Minute No. 569
Report – Executive Policy Committee – September 23, 2015

Item No. 4 **Rezoning – 265 Provencher Boulevard**
(St. Boniface Ward)
File DAZ 214/2015

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 214/2015 dated August 14, 2015, to a "RMU" Residential Mixed Use district subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, billboard signs, mobile signs, inflatable signs, or A-frame signs shall not be permitted on the entire site.

        ii. That, for the development of any free-standing signage plans shall be submitted showing the location and design of the free-standing signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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.

Report – Executive Policy Committee – September 23, 2015

COUNCIL DECISION (continued):

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward 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 the 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 – Executive Policy Committee – September 23, 2015

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 265 Provencher Boulevard**
File DAZ 214/2015

For submission to: **Executive Policy Committee**

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

Report date: **September 15, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 214/2015 dated August 14, 2015, to a "RMU" Residential Mixed Use district subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, billboard signs, mobile signs, inflatable signs, or A-frame signs shall not be permitted on the entire site.

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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 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 the 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 rezoning does not cause any adverse effects on the neighbourhood.

2. The strip in question is already fairly commercial in nature.

PUBLIC HEARING SUMMARY

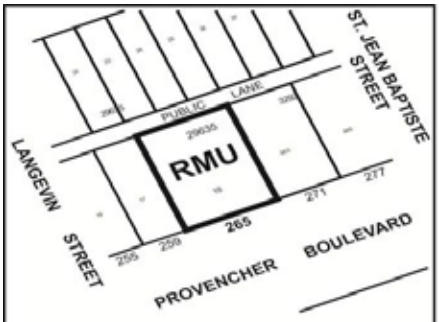
File: DAZ 214/2015

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: September 14, 2015
Council Building, 510 Main Street

Applicant: Charles Clément and Patrick Clément

Subject:



APPLICANT: CHARLES CLEMENT
FILE: DAZ 214/15
PROPOSAL: To rezone the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of an office use in conjunction with a residential use. **For information, phone Mr. R. Mahé, Planner, at 204-986-8631.**
DEMANDEUR : CHARLES CLEMENT
N° DE RÉFÉRENCE : DAZ 214/15
PROJET : Modifier le zonage du bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) à la catégorie RMU (secteur résidentiel polyvalent) afin de faciliter l'aménagement d'un bureau dans une habitation. **Pour plus de renseignements, veuillez communiquer avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 265 Provencher Boulevard

Exhibits Filed:

1. Application dated June 29, 2015
2. Notification of Public Hearing dated July 9, 2015
3. Manitoba Status of Title 2137579/1
4. Letter of authorization dated June 1, 2015 from 5211140 Manitoba Ltd. to Charles and/or Patrick Clément
5. Surveyor's Building Location Certificate and sketch dated June 22, 2015
6. Plans (3 pages)
7. Report from the Urban Planning Division dated August 14, 2015
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Charles Clément and Patrick Clément

In Opposition

Nil

For Information:

Nil

For the City:

Mr. R. Mahé, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 214/2015

ADMINISTRATIVE REPORT

Title: DAZ 214/15 – 265 Provencher Blvd

Issue: An application for consideration at the Public Hearing for a rezoning from RMF-M to RMU to allow for the establishment of an office use in conjunction with a residential use.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Elise Finnigan	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 214/2015 dated August 14, 2015, to a "RMU" Residential Mixed Use district subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, billboard signs, mobile signs, inflatable signs, or A-frame signs shall not be permitted on the entire site.

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2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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 the 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 intends to rezone the subject property to allow for the establishment of an office use in addition to the existing residential use.
- This will require a rezoning from the “RMF-M” Residential Multi-Family Medium district to the “RMU” Residential Mixed Use district.
- No exterior alterations are planned for the existing dwelling.
- 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 subject property will be rezoned.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan
Date:	August 14th, 2015
File No.	DAZ 214/15

