Agenda - Council - September 29, 2004

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

Item No. 9 Zoning Agreement Amendment - 450 Youville Street
File ZAA 4/2004 [c/r DASZ 11/2004]

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 Zoning Agreement Caveat No. 2536309 under File DASZ 25/1999 dated April 26, 2000, (By-law No. 7668/2000) be amended such that Clause 2 shall read "No more than a maximum of thirty-six (36) dwelling units shall be permitted on the "RM-1" Multiple Family District land."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/1999 (By-law No. 7668/2000), dated April 26, 2000, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services 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 - 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: **Zoning Agreement Amendment - 450 Youville Street**
File ZAA 4/2004 [c/r DASZ 11/2004]

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 Zoning Agreement Caveat No. 2536309 under File DASZ 25/1999 dated April 26, 2000, (By-law No. 7668/2000) be amended such that clause (2) shall read "No more than a maximum of thirty-six (36) dwelling units shall be permitted on the "RM-1" Multiple Family District land."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/1999 (By-law No. 7668/2000), dated April 26, 2000, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services 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 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 dated May 11, 2004.

PUBLIC HEARING SUMMARY

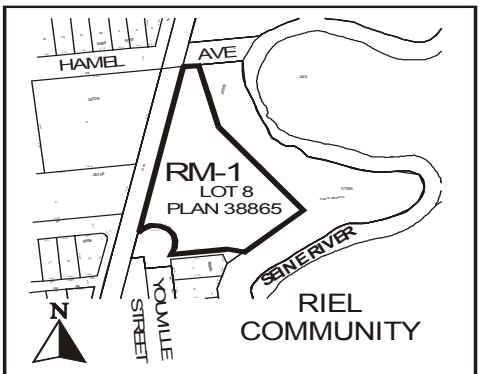
File: ZAA 4/2004 [c/r DASZ11/2004]

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

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 (Century 21)

Subject:



APPLICANT: MR. G. BOHEMIER
FILE: ZAA 4/04
PROPOSAL: To amend the Zoning Agreement affecting the land shown outlined above to permit thirty six (36) dwelling units on the land instead of eighteen (18) units as allowed by the Agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : Monsieur Georges Bohémier
RÉFÉRENCE : MCZ 4/04
PROJET : Modification de la convention de zonage des biens-fonds indiqués ci-dessus en vue de permettre l'aménagement de 36 unités d'habitation sur le terrain au lieu de 18 comme le prévoyait la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 450 Youville Street

4098

Exhibits Filed:

1. Application dated March 25, 2004
2. Notification of Public Hearing dated March 26, 2004
3. Manitoba Status of Title 1752906
4. Zoning Agreement DASZ 25/99
5. Caveat dated August 29, 2000
6. Surveyor's Building Location Certificate and sketch dated October 15, 1999
7. Plan dated September,1995
8. Site Plan
9. Report from the Manager of Planning and Land Use dated May 11, 2004
10. Inspection Report
11. 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 "9" referred to in File ZAA 4/2004

In reply please refer to / Référence à rappeler :

Name: Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-7524

File No. ZAA 4 /04 May 11/04, 2004
Our c/f CP 500 (. 502)

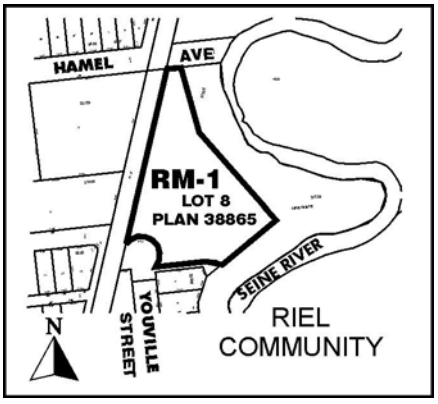
Marc Pittet , Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

ZONING AGREEMENT AMENDMENT
Location: 450 Youville Ave.
Riel Community
File No. ZAA 4/04

An application has been received from Georges Bohemier, to amend the Zoning Agreement affecting the property shown below by amending Clause 2 to read " no more than 36 dwelling units shall be permitted in the 'RM-1' Multiple Family District" instead of the maximum 18 dwelling units currently allowed.

RELATED FILES: DASZ 11/04



SITE DESCRIPTION:

Site Area:
With the proposed reduction in area to expand upon the adjoining PR lands, the zoned Multiple Family site will total approximately 2.4 acres.

Existing Land Use and Zoning:
The land is currently vacant but zoned for multiple family condo development.

DEVELOPMENT DESCRIPTION:

The applicant proposes to construct two connected condominium structures, each structure approximately forty five feet in elevation. The main floor of each structure will constitute a designated tenant parking area; the top three floors will have a total of 18 condo units (six a floor). In addition, there is to be fifteen (15) surface parking stalls for visitors on the north periphery of the site.

ADMINISTRATIVE COMMENTS:

The original relatively low density proposal called for eighteen side by side bungalow condos around a centre court area. The proposed reduction in land area by almost a third (1 acre) for public reserve purposes(accompanying application DASZ 11/04) makes it difficult, if not impossible, to construct enough side by side bungalow condos to make development of the subject property a viable proposition. Even going to two or three storeys and increasing the density still makes meeting the minimum By-Law requirements for parking a major problem. The applicant however has solved the potential parking deficiency, if multi storey structures are erected, by designating the main floor as assigned tenant parking space. So what the applicant is asking for is two buildings joined at one corner, each havng one level of parking and three levels of condo housing. At six units a level, there would be a total of thirty six (36) dwelling units which is double the current allowable density. In anticipation of concerns that will/may be raised by the Save Our Seine River Environment Ltd. regarding both height of proposed buildings and their proximity to the Seine River , I would make the following comments. Under most circumstances, we would not be inclined to support the subject proposal because both buildings will , in fact be quite visible from proposed pathway systems and people boating on the river. They would each, if approved, be only approximately 150' from the river channel. However possibly, in this instance, at least, it is an equitable trade-off to allow an increase in density in order to acquire an additional acre of public reserve area. The Administration, therefore, recommends approval of the proposed amendment to the original agreement.

RECOMMENDATION:

I. That the Zoning Agreement Caveat No. 2536309 under file no. DASZ 25/99, dated April 26/2000, (By-Law # 7668/00, be amended *such that clause (2) shall read" No more than a maximum 36 dwelling units shall be permitted on the RM-1 Multiple Family land".*

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/99 (By-Law # 7668/00), dated April 26/00 as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
Kevin Lalor, Senior Planner
Riel Community
986-5069

/jc

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