Minute No. 386
Report - Standing Policy Committee on Property and Development - May 5, 2009

Item No. 3 **Text Amendment, Subdivision and Rezoning, - 195 - 205 Provencher Boulevard, 190 and 204 Dumoulin Street**
(St. Boniface Ward)
Files DAZ 239/2008, DASZ 38/2008

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 inserting the following clause as subsection 3(2.1) under Schedule 'E' Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher):

   A. 3. (2.1) Notwithstanding subsection 3(2), a drive-in or drive-through may be permitted as a conditional use within the Boulevard Provencher overlay district, provided that there is no direct access from Provencher Boulevard to the drive-in or drive-through, and the drive-in or drive through services a financial institution.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 239/2008 dated March 31, 2009 to a "C2" Community Commercial 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 there shall be no vehicle ingress / egress onto Dumoulin for any parking areas.

      ii. That there shall be a 3 metre landscaped setback alongside Dumoulin.

      iii. That there shall be no advertising sign, business sign, identification sign, billboard sign, electronic message centre sign, and/or free-standing sign erected or constructed on proposed Lot 2.

      iv. That there shall be no flashing, animated, scintillating, rotating, and/or electronic message centre signs on the east elevation of the building.

Report - Standing Policy Committee on Property and Development – May 5, 2009

COUNCIL DECISION (continued):

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire Planned Area.

vi. That for the development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting 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;

3. That the plan of subdivision under File DASZ 38/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated March 31, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

4. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

5. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

7. 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.

Report - Standing Policy Committee on Property and Development – May 5, 2009

COUNCIL DECISION (continued):

8. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

9. That the Acting 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.

10. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

Report - Standing Policy Committee on Property and Development – May 5, 2009

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2009, 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 May 5, 2009, 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 April 6, 2009, the Riel Community Committee concurred in Recommendations 2 to 6 and 9 to 12, of the Winnipeg Public Service, with the following amendments:

- Recommendation 2. A. ii. be amended by deleting the words “20 feet (6 metre)” and replacing same with the words “3 metre”

- Recommendation 2. A. vi. be amended by adding the words “and the Riel Community Committee” after the words “Director of Planning, Property and Development”,

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

Report - Standing Policy Committee on Property and Development – May 5, 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE DECISION (continued):

On April 6, 2009, the Riel Community Committee concurred in Recommendation 7 of the Winnipeg Public Service and approved a Conditional Use on "the land" for the establishment of the following uses:

1. a non accessory parking area on proposed Lot 2;

2. an accessory drive thru at a proposed personal service (Caisse) on proposed Lot 1,

subject to the following condition:

1. That the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 239/2008.

Further, the Riel Community Committee concurred in Recommendations 8 and 8. A. of the Winnipeg Public Service and approved the application to demolish dwellings at premises commonly known as 200 Dumoulin, 202 Dumoulin, 204 Dumoulin, subject to the following condition:

1. That should final landscaping not be underway within six months of the date of demolition of the dwellings, that the lot be graded and sodded, with fencing or other barrier in place to prevent cars from parking on the site.

RE: **Text Amendment and Subdivision and Rezoning**
195 - 205 Provencher Boulevard, 190 and 204 Dumoulin Street
(St. Boniface Ward)
Files DAZ 239/2008 and DASZ 38/2008 (c/r DCU 157115/2008D and DEMO 157117/2008)

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

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

Report date: **April 7, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 6, 2009, 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 inserting the following clause as subsection 3(2.1) under Schedule 'E' Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher):

   A. 3. (2.1) Notwithstanding subsection 3(2), a drive-in or drive-through may be permitted as a conditional use within the Boulevard Provencher overlay district, provided that there is no direct access from Provencher Boulevard to the drive-in or drive-through, and the drive-in or drive through services a financial institution.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 239/2008 dated March 31, 2009 to a "C2" Community Commercial 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 there shall be no vehicle ingress / egress onto Dumoulin for any parking areas.

      ii. That there shall be a ~~***20 feet (6 metre)***~~ ***3 metre*** landscaped setback alongside Dumoulin.

iii. That there shall be no advertising sign, business sign, identification sign, billboard sign, electronic message centre sign, and/or free-standing sign erected or constructed on proposed Lot 2.

iv. That there shall be no flashing, animated, scintillating, rotating, and/or electronic message centre signs on the east elevation of the building.

