Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 8 Subdivision and Rezoning - 450 Youville Street
File DASZ 11/2004 [c/r ZAA 4/2004]

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 11/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2004 dated May 11, 2004, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2004 dated May 11, 2004, to a "PR" Parks and Recreational District.

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development – September 7, 2004

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and 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 July 6, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - 450 Youville Street
File DASZ 11/2004 [c/r ZAA 4/2004]

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

Prepared by: Marc Pittet, Clerk,
Riel Community Committee

Report date: July 28, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 11/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2004 dated May 11, 2004, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2004 dated May 11, 2004, to a "PR" Parks and Recreational District.

4. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

8. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use May 11, 2004.

PUBLIC HEARING SUMMARY

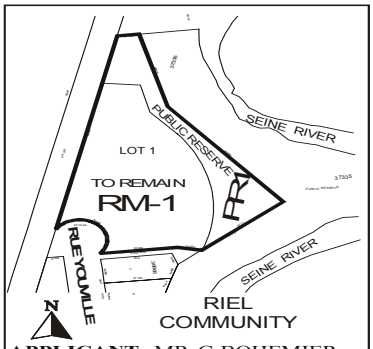
File: DASZ 11 /2004 [c/r ZAA 4/2004]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico
Councillor Angus

Public Hearing: July 6, 2004
Community Committee Chamber, 219 Provencher Boulevard
May 18, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Georges Bohemier

Subject:



APPLICANT: MR. G. BOHEMIER
FILE: DASZ 11/04
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. 6400/94 by rezoning the land shown outlined above from an "RM-1" MULTIPLE-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT in order to facilitate the development of the parkway system. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : Monsieur G Bohémier
N° DE DOSSIER : DALZ 11/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RM-1 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS), en vue de permettre le développement du réseau de promenades. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 450 Youville Street

Exhibits Filed:

1. Application dated March 25, 2004
2. Notification of Public Hearing dated April 6, 2004
3. Manitoba Status of Title 1752906
4. Surveyor's Building Location Certificate and sketch dated October 15, 1999
5. Plan dated September 1995
6. Site Plan
7. Report from the Manager of Planning and Land Use dated May 11, 2004
8. Inspection Report
9. Communication from David Dandeneau to Roy McPhail dated June 12, 2004

REPRESENTATIONS:

In Support:

Georges Bohemier
Gerry Carrière
Larry Chartrand
David Dandeneau
Monique Mulaire
Gilles Ouellet

In Opposition:

Marcel Boille
Frank Bueti
Walter Chomichuk
Leo J. R. Pelland
Antonio Spezzano

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

July 6, 2004

Councillor Angus indicated that representations would be heard for applications ZAA 4/2004 and DASZ 11/2004 concurrently. The applicant, Georges Bohemier, appeared in support of the applications and provided a brief overview of the proposal.

Marcel Boille appeared in opposition to the application. Mr. Boille stated that the subject application should not be allowed to proceed until the Corporation de développement de St. Boniface Development Corporation completes the construction of a retaining wall at 444 Youville Street. Mr. Boille further stated that he was not opposed to increasing the density of the subject property provided that the owners of adjacent lands are afforded the same opportunity. Mr. Boille asked that Committee adjourn the application to provide the area Councillor with more time to review the application and an opportunity for all concerned parties to meet.

Frank Bueti appeared in opposition to the application. Mr. Bueti stated that the approval of the application would land-lock a fifty (50') foot strip of land to the west of the proposed development. Mr. Bueti further stated that the owners of the adjacent fifty (50') foot strip of land have not been contacted by the developer to discuss the application before Committee. In response to a question from Mr. Bueti, the Senior Planner stated that he had not yet seen the final plans for the housing project but it was his belief that the proposed residential development would comply with the zoning and a Variance would be required should its height exceed thirty (30') feet. Mr. Bueti asked that Committee adjourn the matter.

In response to a question from Councillor Angus, Mr. Bueti stated that the fifty (50') foot strip of land located to the west of the proposed development, a former railway line, would likely become undevelopable with the approval of the subject application.

Walter Chomichuk appeared in opposition to the application. Mr. Chomichuk stated that he owned the fifty (50') foot strip of land that he had purchased from CN in the late 1990's. Mr. Chomichuk stated that the proposal would land-lock his property and render it undevelopable and that his property should be incorporated into the project. Mr. Chomichuk requested that Committee adjourn the application to provide him with the opportunity to meet with the applicant to discuss the consolidation of his property into this project.

