Minute No. 270
Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 3 Subdivision and Rezoning– 140 Hebert Street
(St. Boniface Ward)
File DASZ 40/2013 [c/r DAV 163710/2013D]

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 under File DASZ 40/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2013 dated January 5, 2014, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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 40/2013 dated January 5, 2014 to "R1-S" and "R1-M" Residential Single-Family Districts.

3. That in lieu of the requirement for land dedication, a sum of money, calculated based on the applicable frontage rate for the creation of residential building lots be paid to the City for the purchase of land for the 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 (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.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

Report - Standing Policy Committee on Property and Development – February 18, 2014

COUNCIL DECISION (continued):

9. 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.

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.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – February 18, 2014

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 February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendment:

- Add the following to Recommendation 3. after "residential building lots":

  "be paid to the City for the purchase of land for the purposes of the City other than streets."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete recommendation 3 in its entirety, and replace it with the following new recommendation 3:

  3. That in lieu of the requirement for land dedication, a sum of money, calculated based on the applicable frontage rate for the creation of residential building lots.

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

RE: **Subdivision and Rezoning– 140 Hebert Street**
File DASZ 40/2013 [c/r DAV 163710/2013D]

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

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **January 16, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 13, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 40/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2013 dated January 5, 2014, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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 40/2013 dated January 5, 2014 to "R1-S" and "R1-M" Residential Single-Family Districts.

~~***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.***~~

3. That in lieu of the requirement for land dedication, a sum of money, calculated based on the applicable frontage rate for the creation of residential building lots.

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

5. That in the event the 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.

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 registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

9. 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.

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.

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

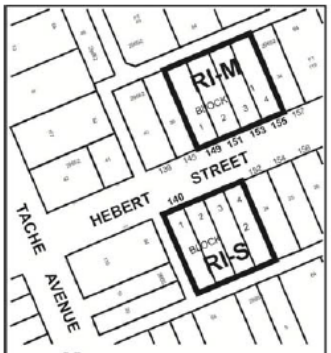
The Riel Community Committee provided the following supporting reason for its recommendation:

1. This is an extra lot that has been in the works for a long time.

PUBLIC HEARING SUMMARY

File:	DASZ 40/2013
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Mayes Councillor Swandel
Public Hearing:	January 13, 2014 Council Building, 510 Main Street
Applicant:	Qualico Communities/Qualico Developments Winnipeg Ltd. (Ravi Joshi)

Subject:



APPLICANT : QUALICO DEVELOPMENTS (WINNIPEG) LTD
FILE : DASZ 40/13
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 (Medium) DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for future residential development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : QUALICO DEVELOPMENTS (WINNIPEG) LTD
N° DE RÉFÉRENCE : DALZ 40/13
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) aux catégories R1-S (secteur de petites habitations unifamiliales) et R1-M (secteur d'habitations unifamiliales moyennes) afin de permettre un futur lotissement résidentiel. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 140 Hebert Street and Lots 22, 23, 35-38, Plan 29652

Exhibits Filed:

1. Application dated October 30, 2013
2. Notification of Public Hearing dated November 19, 2013
3. Manitoba Status of Titles 1308599/1, 2166461/1, 2181365/1, 2282302/1, 2282367/1, 2282369/1 and 2606669/1
4. Letter of authorization dated September 4, 2013 from Monique Mulaire, David Dandeneau and Huguette Dandeneau to Qualico Developments (Winnipeg) Ltd.
5. Surveyor's Building Location Certificate and sketch
6. Caveat No. 4235065/1 dated June 29, 2012
7. Plan
8. Report from the Urban Planning Division dated January 5, 2014
9. Inspection Report
10. Communication dated January 10, 2014, from Matt Allard, President, Old St. Boniface Residents' Association in support of the application
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ravin Joshi
Eric Vogan

In Opposition

Nil

For Information:

Ryan Skrabyk

For the City:

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

Exhibit "8" referred to in File DASZ 40/2013

ADMINISTRATIVE REPORT

Title: DASZ 40/2013 – 140 Hebert Street Public Hearing

Issue: An application for consideration at the public hearing to subdivide the site into eight residential lots and rezone four lots to R1-M and four lots to R1-S

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 40/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2013 dated January 5, 2014, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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 40/2013 dated January 5, 2014 to "R1-S" and "R1-M" Residential Single-Family Districts.
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 (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.

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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.

9. 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.

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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 to subdivide the site from a total of 7 lots into 8 lots with 4 lots located on the north side of Rue Hebert and 4 lots on the south side of Hebert.
- The lots on the north side of Rue Hebert will be rezoned from R2 and R1-M to R1-M. The lots on the south side of Rue Hebert will be rezoned from R2 and R1-M to R1-S.
- 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 and rezoned as proposed.