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire Planned Area.

vi. That for the development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting 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;

3. That the plan of subdivision under File DASZ 38/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated March 31, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

4. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

5. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. 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.

10. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

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.

12. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

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 from the Principal Planner, Planning, Property and Development Department dated March 31, 2009.

PUBLIC HEARING SUMMARY

Files: **DAZ 239/2008 and DASZ 38/2008**

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: April 6, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Thompson Dorfman Sweatman (Antoine Hacault)

TEXT AMENDMENT - 195-205 Provencher Boulevard - DAZ 239/2008

Subject:



APPLICANT: THOMPSON DORFMAN SWEATMAN
FILE: DAZ 239/08
PROPOSAL: To amend the Zoning By-Law No. 200/2006, Schedule E, Boulevard Provencher Planned Development Overlay (PDO), Subsection 3(2) by inserting the following clause: "3(2.1) Notwithstanding subsection 3(2), a drive-in or drive through may be permitted as a conditional use within the Boulevard Provencher overlay district, provided that there is no direct access from Provencher Boulevard to the drive-in or drive through and the drive-in or drive through services a financial institution." **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

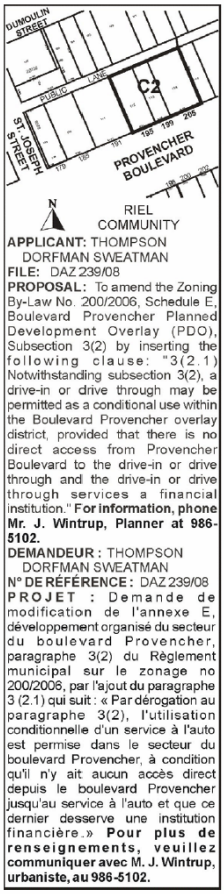
DEMANDEUR : THOMPSON DORFMAN SWEATMAN
N° DE RÉFÉRENCE : DAZ 239/08
PROJET : Demande de modification de l'annexe E, développement organisé du secteur du boulevard Provencher, paragraphe 3(2) du Règlement municipal sur le zonage no 200/2006, par l'ajout du paragraphe 3 (2.1) qui suit : « Par dérogation au paragraphe 3(2), l'utilisation conditionnelle d'un service à l'auto est permise dans le secteur du boulevard Provencher, à condition qu'il n'y ait aucun accès direct depuis le boulevard Provencher jusqu'au service à l'auto et que ce dernier desserve une institution financière.» **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Exhibits Filed:

1. Application dated January 16, 2009
2. Notification of Public Hearing dated February 12, 2009
3. Manitoba Status of Titles 2329136, 2329139 and 2329141
4. Letter of authorization dated December 5, 2008 from Immobilières CSB Inc. to Thompson Dorfman Sweatman LLP and Stantec Inc.
5. Surveyor's Building Location Certificate and sketch dated November 14, 2008
6. Site Plan
7. Plans (8 pages)
8. Report from the Planning and Land Use Division dated March 31, 2009
9. Inspection Report
10. Communication submitted by Antoine Hacault at the Public Hearing

SUBDIVISION AND REZONING - DASZ 38/2008

Subject:



Premises Affected: 190-204 Dumoulin Street and 195-205 Provencher Boulevard

Exhibits Filed:

1. Application dated January 16, 2009
2. Notification of Public Hearing dated February 6, 2006
3. Manitoba Status of Titles 2329129; 2329130, 2329132, 2329136, 2329139, 2329141, 2339276 and 2339282
4. Caveat No. 1655536 dated March 16, 1993
5. Letter of authorization dated December 5, 2008 from Immobilières CSB Inc. to Thompson Dorfman Sweatman LLP and Stantec Inc.
6. Surveyor's Building Location Certificate and sketch dated December 18, 2009
7. Plans (9 pages)
8. Report from the Planning and Land Use Division dated March 31, 2009
9. Inspection Report
10. Communication submitted by Antoine Hacault at the Public Hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

René Bisson
Marcel Gauvin
Antoine Hacault
Art Martin
Marc Normandeau
Paul Sawchuk
Gerald Simard
Peter Toni
Martin Trudeau

In Opposition:

