Agenda - Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 12 Rezoning - 710 Warsaw Avenue
File DAZ 266/2004

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 266/2004 dated June 28, 2005, to a "R2" Two-Family District.

2. 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.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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 - July 18, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 710 Warsaw Avenue**
File DAZ 266/2004 [c/r DAV 120642/2005D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **July 7, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 266/2004, dated June 28, 2005, to a "R2" Two Family District.

2. 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.

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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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The development is an interesting approach to a reference point in the area.
2. There is adequate parking.
3. This is creative non-intrusive development.
4. The developer will have to meet requirements for drainage.

PUBLIC HEARING SUMMARY

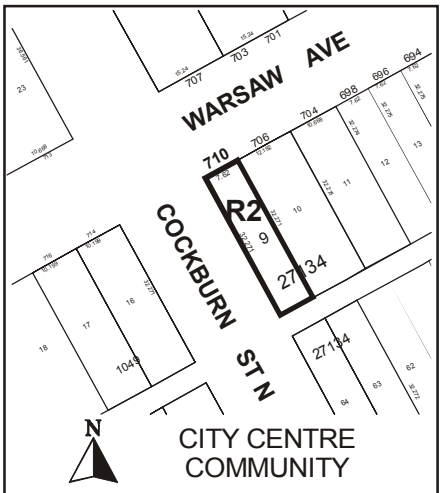
File: DAZ 266 /2004 [c/r DAV 120642/2005D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: July 5, 2005
Council Chamber
Council Building, 510 Main Street

Applicant: Ernie H.A. Walter Architect (Kendra Jonasson).

Subject:



APPLICANT: ERNIE H.A. WALTER ARCHITECT
FILE : DAZ 266/04
PROPOSAL : To rezone the land shown outlined above from an "R1-3" RESIDENTIAL DISTRICT to an "R2" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 710 Warsaw Avenue

Exhibits Filed:
1. Application dated June 10, 2005
2. Notification of Public Hearing dated June 10, 2005
3. Manitoba Status of Title 1607890
4. Surveyor's Building Location Certificate and sketch dated December 8, 2000

5. Letter of authorization dated July 1, 2004 from Yaron Walter to H. A. Walter Architect
6. Plans (23 pages)
7. Report from the Manager of Planning and Land Use dated June 28, 2005
8. Inspection Report
9. Site plans (5 pages) submitted by the applicant at the public hearing.
10. Letter in support of the application from Jenifer Easterbrok, submitted by the applicant at the public hearing.
11. Letter in support of the application from Derrick Raynor, submitted by the applicant at the public hearing.

REPRESENTATIONS:

In Support:

Ernie Walter, Ernie H.A. Walter Architect
Jayanne English
Jenifer Easterbrook
Marg Ireland
Derrick Raynor
Lanny Silver
Yaron Walter

In Opposition

Anna Grad

For Information:

Nil

For the City:

Mr. R. Humble, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Ernie Walter, Ernie H.A. Walter Architect, appeared in support of the application and gave a brief overview on the development. Mr. Walter submitted site plans filed as Exhibit 9 and two (2) letters in support of the application filed as Exhibit 10 and 11 respectively. Mr. Walter stated he had spoken with area residents about the development, had received feedback requesting more wood be incorporated into the design, and had accommodated the request.

Jayanne English appeared in support of the application. Ms English stated the intent of having a very well designed development.

Yaron Walter appeared in support of the application. Mr. Walter stated he lived directly behind the development, was raising a family in the neighbourhood, and saw no problem with development. He also stated that this development would increase property values and would not cause traffic congestion.

Anna Grad appeared in opposition of the application. Ms Grad stated concerns with the site not remaining a single-family dwelling, there not being appropriate frontage and side yards, the lot being too small for the development, drainage, and traffic.

In response to the committee's questions, the Senior Planner stated that the application was circulated to all departments for comment back on any concerns regarding this development.

In rebuttal, Mr. Walter stated that existence of by-laws addressing the concerns mentioned and that the requirements would have to be met. He also stated the existence of mixed uses in the area including multiple-family units, this not being a commercial use, and the integrity of the design.

Exhibit "7" referred to in File DAZ 266/2004

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **June 28, 2005**
File: **DAZ 266/04**
Related Files: **DAV 05-126064/D**
Subject: **Rezone the land to allow the establishment of a two family dwelling.**

Location: **710 Warsaw Street**



Applicant: **Ernie Walters Architects Inc.**
Owner: **Walter Development Corporation**

Recommendation: **Approve.**

Report Summary:

- The applicant intends to renovate the existing building into a two family residential dwelling.
- The applicant intends to work and live out of one of the dwellings.

