Minute No. 231
Report - Standing Policy Committee on Property and Development - January 29, 2008

Item No. 2 **Amendment to the North St. Boniface Secondary Plan – 750 Taché Avenue**
(St. Boniface Ward)
File SPA 1/2007

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That By-law No. 181/2007 to amend the North St. Boniface Secondary Plan be forwarded to Council for Second and Third Reading, with the following amendment:

   A. That Recommendation No. 1.A. be amended by deleting the words "76 units per acre (30.4 units per hectare)", and by substituting the words "76 units per acre (188 units per hectare)".

      That 1.B.i. be amended by deleting the words "100 units per acre (40 units per hectare)" in the last line thereof and substituting the words "76 units per acre (30.4 units per hectare)" therefore.

2. That By-law No. 181/2007 be further amended by deleting the words "55 units per acre net (22 units per hectare)" and by substituting the words "55 units per acre net (136 units per hectare).

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, as amended by the Executive Policy Committee, be adopted by consent.

Carried

(See Minute No. 229 for disclosure of conflict by Councillor Vandal)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, with the following amendments:

- That Recommendation No. 1.A. be amended by deleting the words "76 units per acre (30.4 units per hectare)", and by substituting the words "76 units per acre (188 units per hectare)".

- That a new Recommendation No. 2 be added as follows:

  "2. That By-law No. 181/2007 be further amended by deleting the words "55 units per acre net (22 units per hectare)" and by substituting the words "55 units per acre net (136 units per hectare)."

  and the balance of the recommendations be renumbered accordingly, and submits the matter to Council.

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.

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

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That By-law No. 181/2007 to amend the North St. Boniface Secondary Plan be forwarded to Council for Second and Third Reading, with the following amendment:

    A. That 1.B.i. be amended by deleting the words "100 units per acre (40 units per hectare)" in the last line thereof and substituting the words "76 units per acre (30.4 units per hectare)" therefore.

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

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

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 Secondary Plan Amendment 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: **Amendment to the North St. Boniface Secondary Plan - 750 Taché Avenue**
File SPA 1/2007 [c/r DASZ 32/2006 and DAV 146458/2006D]

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

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

Report date: **December 12, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2007, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That By-law No. 181/2007 to amend the North St. Boniface Secondary Plan be forwarded to Council for Second and Third Reading, with the following amendment:

   A. That 1.B.i. be amended by deleting the words "100 units per acre (40 units per hectare)" in the last line thereof and substituting the words "76 units per acre (30.4 units per hectare)" therefore.

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

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.

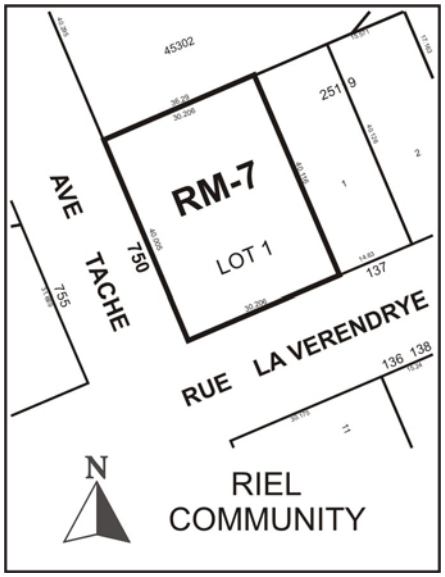
PUBLIC HEARING SUMMARY

File: SPA 1/2007 [c/r DASZ 32/2006 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

Subject:



Exhibits Filed:

1. Council Decision of September 26, 2007; contains report from the Director of Planning, Property and Development dated August 24, 2007
2. First Reading of By-law 181/2007 by Council on September 26, 2007
3. Report from the Planning and Land Use Division dated October 31, 2007
4. Communication dated November 5, 2007, from Gisèle and Marc Beaudry in opposition to the application
5. Notice of adjournment dated November 7, 2007
6. 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

7. Communication dated November 19, 2007, from Normand Gousseau, Chief Operating Officer, Enterprises Riel, in support of the application
8. 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
9. Communication dated November 16, 2007, from Robert Lafrenière, President, L'Association des Résidents du Vieux Saint-Boniface, in opposition to the application
10. Notice of adjournment dated November 21, 2007
11. Communication dated November 28, 2007, from Michel Gagnon and Petra Franzen, in opposition to the application
12. Presentation submitted at the public hearing on December 4, 2007, by Jay Lev, Stride Development Corporation, in support of the application
13. 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
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 6.

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 8.

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 9.

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 12.

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 13.

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

Planning, Property and Development Department Report

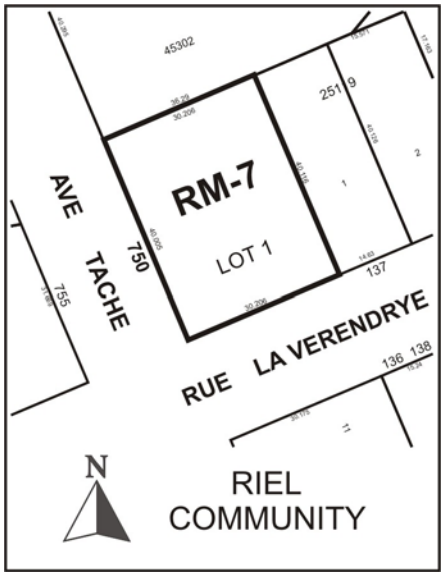
To the Riel Community Committee

Date: October 31/2007
File: SPA 1/2007
Related Files: DASZ 32/06 , DAV 06 146458/D

Subject: To amend Schedule A to By-Law No. 965/75 (The North St. Boniface District Plan , specifically paragraph 1.B.i under Implementation, Higher Density Residential by adding the following at the end thereof, " excepting for the property legally described as SP Lots 8,9,10,11 and 12 , Plan 29666, whereupon the establishment of new residential development, should be allowed up to a maximum density of 97 units per acre net (239 units per hectare).

Location: 750 Tache Avenue

Legal Description: Lots 8-12, Plan 29666



Applicant: Stride Development Corporation

Owner: May Isabel Chabot

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

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 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 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.

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:

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. It should be further noted that
the Planning and Land Use Division does **not** oppose a rezoning of the subject site for multiple family purposes at a reasonable scale. However, 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, which would allow for 97 units per acre as compared to the 55 units per acre currently permitted.

Recommendation:

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 for the following reason:

- 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.

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

Report Prepared by: (Kevin Lalor)
PPD File # SPA1/2007