Minutes – Executive Policy Committee – July 11, 2012

Minute No. 349
Report – Standing Policy Committee on Property and Development – July 3, 2012

Item No. 2 **Rezoning – Northwest corner of Bertrand Street and Youville Street (St. Boniface Ward)**
File DAZ 208/2012 [c/r DAV 114612/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 208/2012 dated May 31, 2012 to an "RMF-S" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated May 28, 2012.

    B. 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 condition:

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

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

Report – Standing Policy Committee on Property and Development – July 3, 2012

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

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 – July 3, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2012, 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 June 11, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Northwest corner of Bertrand Street and Youville Street File DAZ 208/2012**

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

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

Report date: **June 12, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 11, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 208/2012 dated May 31, 2012 to an "RMF-S" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated May 28, 2012.

    B. 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 condition:

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

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

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an

extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

The Riel Community Committee provided the following supporting reasons 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 May 31, 2012.

2. This project will result in the creation of much needed apartment space in the area as well as the rezoning of industrial land to residential.

PUBLIC HEARING SUMMARY

File: DAZ 208/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Vandal

Public Hearing: June 11, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: Bulldog Construction (Paul Bilodeau)

Subject:



Premises Affected: Northwest corner of Bertrand Street and Youville Street

Exhibits Filed:

1. Application dated March 23, 2012
2. Notification of Public Hearing dated April 18, 2012
3. Manitoba Status of Title 2423903/1
4. Aerial Photo
5. Plans (8 pages)
6. Report from the Planning and Land Use Division dated May 31, 2012
7. Inspection Report
8. Audio Recording of representations of public hearing held on June 7, 2012
9. Photographs submitted by Theressa Francois at the Public Hearing
10. Presentation in opposition to the application submitted by Tom Scott at the Public Hearing
11. Audio Recording of representations of public hearing held on June 11, 2012

REPRESENTATIONS:

In Support:

Paul Bilodeau
Nick Rulen

In Opposition

Tom Scott, Old St. Boniface Residents' Association

For Information:

Dana Campbell
Ken Campbell
Kris Deslauriers
Theressa Francois

For the City:

Kim. Raban, Land Development Administrator Planning, Property and Development Department
Robert Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 20
8/2012

ADMINISTRATIVE REPORT

Title: DAZ 208/2012 – NW Corner of Bertrand St. and Youville St. Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from M2 to RMF-S in order to develop a 6-unit apartment on the site.

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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 208/2012 dated May 31, 2012 to an "RMF-S" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated May 28, 2012.

    B. 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 condition(s):

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

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

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.
4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
5. That the zoning section of the by-law comes into force when 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 by-law is passed.
6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
7. 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 rezone the site from “M2” Manufacturing General to “RMF-S” Residential Multi-Family Small in order to facilitate the development of a six (6) unit apartment on the site.
- Rezoning applications 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 land will be rezoned from M2 to RMF-S.

HISTORY

- N/A

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, MCIP
Date:	May 31, 2012
File No.	DAZ 208/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 208/2012
3. Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

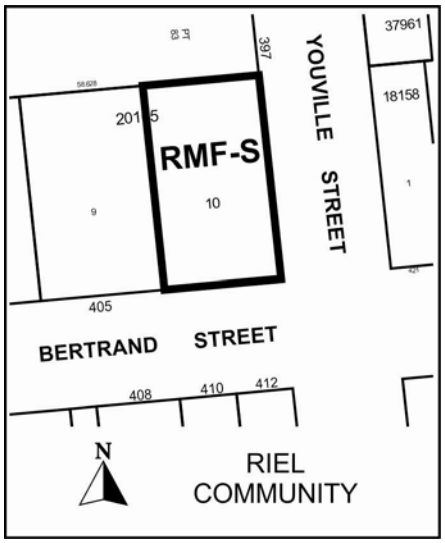
DATE: May 31, 2012

FILE: DAZ 208/2012
RELATED FILES: DAV 12-114612/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.502

SUBJECT: To rezone the subject land from "M2" Manufacturing General to "RMF-S" Residential Multi-Family Small in order to develop a 6-unit apartment on the site.

LOCATION: NW Corner of Bertrand St. and Youville St. (389 Youville ST)
LEGAL DESCRIPTION: LOT 10 PLAN 20105 80 ST B



APPLICANT: Paul Bilodeau BULLDOG CONSTRUCTION LTD.
2 NORMAND AVE
WINNIPEG MB R2N 3Z2

OWNER: Paul Bilodeau BULLDOG CONSTRUCTION LTD.
2 NORMAND AVE
WINNIPEG MB R2N 3Z2

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from "M2" Manufacturing General to "RMF-S" Residential Multi-Family Small in order to facilitate the development of a six (6) unit apartment on the site.

- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the northwest corner of Bertrand Street and Youville Street in the Central St. Boniface neighbourhood of the St. Boniface Ward.
- The site is vacant and **8,575 square feet in area**.
- The property is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is zoned "M2" Manufacturing General.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home zoned R1-S.

South: Detached homes and an auto-body shop zoned C2.

East: Detached homes zoned R2 and R1-M.

West: A gravestone manufacturer (Brunet Monuments) zoned M2 and two vacant lots also zoned M2.

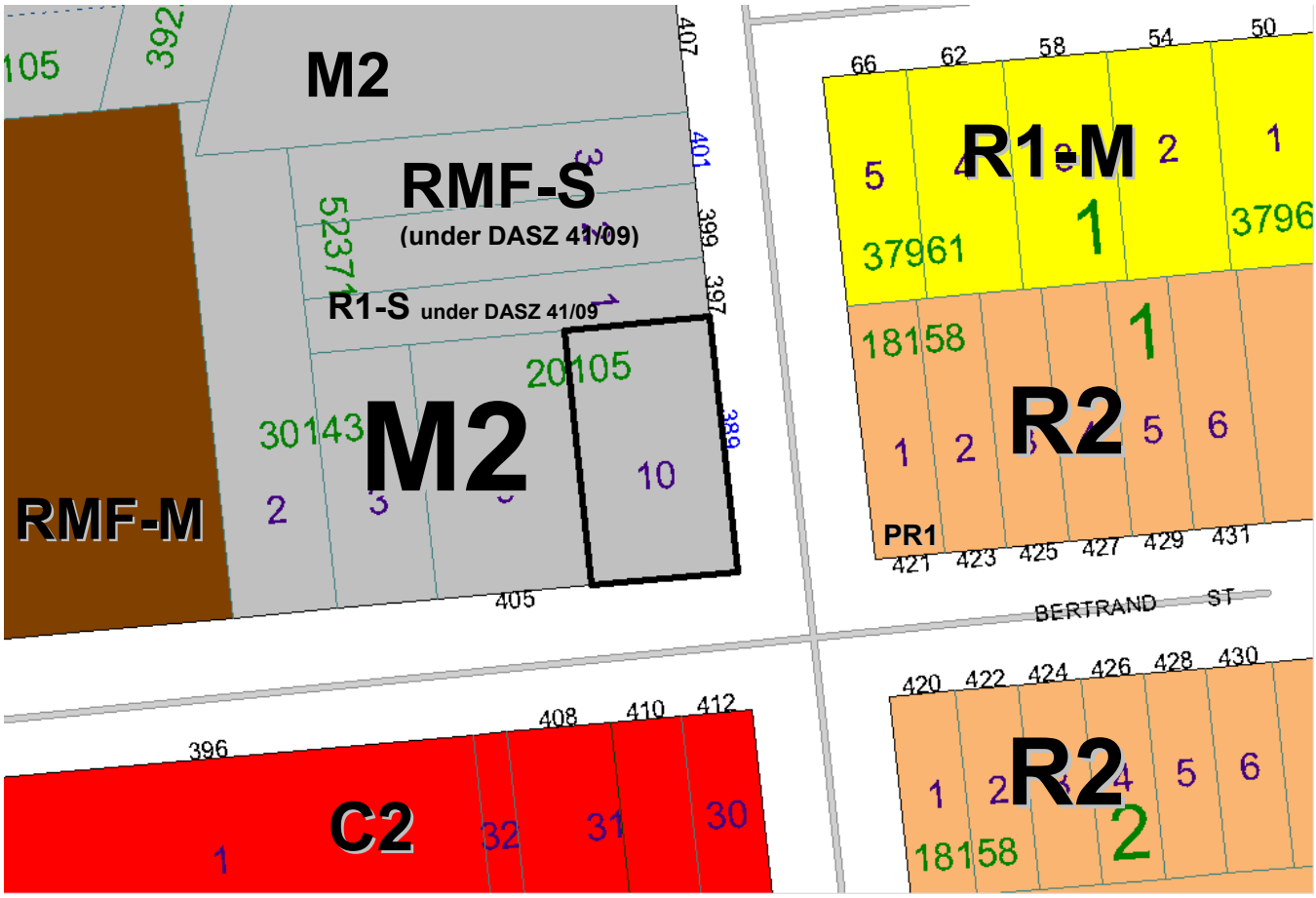


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "M2" Manufacturing General to "RMF-S" Residential Multi-Family Small in order to facilitate the development of a six (6) unit apartment on the site.
- The proposed building will have three-stories. The height of the building will be approximately 32 feet as measured from grade to the mid-point of the roof.
- The proposed development will face Bertrand Street with parking located behind the building. Vehicular access to the parking lot will be taken from Youville Street.
- Variances are required for lot area; the front yard setback; and, insufficient landscaping (see associated file DAV 12-114612/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. With regard to this proposal, the key policies guiding the development of 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 the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - 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.