Site Description

The subject property is approximately **25 feet by 105 feet**, **2,658 square feet (247 square metres)** located on the north east corner of Warsaw Avenue and Cockburn Street in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry Ward. The site is zoned **"R1-3" Single Family Residential District** and is occupied by a one story retail store. Adjacent and surrounding lands include single family dwellings zoned "R1-3".

Background

The new zoning district is required for the expansion/renovation of the building at this location. The building has been around for many years and at one time housed a commercial business. The commercial land-uses and the structure have a non-confirming right to exist as is on the subject land.

Description of the Proposed Development

The land owner intends to renovate the existing building, and expand the facility to add a studio/gallery area and two living areas. The studio/gallery will occupy the main floor of the existing building. The residential components will be added as a second story and a new, two story structure to the rear of the property. Two new roof top patios will be added. One of the patios will be on the northern portion of the roof of the existing structure. Parking for two vehicles will provided in the rear yard with access from the rear public lane.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that an residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R1-3" Single Family Residential District** requires a minimum lot size of 3,000 square feet and a minimum lot width of 50 feet.
- The **"R2" Two Family Residential District** permits two family dwellings to a maximum height of 35 feet with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.

TRANSPORTATION AND SITE ACCESS
The existing approach from the rear public lane will be maintained with no additional approaches.

SITE DESIGN ISSUES
Detailed plans submitted indicate the new building will be two stories, with peak roofs constructed on the existing building and to the rear of the building. The two dwelling units' mass will be broken on the second level by a roof top patio located in the middle of the new structure. A second roof top patio will be located on the northern portion of the structure. Entrances for the dwellings will be located on the west side of the building fronting Cockburn Street. The studio/gallery entrance will located on the north side of the building fronting Warsaw Avenue.

Recommendation

The Administration recommends approval of the application. The existing building has been a fixture in the neighbourhood for many years. The development of the work/live space will complement the existing residential structures and land-uses.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ 266/04**, attached hereto and dated, **June 28, 2005**, to a **"R2" Two Family District.**

2. 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.

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

Report Prepared by: John S. Wintrup
PPD File # .106

Schedule "A"

