Agenda - Council – May 19, 2010

Report - Standing Policy Committee on Property and Development – May 4, 2010

Item No. 7 Subdivision and Rezoning - 397-401 Youville Street
(St. Boniface Ward)
File DASZ 41/2009

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2010, 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 41/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2009 dated March 31, 2010, for 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 March 31, 2010.

2. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2009 dated March 31, 2010, to an "R1-S" Residential Single-Family District and an "RMF-S" Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of The City of Winnipeg Charter for the lands zoned "RMF-S" Residential Multi-Family Small to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Riel Community Committee and 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;

Report - Standing Policy Committee on Property and Development – May 4, 2010

ii. The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of Proposed Lot 2 and Proposed Lot 3 so as to ensure access to the subject lots at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That a ten percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development – May 4, 2010

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the City Solicitor/Manager of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – May 4, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2010, 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 4, 2010, 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 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On March 15, 2010, the Riel Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on Tuesday, April 13, 2010 at 5:00 p.m., in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning– 397-401 Youville Street**
File DASZ 41/2009 [c/r DAV 102109/2010D]

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

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

Report date: **April 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee / and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 41/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/2009 dated March 31, 2010, for 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 March 31, 2010.

2. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2009 dated March 31, 2010, to an "R1-S" Residential Single-Family District and an "RMF-S" Multi-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of The City of Winnipeg Charter for the lands zoned "RMF-S" Residential Multi-Family Small to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Riel Community Committee and 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;

ii. The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of Proposed Lot 2 and Proposed Lot 3 so as to ensure access to the subject lots at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That a ten percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the City Solicitor/Manager of Legal Services be requested to do all thing 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 March 31, 2010.

PUBLIC HEARING SUMMARY

File: DASZ 41/2009 [c/r DAV 102109/2010D]

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

Public Hearing: April 13, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: 5907668 Manitoba Ltd. (Denis Ferland)

Subject:



Premises Affected: 397-401 Youville Street

Exhibits Filed:

1. Application dated January 14, 2010
2. Notification of Public Hearing dated January 21, 2010
3. Manitoba Status of Title 3849717
4. Letter of authorization dated January 11, 2010 from Lloyd and Helga Sampson to Denis Ferland
5. Surveyor's Building Location Certificate and sketch dated December 23, 2009
6. Plan
7. Report from the Planning and Land Use Division dated February 25, 2010
8. Revised Plan dated March 2, 2010
9. Inspection Report
10. Revised Plan
11. Notice of Adjournment dated March 16, 2010
12. Revised Report from the Planning and Land Use Division dated March 31, 2010
13. Audio Recording of representations of public hearing held on April 13, 2010

REPRESENTATIONS:

In Support:

Denis Ferland
Tony Sampson

In Opposition:

Jules Chartier

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 41/2009 [c/r DAV 102109/2010D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 41/09 397 Youville Street Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 41/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/2009 dated March 31, 2010, for 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 March 31, 2010.

2. That the City of Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2009 dated March 31, 2010, to an "R1-S" Residential Single-Family District and an "RMF-S" Multi-Family District, subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 240 (1) of *The City of Winnipeg Charter* for the lands zoned "RMF-S" Residential Multi-Family Small to include the following conditions:

      i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Riel Community Committee and 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;

ii. The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of Proposed Lot 2 and Proposed Lot 3 so as to ensure access to the subject lots at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the City Solicitor/Manager of Legal Services be requested to do all thing 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	Robert Kostiuk
Date:	March 31, 2010
File No.	DASZ 41/09

Appendix A	Administrative Report
Appendix B	Schedule “A”
Appendix C	Schedule “B”

