Agenda – Council - January 25, 2006

Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 8 Rezoning – 764 Victor Street
File DAZ 253/2005

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2006, 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 253/2005 dated November 28, 2005, from an "R2-T Transitional District to an "RM-1" 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 uses be restricted to the following:

            a. dwelling units, maximum of four (4) self-contained units (permitted use);
            b. boarding house, for more than twelve (12) persons (conditional use);

        ii. that the boarding house use be established and maintained in substantial conformity with plans submitted and identified as Exhibit "8".

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 - January 10, 2006

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 - January 10, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, 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 January 10, 2006, 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 December 6, 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 – 764 Victor Street**
File DAZ 253/2005 [c/r DCU 163325/2005D, DAV 162417/2005D]

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

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

Report date: **December 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 6, 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 253/2005, dated November 28, 2005, from an "R2-T Transitional District to an "RM-1" 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 uses be restricted to the following:

            a. dwelling units, maximum of four (4) self-contained units (permitted use);
            b. boarding house, for more than twelve (12) persons (conditional use);

        ii. that the boarding house use be established and maintained in substantial conformity with plans submitted and identified as Exhibit "8".

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. There is a need in the community for this development.
2. The subject property has been empty for a long time.
3. The development is a good use for the site.

PUBLIC HEARING SUMMARY

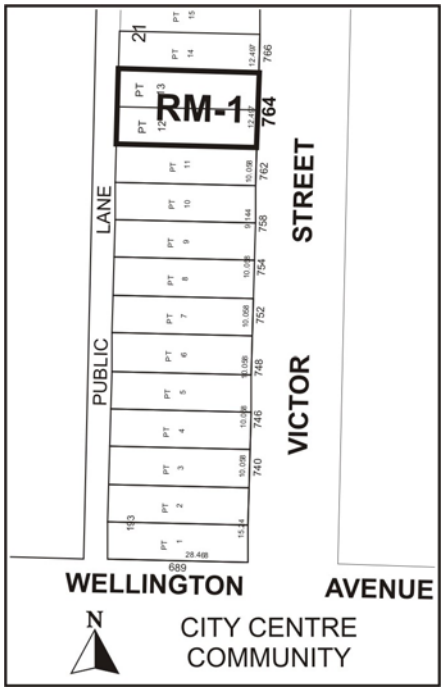
File: DAZ 253/2005 [c/r DCU 163325/2005D, DAV 162417/2005D]

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

Public Hearing: December 6, 2005
Council Building, 510 Main Street

Applicant: Stephen Reeves

Subject:



Premises Affected: 764 Victor Street

Exhibits Filed:

1. Application dated November 1, 2005
2. Notification of Public Hearing dated November 7, 2005
3. Manitoba Status of Title 1984452
4. Surveyor's Building Location Certificate and sketch dated November 28, 1986
5. Letter of authorization dated September 7, 2005 from Tom Standing, President, Sigmar Mortgage Services Ltd., to Natalie Reeves

6. Letter of authorization dated October 18, 2005 from Natalie Reeves to Stephen Reeves
7. Zoning Development Information
8. Plans (4 pages)
9. Report from the Manager of Planning and Land Use dated November 28, 2005
10. Communication in support of the application dated April 11, 2005, from Janie Catcheway, Health Director, Skownan First nation Health Centre.
11. Communication in support of the application dated June 24, 2005, Gloria Cameron, Executive Director, West Region Tribal Council Health Department.
12. Inspection Report

REPRESENTATIONS:

In Support:

Natalie and Stephen Reeves

In Opposition

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, Stephen Reeves, appeared in support of the application and gave a brief overview of the proposal.

