Agenda - Council – December 14, 2011

Report - Standing Policy Committee on Property and Development – November 29, 2011

Item No. 7 Subdivision and Rezoning – Hebert Street, Messager Street at St. Joseph Street (St. Boniface Ward) File DASZ 33/2011 [c/r DAC 19/2011 and DAV 157723/2011D]

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2011, 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 33/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11), 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 November 4, 2011 which is Schedule "B" of this report, with the following amendment, namely:

        i. Delete Recommendation 9 in its entirety and renumber the remaining Recommendations accordingly.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule-"C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11), to an "RMF-S" Residential Multi-Family Small 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:

Report - Standing Policy Committee on Property and Development – November 29, 2011

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

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 (1) year from the date the by-law is passed.

8. That the plan of subdivision 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.

Report - Standing Policy Committee on Property and Development – November 29, 2011

9. 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.

10. 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 – November 29, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 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 November 29, 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 November 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1 by deleting the words "Schedule "A" for File DASZ 33/2011 dated November 4, 2011" and replacing same with the words " Schedule "C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11)";

- Amend Recommendation 1. A. by adding the following to the end thereof, namely:

  ", with the following amendment, namely:

  i. Delete Recommendation 9 in its entirety and renumber the remaining Recommendations accordingly."

- Amend Recommendation 2 by deleting the words "Schedule "A" for File DASZ 33/2011 dated November 4, 2011" and replacing same with the words " Schedule "C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11)",

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

Report - Standing Policy Committee on Property and Development – November 29, 2011

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

On October 17, 2011 the Riel Community Committee adjourned the public hearing to its meeting on November 14, 2011 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – Hebert Street, Messager Street at St. Joseph Street**
File DASZ 33/2011

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

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

Report date: **November 15, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 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 33/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "A" for File DASZ 33/2011 dated November 4, 2011***~~ ***Schedule "C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11),*** 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 November 4, 2011 which is Schedule "B" of this report, ***with the following amendment, namely:***

        i. Delete Recommendation 9 in its entirety and renumber the remaining Recommendations accordingly.

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 33/2011 dated November 4, 2011***~~ ***Schedule "C" for File DASZ 33/2011 submitted by Qualico at the Public Hearing held on November 14, 2011 (Exhibit 11),*** to an "RMF-S" Residential Multi-Family Small 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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures,

fencing, and landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 (1) year from the date the by-law is passed.

8. That the plan of subdivision 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.

9. 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.

10. 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 October 7, 2011.

PUBLIC HEARING SUMMARY

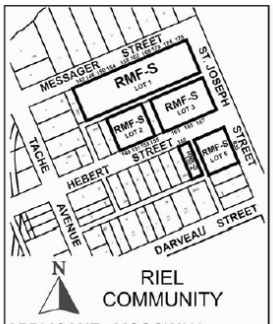
File: DASZ 33/2011 [c/r DAC 19/2011 and DAV 157723/2011D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: November 14, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: McGowan Russell (Susan Russell)

Subject:



APPLICANT : MCGOWAN RUSSELL
FILE : DASZ 33/11
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 "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of multiple family dwellings. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : MCGOWAN RUSSELL
N° DE RÉFÉRENCE : DALZ 33/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) et R2 (SECTEUR RÉSIDENTIEL BIFAMILIAL) à la catégorie RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) afin de permette la construction d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: Hebert Street, Messager Street at St. Joseph Street

Exhibits Filed:

1. Application dated August 24, 2011
2. Notification of Public Hearing dated September 22, 2011
3. Manitoba Status of Titles 2282306, 2282363, 2282364, 2282366, 2282367, 2282469, 2282371, 2282373, 2282375, 2282376, 2282378, 2282380 and 2282383

3a. Title Searches 2166461, 2181365, 2402512 and 2410068

4. Letter of authorization dated August 12, 2011 from Qualico Developments (Winnipeg) Ltd. to McGowan Russell Group Inc.
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated October 7, 2011
7. Inspection Report
8. Notice of Adjournment dated October 18, 2011
9. Revised Report from the Planning and Land Use Division dated November 4, 2011
10. Presentation with respect to the application submitted by Walter Kleinschmitt at the Public Hearing on November 14, 2011
11. Plan submitted by Eric Vogan at the Public Hearing on November 14, 2011
12. Presentation in support of the application submitted by Eric Vogan at the Public Hearing on November 14, 2011
13. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Eric Bayer
Melissa Beer
Michele Kleinschmit
Ravi Joshi
Normand Gousseau
Susan Russell
Eric Vogan