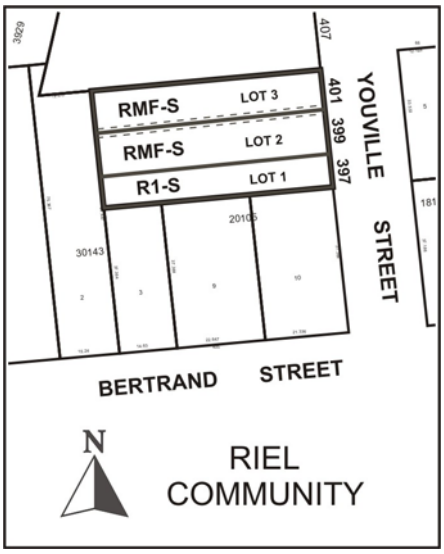
APPENDIX 'A'

DATE: March 31, 2010
FILE: DASZ 41/09
RELATED FILES: DAV 10-102109/D
COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: The applicant is proposing to create three (3) lots and to rezone Proposed Lot 1 to "R1-S" Residential Single Family Small District and Proposed Lots 2 and 3 to "RMF-S" Residential Multiple-Family Small District from "M2" Manufacturing General District.

LOCATION: 397 Youville Street

LEGAL DESCRIPTION: EXC PL 30143 LOT 83 PLAN 3929 79/80 ST B



APPLICANT: 5907668 Manitoba Limited (Denis Ferland, c/o Remax Performance Realty)
942 St. Mary's Road
Winnipeg MB R2M 3R5

OWNER: 5907668 Manitoba Limited (Denis Ferland, c/o Remax Performance Realty)
942 St. Mary's Road
Winnipeg MB R2M 3R5

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY:

- The applicant would like to subdivide the subject property into three (3) separate lots and rezone the lots to “R1-S” Residential Single Family Small (Proposed Lot 1) and “RMF-S” Residential Multi-Family Small (Proposed Lots 2 and 3).
- The proposed subdivision and rezoning requires variances.
- An eight (8) foot wide easement is proposed between Lots 2 and 3 to provide for vehicular access.
- The applicant is not planning to alter the existing single-family home on Proposed Lot 1 or the existing three-unit development on Proposed Lot 2.
- The applicant is planning to convert the existing commercial building on Proposed Lot 3 into a six (6) unit multi-family dwelling.
- The subject property is located within *Plan Winnipeg 2020*’s Neighbourhood Policy Area, but the property is zoned “M2 “Manufacturing General.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area.
- The Planning and Land Use Division supports this application because:
    - The area is designated Neighbourhood Policy area under *Plan Winnipeg 2020*.
    - The City of Winnipeg has supported the transition of this neighbourhood from manufacturing to residential in past applications.
    - The proposed subdivision and rezoning is compatible with many of the surrounding properties, which have transitioned from manufacturing to residential zoning designations.

SITE DESCRIPTION

- The subject property is located on the west side of Youville Street, approximately 145 feet (44 metres) north of the Youville Street and Bertrand Avenue intersection.
- The property is within the Central St. Boniface neighbourhood of the St. Boniface Ward and is approximately **19,000 square feet in area (1,765.1 square metres)**.
- There are three separate buildings with street addresses on the property: a one storey single-family detached home that was originally built in 1910 (at the southern extent, 397 Youville Street); a two-and-a-half storey, three dwelling building that was originally built in 1929 (399 Youville Street), and a two storey building - used for commercial purposes - that was built in 1950 (401 Youville Street).
- All of these buildings were developed prior to the *St. Boniface Town Planning Scheme*, which took effect on September 9, 1958. Currently, the property is within Plan Winnipeg’s Neighbourhood Policy Area and is zoned **“M2” Manufacturing General.**



Figure 1: Air photo of the subject property and surrounding area (2009 air photo).

North: An industrial site zoned “M2” Manufacturing General.

South: A gravestone manufacturer (Brunet Monuments) zoned “M2” Manufacturing General and two vacant lots also zoned “M2” Manufacturing General.

East: Single-family homes zoned “R1-M” Residential Single-Family Medium along Place Georges Forest, and “R2” Residential Two-Family along Bertrand Street.

West: A vacant lot to the immediate west of the subject property, then a six-storey, multi-family development zoned “RMF-M” Residential Multi-Family Medium.

