Minute No. 367
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 7 **Subdivision and Rezoning – 755 St. Jean Baptiste Street (St. Boniface Ward) File DASZ 1/2011 [c/r DAC 4/2011]**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 1/2011 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2011 dated March 21, 2011 with such minor changes as may be required and 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 the report of the Administrative Coordinating Group dated March 21, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 1/2011 dated March 21, 2011 to an "R1-M" Residential Single-Family 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 no principal building or portion of a principal building shall be constructed on Parcel E;

        ii. That final plans showing the location and design of any proposed building, structure, landscaping, fencing, accessory parking areas, and/or garbage enclosures shall be submitted to the Director of Planning, Property and Development and the Riel Community Committee for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – May 10, 2011

COUNCIL DECISION (continued):

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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 two years 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 the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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 zoning section of the by-law shall come into force and effect when the Plan of Survey has been registered in the Winnipeg Land Titles Office

10. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development – May 10, 2011

COUNCIL DECISION (continued):

12. That the Director of Legal Services and City Solicitor 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 – May 10, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2011, 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 10, 2011, 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 18, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Add the following to the end of Recommendation 2, namely:

  "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 no principal building or portion of a principal building shall be constructed on Parcel E;

Report - Standing Policy Committee on Property and Development – May 10, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

ii. That final plans showing the location and design of any proposed building, structure, landscaping, fencing, accessory parking areas, and/or garbage enclosures shall be submitted to the Director of Planning, Property and Development and the Riel Community Committee for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development."

- Add the following Recommendation 8, namely:

"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,"

and renumber the remaining Recommendations accordingly,

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

RE: **Subdivision and Rezoning – 755 St. Jean Baptiste Street**
File DASZ 1/2011 [c/r DAC 4/2011]

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

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

Report date: **April 19, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 18, 2011, 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 plan of subdivision proposed under File DASZ 1/2011 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2011 dated March 21, 2011 with such minor changes as may be required and 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 the report of the Administrative Coordinating Group dated March 21, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 1/2011 dated March 21, 2011 to an "R1-M" Residential Single-Family 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 no principal building or portion of a principal building shall be constructed on Parcel E;

        ii. That final plans showing the location and design of any proposed building, structure, landscaping, fencing, accessory parking areas, and/or garbage enclosures shall be submitted to the Director of Planning, Property and Development and the Riel Community Committee for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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 two years 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 the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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.

~~***8***~~. 9. That the zoning section of the by-law shall come into force and effect when the Plan of Survey has been registered in the Winnipeg Land Titles Office

~~***9.***~~ 10. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

~~***10.***~~ 11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

~~***11.***~~ 12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated March 2, 2011.

PUBLIC HEARING SUMMARY

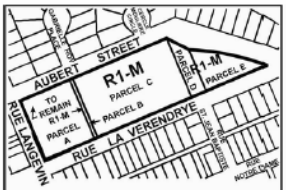
File: DASZ 1/2011 [c/r DAC 4/2011]

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

Public Hearing: April 18, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Aikins, Macaulay and Thorvaldson LLP (Robert Tyler)

Subject:



RIEL COMMUNITY

APPLICANT : AIKINS, MACAULAY & THORVALDSON LLP
FILE : DASZ 1/11
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 "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "M1" MANUFACTURING LIGHT DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : AIKINS, MACAULAY & THORVALDSON LLP
N° DE RÉFÉRENCE : DALZ 1/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES) et M1 (SECTEUR MANUFACTURIER LÉGER) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 755 St. Jean Baptiste Street

Exhibits Filed:

1. Application dated February 1, 2011
2. Notification of Public Hearing dated March 2, 2011
3. Manitoba Status of Title 1993127
4. Title Search 1353494
5. Letter of authorization dated December 20, 2011 from Division Scolaire Franco-Manitobaine to Aikins, MacAulay and Thorvaldson LLP
6. Air Photo
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated March 2, 2011
9. Inspection Report

REPRESENTATIONS:

In Support:

Serge Bisson
Brian Szklarczuk
Robert Tyler

In Opposition:

Nil

For Information:

Denis Dufault
Regis Gosselin
Dave and Heather Paterson

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 1/2011

ADMINISTRATIVE REPORT

Title: DASZ 1/2011 – 755 Rue St. Jean Baptiste Public Hearing

Issue: For consideration at the Public Hearing for a plan of survey to create parcels A – E through a subdivision application and to rezone the M1 portions of the site to R1-M.

