Agenda – Executive Policy Committee – February 13, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

Item No. 4 Subdivision and Rezoning – 174 Provencher Boulevard (St. Boniface Ward) File DASZ 25/2017 [c/r DAV 165224/2017D]

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and recommended to Council:

1. That the plan of subdivision under File DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2017 dated December 29, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated November 22, 2017, with the following amendment:

        i. Delete 1) Plan Considerations in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 25/2017 dated December 29, 2017 to a "RMU" Residential Mixed-Use District.

3. That the plan of subdivision under File No. DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/2017, dated December 29, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

STANDING COMMITTEE RECOMMENDATION (continued):

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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 and execution of the City of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and 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.

10. 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.

11. 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.

12. 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, Heritage and Downtown Development – February 2, 2018

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 January 15, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Add the following to recommendation 1. A. after "November 22, 2017":

  ", with the following amendment:

  i. Delete 1) Plan Considerations in its entirety."

- Amend recommendation 2 by deleting "DASZ 45/2016", and replace with "DASZ 25/2017".

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 174 Provencher Boulevard**
File DASZ 25/2017 [c/r DAV 165224/2017D]

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

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

Report date: **January 16, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision under File DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2017 dated December 29, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated November 22, 2017, ***with the following amendment:***

        i. Delete 1) Plan Considerations in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. ~~***DASZ 45/2016***~~ ***DASZ 25/2017***, dated December 29, 2017 to a "RMU" Residential Mixed-Use District.

3. That the plan of subdivision under File No. DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/2017, dated December 29, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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12. 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 reasons for its recommendation:

1. The applicant did very good work; we've seen today, support from community in various organizations for the proposal.
2. We heard from the proponent that I think we're getting very close to highest and best use for the site, given the current by-laws/the Provencher PDO and the potential development for that site.

3. In terms of the density, we just went through the North St. Boniface Secondary Plan planning process; we learned out of that process that there was support for increased density in the area.
4. I think that we need to build many more projects like this to have the required density to have a really thriving, more urban neighbourhood on Provencher Boulevard, and really build up French quarter.
5. In terms of infill and densification, through the various experiences I've had with this Council, I'm convinced that we need to build in and build up, and this is definitely the type of development that we need to be supporting.
6. I believe we need to use the existing infrastructure that we have, and this is the type of development that takes advantage of the existing infrastructure and allows us to be a better city.
7. In terms of the increased taxation, that allows us to provide better public services and more efficient public services; services like transit, that need higher densities in order to be more effective.

PUBLIC HEARING SUMMARY

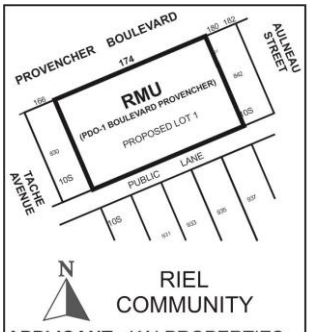
File: DASZ 25/2017

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

Public Hearing: January 15, 2018
Council Building, 510 Main Street

Applicant: Kai Properties Inc.

Subject:



APPLICANT : KAI PROPERTIES INC.
FILE : DASZ 25/17
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 "C2 PDO-1 BOULEVARD PROVENCHER" COMMERCIAL COMMUNITY DISTRICT to an "RMU PDO-1 BOULEVARD PROVENCHER" RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of lands for the construction of a mixed-use building containing commercial and residential uses, along with accessory parking. **For information, Ms. S. Jerez, Planner at 204-986-7175**
DEMANDEUR : KAI PROPERTIES INC.
N° DE DOSSIER : DALZ 25/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie C2 DO-1 DU SECTEUR DU BOULEVARD PROVENCHER (secteur commercial communautaire) à la catégorie RMU DO-1 DU SECTEUR DU BOULEVARD PROVENCHER (secteur résidentiel polyvalent) afin de faciliter le remembrement des terres pour permettre la construction d'un bâtiment polyvalent à usage commercial et résidentiel ayant un terrain de stationnement contigu. **Pour plus de renseignements, veuillez communiquer avec Mme. S. Jerez, urbaniste, au 204-986-7175.**