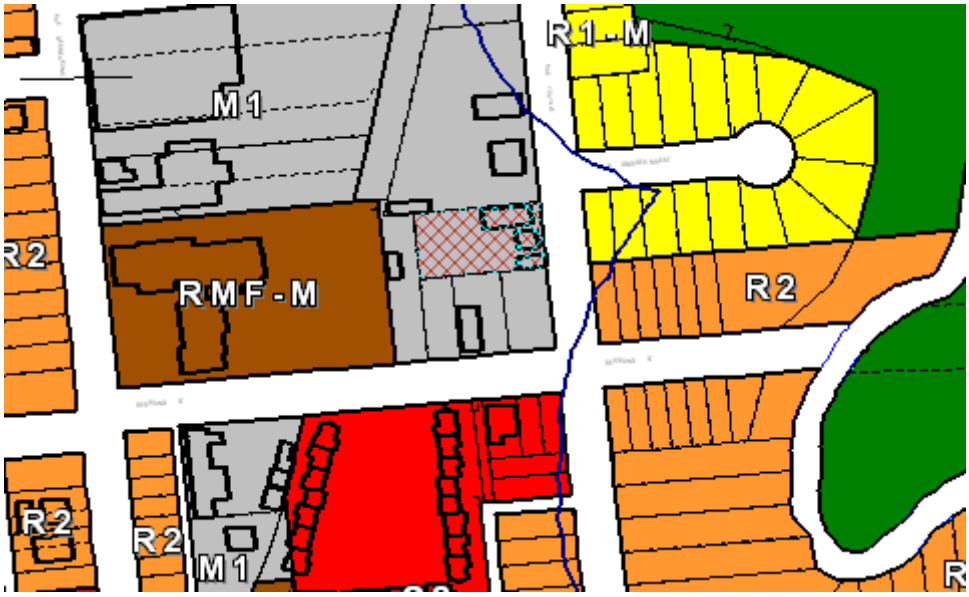


Figure 2: Existing zoning of the subject property and surrounding area.

BACKGROUND

- The original proposed lot configuration resulted in the development of a flag lot type of configuration for Lot 3. Flag lots are prohibited unless the lands proposed for flag lot access are in an "R1" or "R2" zoning district (Section 140(4) of Zoning By-Law 200/2006). Further, the creation of a flag lot could result in the development of a multi-family dwelling at the rear of the Proposed Lot 3, which would neither conform with the character of development throughout the rest of the neighbourhood, nor conform with planning objectives for neighbourhood design.
- The Planning and Land Use Division met with the applicant regarding this issue and discussed a preferred alternative subdivision lay-out.
- The preferred alternative subdivision lay-out – the current proposal for this application – results in the three lots being approximately equal in depth and eliminated the flag lot.
- The applicant agreed to resubmit the proposed subdivision showing the new preferred alternative. This preferred alternative subdivision did not result in an "up-zoning"; however, the alternative subdivision did result in changes to the variances.
- In accordance with Schedule "A" Site Posting Specifications of the *Development Procedures By-Law No. 5893/92*, the sign for a variance or conditional use application shall be posted no more than 21 or less than 14 days prior to the date of the first public hearing.
- The property had been posted with variances that were subject to change once the preferred alternative subdivision was submitted.
- The applicant did not have the opportunity to resubmit the preferred alternative subdivision site plans and post the subsequent new variances for the site in the required 14 days in advance of the March 15, 2010 Riel Community Committee Public Hearing, for which this application was scheduled. As such, the Planning and Land Use Division