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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of survey proposed under File DASZ 1/11 be approved for preparation as a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/11 dated March 21, 2011 with such minor changes as may be required, and 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 the report of the Administrative Coordinating Group dated March 21, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 1/11 dated March 21, 2011 to an "R1-M" Residential Single-Family District.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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 two years 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 the two-year period and Council approves the extension.
6. That the Director of Legal Services and City Solicitor 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 Survey has been registered in the Winnipeg Land Titles Office
9. That the plan of survey shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.
10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing a plan of survey to create parcels A – E (which includes the proposed road closing) through the subdivision application and to rezone the M1 portions of the site to R1-M.
- The applicant explains that the owner, Division Scolaire Franco-Manitobaine, does not have plans for the site at this time. In all likelihood a large portion of the site will be used for the expansion of the school yard for Ecole Tache, which is an elementary school.
- The applicant also states that future uses on the site may also include a junior high school and possibly a daycare centre.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the M1 portions of the site will be rezoned to R1-M and the plan of survey to create parcels A – E will be permitted through the subdivision application.

HISTORY

DAZ 219/05

- In 2005, the applicant applied to rezone the same M1 lots as within the subject application (DASZ 1/11) to R1-5, but chose to not proceed. As such, a public hearing did not occur and nothing was ever adopted by Council for DAZ 219/05.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	March 21, 2011
File No.	DASZ 1/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 1/11
3. Schedule “B” – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: March 21, 2011

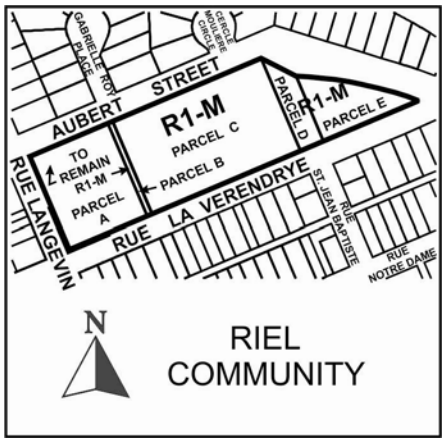
FILE: DASZ 1/11
RELATED FILES: DAC 4/2011 (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: A subdivision and rezoning application for a plan of survey to create parcels A – E and to rezone the "M1" Manufacturing Light portions of the site to "R1-M" Residential Single-Family Medium.

LOCATION: 755 Rue St. Jean Baptiste

LEGAL DESCRIPTION: SP Lots 60-63 Plan 29529 and Parcel A (DAC 4/2011)



APPLICANT: Aikins, MacAulay & Thorvaldson LLP (Robert Tyler)
30th Floor – 360 Main Street
Winnipeg, MB R3C 4G1

OWNER: Division Scolaire Franco-Manitobaine
C.P. 204, 1263 Chemin Dawson
Lorette, MB R0A 0Y0

