be noted that the Planning , Property & Development Department, has, in its accompanying report on SPA 1/07, recommended that the application to amend Schedule A to By-Law No. 965/75 (the North St. Boniface District Plan, specifically 1.B.i under Implementation, Higher Density Residential **not** be proceeded with .

Description of the Proposed Development:

The applicant's plans call for the construction of a ninety three foot six inch high condo development at the n.e. corner of Rue La Verendrye and Tache Aveue. There are to eight (8) floors of high end housing with an overall total of twenty nine (29) dwelling units. The top six floors will each accommodate four units ;the second floor is to have two units and the main floor will have a total of three units. There is to be access to a roof top area where there are plans for a clubroom, library and garden area. The largest units will have a floor area of 1307 sq. ft. and the majority of units have balconies. There will be a total of 7 surface stalls and 30

projected underground stalls, access to which is to be via Tache Avenue. There appears to extensive landscaping proposed (in the way of courtyards) at the s.e. and s.w. corners of the site and along the Tache frontage. It should be noted that there are a number of variances being requested, including variances for lot width and lot area and variances for front, east , west and rear yards. Several of the yard variances are marginal in nature.

Analysis:

As outlined earlier in the report, the Planning Department does not support the proposed amendment (as outlined under SPA 1/07) which would effectively allow for a 75% increase in density above and beyond that which is currently allowed under the recently revised North St. Boniface Secondary Plan for the subject site. To do so, would, in our opinion, invalidate a long and arduous consultative process by which the local community assisted in the establishment of new and improved land use policies for the residential neighbourhoods north of Provencher Blvd. However, the Planning Department fully supports a rezoning and re-development of the subject site for up to a maximum of twenty (20) dwelling units. Under the current guidelines of 55 dwelling units per acre along Tache Avenue , the .299 acre site could accommodate sixteen (16) units. With the support of the Riel Community Committee, the implementation of the bonus clause in the by-law, would allow for an additional four (4) units. If your Committee was to concur with our recommendations, the rezoning to an "RM-7" category would no longer be required to facilitate development of a twenty unit condo project. A rezoning to an "RM-5" residential category would be sufficient and would be more in character with immediately adjoining multiple family sites. A "RM-5" zoning would also reduce the maximum allowable height from 100' to 70' which would similarly be more in character with recently approved developments along Tache Avenue and more compatible with adjoining single family housing to the east along Rue La Verendrye. Its important to note that for years the subject site has been occupied with an auto repair business which is no longer an appropriate use of the land. A redevelopment of the property, which the applicants are proposing to do, can only be regarded as an improvement to the neighbourhood and will, in all likelihood , act as a catalyst for continued new housing development. We , therefore, support the proposed development of the subject site at 750 Tache for residential purposes, but at a density which is in accordance with revised guidelines outlined in the North St. Boniface Secondary Plan in 2005.

Recommendation:

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

- A redevelopment and conversion of the former auto service site into new housing development , at a reasonable density , can only be of benefit to the entire neighbourhood.

- The applicants have made a significant effort to design a building which is unique and innovative and which, even if modified in scale, will certainly match, if not surpass the

quality and character of other new and recently constructed housing developments along Tache and Provencher Blvd.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 32/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2006 dated October 31, 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 as follows:

        1) *Prior to the issuance of any building permit within the proposed RM-5 site, 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 RM-5 Multiple Family 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.*

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32 /2006 dated October 31/2007, to a "RM-5" Multiple Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        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.

        ii. That the maximum residential density on the subject site be limited to twenty (20) dwelling units, including the 25% bonus allowable under special circumstances under the St. Boniface Secondary Plan and which is subject to approval by the Riel Community Committee.

3. 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.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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.

9. 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.

10. 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.

11. 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.

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.