recommended adjournment for this application to the April 13, 2010 Riel Public Hearing to allow for the proper posting of the variances for the revised subdivision application.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant would like to subdivide the subject property into three (3) separate lots and rezone the lots to "R1-S" Residential Single Family Small (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lots 2 and 3). The proposed lot areas are as follows:
    - Proposed Lot 1 (R1-S): 2,968.5 square feet (275.8 square metres)
    - Proposed Lot 2 (RMF-S) 6,866 square feet (637.85 square metres)
    - Proposed Lot 3 (RMF-S) 6,880 square feet (639.15 square metres)
- An eight (8) foot wide easement is proposed between Lots 2 and 3 to provide for vehicular access.
- The applicant is not planning to alter the existing single-family home on Proposed Lot 1 or the existing three-unit development on Proposed Lot 2.
- The applicant is planning to convert the existing commercial building on Proposed Lot 3 into a six (6) unit multi-family dwelling.
- Variances are required for all three proposed lots (see Land Use By-Law Issues and DAV 10-102109/D).

ANALYSIS

PLAN WINNIPEG COMPLIANCE

- The proposed subdivision and rezoning is located within *Plan Winnipeg 2020's* Neighbourhood Policy Area (Policy Plate "A") and therefore complies with the *Plan.*

ZONING (BY-LAW 200/2006)

- **"R1-S" Single-Family Residential District - Small** is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. The requirements for development are: minimum lot widths of 25 feet, minimum lot areas of 2,500 square feet, a front yard of 15 feet, side yards of 3 feet or 2 feet on one side and 4 feet on the other, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.
- **"RMF-S" Residential Multi-Family District - Small** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The requirements for development are: minimum lot areas of 9,000 square feet, a minimum lot area per dwelling unit of 1,250 square feet, a front yard of 20 feet, side yards of 4 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.
- **"M2" Manufacturing General District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. There is a minimum front yard of 25 feet, a maximum building height of 100 feet, and a maximum floor area ratio of 2.0.

LAND USE BY-LAW

Zoning

- The subject properties are currently zoned “M2” Manufacturing General. Residential development, including multi-family and single-family dwellings, are not permitted within the “M2” Manufacturing General District.
- Multi-family dwellings are permitted within the “RMF-S” Residential Multi-Family District and single-family dwellings are permitted within the “R1-S” Residential Single-Family District.
- The minimum lot area per dwelling unit in the RMF-S zone is one dwelling unit per 1,250 square feet of lot area. In accordance with this requirement, the total amount of dwelling units permitted on the proposed RMF-S lots are:

  Proposed Lot 2: 5 dwelling units (6,866 divided by 1,250 square feet)

  Proposed Lot 3: 6 dwelling units (6,880 divided by 1,250 square feet).

Variances

The proposed subdivision and rezoning requires the following variances:

Proposed Lot 1 (R1-S)

- The minimum required side yard in the R1-S zone is 3 feet. The applicant is proposing a south side yard of 0.6 feet.
- The Zoning By-Law permits side yard eave projections of 4 inches per foot in residential zones. The existing eave projects into the required south side yard by 0.6 feet, whereas the maximum permitted projection is 0.2 feet.

Proposed Lots 2 and 3 (RMF-S)

- The minimum required lot area in the RMF-S zone is 9,000 square feet. The applicant is proposing to establish lot areas of 6,866 square feet (proposed Lot 2) and 6,880 square feet (proposed Lot 3).
- The RMF-S zone requires a minimum side yard of 4 feet. With the proposed subdivision, the existing building on Lot 3 would have a substandard north side yard of 2.7 feet.
- The minimum permitted width of a driveway is 8 feet. The applicant is proposing to establish a shared driveway over Lots 2 and 3 with a total width of 8 feet (the driveway will be shared by means of a cross-access agreement over each property).

SITE DESIGN

- A cross-access agreement will be required to allow vehicular access to proposed Lots 2 and 3.
- Currently there is more than one principal dwelling on the subject lot. The City of Winnipeg Zoning By-Law 200/2006 does not permit more than one principal building on any zoning lot in the R1 zoning district, with the exception of an alternative development pattern (as prescribed in Section 140). The subdivision will result three separate lots for

each building, including a separate lot for the single-family dwelling that will be zoned R1-S.