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing a plan of survey to create parcels A – E through the subdivision application and to rezone the M1 portions of the site to R1-M.
- All of the lots will be consolidated onto one title creating one zoning lot.
- The applicant explains that the owner, Division Scolaire Franco-Manitobaine, does not have plans for the site at this time. In all likelihood a large portion of the site will be used for the expansion of the school yard for Ecole Tache, which is an elementary school.
- The applicant also states that future uses on the site may also include a junior high school and possibly a daycare centre.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located between Rue Langevin, Rue Aubert, and Rue La Verendrye in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The site is approximately **5.06 acres (220,200 square feet) in area**.
- The property contains several buildings. Ecole Tache is located primarily to the western portion of the site along Rue Langevin. The former Scott Screen and Wire building takes up the majority of the rest of the site and fronts onto Rue St. Jean Baptiste and Rue Aubert.
- The Division Scolaire Franco-Manitobaine began the process of expropriating the Scott Screen and Wire property in early 2004.
- The site is now entirely owned by the Division Scolaire Franco-Manitobaine except for the road portion (Rue St. Jean Baptiste), which the school division is applying to close through DAC 4/2011 and consolidate with the rest of the land.
- There is triangular-shaped open space lot to the east of the former Scott Screen and Wire building and a school yard fronts onto Rue La Verendrye.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and within the Areas of Stability – Mature Communities Policy Area under the *Draft* Complete Communities Direction Strategy.
- The site is also located within the Residential Policy Area of the North St. Boniface Secondary Plan. The site is zoned both "R1-M" Residential Single-Family Medium and "M1" Manufacturing Light.