In Opposition:

Christian Benhamou
David Dandeneau

Walter Kleinschmit
Mireille Lamontagne
David Lesage
Caridad Quesada-Lopez
Paul Lussier
Monique Mulaire
Réal Rioux
Claude Trémorin
André Vermette

For Information:

Louise Potter
Tom Scott
Lionel Vermette
Pat Vermette

For the City:

Mr. K. Raban, Land Development Administrator Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 33/2011

ADMINISTRATIVE REPORT

Title: DASZ 33/2011 – Rues Hebert and Messager Public Hearing

Issue: For consideration at the Public Hearing for the subdivision of 20 lots into 5 lots and the rezoning of the lots from "R1-M" Residential Single-Family Medium and "R2" Residential Two-Family to "RMF-S" Residential Multi-Family Small.

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 subdivision proposed under File DASZ 33/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2011 dated November 4, 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 November 4, 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 33/2011 dated November 4, 2011 to an "RMF-S" Residential Multi-Family Small 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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 (1) year from the date the by-law is passed.

8. That the plan of subdivision 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.

9. 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.

10. 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 to subdivide the 20 lots into five (5) lots and rezone the properties from “R1-M” Residential Single-Family Medium and “R2” Residential Two-Family to “RMF-S” Residential Multi-Family Small.
- The applicant has held several open houses in Pointe Hebert and explained to residents that they intend to develop a mix of detached dwellings and small-scale multi-family developments (predominantly townhouses).
- 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 Urban Planning Division are concurred in, the subject site will be subdivided into five (5) lots and rezoned from R1-M and R2 to RMF-S.

HISTORY

DASZ 228/2003

- On October 22, 2003 Council approved DASZ 228/2003, which was the City-initiated rezoning of nine (9) parcels of City-owned land ranging in size from 4,000 square feet to over one (1) acre in area in Pointe Hebert. All of the parcels were originally zoned R2 Residential Two Family, except for one property, which was zoned R2T Residential Two Family Transitional. After the rezoning, seven (7) parcels were zoned R1-3.5 Single-Family and two (2) parcels were zoned RM-1 Multiple Family near Rue Darveau.
- The planner's report indicated that, in accordance with the mandate issued by City Council in March of 1996 and July of 2002, the City was taking the first step towards disposing of its properties north of the Highline in an orderly and phased fashion. This rezoning was among the first steps towards redeveloping the area in a manner consistent with the directions established in the July 2002 report to Council. Recommendations in the 2002 report included: 1) that redevelopment be allowed to occur but that densities be limited to principally single-family, with the possibility of some low to medium density housing along the north side of Rue Darveau and on the west side of Tache; 2) that the riverbank area, by and large, be preserved for public, open park space in accordance with Plan Winnipeg Policy guidelines; 3) that the City establish and maintain urban design controls over development as it occurs. Subsequent public meetings were held with residents of the area as well as with representatives of La Societe Franco-Manitobaine, the North St. Boniface Residents Association and the Festival Du Voyageur. The general consensus of these meetings was to allow for variations of housing types, styles and densities to be determined by further representations at the future Community Committee Public Hearings.

DAS 19/2004

- On December 15, 2004, Council approved the City of Winnipeg-initiated application to create eleven (11) lots along the south side of Rue Messager and legally open a portion of both Rue Messager and Rue St. Joseph under file DAS 19/2004. The westernmost of the eleven lots was a residual parcel that had a substandard size and was to be sold to an adjacent land owner. This subdivision application was put forward by the City to help facilitate the future sale and development of the subject lots, but was later abandoned.

St. Boniface Secondary Plan Amendment SPA 4/2005

- On December 14, 2005, Council approved the amendment to the North St. Boniface Secondary under file SPA 4/2005. This amendment resulted from a previous recommendation to review the North St. Boniface Secondary Plan, which was put forth by Planning, Property and Development to the Standing Policy Committee on Property and Development in November, 2002.
- The Standing Policy Committee on Property and Development concurred with the recommendation to review and update the Plan, which had been in force and effect since January, 1976.
- In 2003, after consultation with the Ward Councillor, and several community organizations (including the Old St. Boniface Residents Association, Entreprises Riel, and the French Quarter

BIZ), the Planning, Property and Development Department held an open house in November, 2003 to gauge community reaction to proposed Secondary Plan amendments.