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

Report Prepared by: (Kevin Lalor)
PPD File # (.501)

Schedule "A"

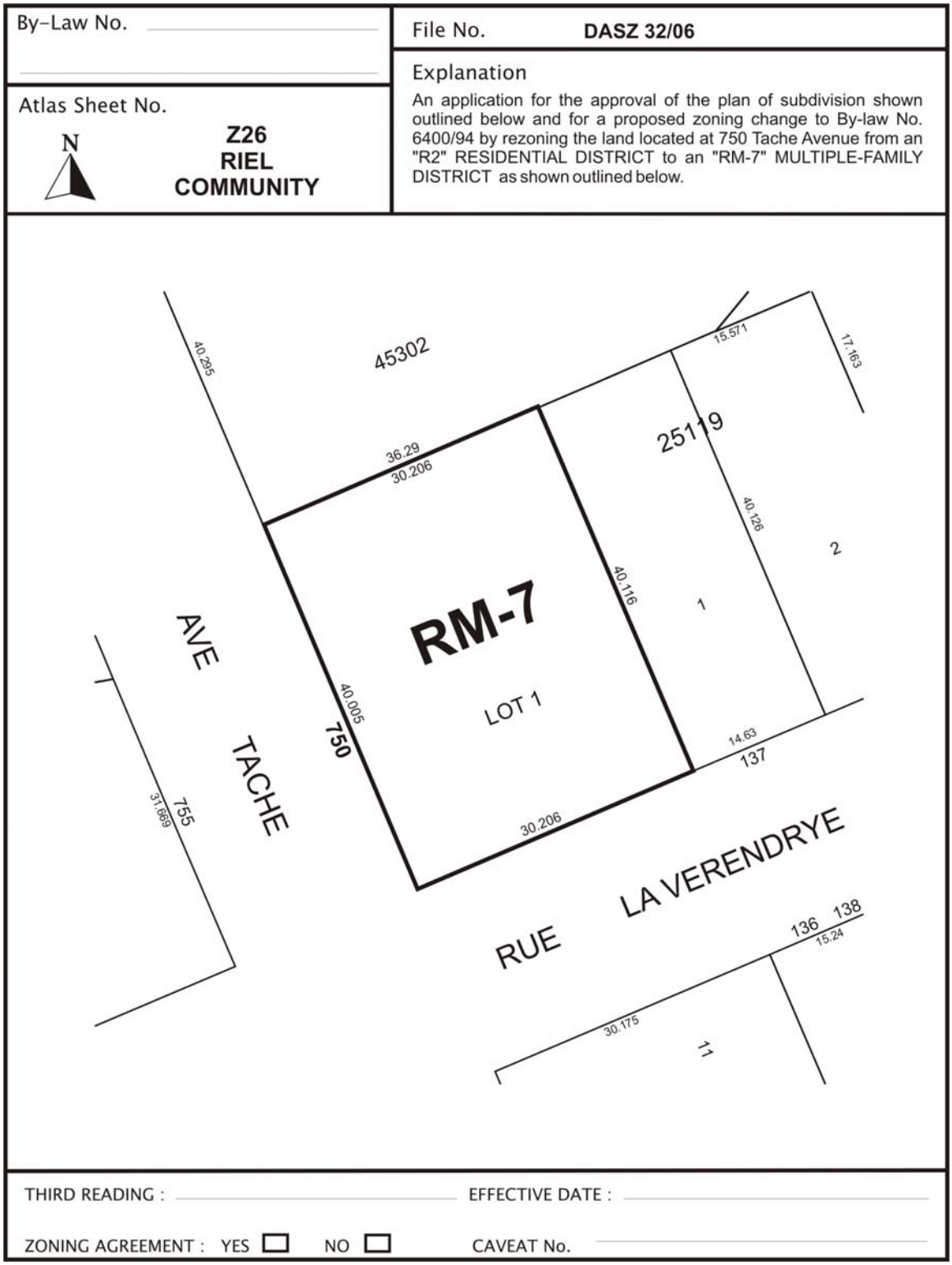


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 32/2006, dated October 31, 2007.