ZONING

"M2" Manufacturing General District

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. The minimum front yard requirement is 25 feet, and maximum building height is 100 feet.

"RMF-S" Residential Multi-Family Small

- 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.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from M2 to RMF-S to allow for the development of a 6 unit multi-family building on the site. Multi-family uses are not permitted in the M2 zone, but are permitted in the RMF-S zone.

Variances

- The proposed variances for the application (DAV 12-114612/D) are explained in the points below.
    a) The subject lot is 8,575 square feet in area. The minimum lot area required in the RMF-S zone is 9,000 square feet.
    b) The minimum front yard setback in the RMF-S zone is 20 feet. The applicant is proposing a 10 foot front yard setback.
    c) The Zoning By-law requires 4 trees and 18 shrubs to be planted along Youville Street. The applicant is proposing 13 shrubs.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area. Notable subdivisions and/or rezonings in the immediate vicinity of the site that have been supported by the City of Winnipeg include:
    - DASZ 41/2009 (397 Youville), resulted in a rezoning and subdivision from M2 to create one R1-S lot and two RMF-S lots. These lots are located immediately north of the subject site.
    - DAZ 220/2007 (396 Bertrand Street), which resulted in a rezoning from M1 and M2 Industrial categories to an RM-L Residential district to allow for the construction of a twenty-unit residential complex. Within this report, the planner notes that "there has been a concerted effort to find ways to reduce the level of industrial lands in central and north St. Boniface, which are designated Neighbourhood Policy areas under Plan Winnipeg." "Any opportunity to replace incompatible industrial land with housing, should in our view, be strongly supported."
    - DAZ 202/1993 (400 Bertrand), resulted in a rezoning from M1 and M2 Light Industrial District to a "C3-B" Commercial Planned Building Group District under the St. Boniface Town Planning Scheme (1957). This rezoning allowed for the development of a 6 storey senior's housing complex that includes supporting commercial development. The site is currently zoned RMF-M.
    - DASZ 11/1992 (east side of Youville between Bertrand Street and Hamel Avenue and one area along Bertrand Street, west of Youville), resulted in a rezoning from "F" Floodplain District and "M2" Light Industrial District to a "PR" Park and Recreational District, "R1-3.5" One-Family District, "R2-T" Two-Family Transitional District, and an "R4B-Three" Planned Building Group District under the St. Boniface Town Planning Scheme (1957). The area is now comprised of single-family homes and a 4-storey, multi-unit condominium development. The current zoning is R1-M (single-family homes), RMF-S (condominium) and PR1 (area between the single-family homes and the Seine River).
- The proposed rezoning to accommodate the 6-unit development is consistent with the Areas of Stability policies of the Complete Communities Direction Strategy and represents context-sensitive redevelopment within the area for the following reasons:
    - The site is located on a corner, which helps limit the potential impact of the development on neigbouring properties;
    - The maximum permitted height of any building in the RMF-S zone is 35 feet, which is the same permitted height for the neighbouring properties to the north and east that are zoned R1 and R2;
    - The proposed building faces Bertrand Street, which is consistent with neighbouring properties along Bertrand;
    - The proposed rezoning to RMF-S allows a maximum of 6 units to be developed on the site, which in terms of density, can be considered relatively modest infill development for the size of the site;
    - The site design accommodates all of the required parking for the 6 units;

    - Parking is located behind the building and is screened with a 5 foot wide landscaped buffer.

- The proposed front yard setback of 10 feet is generally consistent with the front yard setbacks of the homes on the north side of Bertrand Street, east of Youville Street.
- The lot area variance is unavoidable since the subject lot is 8,575 square feet in area. That stated, the lot is only marginally smaller (approximately 5%) than the required 9,000 square feet.
- There is sufficient space to accommodate the required landscaping on the site and avoid the need for the variance for insufficient landscaping.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.
- The plans submitted are generally supported by the Division. However, the landscaping plans do not provide a species list nor is the parking area fully surrounded by landscaping. The Division would like to see this matter addressed in the future submission for plan approval.

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

- This neighbourhood has been evolving over the past number of years from a manufacturing area into a residential area.