- In 2005, the Planning, Property and Development Department completed a revised secondary plan and reviewed this plan with the Ward Councillor and with members of the organizations previously consulted to confirm the extent of the proposed changes.
- Ultimately, the changes recommended by the Department and approved by Council under SPA 4/2005 resulted in some substantive changes to the plan. Among these changes included the update to the Implementation section within the Plan and an updated Land Use Map. The new Implementation section provided clearer articulation of where higher and lower density development is to occur in North St. Boniface and where mixed, industrial and commercial uses are to occur.
- Within Pointe Hebert, the updated Secondary Plan allows for higher density (a maximum of 55 dwelling units/net acre) and locally-oriented commercial development in conjunction with higher density development along Tache (on either side), Rue St. Joseph, and along the proposed public transportation corridor, which more or less encompasses Rue Darveau and some land to the north. Lower density residential (a maximum of 25 units/net acre) is encouraged in all other areas within Pointe Hebert, not including the lands indicated for park development

DAO 7/2006

- On September 27, 2006, Council approved the City of Winnipeg Planning, Property and Development Department initiated application to open a portion of Rue Messager, Rue St. Joseph, and a north/south back lane that connects to Rue Messager.
- The road opening application was put forth by the Planning, Property and Development Department in order to market the City-owned lands along Messager.
- The portions of Rues Messager and St. Joseph proposed to be opened were originally dedicated as public streets in 1876. They were closed in 1987 by By-Law No. 4688/87. The back lane portion of the application was added to the DAO application due to the favourable response received of a conceptual drawing prepared by McGowan, Russell and Associates.

Pointe Hebert Results of Expression of Interest Process June 20, 2007

- On June 20, 2007, Council concurred in the recommendation of the Standing Policy Committee on Property and Development to sell City-owned land in Pointe Hebert to Qualico Developments.
- Qualico was the successful applicant out of the two submission received and reviewed from the Expression of Interest (EOI) put forward by the Planning, Property and Development Department in 2006.
- The EOI was a call proposals for the purchase and redevelopment of 24 City-owned properties in Pointe Hebert. The EOI invitation included information regarding Council Directives put forth on July 17, 2002. With regard to the EOI, the primary Council directive was that: “the City of Winnipeg, in accordance with Plan Winnipeg Policy and the stated objectives of the North St. Boniface Action Area Plan, issue a proposal call for the redevelopment of the City-owned lands north of the Highline in North St. Boniface for mixed-use residential development.” This directive was subject to the 3 principles previously mentioned under the second bullet point for *DASZ 228/2003* (above).

- Other information included in the EOI discussed community expectations and referred to a concept that was reviewed and generally favoured by the community. This concept resulted from the Planning, Property and Development Department retaining a consultant to prepare landscape sketches for Pointe Hebert as well as variations on the design of the roadways and lane locations.
- Urban design controls were also discussed in the EOI. These standards were included in the EOI package for information.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk
Date:	November 4, 2011
File No.	DASZ 33/2011

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 33/2011 Riel Community Committee, dated November 4, 2011
3. Schedule “B” — Report of the Administrative Coordinating Group

APPENDIX 'A'

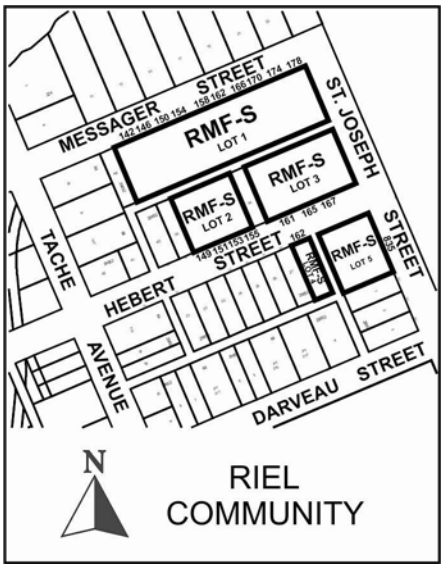
DATE: November 4, 2011

FILE: DASZ 33/11
RELATED FILES: DAV 11-157723/D (c/r), DASZ 228/2003, DAS 19/2004, SPA 4/2005, DAO 7/2006

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: An application for the subdivision of 20 lots into 5 lots and the rezoning of the lots from "R1-M" Residential Single-Family Medium and "R2" Residential Two-Family to "RMF-S" Residential Multi-Family Small in order to develop a mix of detached residential dwellings and multi-unit residential dwellings.

