Minute No. 114
Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 10 Rezoning - 375 Maplewood Avenue
File DAZ 244/2005

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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 244/2005 dated October 14, 2005, from a "RM-3" Multiple-Family District to a "RM-6" Multiple-Family District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That no more than twenty-four (24) dwelling units shall be permitted on the subject site;

      ii. That any buildings located on the subject site shall not exceed forty-five (45) feet in height.

2. 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.

3. 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.

4. 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 (3) readings.

Report - Standing Policy Committee on Property and Development - November 29, 2005

COUNCIL DECISION (continued)

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 - November 29, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 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 November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 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 - 375 Maplewood Avenue**
DAZ 244/2005]

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

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

Report date: **November 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 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 244/2005, dated October 14, 2005, from a "RM-3" Multiple-Family District to a "RM-6" Multiple-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That no more than 24 dwelling units shall be permitted on the subject site;

        ii. That any buildings located on the subject site shall not exceed 45 feet in height.

2. 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.

3. 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.

4. 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 (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 addition of two (2) tenants is not a significant effect.

2. The impact on parking in the area created by this development is insignificant to not allow zoning change.

PUBLIC HEARING SUMMARY

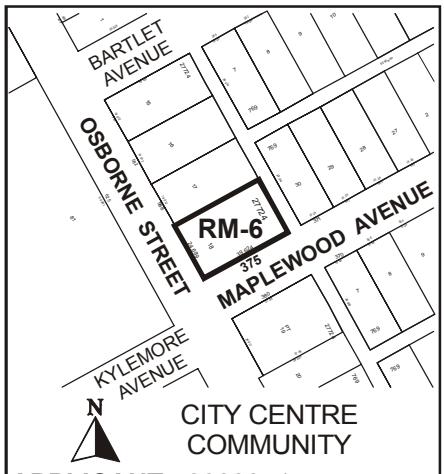
File: DAZ 244 /2005

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

Public Hearing: November 1, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: 3988041 Manitoba Ltd. (John Thorvaldson)

Subject:



APPLICANT : 3988041 MANITOBA LTD.
FILE : DAZ 244/05
PROPOSAL : To rezone the land shown outlined above from an "RM-3" MULTIPLE-FAMILY DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 375 Maplewood Avenue

Exhibits Filed:
1. Application dated September 14, 2005
2. Notification of Public Hearing dated September 26, 2005
3. Manitoba Status of Title 1639410
4. Drawing of subject property

5. Letter of authorization dated July 7, 2005 from Andrew Marquess, 3988041 Manitoba Limited, to John Thorvaldson.
6. Plans (1 page)
7. Report from the Manager of Planning and Land Use dated October 20, 2005
8. Inspection Report
9. Letter in opposition to the application dated November 1, 2005 from Diane and Robert Haglund

REPRESENTATIONS:

In Support:

John Thorvaldson, 3988041 Manitoba Ltd.

In Opposition:

Diane and Rober Haglund
William Iveson
Terry Semkiw

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, John Thorvaldson, 3988041 Manitoba Ltd., appeared in support of the application and gave a brief overview of the proposal. Mr. Thorvaldson stated that the subject building had been extensively remodeled and the intent was to create two (2) additional units in the basement in areas that had been used for storage and laundry and were no longer needed as such. He also stated that there were eight (8) visitor parking stalls on site and that tenants were advised there was no parking available.

William Iveson appeared in opposition to the application. Mr. Iveson stated concerns with lack parking for the subject property and on the street in the area

In response to the Committee's questions, the Senior Planner stated that the department was in support of the application.

In rebuttal, Mr. Thorvaldson stated that the primary use of parking was by guests. He also stated that guest parking was a city-wide problem.

Exhibit "7" referred to in File DAZ 244/2005 [c/r DAV 150092/2005D]

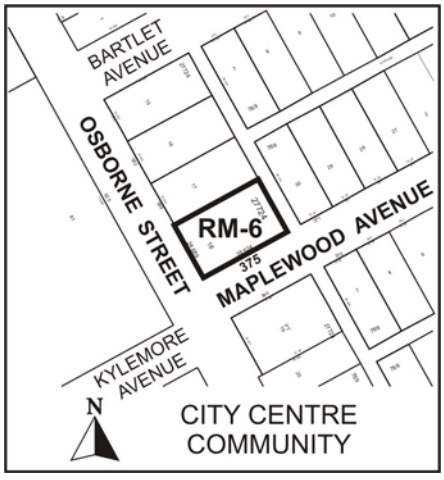
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: October 20, 2005
File: **DAZ 244/05**
Related Files: DAV 05-150092/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-3" Multiple-Family District to an "RM-6" Multiple-Family District to allow two additional dwelling units in the existing building.

Location: 375 Maplewood - Esquire Apartments
Legal Description: SP Lot 18 Plan 27724 WLTO in RL 21 to 25 Parish of St. Boniface



Applicant: 3988041 Manitoba Ltd

Owner: 3988041 Manitoba Ltd

Recommendation: *Approved*

Site Description

The subject site is located at the north east corner of Osborne Street and Maplewood Avenue. The site is currently developed with a 3-storey walk-up apartment on an approximately 80 foot wide by 130 foot deep lot. Approximately 8 parking spaces are provided onsite, with direct access from the public lane (along the east property line, paralleling Osborne Street). The site is zoned "RM-3" Multiple-Family District. The current building is being upgraded. This portion of Osborne Street is developed with a mix of commercial and lower density multiple-family. Across the public lane to the east are single-family dwellings.



