Agenda - Council - September 30, 2009

Report - Standing Policy Committee on Property and Development – September 8, 2009

Item No. 4 Subdivision and Rezoning – 407 and 433 Youville Street (St. Boniface Ward) File DASZ 25/2008

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation 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 25/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 11, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Coordinating Group dated July 3, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2008 dated June 11, 2009, to an "R1-S" Residential Single Family District.

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 matter is not proceeded with expeditiously and the by-law is not passed 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.

Report - Standing Policy Committee on Property and Development – September 8, 2009

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing 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.

9. 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.

10. 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.

Report - Standing Policy Committee on Property and Development – September 8, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 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 September 8, 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 July 13, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and/or Rezoning – 407 and 433 Youville Street**
File DASZ 25/2008 [c/r DAV 111548/2009D]

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

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

Report date: **July 14, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 25/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 11, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Coordinating Group dated July 3, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2008 dated June 11, 2009, to an "R1-S" Residential Single Family District.

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 matter is not proceeded with expeditiously and the by-law is not passed 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 Servicing 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.

9. 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.

10. 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.

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 June 11, 2009.

PUBLIC HEARING SUMMARY

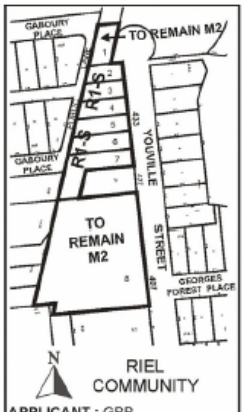
File: DASZ 25/2008 [c/r DAV 111548/2009D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: July 13, 2009
Council Chamber, Council Building, 510 Main Street

Applicant: GPP Architecture Inc. (Guy Prefontaine)

Subject:



APPLICANT : GPP ARCHITECTURE INC.
FILE : DASZ 25/08
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. 200/2006 by rezoning the land shown outlined above from an "M2" MANUFACTURING GENERAL DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for future development of single family dwellings. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : GPP ARCHITECTURE INC.
N° DE RÉFÉRENCE : DALZ 25/08
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie M2 (SECTEUR MANUFACTURIER GÉNÉRAL) à la catégorie R1-S (SECTEUR D'HABITATIONS UNIFAMILIALES) afin de permettre l'aménagement futur d'habitations unifamiliales. **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 407 and 433 Youville Street

Exhibits Filed:

1. Application dated May 12, 2009
2. Notification of Public Hearing dated May 26, 2009
3. Manitoba Status of Titles 1587968, 2092900 and 2092903
4. Letter of authorization dated January 17, 2007 from Riverside Developments Ltd. and A and S Builders Limited to 4062434 Manitoba Inc.
5. Letter of authorization dated May 13, 2008 from Riverside Developments Ltd. and A and S Builders Limited to 4062434 Manitoba Inc.
6. Surveyor's Building Location Certificate and sketch dated May 15, 2007, March 23 and April 6, 2009
7. Report from the Planning and Land Use Division dated June 11, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on July 13, 2009

REPRESENTATIONS:

In Support:

Guy Prefontaine
Tom Standing

In Opposition

David Dandenault, Président, Corporation de Développement de Saint-Boniface

For Information:

Ronald Mestdagh
Monique Mulaire

For the City:

Mr. K. Kowalke, Planner, Planning, Property and Development Department
Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 25/2008 [c/r DAV 111548/2009D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 25/2008 407 & 433 Youville Street and parts of the rear closed railway right-of–way REVISED

Critical Path: RIEL Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
Kevin Lalor Senior Planner			

RECOMMENDATIONS

The Planning and Land Use Division recommends:

1. That the plan of subdivision under File DASZ 25/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 11, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Coordinating Group dated July 3, 2009.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2008 dated June 11, 2009, to a "R1-S" Residential Single Family District.

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 matter is not proceeded with expeditiously and the by-law is not passed 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 Servicing 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.

9. 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.

10. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

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	Kevin Lalor
Date:	June 11, 2009
File No.	DASZ 25/2008

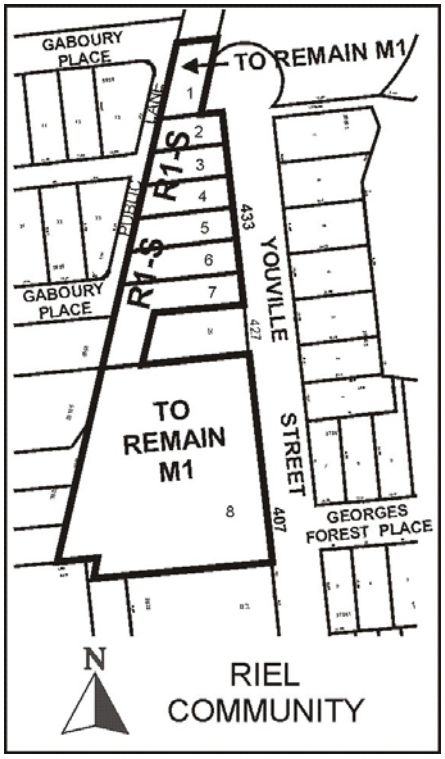
APPENDIX 'A'