COMPATIBILITY WITH THE EXISTING NEIGHBOURHOOD

- The subject property is located within *Plan Winnipeg 2020*'s Neighbourhood Policy Area, but the property is zoned "M2" Manufacturing General.
- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Notable subdivisions and/or rezonings that have been supported by the City of Winnipeg include:
    - DAZ 220/2007 (396 Bertrand Street), which resulted in a rezoning from M1 and M2 Industrial categories to an RM-L Residential district to allow for the construction of a twenty-unit residential complex. Within this report, the planner notes that "there has been a concerted effort to find ways to reduce the level of industrial lands in central and north St. Boniface, which are designated Neighbourhood Policy areas under Plan Winnipeg." "Any opportunity to replace incompatible industrial land with housing, should in our view, be strongly supported."
    - DAZ 202/1993 (400 Bertrand), resulted in a rezoning from M1 and M2 Light Industrial District to a "C3-B" Commercial Planned Building Group District under the *St. Boniface Town Planning Scheme* (1957). This rezoning allowed for the development of a 6 storey senior's housing complex that includes supporting commercial development. The site is currently zoned RMF-M.
    - DASZ 11/1992 (east side of Youville between Bertrand Street and Hamel Avenue and one area along Bertrand Street, west of Youville), resulted in a rezoning from "F" Floodplain District and "M2" Light Industrial District to a "PR" Park and Recreational District, "R1-3.5" One-Family District, "R2-T" Two-Family Transitional District, and an "R4B-Three" Planned Building Group District under the *St. Boniface Town Planning Scheme* (1957). The area is now comprised of single-family homes and a 4-storey, multi-unit condominium development. The current zoning is R1-M (single-family homes), RMF-S (condominium) and PR1 (area between the single-family homes and the Seine River).

SERVICING AGREEMENT

- A servicing agreement is required for this subdivision and rezoning.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of lands is not less than 10%.

- The developer will provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- Planning, Property and Development are requesting ‘cash in lieu’ for this application.