LOCATION: Several parcels fronting Messager and Hebert Streets (see map below)



APPLICANT: Susan Russell McGowan Russell Design Group Inc.
120 FORT ST SUITE 200
WINNIPEG MB R3C 1C7

OWNER: QUALICO DEVELOPMENTS (WINNIPEG) LTD.
1 DR. DAVID FRIESEN DR
WINNIPEG MB R3X 0G8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the 20 lots into five (5) lots and rezone the properties from “R1-M” Residential Single-Family Medium and “R2” Residential Two-Family to “RMF-S” Residential Multi-Family Small.
- The applicant has held several open houses in Pointe Hebert and explained to residents that they intend to develop a mix of detached dwellings and small-scale multi-family developments (predominantly townhouses).
- The Urban Planning Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject properties are located north of the Highline (Pointe Hebert) in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The properties are predominantly vacant; however, there are still some detached homes located on some of the lots that are located on the north side of Rue Hebert.
- Combined, the 20 lots included in this subdivision and rezoning application are approximately **110,000 square feet in area.**
- Of the 20 lots included in the application, all but 4 lots were purchased by Qualico from the City of Winnipeg in 2007.
- The site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is also within the North St. Boniface Secondary Plan.
- The properties are zoned “R1-M” Residential Single-Family Medium and “R2” Residential Two-Family.

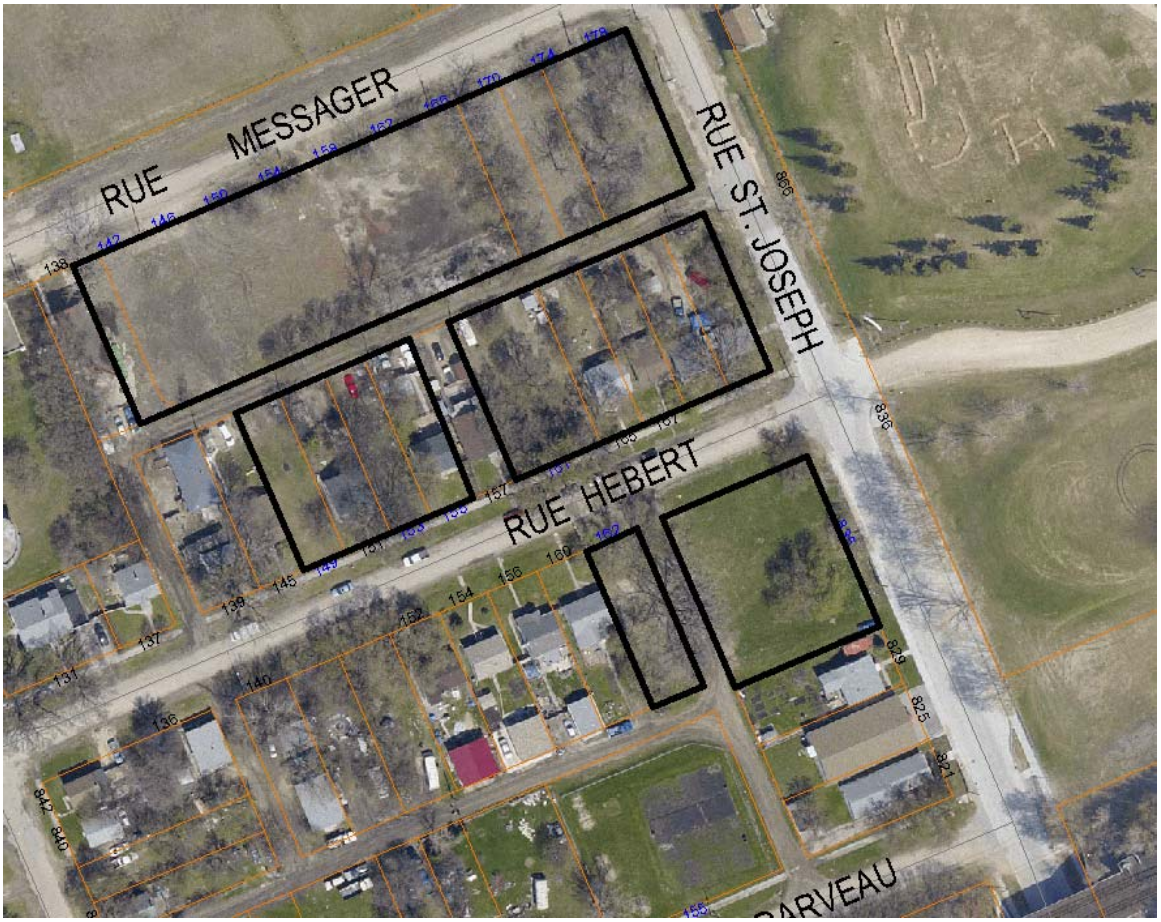


Figure 1: Aerial photograph showing approximate area of subject properties (flown 2009)