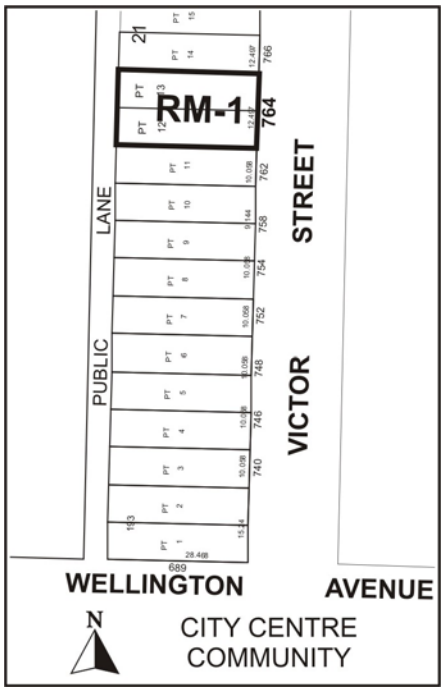
Exhibit "9" referred to in File DAZ 253/2005 [c/r DCU 163325/2005D, DAV 162417/2005D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: November 28, 2005
File: **DAZ 253/05**
Related Files: DCU 05-163325/D, DAV 05-162417/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2-T" Two-Family Transitional District to an "RM-1" Multiple-Family District.



Location: 764 Victor Street
Legal Description: Nly 22' Lot 12, Lot 13 exc nly 6', exc wly 8' both lots, Blk 21, Plan 193

Applicant: Stephen Reeves
Owner: Sigmar Mortgage Services Ltd

Recommendation: *Approval*

Site Description

The subject site is located on the west side of Victor Street, south of Notre Dame Avenue. The site is currently occupied with a large dwelling. Neighbouring properties are predominantly dwellings, with a mix of single-family, duplex, apartment, and boarding facilities (zoned "R2-T" Two-Family Transitional). Located to the immediate north is a daycare facility and to the west is Jacob Penner Park.

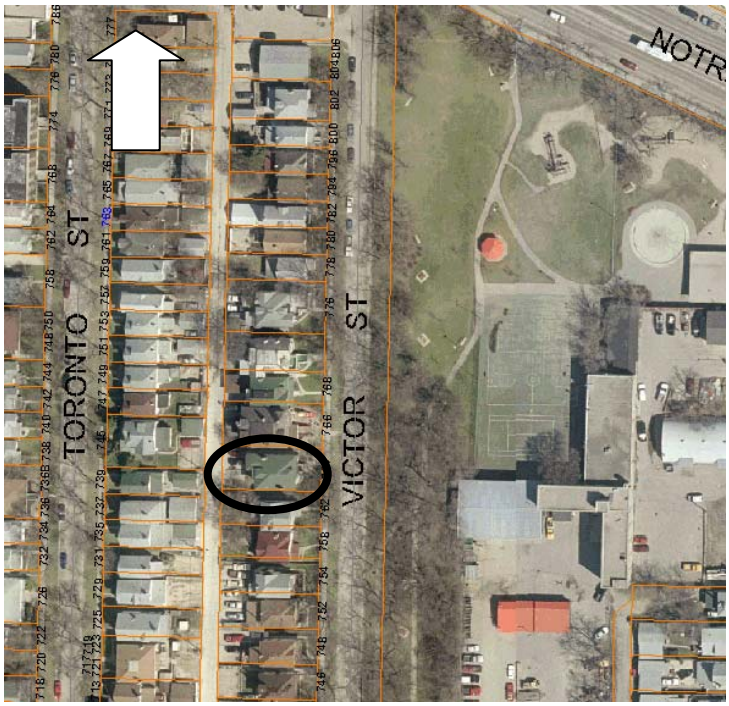


Figure 1: subject site (aerial flown 2002)

Description of the Proposed Development

The applicant proposes to establish a medical receiving home in the existing residential building. The business plan submitted in support of the application indicates the home will provide living accommodations for aboriginal people who require pre- and post-operative medical accommodations while Winnipeg. Onsite supervision and security is to be provided. The floor plan indicates nine "bedrooms", along with sanitary and common dining/living facilities.

The rezoning application is necessary in order to accommodate the "Boarding House, for more than 12 persons" use, which is a conditional use in all Multiple-Family Districts (not permitted in the current "R2-T" zoning). Conditional use file DCU 05-163325/D concerns establishment of the medical receiving home. Variance file DAV 05-162417/D includes a 5-year use variance (to establish the medical receiving home prior to the rezoning coming into force and effect) and also concerns lot dimension and yard deficiencies.

