Minute No. 582
Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 14 Subdivision and Rezoning - 321 and 345 avenue de le Cathédrale File DASZ 16/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 16/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2004 dated September 13, 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 Proposed Lot 1 as shown on Schedule "A" for File DASZ 16/2004 dated September 13, 2004, to an "RM-4" Multi-Family Residential District.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land, however, if the final purchaser of the property is a non-profit group or organization that meets the criteria, the amount of dedication previously paid be reimbursed.

5. 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon execution of the Development Agreement.

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8. 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.

9. 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.

10. 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.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendment:

- Delete recommendation 4 in its entirety and replace it with the following, namely:

  "4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land, however, if the final purchaser of the property is a non-profit group or organization that meets the criteria, the amount of dedication previously paid be reimbursed",

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the Riel Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Delete Recommendation 4 and replace with the following:

  4. That the requirement for land dedication based on the increase in market value of the land (for Proposed Lot 1) be waived in this instance inasmuch as the Sisters of the Holy Names of Jesus and Mary have indicated it is their preference to sell the properties to non-profit groups or organizations that would likely use the building substantially in its current form.

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 321 and 345 avenue de le Cathédrale File DASZ 16/2004**

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

Prepared by: **Marc Pittet, Clerk, Riel Community Committee**

Report date: **September 27, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2004, the Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 16/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2004 dated September 13, 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 Proposed Lot 1 as shown on Schedule "A" for File DASZ 16/2004 dated September 13, 2004, to an "RM-4" Multi-Family Residential District.

4. That the requirement for land dedication based on the increase in market value of the land (for Proposed Lot 1) be waived in this instance inasmuch as the Sisters of the Holy Names of Jesus and Mary have indicated it is their preference to sell the properties to non-profit groups or organizations that would likely use the building substantially in its current form.

5. 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon execution of the Development Agreement.

8. 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.

9. 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.

10. 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.

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 September 13, 2004.

PUBLIC HEARING SUMMARY

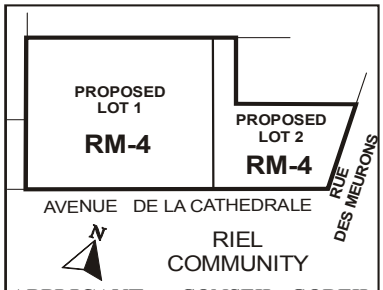
File: DASZ 16/2004

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

Public Hearing: September 21, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Jean-Paul Gobeil

Subject:



APPLICANT: CONSEIL GOBEIL CONSULTANCY
FILE: DASZ 16/04
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 "R2-T" TRANSITIONAL DISTRICT to an "RM-4" MULTIPLE-FAMLY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : CONSEIL GOBEIL CONSULTANCY
N° DE DOSSIER : DALZ 16/04
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué 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 R2-T (SECTEUR DE TRANSITION) à la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 321 and 345 avenue de la Cathédrale

Exhibits Filed:

1. Application dated July 26, 2004
2. Notification of Public Hearing dated July 29, 2004
3. Manitoba Status of Titles 1296469 and 1296472
4. Letter of authorization dated May 5, 2004 from Sr.Lorraine St. Hilaire to Jean-Paul Gobeil
5. Surveyor's Building Location and sketch dated June 21, 2004
6. Plans (1 page)
7. Report from the Manager of Planning and Land Use dated September 13, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Jean-Paul Gobeil
Norm Gousseau

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Jean-Paul Gobeil, appeared in support of the application and gave a brief overview of the proposal. Mr. Gobeil indicated concurrence in the recommendation contained in the administrative report from the Manager of Planning and Land Use dated September 13, 2004, with the following exception:

Mr. Gobeil indicated that the land (Proposed Lot 1) would not increase in value as a result of this application as the Sisters of the Holy Names of Jesus and Mary have indicated it is their preference to sell the properties to non-for-profit groups or organizations that would likely use

the building substantially in its current form. As such, Mr. Gobeil requested that the requirement for land dedication based on the increase in market value of the land (Proposed Lot 1) be waived in this instance.