RECOMMENDATION

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

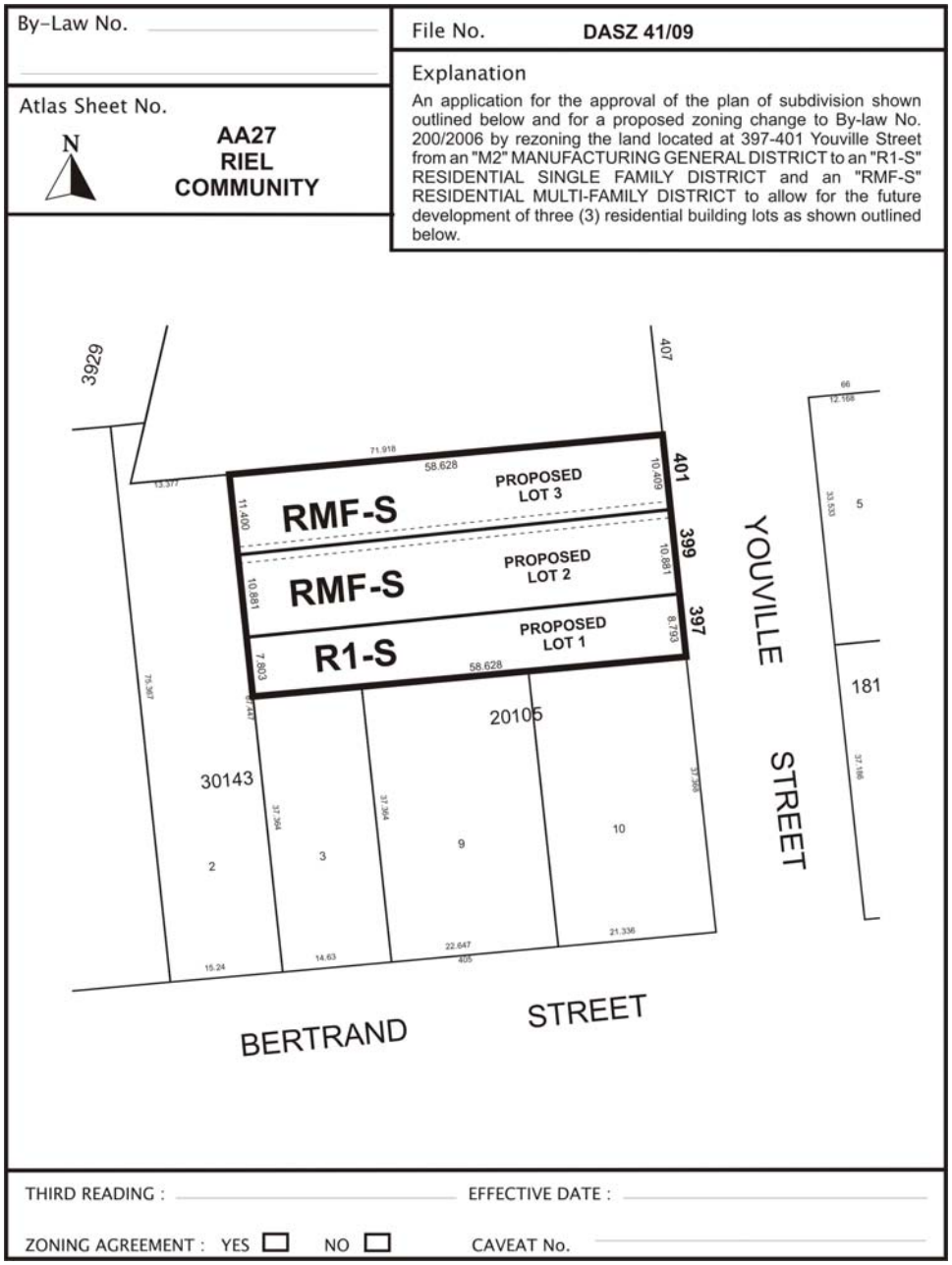
- The area is designated Neighbourhood Policy area under *Plan Winnipeg 2020*.
- The City of Winnipeg has supported the transition of this neighbourhood from manufacturing to residential in past applications.
- The proposed subdivision and rezoning is compatible with many of the surrounding properties, which have transitioned from manufacturing to residential zoning designations.

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

Report Prepared by: Robert Kostiuk
PPD File # DASZ 41/09

APPENDIX 'B'

Schedule "**A**" for File No. DASZ 41/2009, Riel Community Committee, dated March 31, 2010.



APPENDIX 'C'

Schedule "B" Report of the Administrative Coordinating Group regarding the Proposed Subdivision and Rezoning of Land at 397-401 Youville Street, dated March 31, 2010.

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 397- 401 YOUVILLE STREET – DASZ 41/09

It is recommended that the approval of DASZ 41/09 be subject to the following:

A. Access Considerations

If Lots 2 and 3 are to "share" an access, the owners entering into a private cross-access agreement.

B. Servicing Agreement

The Applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall pay its share of the services installed in Youville Street by others under Development Agreement AG 11/92.

2. The Developer shall, at no expense to the City, sod the boulevard and plant a tree in front of each of the three lots, all in accordance with City landscaping specifications, and all to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year, to the satisfaction of the Director of Public Works.

4. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to 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 41/09
March 31, 2010

"original signed by S. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department

/sm

Exhibit "7" referred to in File DASZ 41/2009 [c/r DAV 102109/2010D]

ADMINISTRATIVE REPORT

ISSUE: DASZ 41/09 397 Youville Street Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

That the subdivision and rezoning for File DASZ 41/2009 be adjourned to the next scheduled Riel Community Committee public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

The adjournment will allow the applicant to resubmit the preferred alternative subdivision site plans and allow for the proper posting of the variances for the revised subdivision application.

In 2008, a change to the Development Procedures By-Law (By-Law 223/2007) came into effect that stated, *where a public hearing… is scheduled before a community committee, the hearing must not be*
adjourned or laid over to a date later than the second regularly scheduled meeting of that committee after the meeting at which the hearing is first scheduled.