Leo J. R. Pelland appeared in opposition to the application and reiterated concerns raised regarding the completion of the retaining wall located at 444 Youville Street.

Georges Bohemier and Gilles Ouellet returned in rebuttal. Mr. Bohemier read from a letter dated June 12, 2004, from David Dandeneau, President, Corporation de développement de St. Boniface Development Corporation to Roy McPhail regarding the construction of a floodwall (filed as Exhibit 11).

Mr. Bohemier stated that the land purchased by Mr. Chomichuk was land-locked when he purchased it and that he was now asking $50,000.00 for the property. Mr. Bohemier iterated that the land was not really land-locked but located at the end of a cul-de-sac. Mr. Bohemier further iterated that the developer would be applying for a variance as the height of the proposed development would exceed that permitted by the zoning. In response to a question from Councillor Angus, the Senior Planner explained that the applicant's proposal would satisfy parking requirements but that the final plans are required to be considered by the Riel Community Committee prior to the issuance of building permits.

In response to a question from Councillor Magnifico, Mr. Ouellet indicated that he would be willing to cooperate with Mr. Chomichuk with respect to the former CN property but that approval of the applications before Committee should not be contingent on said property.

May 18, 2004

No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit "7" referred to in File DASZ 11/2004

In reply please refer to / Référence à rappeler : **Kevin Lalor**
(204) 986-5069
Fax / Téléc. : (204) 986-7524

File No. DASZ 11/04 May11, 2004
Our c/f CP 500 (.502)

Marc Pittet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

SUBDIVISION AND REZONING
Land located: 450 Youville St.
Riel Community
File No. DASZ 11 /04

An application has been received from Georges Bohemier for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "RM-1" Multiple Family District to a "PR-1" Parks & Recreation District to increase the buffer zone between proposed new residential development and the Seine River Park area.

RELATED FILES: ZAA4/04

SITE DESCRIPTION:

Site Area:
Approximately a third of the existing site currently zoned for RM-1 Multiple –Family development is being proposed for additional public reserve area.(.3 acres)

Existing Land Use and Zoning:
The land is currently vacant and zoned for RM-1 Multiple Family development. Under the existing agreement, a maximum 18 dwelling units are permitted.

Surrounding Land Use and Zoning:

North: To the north are the Canadian Glass properties zoned M2 Industrial.

South: To the south are single family housing lots on the east side of Youville zoned R1-3.5 and industrial businesses zoned M2 on the west side of the street.
East: To the east are Public Reserve areas along the Seine River and industrial properties east of the Seine zoned M2.
West: To the west is a mix of M1 Industrial and single family development along Gaboury Place and Hamel Ave.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to identify and rezone a portion of his overall property to a Parks and Recreational category. The new parcel of PR land will eventually be consolidated with the existing Public Reserve lands along the Seine to be used as part of the future public pathway linkage system currently under construction. The expanded public reserve area will also hopefully constitute an effective buffer between activities along the Seine River and a new housing project envisioned for the north end of Youville Ave. The zoned RM-1 housing area will continue to be developed for Condo housing; however instead of 1-2 storey bungalow condos, the developer has applied to amend the original zoning agreement (ZAA 4/04) to permit a maximum 36 dwelling units (instead of the current maximum of 18) in two separate structures. Each proposed structure will have a main floor parking level and three upper levels of housing; six (6) units a level for a maximum eighteen (18) units a structure. There will be an additional fifteen (15) surface visitor parking stalls along the north periphery of the property.

PLAN WINNIPEG:

The area lies in a Neighbourhood Policy Area which allows for the creation of new public reserve areas and new housing initiatives subject to approval by the local Community Committee and Council.

ADMINISTRATIVE COMMENTS:
The City welcomes the opportunity to be able to expand upon the existing Parks and Recreation areas already in place along the Seine River. It will allow for more flexibility with respect to the installation and location of new pathways and other amenities which are to be an integral part of the new parkway system. It will also increase the distance between the river and any proposed new buildings being built at the north end of Rue Youville. It should be further noted that there is no requirement for dedication under these circumstances.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 11/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File No. DASZ 11/04, attached hereto and dated May 11/04, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 11/04, attached hereto and dated May 11/04, to a "PR" Parks and Recreational District .