Exhibit “7” referred to in File DASZ 16/2004

In reply please refer to / Référence à rappeler :
Michael Robinson (204) 986-3213
Fax / Téléc. : (204) 986-7524

File No. DASZ 16/04 September 13, 2004
Our c/f CP 500 (5.502)

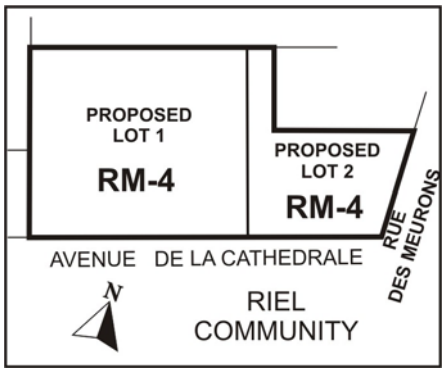
Marc Pettit, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet:

SUBDIVISION AND REZONING
Land located: 321 & 345 Avenue De La Cathédrale
Riel Community
File No. DASZ 16/04

An application has been received from Jean Paul Gobeil 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 “R2-T” Transitional Residential District to an “RM-4” Multiple Family Residential District including a subdivision to relocate the interior lot line between the said lots.

RELATED FILES:



SITE DESCRIPTION:

Site Area:

The subject parcels have a combined ±466 feet of frontage along Avenue De La Cathédrale and ± 144 feet of frontage along Rue Des Meurons. The total overall area of the two parcels is ± 2.36 acres.

Existing Land Use and Zoning:

The subject parcels are currently zoned R2-T. There is a ± 57,000 square foot residential facility housing the Sisters of the Holy Names of Jesus and Mary on the westernmost parcel (321 De La Cathédrale) and a landscaped open space on the easternmost parcel (345 De La Cathédrale).

Surrounding Land Use and Zoning:

North: To the north is a school and adjacent ball field zoned "R2-T".
South: To the south, along De La Cathédrale, is a school zoned "R2-T", single-family residences zoned "R2-T", and offices, zoned "C1".
East: To the immediate east is a commercial building zoned "C2". East across Rue Des Meurons is a commercial building zoned "M1".
West: To the immediate west are single and multiple family residences zoned "R2-T". To the west, across St. Jean Baptiste Street is a school, zoned "R2-T", and a community center, zoned "PR1".

DEVELOPMENT DESCRIPTION:

Rezoning

The building at 321 De La Cathédrale has served as the primary residence for the Sisters of the Holy Names of Jesus and Mary since its construction in 1911. With the passage of time, the building has become too large and too costly to maintain. The sisters are planning to relocate and it is their desire to dispose of both properties in the foreseeable future. They have indicated that it is their preference to sell the properties to non-for-profit groups or organizations that would want to use the building substantially in its current form. Possible uses they have identified include a shelter, a hostel, temporary housing for immigrant families, or student housing. Demolition, they strongly stress, is not a desirable option.

Prior to 1994, the subject properties were zoned R4, Multiple-Family District. Under City of Winnipeg By-Law 6525/94, the subject properties were rezoned from R4 to R2-T, Transitional Residential District. With that said, many of the uses the Sisters are now proposing for the facility would not be permitted within the R2-T District. Therefore, a rezoning to RM-4, Multiple Family District, is requested. In the RM-4 District, a hostel, temporary housing, and/or student housing may be permitted as a conditional use. Similarly, a shelter is classified as a permitted use.

It should also be noted that while there is a request to rezone the undeveloped parcel at 345 De La Cathédrale as well, a development proposal for that parcel has not been submitted nor discussed with staff.

Subdivision

Prior to 1974, a 4-storey structure, which served initially as a girls school and later as a cultural centre, stood at 345 De La Cathédrale and was connected to the main residence by a multi-storey passageway. When the building at 345 was demolished, the passageway was retained as an extension of the building at 321. Recent studies of the properties have revealed that the eastern most portion of the passageway encroaches on the adjoining lot (345). There is also a private driveway that provides access to 321. As a result, an eventual sale of 345 could result in loss of access to 321.

To resolve the encroachment and access issues, it is proposed that the middle of the existing private driveway on 345 become the dividing line of the two lots. This would entail moving the west boundary of 345 eastward by approximately 45 feet. In the eventuality of two different owners in the future, the private driveway could be shared under an access easement agreement. This will eliminate the need for another driveway egressing onto Avenue De La Cathédrale, relatively close to the corner of Des Meurons.

PLAN WINNIPEG:

The subject land lies within the Neighbourhood Policy Area which allows for multiple-family zoning.