HISTORY

DAZ 228/2003

- On October 22, 2003 Council approved DAZ 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

- Three lots included in the subject site were formerly owned by the City of Winnipeg, but were sold along several properties within Pointe Hebert to Qualico Developments in 2007.
- 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 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.

DASZ 33/2011

- The subject site was part of larger rezoning and subdivision application in Pointe Hebert under DASZ 33/11, which was initiated in order to rezone a total of 20 lots from R1-M and R2 to RMF-S. However, at the public hearing for DASZ 33/11, the application chose to scale-back the extent of the application. Subsequently, the applicant has submitted a letter to the Public Service requesting to not proceed with DASZ 33/11. As such, the subject site remains zoned R1-M.

DAC 19/2011

- On December 14, 2011, Council approved the closing of the north/south lane that leads towards Rue Messager and that was opened under DAO 7/2006. The land encompassing the lane was declared surplus to the City's needs.

DAV 12-136163/C

- On July 4, 2012, the Board of Adjustment approved DAV 12-136163/C allowing the creation of 13 residential lots with widths ranging between 32-34 feet and lot areas ranging between 3,914 square feet and 4,166.8 square feet along Rue Messager.

DAV 13-120849/C

- On May 22, 2013, the Board of Adjustment approved DAV 13-120849/C allowing the creation of 6 residential lots with widths ranging between 32-34 feet and lot areas ranging between 3,594 square feet and 4,147 square feet along Rue Hebert.

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:	January 5, 2014
File No.	DASZ 40/2013

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” DASZ 40/2013 Riel Community Committee, dated January 5, 2014

APPENDIX 'A'

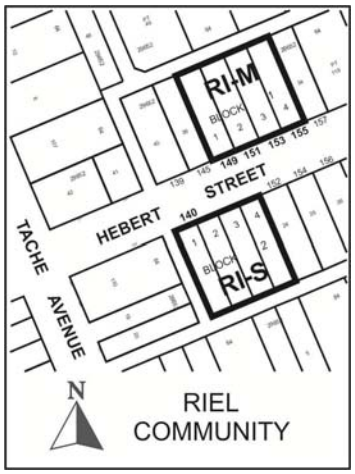
DATE: January 5, 2014

FILE: DASZ 40/2013
RELATED FILES: DAV 13-163710/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: An application to subdivide the site into eight lots and rezone the site from R2 and R1-M to R1-S and R1-M.

LOCATION: 140 Hebert ST and Lots 22, 23, 35 thru 38 Plan 29652
LEGAL DESCRIPTION: 140 Hebert ST and Lots 22, 23, 35 thru 38 Plan 29652



APPLICANT: Ravi Joshi (Qualico Communities)
1 DR. DAVID FRIESEN DR
WINNIPEG MB R3X 0G8

OWNERS: Qualico Developments Ltd
30 Speers Rd
WINNIPEG MB R2J 1 L9

Monique Mulaire
378 Gaboury Place
Winnipeg, MB R2H 0L4

David and Huguette Dandeneau
311 Dumoulin St.
Winnipeg, MB R2J 1L 9

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject properties are located on the north and south sides of the Rue Hebert in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The site is currently made-up of 7 lots (Lots 21-23 and Lots 35-38 Plan 29652) Combined, these lots are **30,803 square feet in area**.
- 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.