SURROUNDING ZONING (See Figure 2)

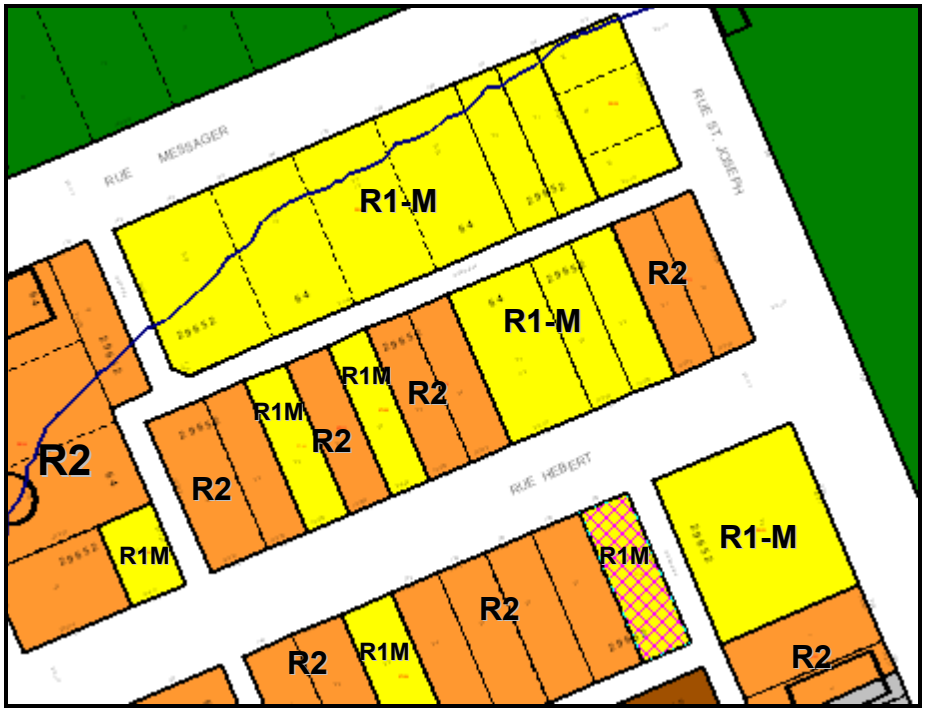


Figure 2: Zoning of the lands and surrounding area.

BACKGROUND

- The process for redevelopment in Pointe Hebert extends much further back than the files and events discussed in the History Section. In 1976, the City of Winnipeg enacted the North St. Boniface Secondary Plan. Under the original Plan, the proposed development scheme for Pointe Hebert was for the entire community to eventually become a part of regional parkway that had a transit corridor through it.
- In the late 1970's and early 1980's, members of the North St. Boniface Residents Association and other community members raised concerns about the park designation for Pointe Hebert, which came from a Council directive from September 17, 1975. The concerns were related to the loss of what was quoted at the time to be 46 households in Pointe Hebert if the lands were to be converted into a park. The Association and residents also raised concerns about the development freeze in Pointe Hebert, which restricted improvements to homes in the park-designated area.
- In 1983, Council approved By-Law 3335/82, which amended the North St. Boniface Secondary Plan. Under this amendment, properties between Rues Tache and St. Joseph, south of Rue Messager and north of Rue Darveau were re-designated from *Parkland* to *Future Residential*. This amendment allowed for the development freeze to be lifted and for residential development to proceed in portions of Pointe Hebert.
- Today, the Old St. Boniface Residents' Association and many residents continue to want to see detached residential dwellings built in Pointe Hebert. The Association and many residents feel that without the development of detached residential dwellings in Pointe Hebert the community will lose young families to the suburbs.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the 20 lots into five (5) lots and rezone the properties from “R1-M” Residential Single-Family Medium and “R2” Residential Two-Family to “RMF-S” Residential Multi-Family Small.
- The applicant has held several open houses in Pointe Hebert and explained to residents that they intend to develop a mix of detached dwellings and small-scale multi-family developments (predominantly townhouses).
- Both multi-unit dwellings and detached residential dwellings are permitted in the RMF-S zoning district.
- An associated variance for lot area is required for 162 Rue Hebert (see DAV 11-157723/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *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.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