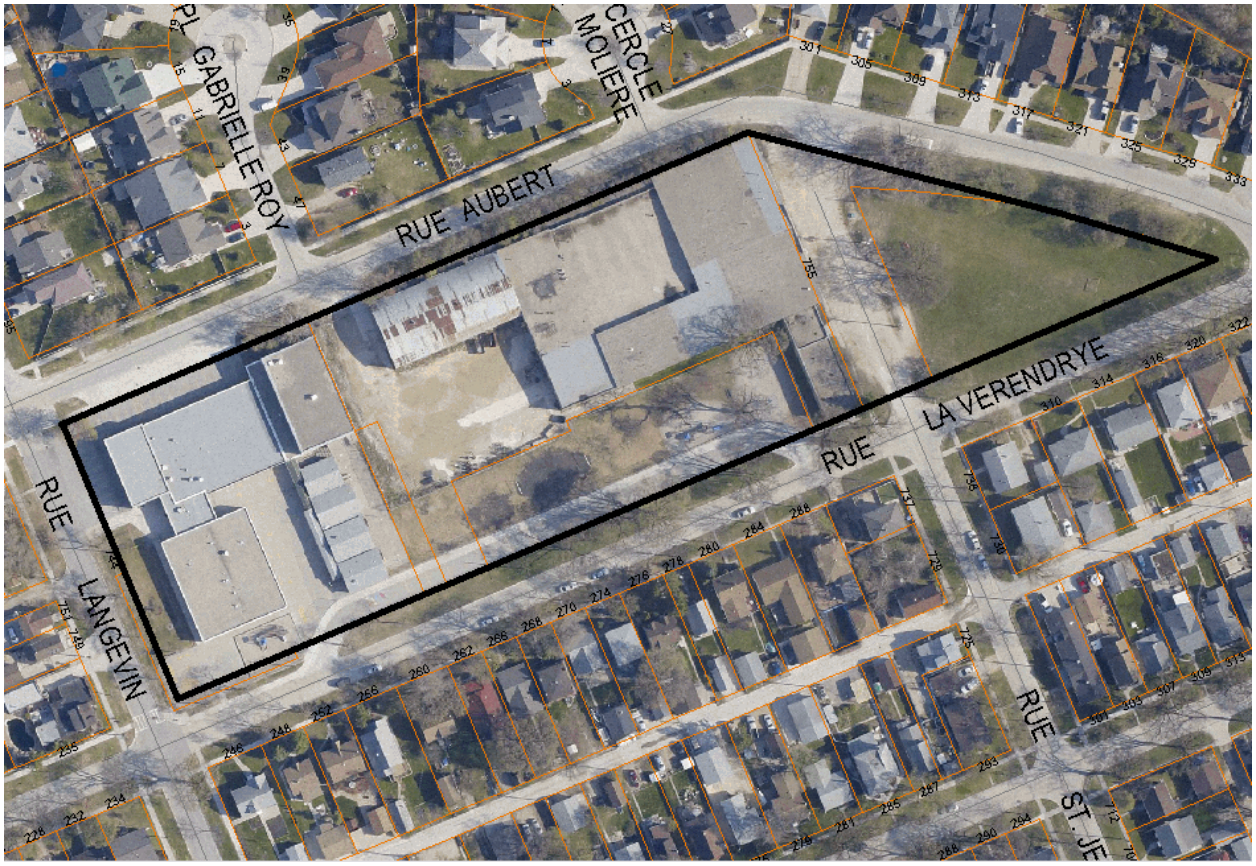


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

South: Detached single-family homes zoned “R1-M” Residential Single-Family Medium and a two-family dwelling zoned “R2” Residential Two-Family.

East: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

West: Detached single-family homes zoned “R1-M” Residential Single-Family Medium and “R2” Residential Two-Family.