Premises Affected: 174 Provencher Boulevard

Exhibits Filed:

1. Application dated October 24, 2017
2. Notification of Public Hearing dated December 7, 2017
3. Manitoba Status of Title 2389334/1
4. Letter of authorization dated September 22, 2017 from 5888329 Manitoba Ltd. to Kai Properties Inc.
5. Surveyor's Staking Certificate and sketch dated June 17, 2008
6. Drawing of subject property/sign
7. Plans (8 pages)
8. Report from the Urban Planning Division dated December 18, 2017
9. Inspection Report

REPRESENTATIONS:

In Support:

Paul Allard
Jason Alsip
Georges Bohemier
Jennifer Clark-Rouire
Normand Gousseau
Kent Holoschuk
Robert MacKay
Roland Marcoux
Michel Rouire
Carine Roy
Robert Roy
Kurtis Sawatzky

In Opposition:

Karl Brosch
Sue Brosch
Constance Menzies
Réal Rioux

For Information:

Al Gagliardi

For the City:

R. Mahé, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 25/2017

ADMINISTRATIVE REPORT

Title: DASZ 25/2017 – 174 Provencher BLVD

Issue: For consideration at the public hearing for a subdivision and rezoning for the establishment of a multi-use building at 174 Provencher Boulevard.

Critical Path: Riel Community Committee as per the Development Procedures By-law and The City of Winnipeg Charter

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Simi Jerez	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2017 dated December 29, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:
    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated November 22, 2017.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 45/2016 dated December 29, 2017 to a "RMU" Residential Mixed-Use District.
3. That the plan of subdivision under File No. DASZ 25/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 25/2017, dated December 29, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
6. 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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12. 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

- 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 property may be rezoned and consolidated, subject to conditions.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez
Date:	December 29, 2017
File No.	DASZ 25/2017

List of Schedules and Attachments

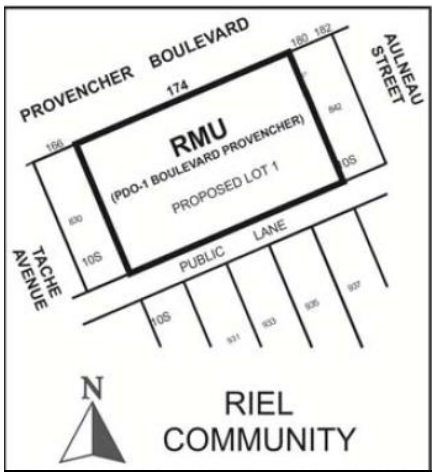
1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 25/2017 Riel Community Committee, dated December 29, 2017
3. Schedule “B” — Report of the Administrative Working Group – November 22, 2017

APPENDIX 'A'

DATE: December 29, 2017
FILE: **DASZ 25/2017**
RELATED FILES: DAV 17-165224\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.502 – Central St. Boniface

SUBJECT: To consolidate and rezone two lots from a "C2" Commercial (Community) District to an "RMU" Residential Mixed Use District.

LOCATION: 174 Provencher BLVD
LEGAL DESCRIPTION: LOT 832,834,836 PLAN 10 LOT 22 PLAN 29333 76 ST B



APPLICANT: Paul Allard
128 James AVE Unit 101
Winnipeg , Manitoba R3B0N8

OWNER: SHELL CANADA PRODUCTS LIMITED
CALGARY, Alberta T2P 2J6

RECOMMENDATION: Approval with conditions

HISTORY

- The applicant held an Open House on Tuesday November 21st 2017 at the St Boniface Library. Approximately 20 people attended. Comments are summarized as follows:
  - One person mentioned parking is at a premium and that they appreciated that they were providing at least 1:1 parking for the project
  - The room was united in wanting small boutique type shops
  - People were amenable to the height of the building
  - There was concern from the adjacent commercial property about snow falling from this building onto their building. It was explained that this is a flat roof with a 2 foot parapet so it was very unlikely that snow would fall off this building onto adjacent buildings.
  - A couple of individuals wanted a pathway connection maintained from the back lane to Provencher Boulevard.