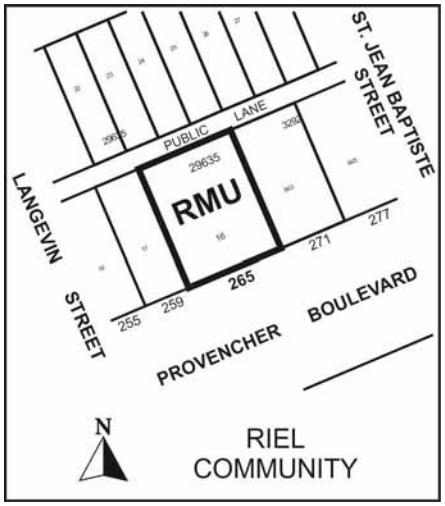
APPENDIX 'A'

DATE: August 14th, 2015
FILE: DAZ 214/15

RELATED FILES: DAV 15-152701/D
COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: To rezone the subject property from RMF-M to RMU to allow for the establishment of an office use in conjunction with a residential use.

LOCATION: 265 Provencher Blvd



APPLICANT: Charles Clément and Patrick Clément
48 Braswell Bay
Winnipeg MB R3X 2B6

OWNER: 5211140 Manitoba Ltd.
c/o Yvan Lupien
265 Provencher Blvd.
Winnipeg MB R2H 0G6

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property to allow for the establishment of an office use in conjunction with multi-family residential uses.

- This will require a rezoning from the “RMF-M” Residential Multi-Family Medium district to the “RMU” Residential Mixed Use district.
- No exterior alterations are planned for the existing dwelling.

SITE DESCRIPTION

- The subject property is located on the north side of Provencher Boulevard between Rue Langevin and Rue St. Jean Baptiste in the North St. Boniface neighbourhood of the St. Boniface ward.
- The subject property is 11,648 square feet in area. It is occupied by a two storey, 3,073 square foot house built in 1882 comprising of seven residential units.
- The house (Maison Bernier) has heritage status with both the City of Winnipeg and the Province of Manitoba.
- The subject property is within the Areas of Stability – Mature Communities Policy Area and along a Community Mixed-Use Corridor under the *Complete Communities Direction Strategy*.
- The subject property falls under the Commercial policy area in the North St. Boniface Secondary Plan (By-law 965/75).
- The property is zoned “RMF-M” Residential Multi-Family Medium.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from the "RMF-M" Residential Multi-Family Medium district to the "RMU" Residential Mixed Use district to allow for the establishment of an office use in conjunction with multi-family residential uses.
- The applicant is presently working with an architect to determine the feasibility of converting some of the units to office space. The intent is to convert a minimum of two units to a maximum of four units to office space.
- The applicant is not intending to make any exterior alterations to the existing building.
- The site has 7 parking stalls and one garage.

BACKGROUND

- The building has heritage status with the City of Winnipeg as well as the Province of Manitoba.
- The entire exterior of the building is protected as the Character-Defining Element (CDE) under the City of Winnipeg's Historical Resources By-law 55/2014. Any alterations or additions to the exterior must be considered and approved via the issuance of a Heritage Permit by the City.
- The house as well as the site has heritage status with the province. Any alterations or additions to the site or house would require the issuance of a Heritage Permit by the Province.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the subject property is along a Community Mixed-Use Corridor. Key policies guiding development along Centres and Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support development that is sensitive to conserving historically significant features and resources.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification.

- Promote small-scale, fine-grained development that is responsive to the surrounding community context.
- Support a range of housing opportunities in terms of type, tenure, unit size.

NORTH ST. BONIFACE SECONDARY PLAN (BY-LAW 965/75)

- The subject site is located within the Commercial policy area under the North St. Boniface Secondary Plan. The following policies guide development in the Commercial policy area:
  - Encourage a vibrant, pedestrian-oriented concentration of retail, service, restaurant, entertainment, and cultural developments along Boulevard Provencher: initially from Taché Avenue to Langevin Street; subsequently from Taché Avenue connecting to the commercial area east of Thibault Street – including higher density residential development above street-level.
  - Away from Boulevard Provencher, encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with Mixed-Use developments and Higher Density Residential developments.

CURRENT ZONING DISTRICT:

"RMF" Residential Multi-Family

The RMF zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities.

PROPOSED ZONING DISTRICT:

"RMU" Residential Mixed-Use District

The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development.