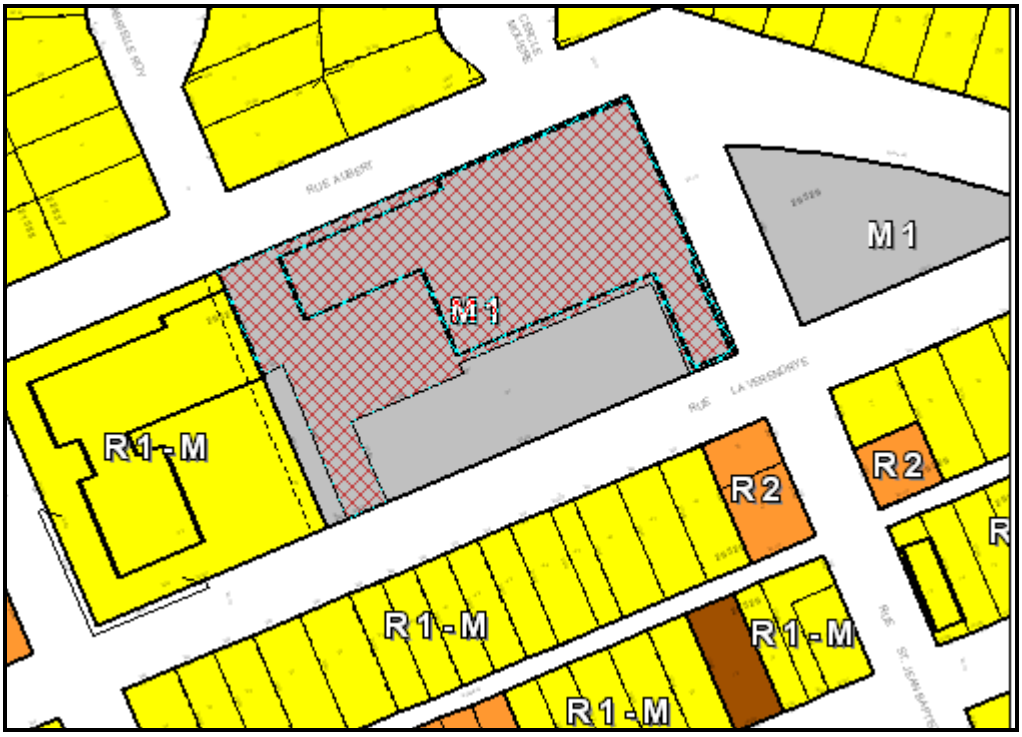


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing a plan of survey to create parcels A – E (which includes the proposed road closing) through the subdivision application and to rezone the M1 portions of the site to R1-M.
- All of the lots will be consolidated onto one title creating one zoning lot.
- The parcel plan is being created predominantly for legal descriptive purposes. For instance, there are underlying services below the St. Jean Baptiste road right-of-way that the City will need to ensure are accessible via an easement as described in the attached ACG report. Leaving this portion of the land as Parcel D makes it easier to show and describe the exact area of the easement than it would be if the entire site were to be subdivided and created as one lot. Creating a parcel plan is also somewhat advantageous to the applicant as parcels, unlike lots, do not need to be clear of all encumbrances upon registration (except for those caveats being registered at the same time such as a zoning agreement). Certain caveats can be quite difficult to discharge, such as those relating to mines and minerals. A parcel plan offers a way around this.
- The applicant explains that the owner, Division Scolaire Franco-Manitobaine, does not have plans for the site at this time. In all likelihood a large portion of the site will be used for the expansion of the school yard for Ecole Tache, which is an elementary school.

- The applicant also states that future uses on the site may also include a junior high school and possibly a daycare centre.
- If the site is rezoned to R1-M, any expansion or development of the school – including the development of a play ground – or the development of a daycare will require a future conditional use application as schools and daycares are conditional uses in the R1-M zone. A conditional use application will be required for the development of the playground because the future playground will likely be located in an area that was not previously part of the school site.
- The Division Scolaire Franco-Manitobaine has a commercial demolition application (11 104807 CS) submitted for the demolition of the 45,284 square foot industrial building (former Scott Screen building) located at 755 Rue St. Jean Baptiste. As such, variance applications in association with the rezoning are not required for this building.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Support a mix of commercial services and employment uses that serve the local community.

NORTH ST. BONIFACE SECONDARY PLAN

- The subject site is located within the Residential Policy Area of the North St. Boniface Secondary Plan. Relevant policies for developments within this policy area include:
    - Encourage the maintenance of the character of the existing community through the provision of community services and the encouragement of existing and additional cultural activities.
    - Accommodate community services—including schools, parks, daycares, healthcare facilities—provided they are primarily intended to serve North St. Boniface residents.

ZONING

"R1-M" Residential Single-Family Medium District

- Principal non-residential structures, such as a school, require the following dimensional standards in the R1-M District: a minimum lot width of 25 feet, minimum lot sizes of 20,000 square feet, side yards of 25 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 50%.

"M1" Manufacturing Light District

- The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard requirement of 25 feet. The maximum building height is 50 feet and the maximum floor area ratio is 2.0.

LAND USE BY-LAW

- The applicant is proposing to rezone the portions of the site currently zoned M1 to R1-M, which would make the entire site an R1-M district.
- The intended use of the rezoned portion of the site is for the expansion of a playground for Ecole Tache and potentially for the future expansion of the elementary school or for the development of a junior high school. Elementary or junior high schools require conditional use applications in the R1-M zone. Elementary or junior high schools are not permitted in the M1 zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is within the Residential Policy Area of the North St. Boniface Secondary Plan. Rezoning the M1 portions of the site to R1-M makes the zoning consistent with the Secondary Plan for this area.
- It is understood that there have been a number of residents in the neighbourhood who have wanted to see the expansion of the school yard and the demolition of Scott Screen and Wire building for some time. This application will help facilitate the school yard development and the potential future expansion of the school.
- The expansion of the school and the potential development of the school yard help to develop a key community amenity within the neighbourhood.
- The school has been in the neighbourhood since 1958 and has been located on a relatively small site that, prior to the expropriation, was just over 2 acres in area. By comparison, most potential elementary school sites in new suburban subdivision developments are at least 4 acres in area.

- Many elementary schools in Winnipeg are zoned R1. Since elementary schools, junior high schools, and day care centres are conditional uses in the R1 zone, any expansion or proposed development related to these uses will be reviewed at a public hearing at the Riel Community Committee.
- The applicant does not have an associated conditional use application submitted for any development of the school. It should be noted that rezoning the site to R1-M technically allows for as-of-right development of all permitted uses in the R1-M zone, which most notably includes single-family homes. If titles were to change on any proposed parcel, a consent to convey application or potentially a short-form subdivision (DASSF) application would need to be submitted to the City for departmental review and approval.
- If some of the site is developed for residential purposes, the Planning and Land Use Division would want to see a logical subdivision that fits-in with the neighbourhood and would work with the applicant through either necessary application.