SITE DESCRIPTION

- The subject property is located on the south side of Provencher Boulevard, in the Central St. Boniface neighbourhood of the St Boniface ward.
- The subject property is situated along a Community Mixed-Use Corridor under the Complete Communities Direction Strategy.
- The property is zoned “C2” Commercial Community, and is located within the *PDO -1 Boulevard Provencher* area.
- The 16,302 square foot site is currently used for surface parking.

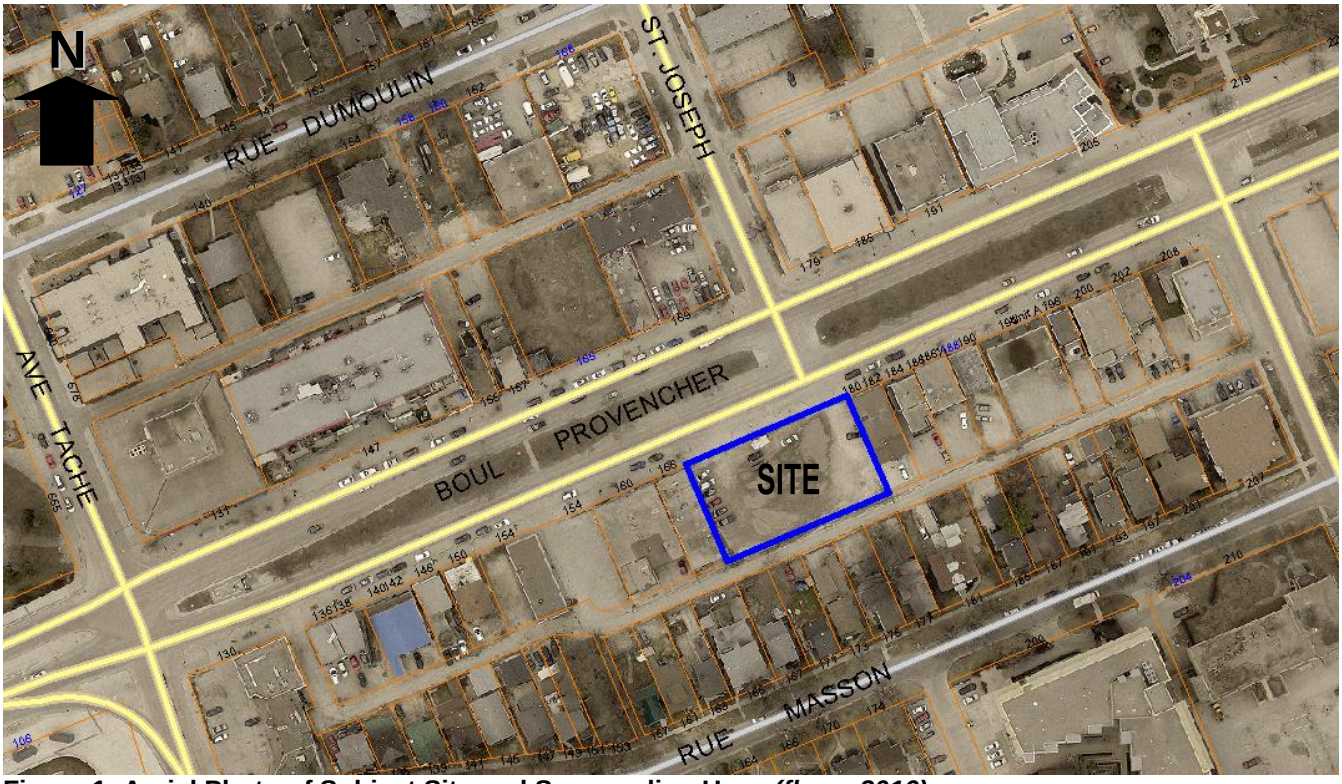


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Provencher Boulevard; then commercial and mixed use residential uses zoned “C2” Commercial Community.

South: Single-family and two-family residential uses zoned **“**R2” Residential Two-Family.

East: Commercial uses zoned “C2” Commercial Community.

West: Commercial uses zoned “C2” Commercial Community.