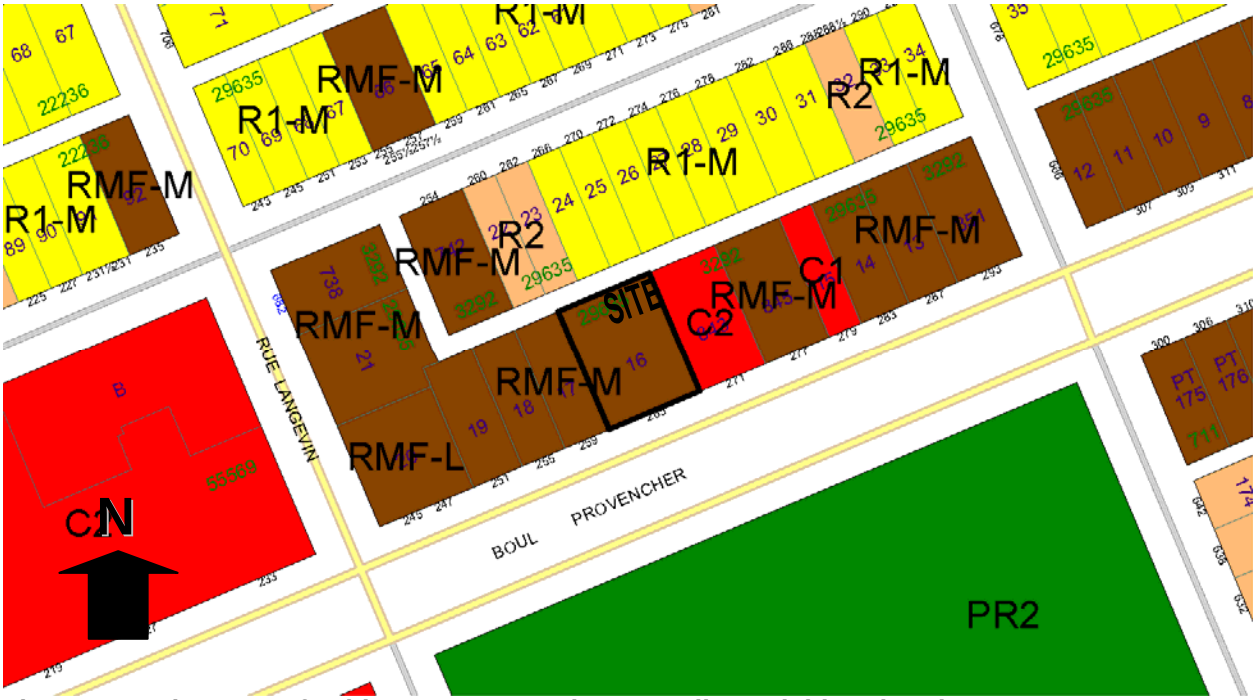


Figure 2: Zoning map of subject property and surrounding neighbourhood

LAND USE BY-LAW ISSUES

Rezoning

- The applicant is proposing to establish office space in addition to the existing residential units. Mixed use buildings with commercial and multi-family uses are not permitted in the RMF-M zone, but are permitted in the RMU zone. As such, a rezoning is required.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to rezone the site from RMF to RMU in order to convert the existing house into a mixed use development. Provencher Boulevard is considered a Community Mixed-Use Corridor under the *Complete Communities Direction Strategy*. Mixed-use development is encouraged along mixed-use corridors.
- The applicant is proposing to preserve the existing historical building and does not intend to make any exterior alterations. The *Complete Communities Direction Strategy* supports development that is sensitive to conserving historically significant features and resources along mixed-use corridors.
- The North St. Boniface Secondary Plan encourages mixed-use development within the Commercial policy area. As such, the proposed rezoning is consistent with the policies guiding development in the North St. Boniface Secondary Plan.

- The subject lot is abutting a property zoned “C2” Commercial Community and located on a major arterial predominantly zoned C2. The notion of introducing commercial uses at this location is thus consistent with existing development. It is also noted that the type and scale of commercial uses permitted in the RMU zone are small-scale and compatible with residential uses. With these considerations in mind, the Urban Planning Division believes the proposal is compatible with the surrounding neighbourhood.

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.