FILE: DASZ 25/2008
RELATED FILES: DAV 09 111548
COMMUNITY: RIEL Community
NEIGHBOURHOOD #: 5. 502

SUBJECT: To create three parcels of land, two of which will remain vacant and zoned " M2" Industrial and the third is to be rezoned to a " R1-S" Single Family Residential classification to accommodate a six single family housing lots.

LOCATION: 407 & 433 Youville Street and parts of the rear closed railway right-of –way.

LEGAL DESCRIPTION: Lot 11, Plan 20105, Lot 12, Plan 20105



APPLICANT: GGP Architecture Inc.

OWNER: 4062434 Manitoba Inc.

SITE DESCRIPTION:

The subject property lies at the north end of Rue Youville and east of Gaboury Place in Central St. Boniface. A portion of the land formed part of what was once an operational railway right-of – way but the rails were removed years ago. The rail lands, which were fifty feet in width, were recently sold to a developer and more or less incorporated into the adjoining existing parcels - which constitute the basis for this application. In the last ten years, single family housing development has occurred along the east side of Rue Youville and a thirty-six (36 unit) condo complex has also been approved for the north end of the dead - end street. The twenty four single family lots along Place Georges Forest and Rue Youville are zoned “R1-M” Residential and the approved condo complex is zoned “RMF-S” Multiple Family. Lands abutting the Seine River are all zoned “PR-1” Parks and Recreation. To the immediate west along Place Gaboury is a single family housing enclave based on the Radburn design and zoned “R2” Residential. To the north and south of the aforementioned housing are a range of industrial businesses (of varying sizes) zoned “M1” Industrial Manufacturing. Although there exists a broad mix of aging zoned industrial businesses between Rue Des Meurons and the Seine River, the area is designated as a Neighbourhood Policy Area under Plan Winnipeg.

BACKGROUND:

Over the past fifteen years, there have been several attempts to purchase and consolidate existing industrial properties in the Rue Youville area and convert to residential development. In some cases that has been successful, particularly with the development of single family housing Place Georges Forest and the west side of Rue Youville. Early efforts to promote and establish multiple family development along the west side of Rue Youville were often unsuccessful because i) there was an inability to assemble enough land with enough depth to actually make projects viable and ii) proposed project densities and building heights were out of scale with the neighbourhood and not compatible with the existing infrastructure. The recent acquisition and consolidation of the abandoned railway rights-of-way with existing properties along Rue Youville has addressed the original aforementioned problem. And ongoing consultation with the community and a more acute awareness of their position on acceptable densities for new housing development has addressed the second and is reflected in the subject application.

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

There are eight lots being created as a result of the proposed subdivision. Lots 1 & 8 are to remain zoned “M1” Industrial for the time being for different reasons; lot 1 is oddly configured and does not appear to be an appropriate site for single family development at this time; lot 8 will likely be rezoned and developed as either single family or low to medium multiple family development if and when a purchaser is eventually identified. When that occurs, the local neighbourhood resident association, L’Association des Residents du Vieux Saint- Boniface will be consulted, as part of the approval process. Proposed lots 2-7, which range in size from 3813 sq. ft. to 10,349 sq. ft. are being rezoned to a “ R1-S” Single Family housing category and will be , on average, compatible in size with existing lots east of Rue Youville. Most lots in the existing subdivision range in size from 5000 sq. ft. to 6000 sq. ft. It is anticipated that all of the proposed new single family lots will have front approaches onto Rue Youville. It should be

noted, that in the event that the private lot currently sited in between proposed lots 7 & 8 (a vehicle servicing business), is sold and rezoned for single family development, that portion of proposed lot 7 directly behind the private could be acquired and consolidated in order to add greater depth to any proposed new lots.

ANALYSIS:

Step 1 in the redevelopment of the zoned industrial lands west of Rue Youville and north of Rue Bertrand is the conversion of the subject properties to a single family category. It is the highest and best land use for the area identified as proposed lots 1 through 7 and is consistent with development already in place on the east side of Rue Youville and along Place Gaboury immediately adjacent to the west. A full range of improved services (land drainage sewer, waste water sewer & water mains) are in place along Rue Youville. Although a slow and arduous process, it has always been the stated objective of the local resident's association and the City's administration to replace, over time, much of the existing industrially zoned land, in this area, with appropriate residential development. That has been happening slowly along Rue Bertrand and Rue Youville and is in accordance with Plan Winnipeg which classifies all of the lands west of the Seine River as a Neighbourhood Policy Area. Step 2, in this process will involve the eventual rezoning and possible subdivision of proposed lot 8, which hopefully will also be of a density and design which is compatible with the adjoining neighbourhood.

