Minute No. 49
Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 3 Rezoning - 173 Notre Dame Street
(St. Boniface Ward)
File DAZ 226/2008

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 226/2008 dated September 18, 2008 to an "RMF-M" Residential District, subject to the following:

    A. 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.

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 twelve (12) 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 twelve (12) 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 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 Fielding,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 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.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- That the report of the Planning and Land Use Division dated October 13, 2008, be amended by adding the following to the end of Recommendation 1, namely:

  "subject to the following:

  A. 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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DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued)

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"

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 173 Notre Dame Street**
(St. Boniface Ward)
File DAZ 226/2008 [c/r DAV 129705/2008D]

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

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

Report date: **October 22, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 226/2008 dated September 18, 2008 to an "RMF-M" Residential District***, subject to the following:***

    A. 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.

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 twelve (12) 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 twelve (12) 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 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 Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated October 10, 2008.

PUBLIC HEARING SUMMARY

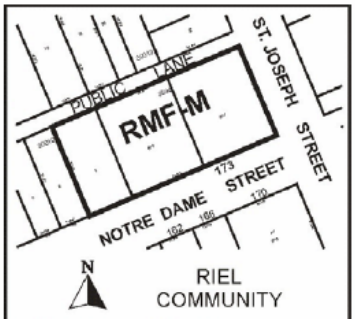
File: DAZ 226/2008 [c/r DAV 129705/2008D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: October 20, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: Davian Construction Ltd. (Treble Lysenko)

Subject:



APPLICANT : DAVIAN CONSTRUCTION LTD.
FILE: DAZ 226/08
PROPOSAL: To rezone the land shown outlined above from an "M1" MANUFACTURING LIGHT DISTRICT to an "RMF-M" RESIDENTIAL MULTIPLE-FAMILY DISTRICT to allow for the conversion and development of a proposed multi-family residential use. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVIAN CONSTRUCTION LTD.
No DE DOSSIER : DAZ 226/08
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie M1 (SECTEUR D'INDUSTRIES MANUFACTURIÈRES LÉGÈRES) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES) afin d'y permettre la transformation et l'aménagement d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 173 Notre Dame Street

Exhibits Filed:

1. Application dated July 16, 2008
2. Notification of Public Hearing dated August 12, 2008
3. Manitoba Status of Titles 2103576, 2103578, and 2103580
4. Letter of authorization dated July 14, 2008 from Ian Balcain to Treble Lysenko
5. Surveyor's Building Location Certificate and sketch dated August 21, 2008
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated October 13, 2008
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Lysenko

In Opposition

Nil

For Information:

George Ricard

For the City:

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

Exhibit "7" referred to in File DAZ 226/2008 [c/r DAV 129705/2008D]

Winnipeg

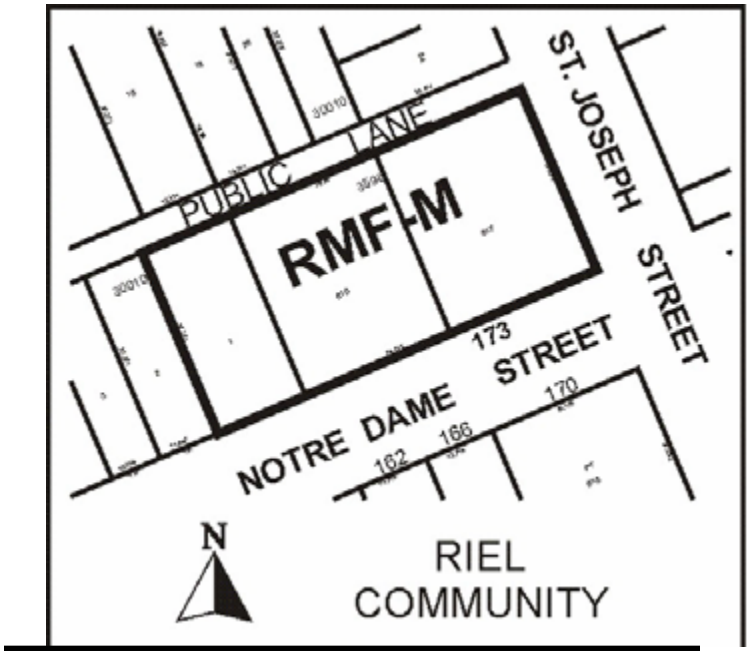
Planning, Property and Development Department Report