CONDITIONS OF APPROVAL

It is noted that the subject property is approximately 250 feet from the boundary of the Provencher Boulveard Planned Development Overlay (PDO) district where additional standards apply in order to protect Provencher Boulevard with its cultural and historic significance to the French community as the neighbourhood main street for St. Boniface. Included in the Provencher Boulevard PDO are design guidelines pertaining to signage. In order to ensure a level of consistency with the portion of Provencher Boulevard included in the PDO, the Public Service is recommending restrictions on the types of signs permitted on the property and that plans pertaining to free-standing signs be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the lot. It is noted that any alterations or additions to the house will be addressed through the Heritage review process.

RECOMMENDATION

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

- The proposed rezoning of the site to RMU is consistent with the policies guiding development in the Complete Communities Direction Strategy along Community Mixed-use Corridors and within the Commercial Policy Area under the North St. Boniface Secondary Plan.
- The subject property is abutting a C2-zoned property and located along a major arterial street (Provencher Boulevard) that is predominantly zoned for commercial uses.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 214/15

APPENDIX 'B'

Schedule "A" for File No. DAZ 214/14, Riel Community Committee, dated August 14th, 2015.

By-Law No. _____

File No. **DAZ 214/15**

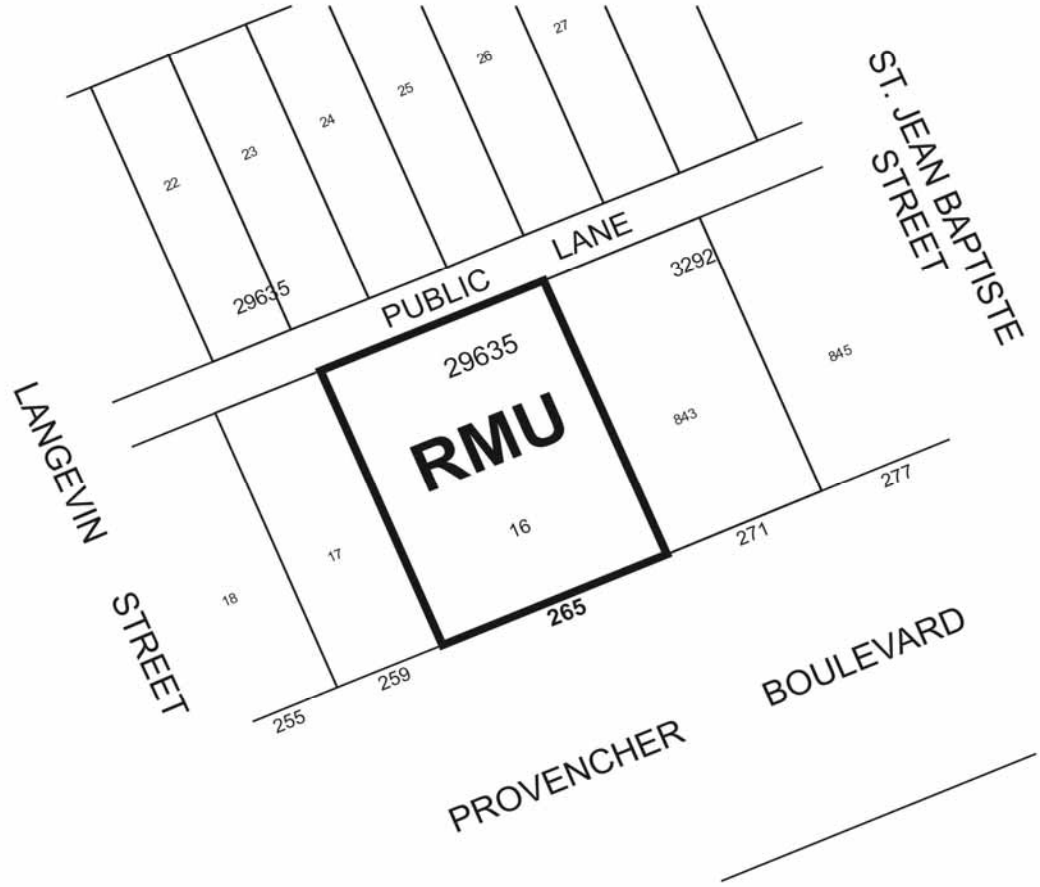
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 265 Provencher Boulevard from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of an office use in conjunction with a residential use as shown outlined below.

Atlas Sheet No.

N

Z26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____