Agenda – Council – July 19, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2017

Item No. 5 Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 110 St. Mary's Road (St. Boniface Ward)

STANDING COMMITTEE RECOMMENDATION:

On July 12, 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 following to Council:

1. That a by-law to amend By-law No.1810 of the former City of St. Boniface, be enacted to exclude the property commonly referred to as 110 St. Mary's Road and legally described as:

   LOT 23 PLAN 28956 WLTO
   IN RL 93 TO 98 PARISH OF ST. BONIFACE

   (Draft amending by-law is attached as Schedule "A".)

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

3. 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, Heritage and Downtown Development – July 4, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 12, 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 July 4, 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 110 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 June 14, 2017 the Board of Adjustment approved a conditional use to allow for the expansion of a care home use to 8 beds at 110 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 110 St. Mary's Road.

The By-law only permits single-family dwellings in the Norwood West neighbourhood, which includes 110 St. Mary's Road. Noting this restriction, the maintenance and expansion of a care home use can only be permitted at 110 St. Mary's Road if the subject property is excluded from the By-law.

RECOMMENDATIONS

1. That Council enact a by-law to amend By-law No.1810 of the former City of St. Boniface to exclude the property commonly referred to as 110 St. Mary's Road and legally described as:

   LOT 23 PLAN 28956 WLTO
   IN RL 93 TO 98 PARISH OF ST. BONIFACE

   (Draft amending by-law is attached as Schedule "A".)

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

3. 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 June 14, 2017 the Board of Adjustment approved a conditional use (a copy of the planner's report for DCU 17-115146\C is attached as Appendix C) to expand a care home use to 8 beds at 110 St. Mary's Road, subject to approval by Council to amend the By-law to exclude 110 St. Mary's Road.

IMPLICATIONS OF THE RECOMMENDATIONS

1. The By-law will be amended to exclude 110 St. Mary's Road.
2. The applicant will be permitted to expand the existing care home on the subject property at 110 St. Mary's Road to eight (8) beds, as approved by the Board of Adjustment.

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 maintain and expand a care home use (to 8 beds) at 110 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 June 14, 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 expansion of a care home use to 8 beds, 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 the number of residents be limited to no more than eight (8) persons;
3) That there be a minimum of two (2) staff on the premises at all times;
4) That no staff residency be permitted;
5) ~~That signage be prohibited on the site~~; (condition deleted at Board of Adjustment June 14, 2017)
6) That if any development granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Conditional Use shall terminate.

FINANCIAL IMPACT

Financial Impact Statement Date: June 15, 2017

Project Name:

Amendment to By-law No. 1810 of the former City of St. Boniface to exclude 110 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 Department

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.
  - Mitigate the potential impacts of new development on neighbouring streets, parks and properties.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Simi Jerez, Planner
Date: June 14, 2017
File No: O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2017 Reports\Amendment to By-law No. 1810 for 110 St Mary's Road

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 – 110 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: Original Planner's Report for *DCU 17-155146\C – 110 St Mary's RD*



DCU 16-171811\C – 110 St Mary's RD