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

Exhibit "10" referred to in Files DAZ 239/2008, DASZ 38/2008, DCU 157115/2008D
Exhibit "5" referred to in File DEMO 157117/2008D

ADMINISTRATIVE REPORT

RE: **Caisse Sainte-Boniface Provencher Centre Redevelopment – Provencher & Dumoulin**

REPORT DATE: **March 31, 2009**

AUTHORIZATION

Author	Department Head	CAO
John S. Wintrup Principal Planner		

RECOMMENDATION

1. That The Winnipeg Zoning By-law No. 200/06 be amended by inserting the following clause as subsection 3(2.1) under Schedule 'E' Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher):

    A. 3. (2.1) Notwithstanding subsection 3(2), a drive-in or drive-through may be permitted as a conditional use within the Boulevard Provencher overlay district, provided that there is no direct access from Provencher Boulevard to the drive-in or drive-through, and the drive-in or drive through services a financial institution.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 239 /2008 dated March 31, 2009 to a "C2" Community Commercial 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 there shall be no vehicle ingress / egress onto Dumoulin for any parking areas.

        ii. That there shall be a 20 feet (6 metre) landscaped setback alongside Dumoulin.

iii. That there shall be no advertising sign, business sign, identification sign, billboard sign, electronic message centre sign, and/or free-standing sign erected or constructed on proposed Lot 2.

iv. That there shall be no flashing, animated, scintillating, rotating, and/or electronic message centre signs on the east elevation of the building.

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire Planned Area.

vi. That for the development of any building, accessory parking area or signage in the Planned Area, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, to the Director of Planning, Property and Development 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;

3. That the plan of subdivision under File DASZ 38/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” dated March 31, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

4. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

5. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

6. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

7. That the conditional use filed under DCU 08-157155/D and outlined in Schedule “B” shall be approved and the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 239/2008.

8. That the demo application filed under DEMO 08-157117/D to demolish a dwelling at premises commonly known as 200 Dumoulin, 202 Dumoulin, 204 Dumoulin is hereby approved, subject to the following condition:

A. Should final landscaping not be underway within six months of the date of demolition of the dwellings, that the lot be graded and sodded, with fencing or other barrier in place to prevent cars from parking on the site.

9. 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.

10. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

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.

12. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

In accordance with recent changes to the Development Procedures By-law (By-law 5893/92), a proposed zoning by-law that would establish or amend the text of a zoning by-law (including establishing or amending a planned development overlay district) without changing the zoning classification of any land, and would affect land in only one community, shall be referred to the Community Committee for the community in which the land is located to conduct the public hearing.

Council approval is required for the zoning change and plan of subdivision and to enter into agreements required thereto.

Pursuant to the *City of Winnipeg Charter*, Section 253, a conditional use of real property may be approved. Community Committee approval is provided for in the matter related to Conditional uses, and does not need final approval by Council as per By-law No. 5893/92, the *Development Procedures By-law*.

Any decision by the Community Committee on an application for a variance or a conditional use may be appealed to the Appeal Committee for a new public hearing, In accordance with section 251 of the *City of Winnipeg Charter*.

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved if the proposed development:

a. is consistent with Plan Winnipeg and any applicable secondary plan;
b. does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
c. is compatible with the area in which the property to be affected is situated.

(1) Subject to this section, a private access is not in conformity with this By-law where it is located on a roadway or a portion of roadway identified on Schedules "A" or "B".

By-Law No. 4665/87 requires a public meeting when an applicant wishes to demolish a dwelling without a development permit indicating future development plans. The Community Committee is to consider whether a vacant lot resulting from the issuance of a demolition permit;

1. would create, or increase, pressures for approval of a new land use not permitted by the existing zoning without rezoning or a zoning variance or a conditional use approval, and

2. would create, or increase, pressures against normal maintenance and use of properties on abutting lands or in the adjacent area for uses permitted under the existing zoning, and

3. would create a visual detriment to the adjoining lands and adjacent area.