NORTH ST. BONIFACE SECONDARY PLAN

- The proposed lots are located within the North St. Boniface Secondary Plan.
- A common policy within the Plan that applies to all housing proposals is:
    - *To encourage the location of family units in North St. Boniface through the provision of a wide variety of housing types.*
- However, the proposed lots fall under different implementation areas of the North St. Boniface Secondary Plan.
- The portions of the lots, or any lot that will likely be created through a short-form subdivision process (DASSF) that fronts onto Rue Messager and Rue Hebert would be considered to be within the Lower Density Residential policy area of the Secondary Plan.
- Any lot that will likely be created through a short-form subdivision process (DASSF) that fronts onto Rue St. Joseph would be considered to be within the Higher Density Residential policy area of the Secondary Plan.
- Relevant policies for developments within each of these policy areas are as follows:

Lower Density Residential

- Encourage retention and enhancement of existing residential development and establishment of new residential development, up to a maximum of 25 units per acre net.
- Accommodate community services—including schools, parks, daycares, healthcare facilities—provided they are primarily intended to serve North St. Boniface residents.

Higher Density Residential

- Focused along regional roads (namely Provencher Boulevard), collector roads (namely Tache Avenue and St. Joseph Street) railway lines, and public transportation corridors, encourage retention and enhancement of existing residential development and establishment of new residential development up to a maximum of 55 units per acre net (136 units per hectare), with the exception of the property located at the north east corner of Tache Avenue and rue La Verendrye where a density of 76 units per acre may be achieved.
- Accommodate community services-including schools, parks, daycares, healthcare facilities-provided they are primarily intended to serve North St. Boniface residents.
- Encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with higher density residential development.

ZONING

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"R2" Residential Two-Family District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet. Multi-family developments in the R2 zone require a conditional use application. The minimum lot area per dwelling unit for a multi-unit residential development in the R2 zone is 800 square feet per dwelling unit.

"RMF-S" Residential Multi-Family Small District

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet. Detached single-family lots/homes developed in the RMF-S zone must meet the dimensional standards of the R1-M zone.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to develop a mix of detached houses and multi-unit dwellings. The RMF-S rezone permits both small scale multi-unit dwellings and detached houses. The R1-M zone only permits detached homes. The R2 zone permits detached homes and two unit dwellings, but multi-family developments with three or more units require a conditional use application in the R2 zone.

Variance

- The minimum required lot area in the RMF-S zone is 9,000 square feet. The applicant is proposing a lot area of 4,890 square feet for Proposed Lot 4 (162 Rue Hebert).