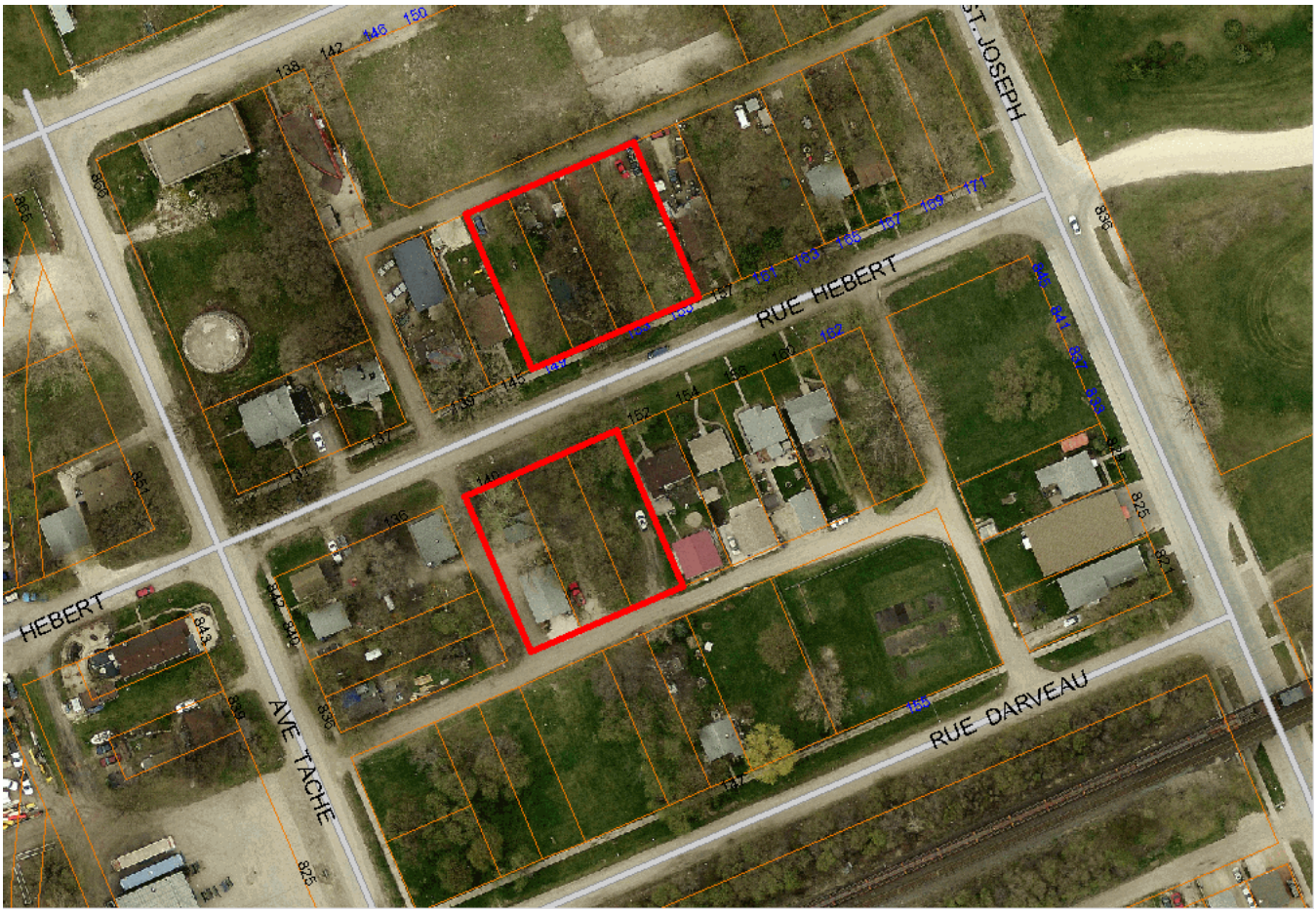


Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Vacant lots zoned R1-M.

South: Predominantly vacant lots zoned RMF-S and R2.

East: Detached homes on lots zoned R2.

West: Detached homes on lots zoned R2.