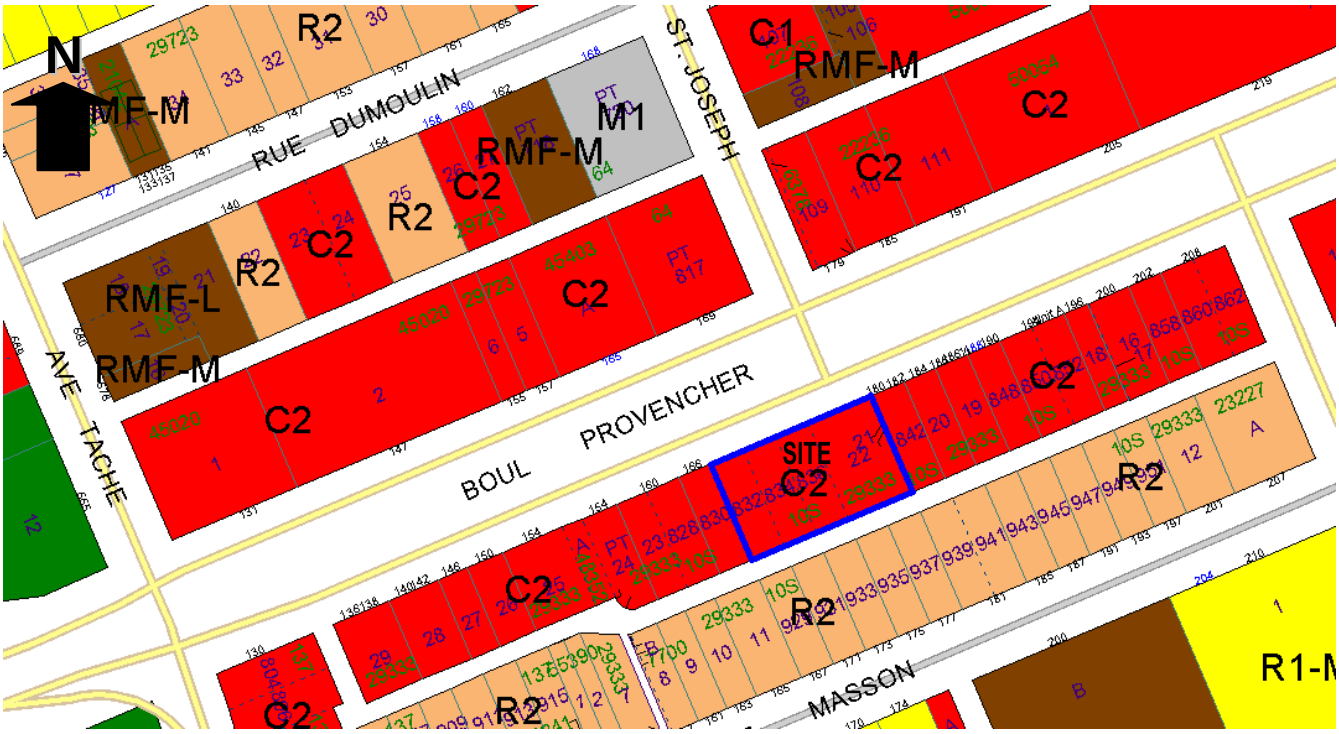


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct a 4-storey multi-family residential building with 41 one- and two-bedroom residential units, and two commercial units at grade.
- The building will be approximately 53.5 feet tall to the top of the parapet.
- The applicant proposes to provide two levels of parking: one level below grade and one level behind the ground-floor commercial units with two entrances from the lane.
- The applicant is proposing 47 parking stalls; including 2 accessible parking stalls and one accessible van stall. Of these, 39 stalls are for the residential use and 8 are associated with the commercial use.
- A 355 square foot lockable indoor bicycle parking area is proposed in the parking garage.
- The applicant has applied for variances related to lot area per dwelling unit (398 square feet per dwelling unit instead of 500 square feet per dwelling unit); parking (no visitor parking; reduced stall width adjacent to wall) and loading (no loading stall); and for providing no street edge landscaping.
- The applicant has provided detailed site plans and elevations.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- Under the Complete Communities Direction Strategy, the proposed development is located on the Provencher Boulevard Community Mixed Use Corridor. Our Corridors serve a dual function. On one hand, they are our primary city routes, connecting neighbourhoods and transporting people, goods and services. On the other hand, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work and play. The Complete Communities Direction Strategy focuses growth to our Centres and Corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development;
    - Concentrates people and jobs in areas well served by transit;
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
    - Encourages a built form that supports a pedestrian-friendly environment.
- Key relevant policies guiding development along Centres and Corridors include the following:
    - 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.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Currently, the lands are zoned “C2” – Commercial Community. The intent of the “C2” zoning district is to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- The applicant is proposing to rezone the property to “RMU” – Residential Mixed-Use for their intended mixed-use residential project. The intent of the Residential Mixed-Use (RMU) district is 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.