KEY ISSUES

APPLICANT:	Thompson Dorfman Sweatman (Antoine Hacault)
OWNER:	LA CAISSE POPULAIRE DE ST-BONIFACE LIMITEE.
LOCATION:	190, 192, 200, 202, 204 Dumoulin & 195, 199, 205 Provencher, North St. Boniface Neighbourhood (5.501), St.Boniface Ward, Riel Community.
LEGAL DESCRIPTION:	LOT 100-104 AND LOTS 112-114 PLAN 22236 76 ST B Proposed Lots 1 & 2, DASZ 38/08
SITE DESCRIPTION:	
Size:	43,466 square feet ('Planned Area' subject land in rezoning Schedule "A")
Plan Winnipeg:	Neighbourhood Policy Area
Zoning:	'C2' – Commercial Community' and 'R1-M' – Residential Single Family

CURRENT LAND USE:

190, 192 Dumoulin are non-accessory parking areas. (Attachment "1")
200 Dumoulin – 1,837 sq. ft. single family dwelling constructed in 1906.
202 Dumoulin – 1,122 sq. ft. single family dwelling constructed in 1930.
204 Dumoulin – 688 sq. ft. single family dwelling constructed in 1951.
195 Provencher – vacant one story store front commercial building.
199 Provencher – vacant two (2) story store front commercial building.
205 Provencher – vacant one story store front commercial building.

SURROUNDING LAND USES AND ZONING:

North: across Dumoulin, is a multi-tenant warehouse zoned M1; and single family housing zoned R1-M (Attachment "2").

South: across Provencher, story store front commercial buildings zoned C2.

East: L'Hotel De Ville De Saint Boniface zoned C2.

West: five (5) unit row house zoned C1 and a multiple family dwelling zoned RMF-M; story store front commercial buildings zoned C2.

DESCRIPTION OF THE DEVELOPMENT:

- Thompson Dorfman Sweatman has made, on behalf of Caisse Sainte-Boniface, several applications with the City of Winnipeg for the redevelopment of vacant buildings on Provencher and Dumoulin as a corporate financial facility.

- The Cassie site is comprised of properties along the south side of Dumoulin and the north side of Provencher separated by a public lane that will remain open to provide connection to the parking area serving L'Hotel De Ville De Saint Boniface.

- Proposed Lot 1 on Provencher will be occupied by the entire building with the exception of a 1 metre buffer strip on the west side against the existing MAST Building and 8 parking stalls on the north east corner. The building will be between 4 and 6 stories (41.3 feet to 78.7 feet). A main entrance lobby will be located at the south east corner of the building with direct access to Provencher Blvd. A second entrance will be on the north east corner of the building with direct access to the rear parking area. The building foot print will be 9,800 square feet.

- Proposed Lot 2 on Dumoulin will consolidate the three (3) properties with the single family dwellings, which will be demolished, with the existing parking lots on Dumoulin to create 66 parking stalls. A 9.8 feet (3 metre) buffer strip will be created alongside Dumoulin, matching the existing buffer strip for the current non-accessory parking areas.

- A drive-through ATM will be located on the north west corner of the building with access from the rear public lane. The queuing area will be for three (3) vehicles.

- The exterior finishes of the building are comprised of masonry, stone, prefinished metal panels and glass. Modulation of the building façade at street level is provided. The west end of the building is positioned to align with the façade of the adjacent MAST building. A vertical stone element is at the main entrance that continues straight up through the building and terminates above the roof parapet and will house the Caisse identification signage to be visible both from the east and the west.

A. DEVELOPMENT CONSIDERATIONS

1. Pathways / Active Transportation

- Bicycle parking is not provided on the site plans as submitted.
- A 3.0 metre wide pathway from Dumoulin to the rear entrance of the building is provided.

2. Traffic Infrastructure

- The rear public lane will remain open.

3. Land Use By-Law

- Schedule 'E' Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher currently does not allow drive-in or drive-throughs under Section 3.
- Two (2) other land-uses restricted under Section 3 include amusement devices (restricted to not more than 2 per property), and car washes.

- Conditional Uses have been made for the drive-through as the proposal is for this land-use to require a Public Hearing under the new PDO clauses to ensure public input is provided.
- The non-accessory parking areas along Dumoulin require a public hearing.
- A non-accessory parking area exists along side Dumoulin that will be consolidated with the new properties to form a 66 stall parking lot.
- The conditional uses may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.

4. Compatibility With Surrounding Uses

- A parking area exists to the east and the west along Dumoulin, adjacent to the proposed parking area under consideration of the Conditional Use.
- The new building is within the allowable height limit for building height set out in the PDO-1 Boulevard Provencher under Section 4.1.b as 80 feet on the north side of Provencher Blvd.
- Surrounding land-uses include office and financial land-uses zoned C2.