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	Robert Kostiuk
Date:	February 25, 2010
File No.	DASZ 41/09

Appendix A Administrative Report

APPENDIX 'A'

DATE: February 25, 2010
FILE: DASZ 41/09
RELATED FILES: DAV 10-102109/D
COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: The applicant is proposing to create three (3) lots and to rezone Proposed Lot 1 to "R1-S" Residential Single Family Small District and Proposed Lots 2 and 3 to "RMF-S" Residential Multiple-Family Small District from "M2" Manufacturing General District.

LOCATION: 397 Youville Street

LEGAL DESCRIPTION: EXC PL 30143 LOT 83 PLAN 3929 79/80 ST B

APPLICANT: 5907668 Manitoba Limited (Denis Ferland, c/o Remax Performance Realty)
942 St. Mary's Road
Winnipeg MB R2M 3R5

OWNER: 5907668 Manitoba Limited (Denis Ferland, c/o Remax Performance Realty)
942 St. Mary's Road
Winnipeg MB R2M 3R5

RECOMMENDATION: Adjournment

REPORT SUMMARY:

- The applicant would like to subdivide the subject property into three (3) separate lots and rezone the lots to "R1-S" Residential Single Family Small (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lots 2 and 3).
- The proposed subdivision and rezoning requires variances.
- The proposed lot configuration results in the development of a flag lot for Lot 3. Flag lots are prohibited unless the lands proposed for flag lot access are in an "R1" or "R2" zoning district (Section 140(4) of Zoning By-Law 200/2006). Further, the creation of a flag lot could result in the development of a multi-family dwelling at the rear of the Proposed Lot 3, which would neither conform with the character of development throughout the rest of the neighbourhood, nor conform with planning objectives for neighbourhood design.
- The Planning and Land Use Division has met with the applicant regarding this issue and has discussed a preferred alternative subdivision lay-out.

- The preferred alternative subdivision lay-out would result in the three lots being approximately equal in depth and would eliminate the flag lot.
- The applicant has agreed to resubmit the proposed subdivision showing the new preferred alternative. This preferred alternative subdivision does not result in an "up-zoning;" however, the alternative subdivision will result in changes to the variances.
- In accordance with Schedule "A" Site Posting Specifications of the *Development Procedures By-Law No. 5893/92*, the sign for a variance or conditional use application shall be posted no more than 21 or less than 14 days prior to the date of the first public hearing.
- The property has been posted with variances that are subject to change once the preferred alternative subdivision is submitted.
- The applicant has not had the opportunity to resubmit the preferred alternative subdivision site plans and post the subsequent new variances for the site in advance of the required 14 days prior to the public hearing. As such, the Planning and Land Use Division is recommending that this public hearing be laid over or adjourned to allow for the proper posting of the variances for the revised subdivision application.
- The Public Service recommends that this application be laid over until the next Riel Community Committee meeting, which takes place on April 13, 2010.

SITE DESCRIPTION

The subject property is located on the west side of Youville Street, approximately 145 feet (44 metres) north of the Youville Street and Bertrand Avenue intersection. The property is within the Central St. Boniface neighbourhood of the St. Boniface Ward and is approximately **19,000 square feet in area (1,765.1 square metres)**.

There are three separate buildings with street addresses on the property: a one storey single-family detached home that was originally built in 1910 (at the southern extent, 397 Youville Street); a two-and-a-half storey, three dwelling building that was originally built in 1929 (399 Youville Street), and a two storey building - used for commercial purposes - that was built in 1950 (401 Youville Street). All of these buildings were developed prior to the *St. Boniface Town Planning Scheme*, which took effect on September 9, 1958. Currently, the property is within Plan Winnipeg's Neighbourhood Policy Area and is zoned **"M2" Manufacturing General.**



Figure 1: Air photo of the subject property and surrounding area (2009 air photo).

North: An industrial site zoned “M2” Manufacturing General.