PUBLIC CONSULTATION

- The applicant and developer held a total of three (3) open houses in Pointe Hebert between April, 2011 and September, 2011.
- In meetings held on April 19th and May 24th, the applicant and developer discussed the development concept for Pointe Hebert, which included some of the lands that are subject to this rezoning and subdivision application.
- Communication provided at these meetings (April 19th and May 24th) showed that the developer was interested in developing a mix of single-family housing with ground-oriented multi-family townhomes on the lands that are subject to this rezoning and subdivision. Graphics provided in the meeting showed that attached housing would be the predominant form of development along Messager and Hebert, with some higher-intensity development along Tache (which is not subject to this rezoning and subdivision application).
- Responses to this proposal from those who attended were generally not favourable. Most people who attended believed that detached single-family homes should be the predominant form of development.
- The Old St. Boniface Residents' Association provided a report to the City of Winnipeg summarizing a survey provided by the Association at the May 24th meeting. Among the main conclusions of this report was that most respondents preferred single-family homes and that the Association believed that the developer and the City had outstanding obligations to develop single-family homes in Pointe Hebert that is generally consistent with the concept for landscaping and street lay-out that was reviewed in the community prior to issuance of the Expression of Interest.
- At the open house held on September 29th, the applicant and developer proposed a modified plan for the lands subject to this rezoning and subdivision, which indicated that 7 single-family homes will be developed along Rue Messager with two, 4-unit townhomes, and that 8 single-family homes will be developed along Rue Hebert along with a 6-unit and 4-unit townhome.
- The proposed design guidelines for Pointe Hebert were also first presented at the September 29th meeting.
- Responses to the surveys provided at the September 29th open house showed the proposed development on the lands subject to this rezoning and subdivision application was generally supported by those who attended and completed a survey.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy and the North St. Boniface Secondary Plan are the statutory plans that guide development in the City of Winnipeg, North St. Boniface and with respect to this application, within Pointe Hebert.
- The proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities.
- The North St. Boniface Secondary Plan encourages the establishment of new residential development up to a maximum of 25 units per net acre in the Lower Density Residential Area and up to a maximum of 55 units per net acre in the Higher Density Residential Area.
- The proposed rezoning of the land to RMF-S is consistent with the policies of the Complete Communities Direction Strategy and the North St. Boniface Secondary Plan both from a form perspective and from a density perspective.
- With regard to form, rezoning the property to RMF-S ensures that for any future development on the proposed lots, the maximum height can be no greater than 35 feet, the minimum interior side yard can be no less than 4 feet, and that the minimum rear yard can be no less than 25 feet, unless a variance is applied for and approved. The minimum required front yard in the RMF-S zone is 20 feet, but may be subject to an alignment with other established properties. By comparison, the “R1-M” Residential Single-Family Medium District requires a maximum height of 35 feet, a minimum interior side yard of 4 feet (or 3 up to feet if the lot width is less than 40 feet), and a minimum rear yard of 25 feet. The minimum required front yard in the R1-M zone is 15 feet, but may be subject to an alignment with other established properties.
- From a density perspective, both single-family and multi-family developments are permitted in the RMF-S zone. Both the Complete Communities Direction Strategy and the North St. Boniface Secondary Plan encourage a mix of housing types to help meet the full life-cycle of housing needs within the community.
- Although the density permitted in the RMF-S zone is one unit per 1,250 square feet of lot area, the density restrictions in the North St. Boniface Secondary Plan would generally prevail as the Secondary Plan is the higher-order regulation that must be complied with unless an amendment (which is subject to a public hearing) or an increase of not more than 25% is approved as per Section 2 of the Implementation Section of the Plan.
- For example, if a 9,000 square foot lot is created that entirely fronts onto Rue Messager, although the zoning would allow up to 7 units on the property, the Secondary Plan would allow only 5 units as this lot would be considered to be in the Lower Density Residential area. If a 9,000 square foot lot was created that fronts onto Rue St. Joseph, the RMF-S zone would still allow up to 7 units. Although the Secondary Plan would allow up to 11 units on the site because the lot would be considered to be in the Higher Density Residential area, in this case the zoning restrictions for density on the site would prevail – unless a variance or rezoning is applied for and approved – because they are more restrictive.
- Rezoning the property to RMF-S does not ensure that single-family homes will be developed on future proposed lots because multi-family development is permitted in the RMF-S zone. However, small-scale multi-family development on the proposed lots is consistent with the prevailing statutory plans for the area. If the properties were to be zoned R1, then only detached single-family homes would be permitted on the lots.

- Many in the community have expressed that they wish to see detached single-family residential homes developed in Pointe Hebert to attract more families to North St. Boniface. However, rezoning the land to RMF-S allows for a modest increase to the density, which could enable twice as many families to locate in North St. Boniface without drastically moving away from the form of development permitted in the R1-M zone.

LANE CLOSING

- It should be noted that the original public hearing for this subdivision and rezoning was adjourned to allow the subject DASZ application to be heard concurrently with a proposed lane closing (DAC 19/2011). This lane, although undeveloped, legally exists and connects to Rue Messager adjacent to the east side of 138 Messager.
- If the lane closing is approved in conjunction with the rezoning and subdivision application, the lane will form part of Proposed Lot 1 and will be rezoned to RMF-S.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The plan approval condition helps ensure that the future proposed development and site designs are compatible with the neighbourhood.
- The Division is recommending that final plans be submitted to the Riel Community Committee and the Director of Planning, Property and Development for review prior to the issuance of a development permit.
- The inclusion of this clause will allow the Riel Community Committee and the Urban Planning Division to review final plans before development takes place for the proposed development and any future developments on the lots.
- It is intended that any future development on the lots will be reviewed using the Proposed Design Guidelines for Pointe Hebert once those guidelines are completed.

LAND DEDICATION

- The City is requesting cash in lieu of land for park space for this application. Land dedication for this application is identified in the Report of the ACG (see Schedule B, Section 13).

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning of the land to RMF-S is consistent with the policies of the Complete Communities Direction Strategy and the North St. Boniface Secondary Plan both from a form perspective and from a density perspective.
- Rezoning the land to RMF-S from R2 and R1-M allows for a modest increase to the density, which could enable more families or individuals to locate in North St. Boniface without drastically moving away from the form of development permitted in the R1-M zone.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 33/2011

Schedule "A" for File No. DASZ 33/2011, Riel Community Committee, dated November 4, 2011

By-Law No. _____

File No. **DASZ 33/11**

Atlas Sheet No.

