Minute No. 397
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 9 Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 96 St. Mary's Road (St. Boniface Ward)

COUNCIL DECISION:

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

1. That By-law No.1810 of the former City of St. Boniface (the "By-law") be amended to exclude the property commonly referred to as 96 St. Mary's Road and legally described as:

   LOT 26 PLAN 28956 WLTO
   IN RL 93 TO 98 PARISH OF ST. BONIFACE

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to amend the By-law in accordance with recommendation 1.

3. That Instrument No. 563784/1 be discharged from title to the property referred to in recommendation 1.

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

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 17, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 9, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 96 St. Mary's Road

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	n/a	D. McNeil

EXECUTIVE SUMMARY

On March 1, 2017 the Board of Adjustment approved a conditional use and associated variances to establish a multi-family building (6 dwelling units) at 96 St. Mary's Road, subject to approval by Council to amend By-law No. 1810 of the former City of St. Boniface (the "By-law") to exclude the subject property (i.e., 96 St. Mary's Road).

The By-law only permits single-family dwellings in the Norwood West neighbourhood, which includes 96 St. Mary's Road. Noting this restriction, the 6 unit multi-family building can only be established at 96 St. Mary's Road if the subject property is excluded from the By-law.

RECOMMENDATIONS

1. That By-law No.1810 of the former City of St. Boniface (the "By-law") be amended to exclude the property commonly referred to as 96 St. Mary's Road and legally described as:

   LOT 26 PLAN 28956 WLTO
   IN RL 93 TO 98 PARISH OF ST. BONIFACE

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to amend the By-law in accordance with recommendation 1.

3. That Instrument No. 563784/1 be discharged from title to the property referred to in recommendation 1.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On March 1, 2017 the Board of Adjustment approved a conditional use (a copy of the planner's report for DCU 16-171811\C is attached as Appendix C) and associated variances (a copy of the planner's report for DAV 16-171889\C is attached as Appendix D) to establish a multi-family building (6 dwelling units) at 96 St. Mary's Road, subject to approval by Council to amend the By-law to exclude the subject property (i.e., 96 St. Mary's Road).

IMPLICATIONS OF THE RECOMMENDATIONS

1. The By-law will be amended to exclude 96 St. Mary's Road.
2. The 6 unit multi-family building approved by the Board of Adjustment can be established at 96 St. Mary's Road.

HISTORY/DISCUSSION

In 1927 the City of St. Boniface enacted By-law No. 1810 (a copy of which is attached as Appendix A) which placed a number of building restrictions on the properties located in the Norwood West neighbourhood, including the subject property, intended to preserve the residential quality of the area. The majority of these restrictions were repealed in 1982 under By-law No. 3177/82 (a copy of which is attached as Appendix B), while others were amended. One of the amended provisions that is relevant to the proposal to establish a multi-family use at 96 St. Mary's Road is Section 1(c), which reads as follows:

"*The following uses only shall be permitted on said land:*

(i) Single-family dwellings; and

(ii) Accessory uses incidental to single-family dwellings, pursuant to the applicable zoning regulations under the Town Planning Scheme for the City of St. Boniface 1957."

On March 1st, 2017, the Board of Adjustment concurred in the recommendation of the Urban Planning Division and approved a Conditional Use on the subject property to permit the establishment of a multi-family use, subject to the following conditions:

1. That, the Order shall come into force and effect upon the approval by Council to amend By-law No. 1810/27 to exclude the subject property.
2. That final plans, showing the location and details of buildings, landscaping, parking, walkways, signage, lighting and garbage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

The decision of the Board of Adjustment was appealed. On April 20th, 2017, the Appeal Committee denied the appeal, concurred in the decision of the Board of Adjustment and approved a Conditional Use on the land to permit the establishment of a multi-family use subject to the two conditions noted above.

FINANCIAL IMPACT

Financial Impact Statement Date: March 24, 2017

Project Name:

Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 96 St. Mary's Road

COMMENTS:

There are no direct financial implications associated with this report.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: Legal Services, as to legal issues.

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg, Section 01-1c – Key Directions for Specific City Areas > Centres and Corridors

- The subject property is located along a "Regional Mixed Use Corridor" (St. Mary's Road) in the *Complete Communities'* Urban Structure map. *OurWinnipeg* directs a significant share of growth to Corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

Complete Communities, Section 03-2 – Centres and Corridors:

- With regard to this proposal, the key policies guiding the development of Regional Mixed Use 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 a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Elise Finnigan, Planner
Date: March 24, 2017
File No: o:\reports directive\planning and land use\urban planning reports\2017 reports\amendment to by-law no. 1810 for 96 st mary's road.docx

List of Appendices:

1. Appendix A: Copy of By-law No. 1810 of the former City of St. Boniface;
2. Appendix B: Copy of By-law No. 3177;
3. Appendix C: Planner's report for *DCU 16-171811\C – 96 St Mary's RD; and*
4. Appendix D: Planner's report for *DAV 16-171889\C – 96 St Mary's RD.*

Appendix A: By-law No. 1810 of the former City of St. Boniface



By-law No. 1810 City of St. Boniface.pdf

Appendix B: By-law No. 3177/82



By-law No.3177.82.pdf

Appendix C: Planner's report for *DCU 16-171811\C – 96 St Mary's RD*



Adobe Acrobat Document

Appendix D: Planner's report for *DAV 16-171889\C – 96 St Mary's RD*



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