South: A gravestone manufacturer (Brunet Monuments) zoned “M2” Manufacturing General and two vacant lots also zoned “M2” Manufacturing General.

East: Single-family homes zoned “R1-M” Residential Single-Family Medium along Place Georges Forest, and “R2” Residential Two-Family along Bertrand Street.

West: A vacant lot to the immediate west of the subject property, then a six-storey, multi-family development zoned “RMF-M” Residential Multi-Family Medium.

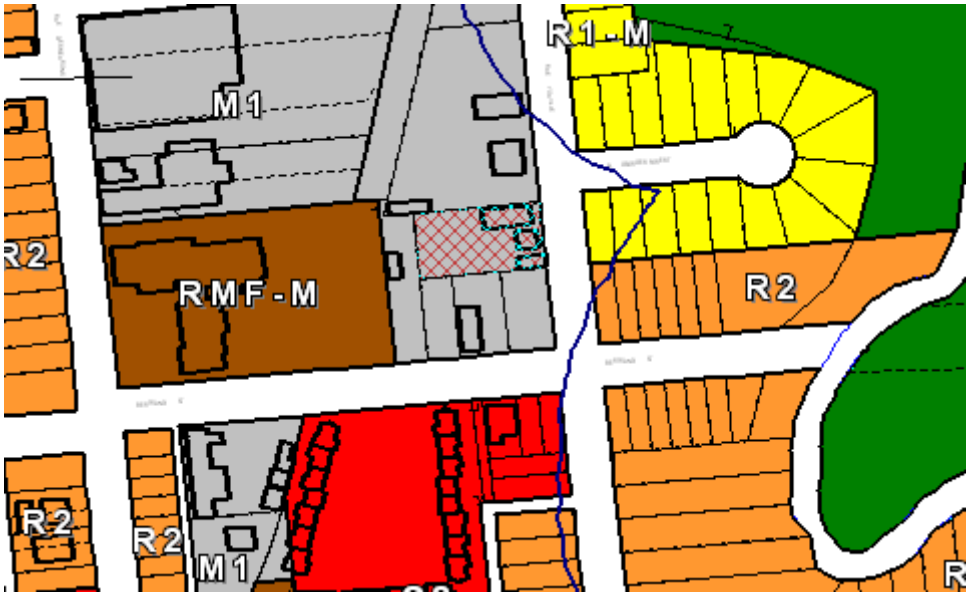


Figure 2: Existing zoning of the subject property and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant would like to subdivide the subject property into three (3) separate lots and rezone the lots to "R1-S" Residential Single Family Small (Proposed Lot 1) and "RMF-S" Residential Multi-Family Small (Proposed Lots 2 and 3). The proposed lot sizes are as follows:

Proposed Lot 1 (R1-S):	2,968.5 square feet (275.8 square metres)
Proposed Lot 2 (RMF-S)	3,784.2 square feet (351.6 square metres)
Proposed Lot 3 (RMF-S)	12,231.3 square feet (1,136.9 square metres)

An eight (8) foot wide easement is proposed between Lots 2 and 3 to provide for vehicular access. The applicant is not planning to alter the existing single-family home on Proposed Lot 1 or the existing three-unit development on Proposed Lot 2; however, the applicant is planning to convert the existing commercial building on Proposed Lot 3 into a six (6) unit multi-family dwelling. Variances are required for all three proposed lots (see Land Use By-Law Issues and DAV 10-102109/D).

SERVICING AGREEMENT

- A servicing agreement is required for this subdivision and rezoning. The servicing agreement will be included in the updated report for the April 13, 2010 Riel Community Committee public hearing.

RECOMMENDATION

The Planning and Land Use Division recommends **adjournment** for the following reason:

- The Planning and Land Use Division requires changes to the proposed subdivision application.
- The applicant has not had the opportunity to resubmit the updated site plans and post the subsequent new variances for the site in advance of the required 14 days prior to the public hearing.

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

Report Prepared by: Robert Kostiuk
PPD File # DASZ 41/09