5. Site Design

- Preliminary site plans have been submitted that are conceptual in nature, illustrating how the Planned Area may develop with buildings, parking areas, and drive-through queuing: details regarding landscaping, lighting, pathways, etc. have not been provided.
- The developer, as a condition of approval, will be required to provide a site plan for the Planned Area for approval by the Director of Planning, Property and Development.
- Design performance guidelines for developments in the PDO-1 Boulevard Provencher, will be used to assess the site design in this review process.
- The objective of the Site Plan Review and PDO-1 Boulevard Provencher in the approval process is *to encourage the protection of Provencher Boulevard with its cultural and historic significance to the French community as the neighbourhood main street for St. Boniface.*
- The Public Service is requesting a 20 foot landscape setback against Dumoulin: this is consistent with other setbacks for similar developments on the north side of Dumoulin; and this is consistent with the front yard setback found in residential districts.

6. Land Dedication

- In lieu of dedication of 10% of the land within the Planned Area being set aside as Public Open Space as per Section 259(1) of the *City of Winnipeg Charter*, the Developer will be paying cash.

B. REASONS FOR RECOMMENDATION

The Public Service supports this development and the associated applications for the following reasons:

- The purpose of PDO-1 Boulevard Provencher is *to encourage the protection of Provencher Boulevard with its cultural and historic significance to the French community as the neighbourhood main street for St. Boniface.*

- The bulk of the PDO focuses on the design elements for building facades, signage, driveways, etc.

- Eliminating the land-use restriction on drive-throughs with the clause that they have no direct access to Provencher Blvd is consistent with the purposed of the PDO of ensuring urban design considerations (the drive-through aisle will not break up the pedestrian environment created along this neighbourhood main street).

- The proposed commercial land-use is consistent with Provencher Boulevard streetscape and its character as a neighbourhood main street.

C. CONDITIONS OF RECOMMENDATION

The Public Service is recommending:

- The site plan for this commercial site, be reviewed by the Director of Planning, Property and Development to ensure any potential impacts are sufficiently mitigated.

- Bicycle parking be implemented into the Planned Area to ensure active transportation can be provided satisfactorily.

- Active transportation pathways constructed to facilitate pedestrian and cycling modes of transportation to and from, and through, the Planned Area from Dumoulin that adhere to the City of Winnipeg's *Universal Design Guidelines*.

- Temporary signage (mobile signs, poster boards, balloon signs) be restricted on the entire site.

- Flashing, animated, and EMC signage be restricted from the east wall of the building to ensure these devices do not distract from the historical significance of the L'Hotel De Ville De Saint Boniface – this will not restrict the illuminated identification sign on the vertical stone element.

- Signage of all types be restricted from the Dumoulin parcel as this is not an appropriate location for business and commercial signage.

- A landscape setback of 20 feet be established along Dumoulin to ensure buffering against the single family dwellings across the street.

- Should the parking area not be constructed in suitable time (6 months), the former site of the single family dwellings will need to sodded and closed off to parked cars until such time it is developed.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy	**X**		**Change in the PDO will allow drive-in or drive-throughs as Conditional Uses.**
Regulatory	**X**		**Allows development permits to be issued.**
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	
Legal (Contracts)	**X**		**Zoning Agreement signed between City and Developer.**
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	**Will allow commercial development of a 'super regional' nature to be established that has a significant market draw beyond Winnipeg.**

FINANCIAL IMPACT

Financial Impact Statement Date:

Project Name: **First Year of Program**

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -
Additional Comments:					

original signed by
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup, Principal Planner
File No.	DAZ 239/08, DASZ 38/08, DCU 08-157115/D, Demo Variance 08-157117/D

Appendix:
1. Schedule “A” for File No. DAZ 239/08 & DASZ 38/08, Riel Community Committee, dated March 31, 2009.
2. Schedule “B” – Conditional Use Requested under Zoning By-law 200/2006.
3. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.
4. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

Schedule “A” for File No. DAZ 239/08, Riel Community Committee, dated March 31, 2009.