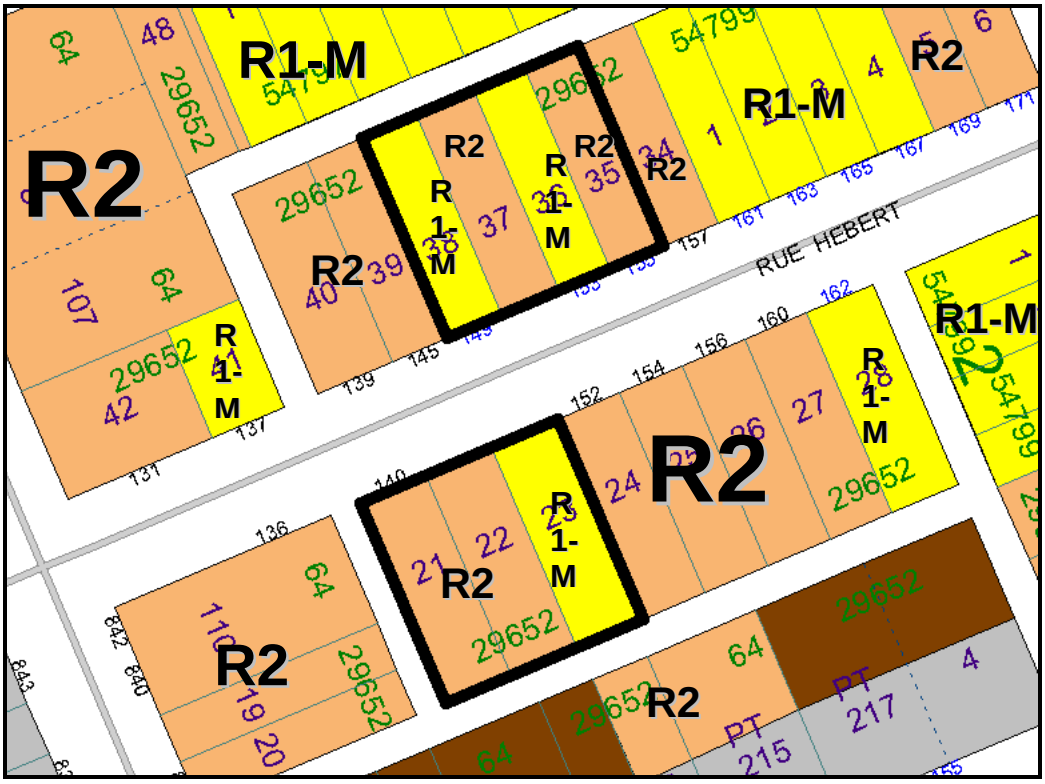


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site from a total of 7 lots into 8 lots with 4 lots located on the north side of Rue Hebert and 4 lots on the south side of Hebert.
- The lots on the north side of Rue Hebert will be rezoned from R2 and R1-M to R1-M for future single-family residential development. These lots will have widths that range between 32 and 34 feet and will have lot areas that range between 3,906 and 4,150 square feet.
- The lots on the south side of Rue Hebert will be rezoned from R2 and R1-M to R1-S for future single-family residential development. These lots will predominantly have 30 foot widths and will be 3,665 square feet in area.
- Variances are required for lot area and width as per the Special Boundary Conditions of the Zoning By-law (see DAV 13-163710/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.
    - 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.*
- The lots would be considered to be within the Lower Density Residential policy area of the Secondary Plan. The proposed development is consistent with Lower Density Residential policies.

ZONING

"R2" Residential Two-Family Large 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.

"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%.

"R1-S" Residential Single-Family Small District

- The R1-L district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 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%.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the site from R2 and R1-M to R1-M along the north side of Rue Hebert and R1-S along the south side of Rue Hebert for future detached single-family home development.

Variances

- The proposed development does not meet the Special Boundary Conditions of Zoning By-Law No. 200/2006. Section 138 of Zoning By-law No. 200/06 prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.
- The average lot width and lot areas of existing developed lots in the adjacent R1 and R2 zoned properties within 200 feet of the subject site are:
    - lot widths of 40.4 feet, and
    - lot areas of 4,777 square feet.
- The lowest lot width and area of the 8 lots proposed is 30 feet and 3,665 square feet respectively. Although there are also larger lots proposed in the subdivision, none of the proposed lots meet the special boundary conditions for lot width and lot area. Therefore all of the proposed lots require variances.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subdivision and rezoning conforms to the Areas of Stability – Mature Communities policies of the Complete Communities Direction Strategy and the relevant policies of the North St. Boniface Secondary plan.
- Although the North St. Boniface Secondary Plan encourages densities of up to 25 units/acre in the Lower Density policy area, the applicant is choosing to rezone the subject properties to R1-M and R1-S for detached single-family development. Detached single-family development has been expressed as the desired form of housing for most of Pointe Hebert by area residents.
- Under DAV 13-120849/C, variances were granted for lot width and area for the creation of 6 lots on the north side of Rue Hebert, west of Rue St. Joseph. These lots have

widths that range between 32-34 feet and areas that range between and 3,900 and 4,144 square feet. The planner's report stated the following reasons for supporting variance DAV 13-120849/C: *The proposed lots are only marginally smaller than the existing lots on the north side of Rue Hebert. Most of the lots that front onto the north side of Rue Hebert are about 33 feet wide and 4,000 square feet in area*.

- The applicant is now proposing similar lot widths and areas for 4 lots on the north side of Rue Hebert. These lots will conform to the established lot sizes on the north side of Rue Hebert.
- The proposed lots on the south side of Rue Hebert will be generally consistent in width and area to the lots on the north side of the street. Although these lots will be smaller than the neighbouring lots on the south side of Rue Hebert, it should be noted that the subject properties are located on the corner, and that the neighbouring lots to the east are predominantly zoned R2, which can allow for greater density (with applicable variances).

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 Public Service is requesting cash in lieu of land dedication for this application.

RECOMMENDATION

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

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the North St. Boniface Secondary Plan.
- The proposed rezoning to R1-M and R1-S is compatible with the zoning of the neighbouring lots.
- The proposed lots are similar in size to most of the existing single-family lots in the surrounding area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 40/2013

Schedule "A" for File No. DASZ 40/2013, Riel Community Committee, dated January 5, 2014

By-Law No.

File No. **DASZ 40/13**

Atlas Sheet No.

N

Z26 RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the north and south sides of Hebert Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for future residential development as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.