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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 Hebert Street, Messager Street at St. Joseph Street from an "R1-M" RESIDENTIAL SINGLE FAMILY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of multiple 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 – November 4, 2011

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON HEBERT AND MESSAGER STREETS AT RUE ST. JOSEPH – DASZ 33/11

It is recommended that the approval of DASZ 33/11 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, upgrade the City watermains within or adjacent to the Planned Area as necessary to meet minimum fire protection requirements as determined by, and to the satisfaction of the Director of Water and Waste.

2. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    a. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    b. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

3. The Developer shall, at no expense to the City, install all land drainage facilities required to serve the Planned Area including a land drainage sewer in rue Hebert as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

5. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

6. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall be responsible to control and to initiate the clean up 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 substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

9. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works, and pay the full cost of converting any existing overhead services within the Planned Area to underground.

10. The Developer shall, at no expense to the City, reconstruct; St. Joseph Street, from the existing terminus of the concrete pavement approximately 29m north of Hebert Street to Messager Street and, Messager and Hebert Streets from St. Joseph Street to Tache Avenue by constructing portland cement concrete pavements 7.5m in width by 150mm in thickness, and all related works, including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by, and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, construct a portland cement concrete pavement in the following public lanes; the east/west lane south of Messager Street from St. Joseph Street to the north/south lane between Messager Street and the aforementioned east/west lane, the north/south lane between Messager Street and the east/west lane south of Messager Street and in the north/south lane west of St. Joseph Street and south of Hebert Street to the east/west lane south of Hebert Street to a width of 5.0m in width by 150mm in thickness, and all related works, including land drainage sewer if required, all as determined by, and to the satisfaction of the Director of Public Works.

    It is acknowledged that if parts of the aforementioned lanes are closed pursuant to this application, then the requirement in this clause to construct portland cement concrete pavement and land drainage in those lanes so identified will become null.

12. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk, on the standard alignment, to a width of 1.5m by 100mm in thickness on the west side of St. Joseph Street from Hebert Street to Messager Street and on the south side of Messager Street from St. Joseph Street to Tache Avenue all as determined by and to the satisfaction of the Director of Public Works.

13. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

14. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

15. 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 plus GST per acre of the Planned Area (minimum $1,650.00) to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 33/11
November 4, 2011

[Original signed by K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.
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 & Waste Department

/ktr

Schedule “C” (Exhibit “11” referred to in File DASZ 33/2011)



Exhibit "6" referred to in File DASZ 33/2011

ADMINISTRATIVE REPORT

Title: DASZ 33/2011 – 162 Hebert Street Public Hearing

Issue: For consideration at the Public Hearing for the subdivision of 20 lots into 5 lots and the rezoning of the lots from "R1-M" Residential Single-Family Medium and "R2" Residential Two-Family to "RMF-S" Residential Multi-Family Small in order to develop a mix of detached residential dwellings and multi-unit residential dwellings.

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	

RECOMMENDATION

That the application for subdivision and rezoning (DASZ 33/2011) be adjourned to the November 14, 2011 Riel Community Committee Public Hearing.

REASON FOR THE REPORT

- The applicant is proposing to subdivide 20 lots into 5 lots and the rezone the lots from "R1-M" Residential Single-Family Medium and "R2" Residential Two-Family to "RMF-S" Residential Multi-Family Small in order to develop a mix of detached residential dwellings and multi-unit residential dwellings.
- A back lane that runs north/south towards Rue Messager was included in the advertisement for the subject subdivision and rezoning.
- Although it was intended that the back lane be included in the rezoning and subdivision application, the required corresponding lane closing application (DAC) was not filed at the same time.
- A lane closing application has now been submitted and is due to be reviewed before the Riel Community Committee at the November 14th Public Hearing.

- As the lane closing application is relevant and pertinent to the subdivision and rezoning application, the administration is recommending that this DASZ application (DASZ 33/11) be adjourned until the November 14th Riel Community Committee Hearing to allow the applications to be heard at the same time.
- Adjourning the subdivision and rezoning application and the associated variance to the next public hearing makes the review of the application(s) clearer for the public and decision makers. It also can help avoid the potential need for future applications if adjustments are required.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendation of the Planning and Land Use Division is concurred in, the subject rezoning and subdivision application will be adjourned to the November 14, 2011 Riel Community Committee Public Hearing.

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:	October 7, 2011
File No.	DASZ 33/11