Description of the Proposed Development
The applicant proposes to develop 2 additional apartment suites in this 21-unit apartment building. The new apartment suites will be established on the lower level of the building. No expansion of or addition to the existing building is proposed. The rezoning application (from "RM-3" to "RM-6" Multiple-Family District) is necessary because the addition of the 2 apartment suites increases an existing non-conforming density. Variance file DAV 05-150092 concerns existing site area, setback, and parking space deficiencies.

Analysis
This portion of Osborne Street and the Riverview neighbourhood are designated "Neighbourhood" in *Plan Winnipeg*. This modest density increase along a regional street and major transit route is compatible with its immediate context and exhibits responsible residential densification at an appropriate location.

Recommendation
The Planning and Land Use Division recommends approval for the following reasons:
- the proposal is consistent with *Plan Winnipeg*;
- the additional apartment suites at this location fit the neighbourhood context and demonstrate a good land use – transportation fit.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 244/05, attached hereto and dated October 14, 2005, to a "RM-6" Multiple-Family District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

      1. That no more than 24 dwelling units shall be permitted on the subject site;
      2. That any buildings located on the subject site shall not exceed 45 feet in height.

II. That a ten (10) per cent 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.

III. 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.

IV. 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 (3) readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

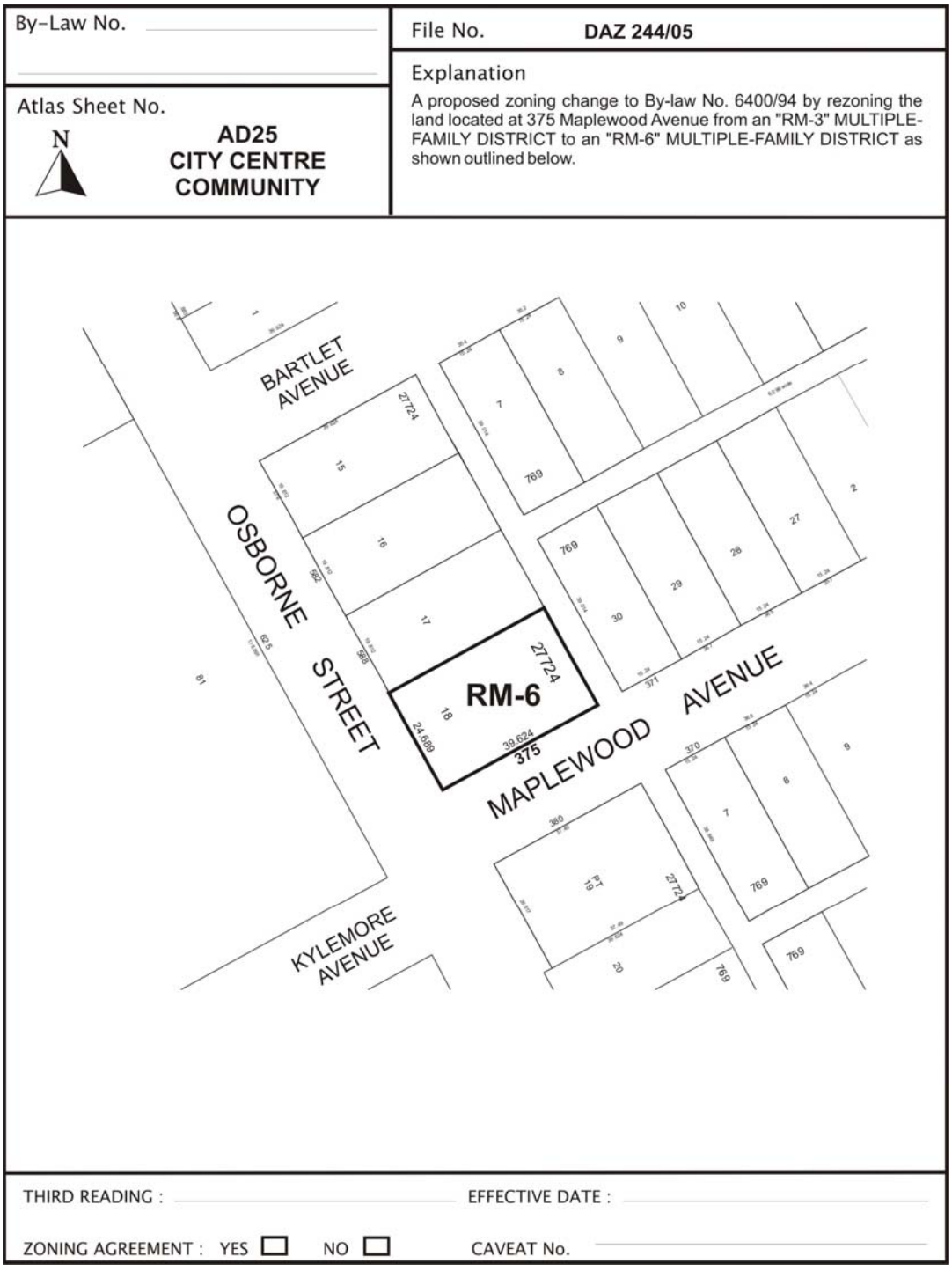
VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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.

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

Report Prepared by: M. Sandhurst
PPD File #: DAZ 244/05

Schedule "A"



Schedule "A" to the report to the City Centre Community Committee for file # DAZ 244/05 dated October 14, 2005.