- The proposed rezoning to accommodate the 6-unit development is consistent with the Areas of Stability policies of the Complete Communities Direction Strategy and represents context-sensitive redevelopment within the area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 208/2012

Schedule "A" for File No. DAZ 208/2012, Riel Community Committee, dated May 31, 2012

By-Law No. _____

File No. **DAZ 208/12**

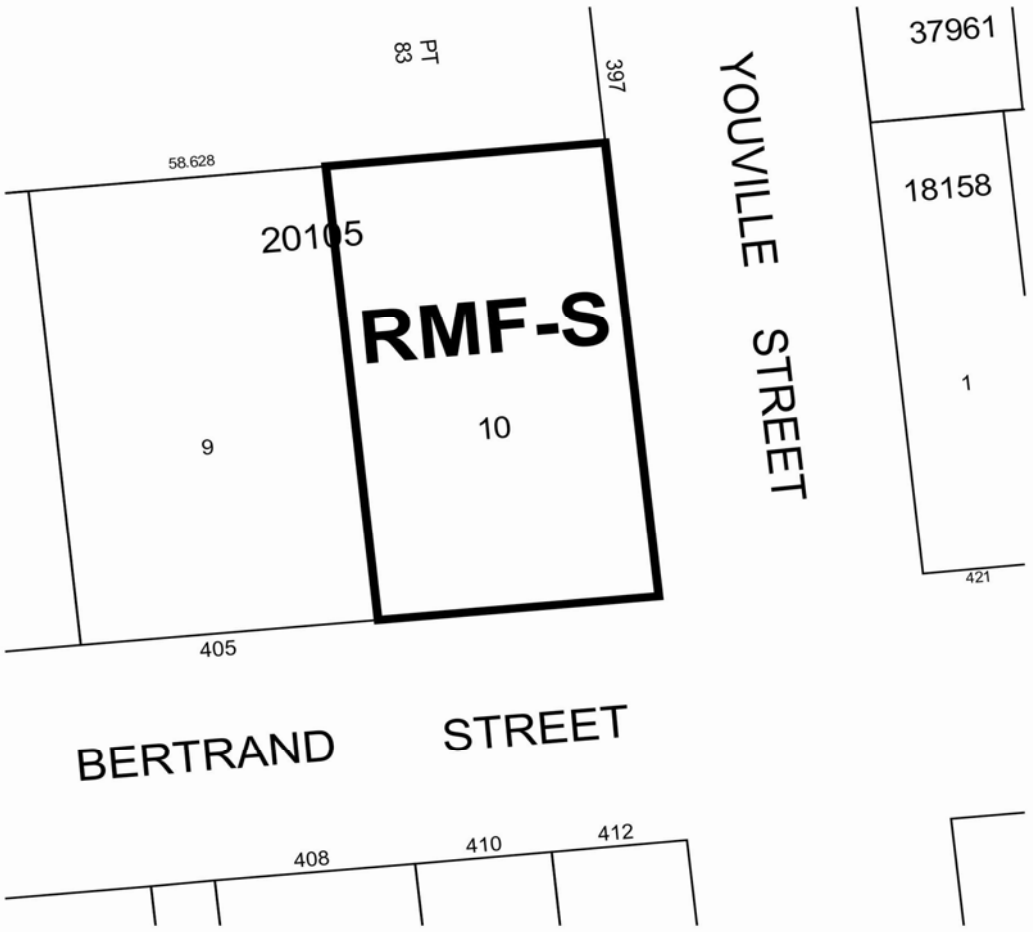
Atlas Sheet No.

N

AA27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on the north west corner of Bertrand Street & Youville Street from an "M2" MANUFACTURING GENERAL DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling (6 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 28, 2012

RE: PROPOSED REZONING OF LAND LOCATED AT 389 YOUVILLE STREET- DAZ 208/2012

It is recommended that the approval of DAZ 208/2012, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall, at no expense to the City, sod the boulevards of Bertrand and Youville Streets abutting the subject property and maintain those boulevard improvements for a period of one year, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, construct a 1.5m in width by 150mm in thickness portland cement concrete sidewalk on the north side of Bertrand Street abutting the full length of the subject property as determined by and to the satisfaction of the Director of Public Works.

3. The Developer is to 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.

4. 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.

5. 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.

6. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services required to serve the Planned Area. The Developer shall ensure that the as-built drawings showing the services required to serve the Planned Area are provided to the City by the engineering consultant on or before March 31 of the year following completion of substantial performance of the services.

7. 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 (minimum $1,650) of the Planned Area 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. DAZ 208/2012
May 28, 2012

"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