ADMINISTRATIVE COMMENTS:

Rezoning

Lot 1 (321 De La Cathédrale)
As previously mentioned, the subject parcels were originally zoned R4, Multiple-Family District under a previous zoning by-law. Since the time that they were rezoned to R2-T, the parcel at 321 Avenue De La Cathédrale has been classified as legal non-conforming. In the last decade or so, since the rezoning, this facility has continued to operate as a residence for the Sisters and the non-conforming status has had no impact on the operation of the facility.

Now, in light of the fact that the sisters are trying to dispose of the property, the existing zoning classification will heavily restrict what the building can be used for in the future.

With that said, a rezoning to RM-4 will allow several uses, such as a hostel, student housing, a nursing home, assisted living facility, and transitional housing as conditional uses. It would also allow a shelter as a permitted use. Allowing for more flexibility will encourage an adaptive

reuse of this beautiful, historic building and ensure its continued upkeep. Importantly, the Sisters have also indicated that whatever use they ultimately choose for the building, it will be consistent with their mission of serving the community.

It should be noted, as previously mentioned, that the majority of the uses being proposed will require a conditional use. Therefore, while a rezoning to "RM-4" will increase the range of options available to the Sisters in the marketing of their building, the conditional use process will allow the City and the public to evaluate the merits of each specific proposal. Thus, there are safeguards in place to ensure that the use(s) that will eventually occupy this facility are compatible with the surrounding neighbourhood and will not create a substantial adverse effect upon adjacent properties. Therefore, the Planning and Land Use Division recommends that the rezoning of 321 De La Cathédrale from "R2-T" to "RM-4" be approved.

Lot 2 (345 De La Cathédrale)

There are currently no specific plans to develop the parcel at 345. The petitioner has indicated that it may be sold in conjunction with the residence or it may be sold separately, depending on what offers are ultimately received. In any event, whether it is purchased in conjunction with the residence or developed separately, a rezoning to "RM-4" is not necessitated at this time. While a multi-family zoning classification may assist in the marketing of this parcel to potential developers, granting it without having a specific development proposal opens the door to a range of uses and a density that may not be appropriate at this location. Once a specific proposal for this parcel is on the table, it can be evaluated on its own merits and at that time, if a rezoning is necessitated, a decision about whether it is appropriate can be made. Therefore, the Planning and Land Use Division recommends that the rezoning of 345 De La Cathédrale from "R2-T" to "RM-4" not be approved at this time.

Subdivision

This subdivision will eliminate an existing encroachment on 321 and allow access to both parcels from the existing driveway. This will prevent the potential loss of access to 321 and will eliminate the need for another driveway egressing onto Avenue De La Cathédrale, relatively close to the corner of Des Meurons. With that said, the Planning and Land Use Division recommends approval of this subdivision as proposed.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 16/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 16/04, attached hereto and dated September 13, 2004 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 Proposed Lot 1, as shown on Schedule "A" for File No. DASZ 16/04, attached hereto and dated September 13, 2004, to an "RM-4"Multi-Family Residential District.

IV. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional sites, (if applicable).

V. 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.

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. 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.

IX. 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.

X. 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.

_____
Michael Robinson, Planner

_____
C. Torpey, Land Devt. Administrator

_____
E. Axelrod, Subdivision Officer

_____

E. Carriere, Land Devt. Engr.

_____

J. East, Urban & Neighborhood Planning Coordinator

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Michael Robinson, Planner
(Riel Community)
986-3213