RECOMMENDATION:

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

- The area falls within a designated Neighbourhood Policy area under Plan Winnipeg.
- The consolidation and residential rezoning will allow for the continued removal of industrially zoned land and its replacement with compatible residential housing.
- A full range of improved services is in place to facilitate low to medium residential development.



Figure 1: Air Photo of subject property and Surrounding Context.

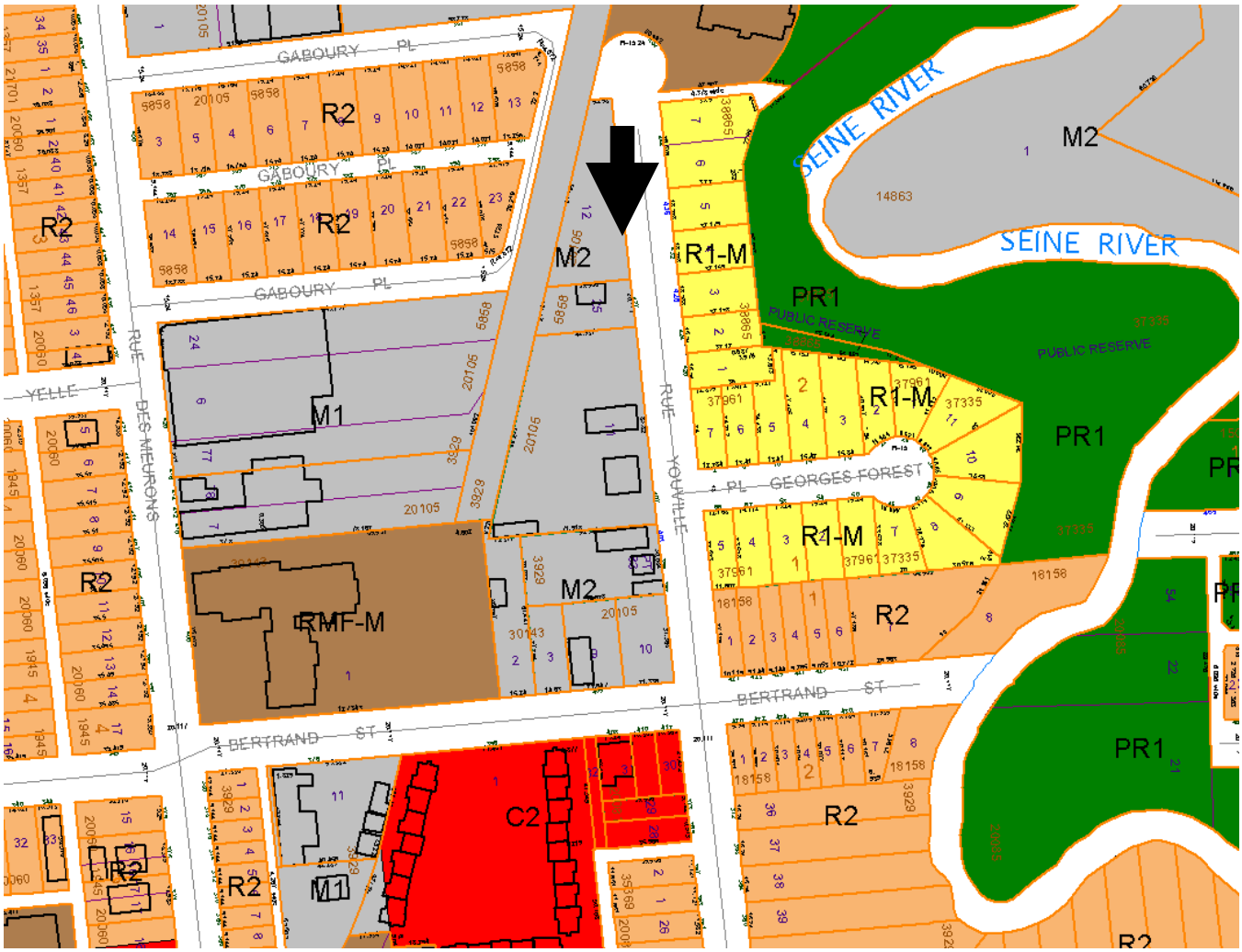


Figure 2: Zoning Map of subject property and Surrounding Context.

SCHEDULE 'A' to the report to the Riel Community Committee for File DASZ 25/2008, dated June 11, 2009.