BOULEVARD PROVENCHER PLANNED DEVELOPMENT OVERLAY 1

- The subject site is on the south side of Provencher Boulevard and falls within the Boulevard Provencher Planned Development Overlay area.
- The purpose of this overlay is to encourage the protection of Provencher Boulevard with its cultural and historic significance to the French community as the neighbourhood main street for St. Boniface.
- In order to support the vision of the PDO, final plans and elevations must be submitted to the Director of Planning, Property and Development and the Riel Community Committee for review prior to the issuance of a development permit on the site.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The site is located on the Provencher Boulevard Community Mixed Use Corridor under the *Complete Communities Direction Strategy*. As stated above, this policy area supports infill development that provides a mix of employment, a range of higher-density housing types and sizes, as well as commercial uses that support the needs of and respect the context of adjacent communities. Development in this area should support active uses at street level and office and housing on the upper levels of multistory developments.
- The proposed development supports objectives in the Complete Communities Direction Strategy as it maximizes the use of existing infrastructure, encourages intensification to occur along a corridor, and supports a mix of commercial services and employment uses that serve the local community. It fits within the Complete Communities vision of supporting the viability of existing commercial strip, providing a range of housing options, and contributing to a vibrant and complete community.
- The proposed development introduces housing options and moderate intensification along a corridor in a way that complements adjacent commercial and residential uses. In addition, it bridges a gap in the commercial strip along the south side of Provencher Boulevard. It will provide density that will support the Provencher Boulevard corridor, which is a main street for St. Boniface. This increase in density with commercial uses at grade supports the success of local businesses and the development of a walkable, a cycling and transit friendly neighbourhood.
- The Urban Planning Division supports the proposed rezoning and development as is context sensitive and complementary to the existing scale, character and built form of the neighbourhood.

PUBLIC WORKS COMMENTS

- Public Works is requesting 1.154 meters be taken from the south side of the property for lane widening. This will have a negative impact on the current design of the project.
- The front approach on to Provencher Boulevard will need to be closed.

RECOMMENDATIONS

The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy, adding density to a Community Mixed Use Corridor in a context-sensitive manner.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 25/2017