To the Riel Community Committee

Date: October 13, 2008
File: DAZ 226/2008
Related Files: DAV 129705D/08

Subject: **Application to rezone said land from an "M1" Industrial District to an "RMF-M" Multiple Family District for the proposed conversion of existing buildings to a multiple-family residential use and for the future construction of dwelling units.**

Location: **173 Notre Dame Street**



Applicant: **Davian Construction (Treble Lysenko)**
Owner: **4289528 Canada Ltd.**

Recommendation: ***Approval with conditions***

Report Summary:

The Planning and Land Use Division recommends that the application be **approved** for the following reasons:

- The proposed development would be in accordance with the policies of the North St. Boniface Secondary Plan.
- The proposed development is compatible with existing neighbouring land uses.
- The proposed redevelopment of an industrial site into a residential development aligns strongly with Plan Winnipeg given the site's location in a neighbourhood Policy Area.

Site Description
The subject property, which is zoned "M1" Industrial District, is located at the northwest corner of Notre Dame Street and Rue St Joseph, in North St Boniface.

North: A twelve-unit condominium building fronting Rue St Joseph and single-family homes fronting LaVerendrye Street zoned "R2" Residential District.
East: An active industrial use Parmalat Dairy) zoned "M1" Industrial District.
South: Single-family homes fronting the south side of Rue Notre Dame zoned "R1-M" Residential District.
West: Single-family homes fronting the north side of Rue Notre Dame zoned "R1-M" Residential District.



Analysis and Issues

Plan Winnipeg:
The use of the site is consistent with the range of land uses supported in Neighbourhood Policy Areas of Plan Winnipeg., which provides for:

> *low intensity ancillary uses such as local commercial, educational, recreational, religious, and institutional uses at a scale and density compatible with, and necessary to support, low-intensity residential development, and in recognition of traffic flows related to these uses*." (3B-01)"

Secondary Plan:
The subject site is consistent with the policies set out in the North St Boniface Secondary Plan. Most notably is that the subject site is located within a "Higher Density Residential" area given that it has frontage along Rue St. Joseph, a major collector road. Given this location, the

Secondary Plan supports residential densities of up to 55 units per acre. It is noted that the proposed density of development is 37 units per acre.

Compatibility with the Existing neighbourhood:
It is noted that the current zoning of the subject site allows for a variety of land uses that are not generally compatible with the existing residential character of the neighbourhood. The site itself is a relic of the past that no longer conforms to vision of the neighbourhood as set forth in both Plan Winnipeg and the North St Boniface Secondary Plan. Rezoning the said land to facilitate multiple-family development would provide for a development that is much more compatible with existing residential uses.

Neighbouring residential uses consist of a range of single-family dwellings and medium density apartment blocks and condominiums. Attention is drawn to a 12 unit, three-storey condominium building that sits directly north of the subject site. It is noted that the density of the existing condominium building is 40 units per acre and the density of the proposed multiple-family development is 37 units per acre. While Rue Notre Dame is mostly occupied by single-family dwellings, it is pointed out that there is a three storey apartment building at the northwest end of the block that fronts Tache Ave. given the established residential context, the proposed development is seen as consistent with and compatible to the abutting and adjacent uses.

Zoning:
The proposed rezoning is viewed as an opportunity to phase out industrial land uses that are becoming less and less compatible with the pattern of development and redevelopment within the North St Boniface neighbourhood. The current "M1" Industrial District Zoning currently accommodates a variety of uses that are not compatible with the neighbouring residential land uses. Examples include "Light Manufacturing", "Fleet Services", "Self Storage", and "Auto Sales/Repair/Service".

Recommendation:

The Planning and Land Use Division recommend approval for the following reasons:

- The proposed development would reflect the policies of the North St. Boniface Secondary Plan.
- The proposed development is compatible with existing neighbouring land uses.
- The proposed redevelopment of an industrial site into a residential development aligns strongly with Plan Winnipeg given the site's location in a neighbourhood Policy Area.