By–Law No. _____

File No. **DASZ 25/08**

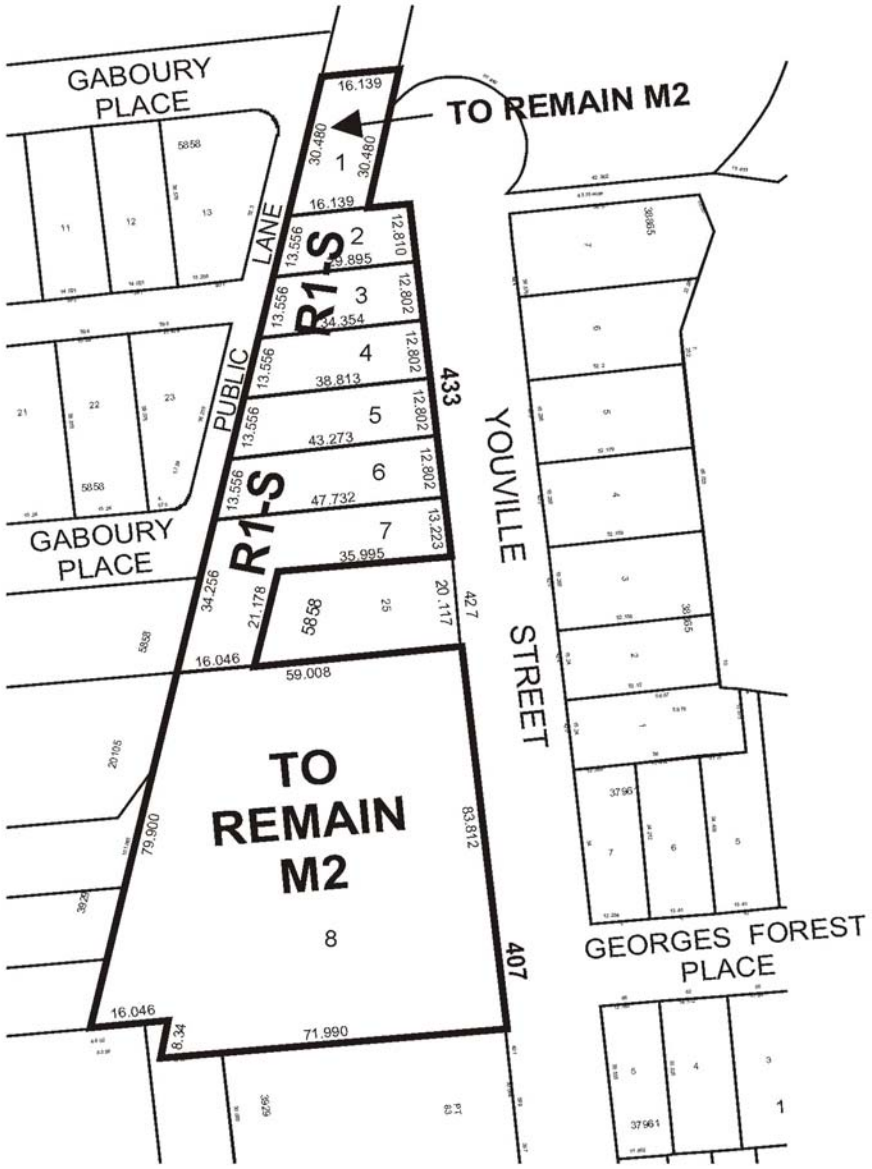
Atlas Sheet No.

N

AA27
RIEL
COMMUNITY

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 407 & 433 Youville Street from an "M2" MANUFACTURING GENERAL DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to allow for future development of single family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF 407 AND 433 YOUVILLE STREET AND RAILWAY RIGHT-OF-WAY - DASZ 25/08

GPP Architecture has submitted an application to subdivide and re-zone land on the west side of Youville Street, north of Georges Forest Place, comprising #407 and #433 Youville Street, as well as some former railway right-of-way.

It is recommended that the approval of DASZ 25/08 be subject to the applicant's entering into a Servicing Agreement with the City of Winnipeg, containing the following:

1. The Developer shall pay its share of the services installed by others, under Development Agreement AG 11/92, in Youville Street, based on the other Developer's costs, as certified by the Directors of Public Works and Water & Waste.

2. The Developer shall pay the Seine River land acquisition charge ($145 per acre).

3. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, and shall grant all easements and construct all catchbasins, leads, and swales necessitated by the design.

4. The Developer shall, at no expense to the City, construct all lot-line connections required to service the proposed development.

5. The Developer shall, at no expense to the City, sod the boulevard and plant trees in Youville Street in front of the proposed lots, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

6. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision, to the satisfaction of the Director of Public Works.

7. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

8. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

9. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall pay $1,200.00 plus GST per acre to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 25/08
July 3, 2009

S. M. Matile, P. Eng., Chair
Land Development Branch

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

Z. Bodiroga, P. Eng.
Water & Waste Department

/sm