Analysis
The Daniel McIntyre neighbourhood and this portion of Victor Street are designated "Neighbourhood" under *Plan Winnipeg*. The proposed medical receiving home provides short-term accommodations for aboriginal patients receiving care in Winnipeg. The existing residence is located in close proximity to Health Sciences Centre. It is a comparatively large structure, which can be converted to the proposed use without expansion.

This use is only provided for within Multiple-Family Districts, under *Winnipeg Zoning By-Law* #6400/94. Although not intended as a typical multiple-family development, the medical receiving home occupancy will approximate the densities of a small apartment block. Planning & Land Use Division is concerned that the proposed facility is carefully integrated into the neighbourhood and that its operations enhance this mixed-use location. Conditions of approval for DCU 05-163325/D are recommended from this perspective. Should the proposed medical receiving home not be established or should it be abandoned in the future, the division recommends no more than 4 self-contained dwelling units be established under the "RM-1" Multiple-Family District zoning.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:
- the proposal is consistent with *Plan Winnipeg*;
- the proposed use benefits from close proximity to a major healthcare facility; and
- the proposed use can be successfully integrated into the Daniel McIntyre neighbourhood provided ongoing operations are established and maintained consistent with the medical receiving home business plan.

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 253/05, attached hereto and dated November 28, 2005, to an "RM-1" 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 uses be restricted to the following:
   a. Dwelling units, maximum of 4 self-contained units (permitted use);
   b. Boarding house, for more than 12 persons (conditional use);

2. that the Boarding house use be established and maintained in substantial conformity with plans submitted and identified as Exhibit ___, dated November 28, 2005.

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 253/05

Schedule "A"

By-Law No. _____

File No. **DAZ 253/05**

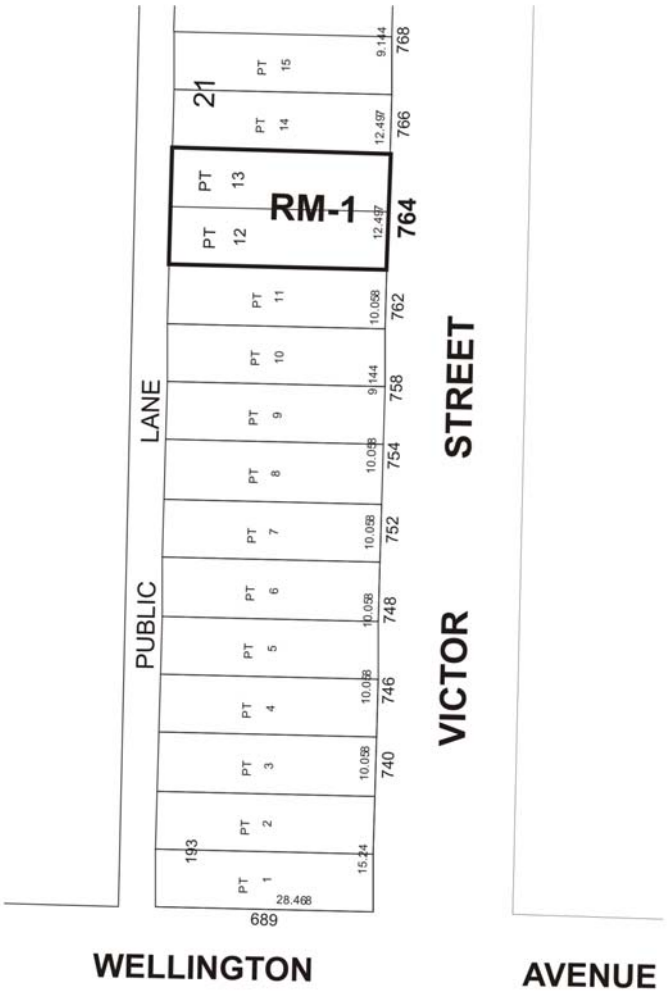
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 764 Victor Street from an "R2-T" TRANSITIONAL DISTRICT to an "RM-1" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

Y23
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 253/05 dated November 28, 2005.