By-Law No. _____

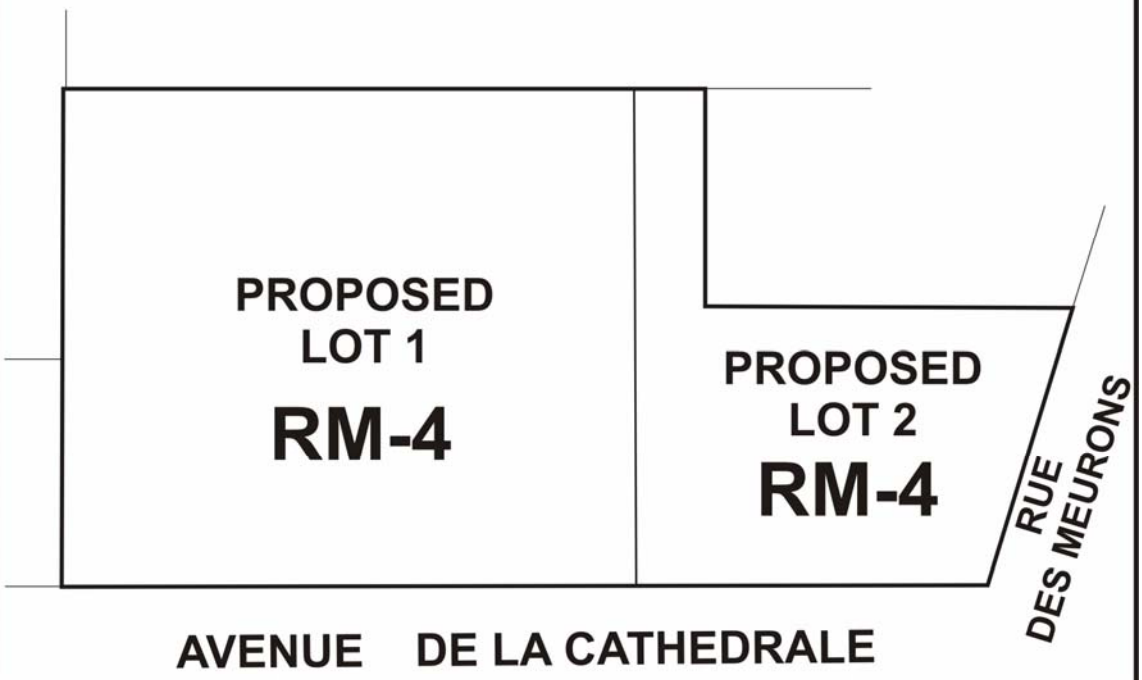
File No. **DASZ 16/04**

Atlas Sheet No.

AA27
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 321 and 345 Avenue De La Cathedrale from an "R2-T" TRANSITIONAL DISTRICT to an "RM-4" MULTIPLE-FAMILY as shown outlined below.



Schedule "A" for File No. DASZ 16/04, Riel Community Committee, dated September 13/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photograph (Flown in 2002)

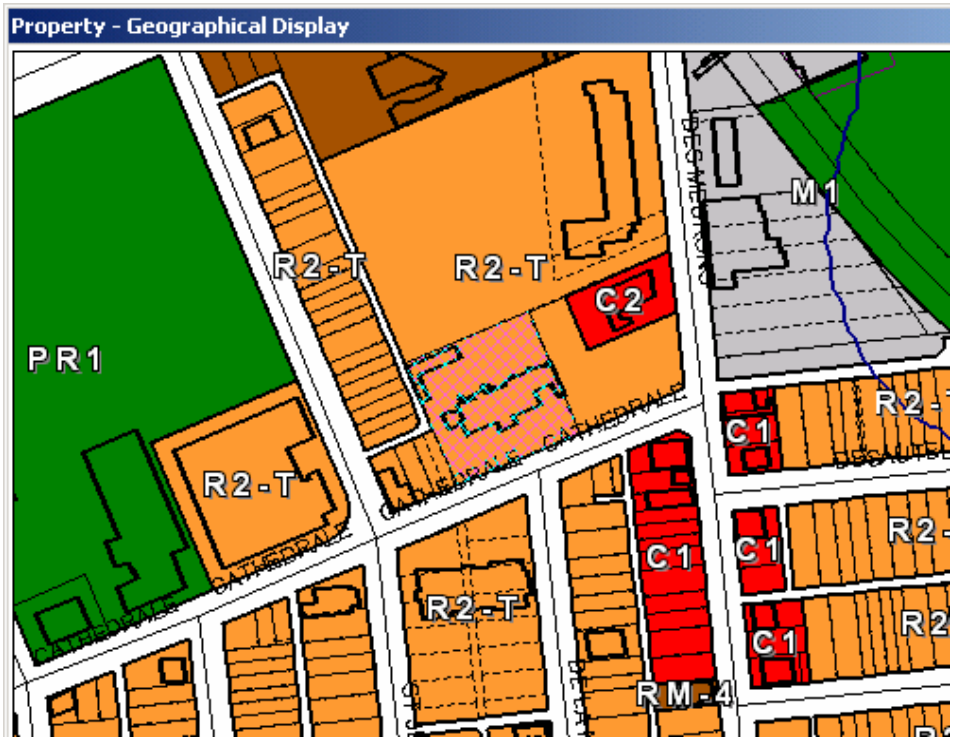


Figure 2: Zoning Map