Schedule "A" for File No. DASZ 25/2017, Riel Committee, dated December 29, 2017

By-Law No. _____

File No. **DASZ 25/17**

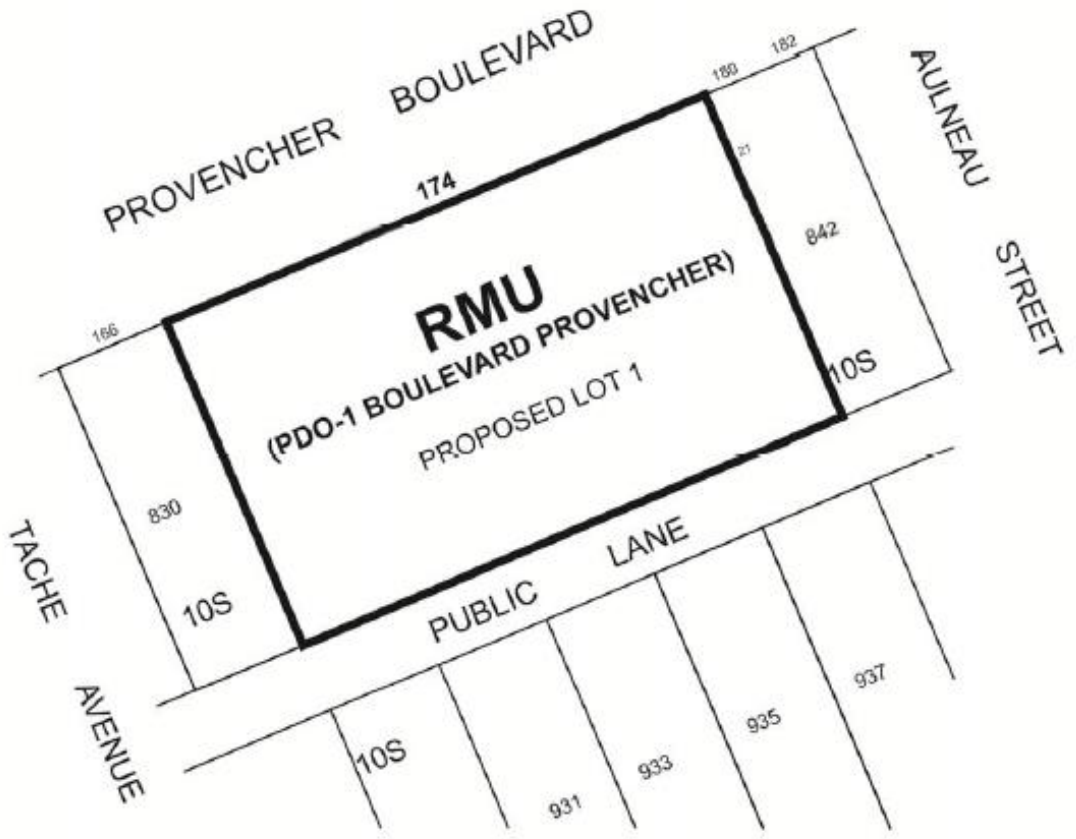
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RIEL
COMMUNITY

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 at 174 Provencher Boulevard from a "C2 PDO-1 BOULEVARD PROVENCHER" COMMERICAL COMMUNITY DISTRICT to an "RMU PDO-1 BOULEVARD PROVENCHER" RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of lands for the construction of a mixed-use building containing commercial and residential uses, along with accessory parking as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP (ACG) – November 22, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 174 PROVENCHER BOULEVARD – DASZ 25/2017

It is recommended that the approval of DASZ 25/2017, if granted, be subject to the applicant addressing the following items:

1) Plan Considerations

The applicant shall, at no expense to the City, legally open property required for a 1.154m widening to the existing east-west public lane right-of-way, along the full length of the existing east-west public lane, abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) Water Requirements

Our preliminary assessment indicates that there is not adequate fire flow for wood-framed construction (and a sprinkler system).

The Developer shall either:

a) Propose building construction upgrades to demonstrate compliance with fire flow requirements at the building permit stage. In order to achieve adequate required fire flow, measures such as splitting the building area with a firewall or upgrading to non-combustible construction are needed.

b) Reduce the proposed density and adjust their proposed site plan to match existing service levels; or

c) Provide a servicing report, prepared by a qualified municipal engineer to the satisfaction of the Director of Water & Waste, outlining the water service upgrades required for the proposed development. The applicant shall enter into a Servicing Agreement to upgrade, at no expense to the City, all water mains required to service the Planned Area, as indicated by the servicing report prepared by the municipal engineer.

3) Wastewater and Land Drainage Runoff Design Criteria

a) The applicant shall be advised that the combined domestic wastewater and land drainage runoff peak flows cannot exceed combined domestic wastewater and land drainage runoff peak flows of the existing site.

b) The proposed lot 1 will be assigned a 0.35 c-value. Any existing connections and overland flows need to be accounted for in the allowable discharge rate and on-site storage needs to be provided by the 25 year event.

c) The applicant will be required to retain a qualified engineer to design an appropriate system that complies with the c-value and other design criteria.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 25/2017
January 3, 3018

"Original Signed By G.V. Jasper P.Eng."

G.V. Jasper, P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda P.Eng"*

M. Gajda, P. Eng.
Water & Waste Department

"Original Signed By C.J. Desjardine, M.Sc., P.Eng."

C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

GVJ/gj