Recommended Conditions of Approval:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 226 /2008 October 13, 2008 to an "RMF-M" Residential District.

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 twelve (12) 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 twelve (12) 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 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 # DAZ 221/2008

Schedule "A"

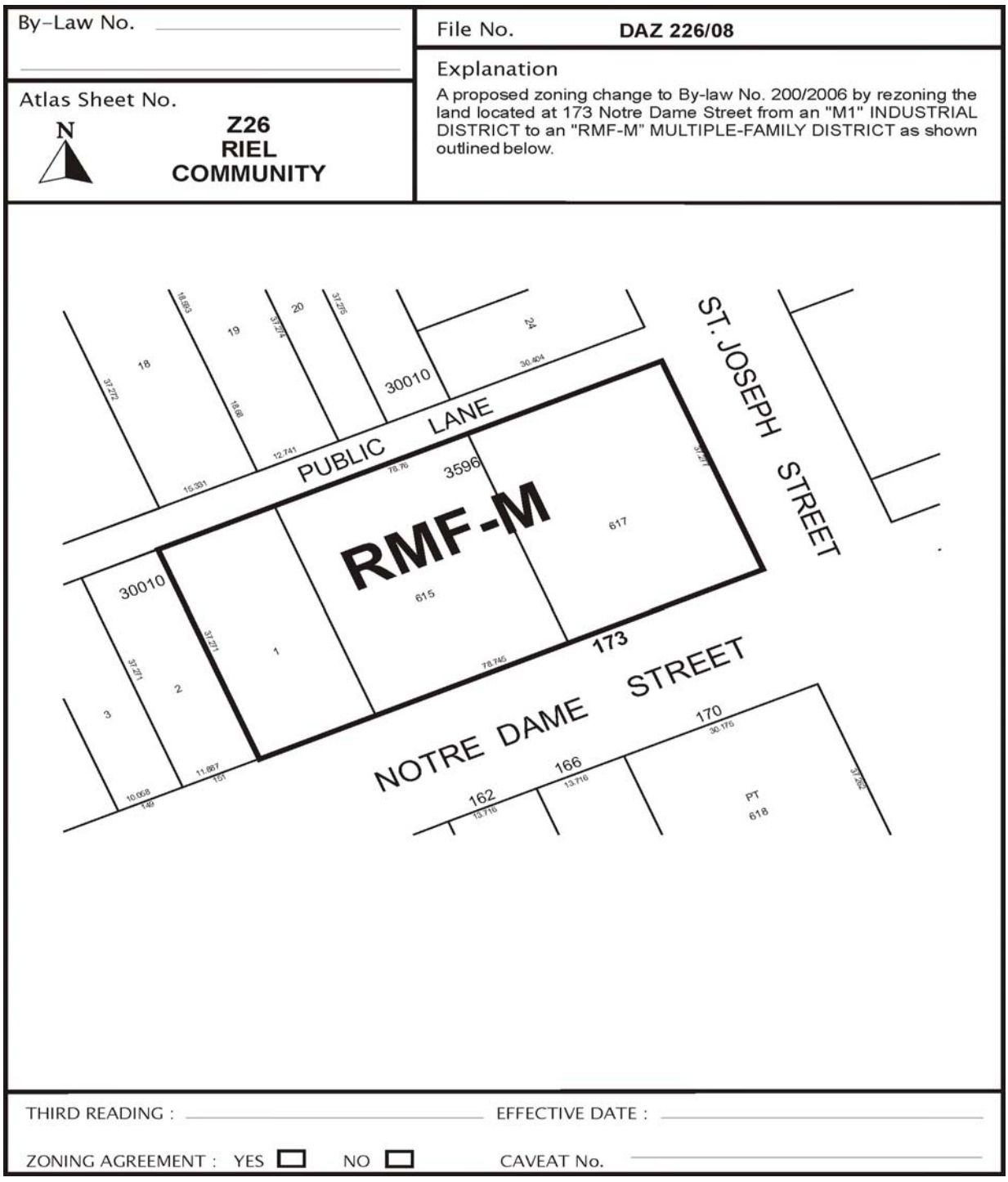


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 221/2008, dated September 18, 2008.