By-Law No. _____

File No. **DASZ 38/08**

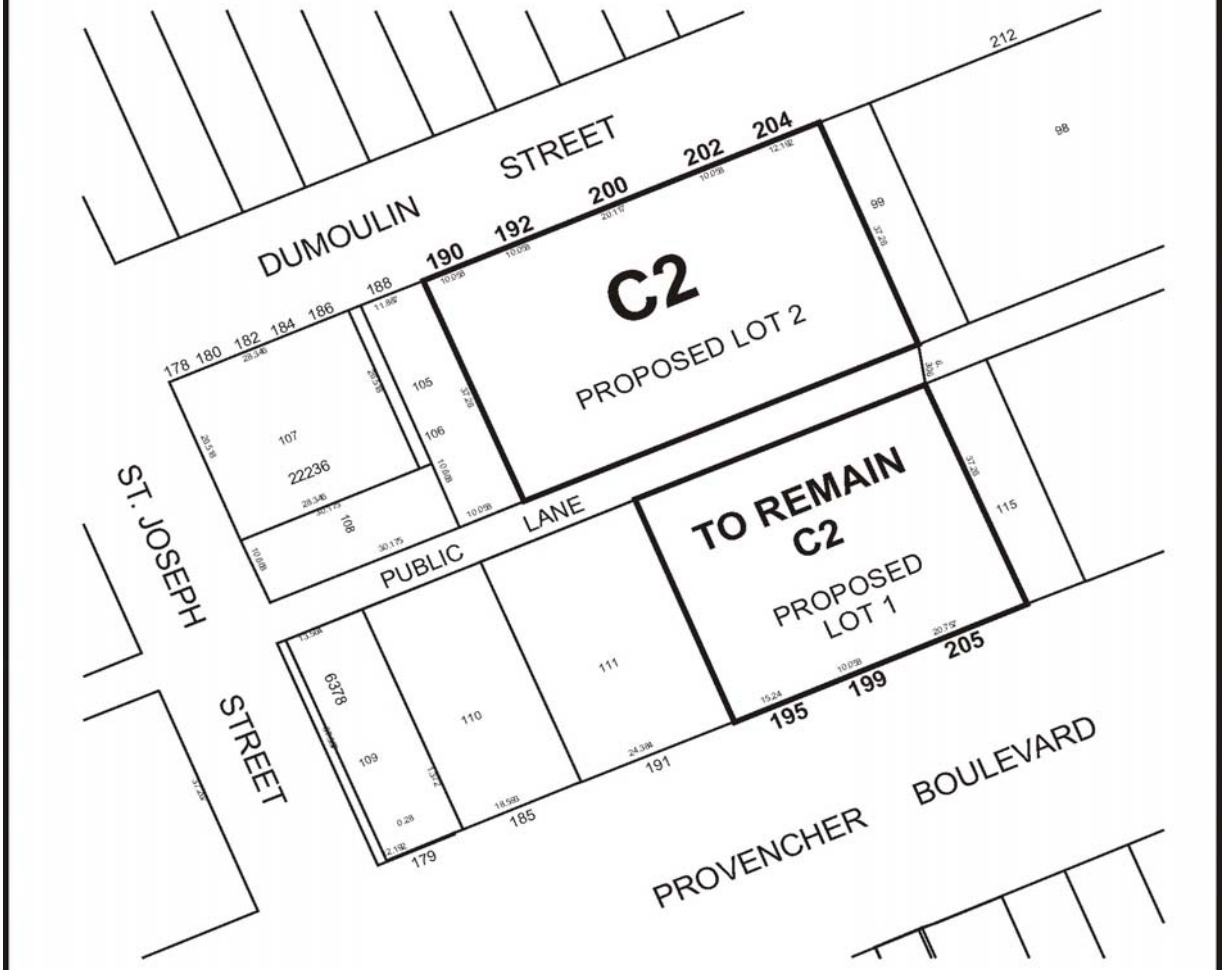
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 190-204 Dumoulin Street & 195-205 Provencher Boulevard from an "R1-M" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT as shown outlined below.

Atlas Sheet No.

N

Z26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” – Conditional Use Requested under Zoning By-law 200/2006.

For a Conditional Use under Zoning By-Law No. 200/2006 to permit the establishment of the following uses:

1) a non accessory parking area on proposed lot 2;

2) an accessory drive thru at a proposed personal service (Caisse) on proposed Lot 1

Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