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 land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- Rezoning the M1 portions of the site to R1-M makes the zoning consistent with the Secondary Plan for this area.
- The expansion of the school and the potential development of the school yard help to develop a key community amenity within the neighbourhood.
- The proposal is consistent with the policies of Plan Winnipeg and the Draft Complete Communities Direction Strategy.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 1/11

Schedule "A" for File No. DASZ 1/2011, Riel Community Committee, dated March 21, 2011

By-Law No. _____

File No. **DASZ 1/11**

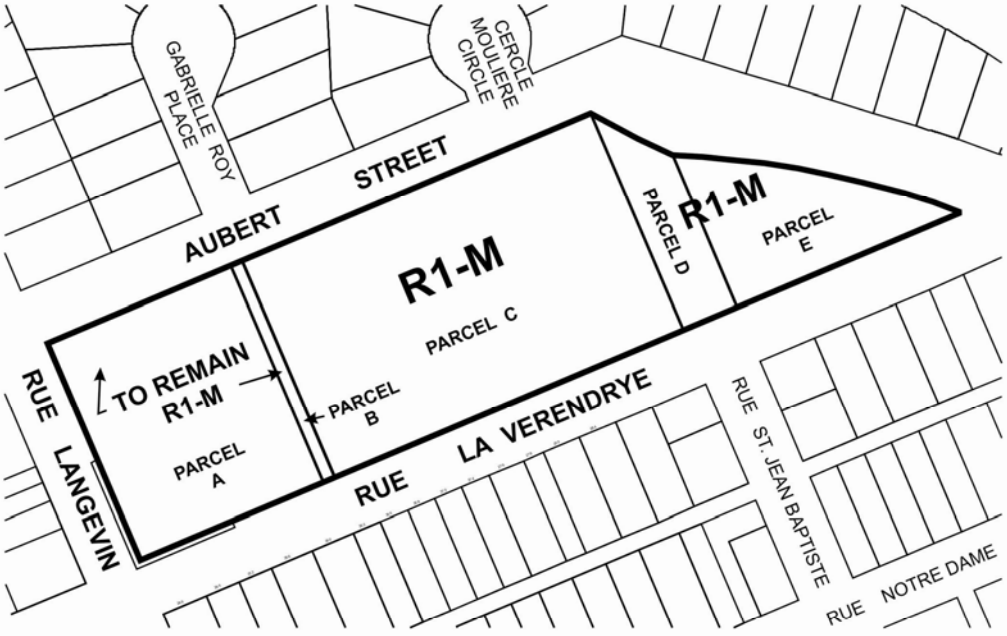
Explanation

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 755 St. Jean Baptiste Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "M1" MANUFACTURING LIGHT DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

Z26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Coordinating Group dated March 21, 2011

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MARCH 21, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF 755 RUE ST. JEAN BAPTISTE – DASZ 1/11 AND DAC 4/11

It is recommended that the approval of DASZ 1/11 and DAC 4/11 be subject to the applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, and upon registration of the approved subdivision mylar(s) in the Winnipeg Land Titles Office, provide an easement over the entire proposed Parcel D to enable the City to access, maintain, and operate the existing wastewater sewer, lift station, land drainage sewer, and watermain located within that Parcel.

2. The Developer shall, at no expense to the City, remove the existing street turnouts at Rue Aubert and Rue La Verendrye, and restore the curb and boulevard at these locations, as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer shall maintain the boulevard restoration improvements for one year, in accordance with specifications approved by 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 the 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.

5. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the curb and boulevard restoration works.

THIS REPORT SUBMITTED BY:

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

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

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water and Waste Department
/sm