VI. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

V. That the City Solicitor/ Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

By-Law No. _____

File No. **DASZ 11/04**

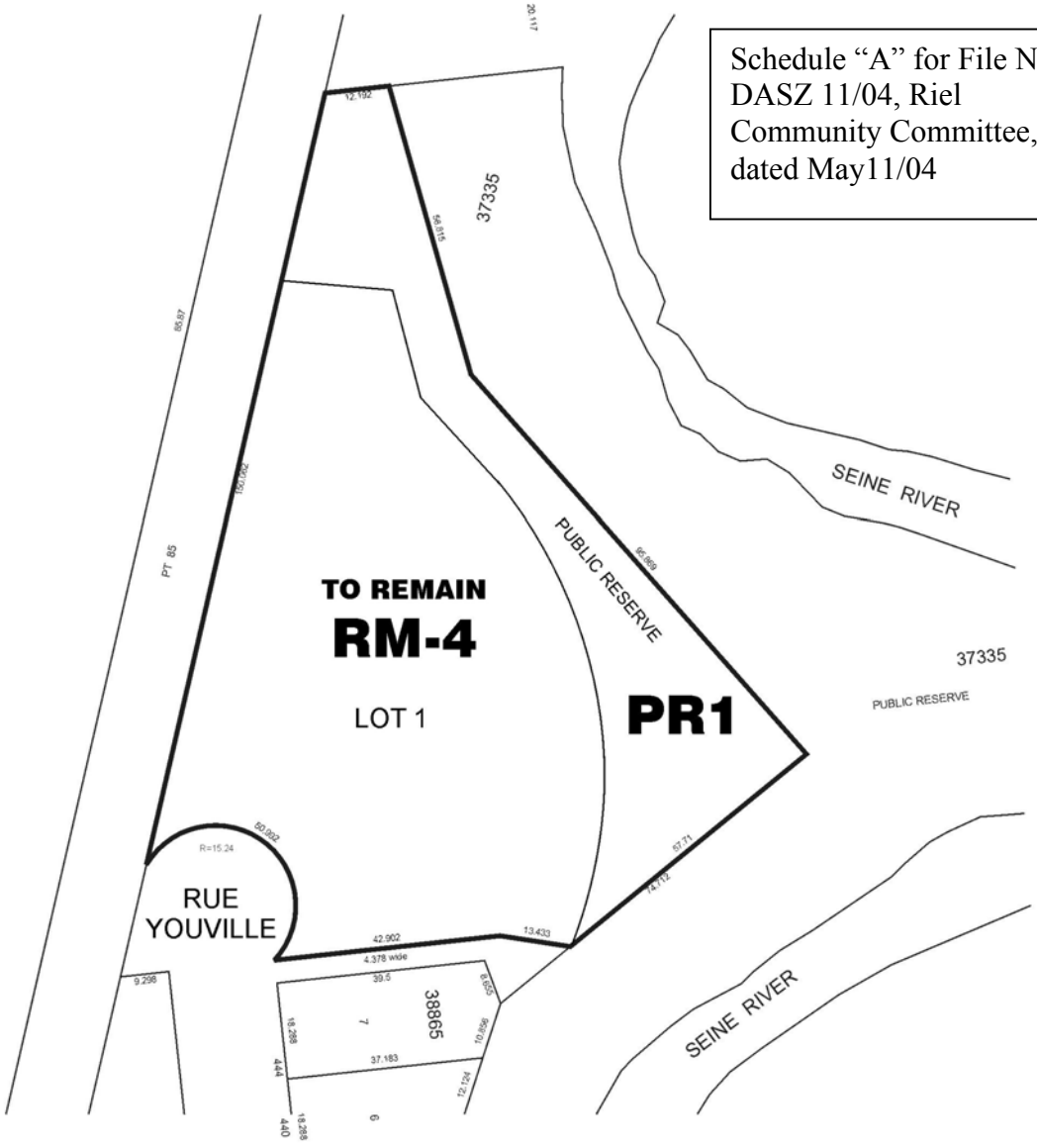
Atlas Sheet No. **AA27 RIEL COMMUNITY**

N

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 450 Youville Street from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 11/04, Riel Community Committee, dated May11/04



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____