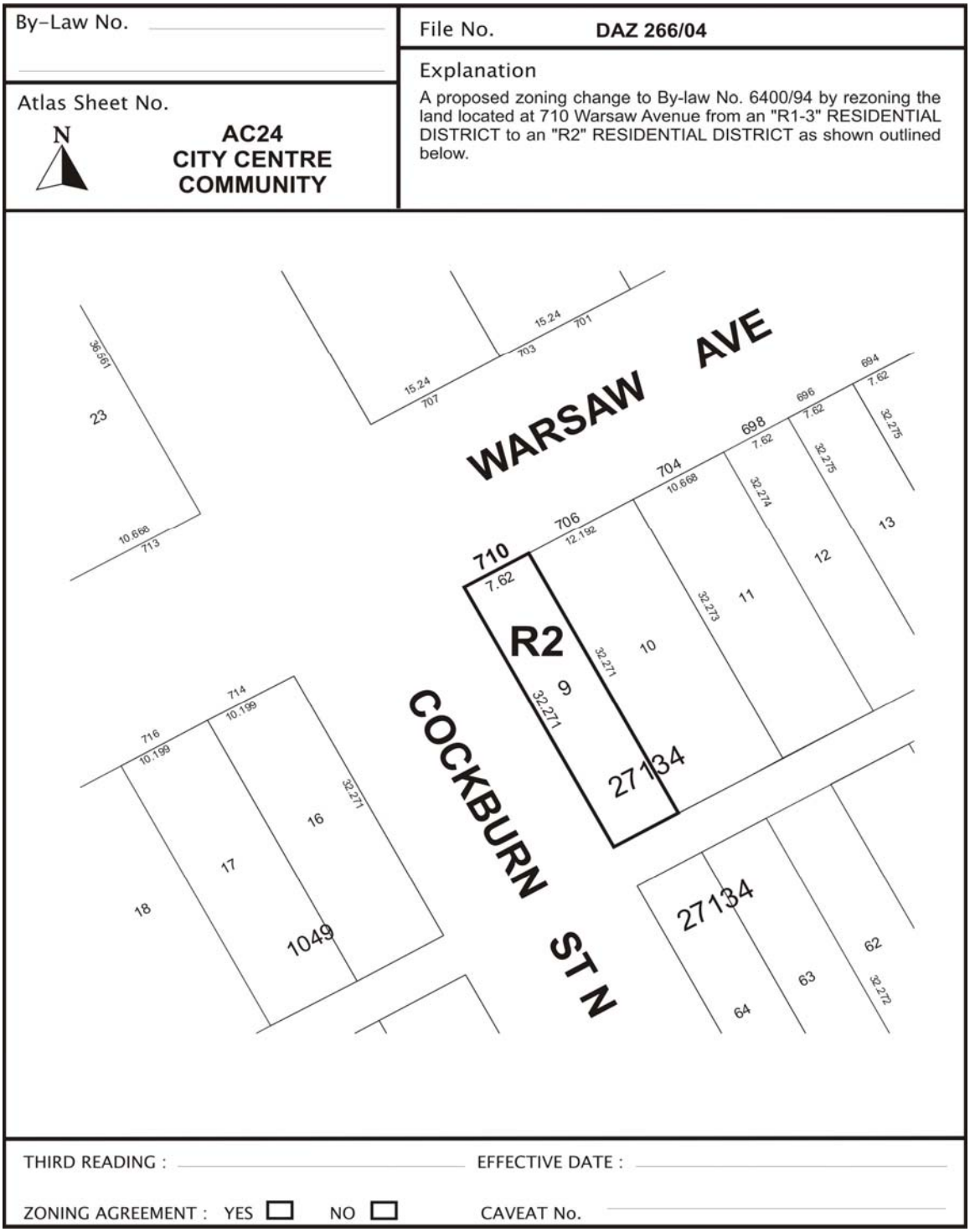


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 266/05, dated June 28, 2005.

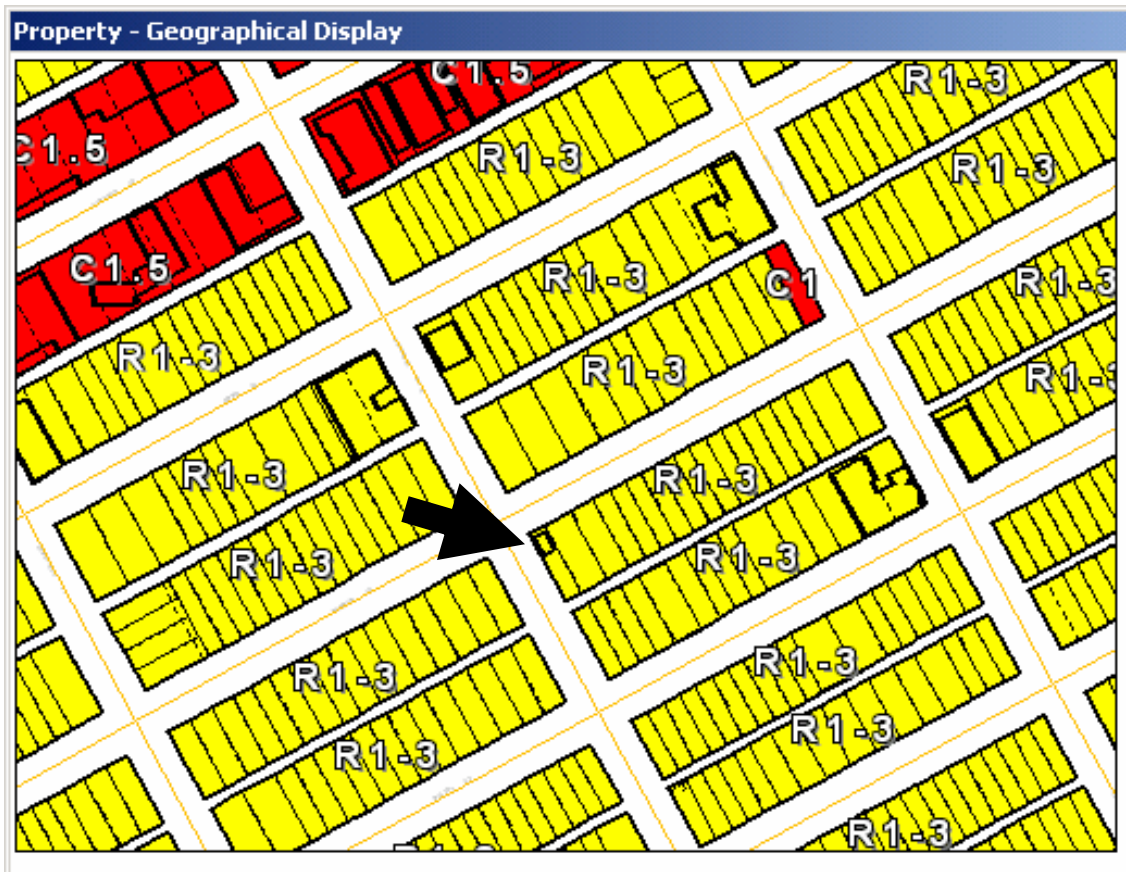


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.