Minute No. 737
Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 8 Rezoning - 154/156 Selkirk Avenue
File DAZ 222/2005

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 222/2005 dated August 31, 2005, to a "R2-T" Residential District.

2. That a ten per cent (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 readings.

5. 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 - October 4, 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 October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendations 5 and 6 be deleted in their entirety and the remaining recommendation renumbered accordingly

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

RE: **Rezoning - 154/156 Selkirk Avenue**
(Mynarski Ward)
File DAZ 222/2005 [c/r DAV 121426/2005D and DCU 145159/2005D]

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 15, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, 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 222/2005 dated August 31, 2005, to a "R2-T" Residential District.

2. 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.

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 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.***~~

5. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated August 29, 2005.

PUBLIC HEARING SUMMARY

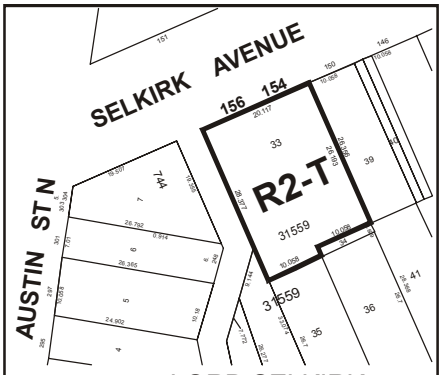
File: DAZ 222/2005
[c/r DAV 121426/2005D and DCU 145159/2005D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: September 13, 2005
West Committee Room, Council Building
510 Main Street

Applicant: Ernie H. A. Walter Architect Inc.
(Ernie Walter)

Subject:



Premises Affected: 154/156 Selkirk Avenue

Exhibits Filed:

1. Application dated August 15, 2005
2. Notification of Public Hearing dated August 17, 2005
3. Manitoba Status of Title 1972721
4. Letter of authorization dated March 29, 2005 from North End Housing Project to Ernie H. A. Walter, Architect
5. Plans (7 pages)
6. Report from the Manager of Planning and Land Use dated August 29, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

Ernie Walter
Ralph Mueller

In Opposition:

Nil

For Information:

Nil

For the City:

Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ernie Walter appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planner and Land Use with the exception of the requirement for a ten per cent (10%) dedication. In response thereto, the Planner stated the dedication would only be based on the increased value of the land, and given that the rezoning is from an "R2" to an "R2-T" Residential classification, the dedication would be very minimal.

The Planner advised Committee that inasmuch as a Zoning Agreement is not required in this matter, he wished to amend his report by deleting recommendations numbered 5 and 6.

Exhibit "6" referred to in File DAZ 222/2005 [c/r DAV 121426/2005D and DCU 145159/2005D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **August 29, 2005**
File: **DAZ 222/2005**
Related Files: **DCU 05-145159/D, DAV 121426/D**
Subject: **An application from Ernie Walter Architect Inc. to rezone land from a "R2" Two-Family Residential District to a "R2-T" Transitional Residential District to permit the construction of a 3 unit multiple-family dwelling.**

Location: **154/156 Selkirk Avenue**



Applicant: **Ernie Walter (Ernie Walter Architect Inc.)**
Owner: **North End Housing Project**

Recommendation: Approval with Conditions
Report Summary:

- Proposal to rezone a site with an existing residence from an "R2" Two-Family Residential to a "R2-T" Transitional Residential District to allow for three units.
- The residence will be used as a fire rescue house, which will provide temporary housing to individuals and families that have been dislocated from their homes because of fire.
- Proposal meets Plan Winnipeg policies which allow for a variety of residential uses in the Neighbourhood Policy Area
- The proposed rezoning and site design are compatible with the surrounding properties;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;

Site Description

The subject property, which measures 6,105 square feet, is currently zoned "R2" Two Family Residential District. It is occupied by a two-story residential structure.

Surrounding Land Use
North: Residences zoned "R2" Two-Family Residential
South: Residences zoned "R2" Two-Family Residential
East: Residences zoned "R2" Two-Family Residential
West: Residences zoned "R2" Two-Family Residential

Existing Zoning
Under the current "R2" zoning, a maximum of two units are permitted. In the "R2-T" Residential District, multiple-family dwellings are allowed as a conditional use. The proposed development, with three units, is classified as a multiple family dwelling in By-law 6400/94.

Description of the Proposed Development
The applicant is proposing to rezone the subject property to "R2-T" in order to permit the establishment of a three unit multiple-family dwelling. The proposed development is a complete rebuild of the existing residence, which is more than 100 years old.

The residence will be used as a fire rescue house, which will provide temporary housing to individuals and families that have been displaced from their homes as a result of fire. The residence will include a caretaker suite and two fully furnished units and will be entirely sprinkled.

Additionally, a variance for a substandard front yard setback of 16 feet instead of 25 feet, a substandard rear yard setback of 20 feet instead of 25 feet, a parking variance, a use variance to establish the use in advance of final rezoning authorization, and a conditional use to permit a multiple-family building on the property (DCU 05-110039/D) are also being considered in association with this application.

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The proposed zoning is "R2-T" Residential, which is a transitional zoning district that is intended to accommodate single and two-family development and where appropriate, limited multiple-family development in lower-density transitional neighbourhoods.

The area includes a mix of residence types including single-family, two-family, rooming houses, and apartment buildings.

Site Design Issues
The applicant is proposing a residentially styled building, with a gabled roof and a street-facing front. The design reflects the overall scale and appearance of other homes in the area. Overall, the proposed design will be compatible with adjacent residences.

Zoning
The zoning in this case will change only marginally because multiple family dwellings (three or more units) still require a conditional use in the "R2-T" Transitional District. Thus, future modifications to this property can be monitored and controlled through the conditional use process.

Use
The subject property and residence are considerably larger than adjacent properties. Each of the suites will have a considerable amount of space and the overall development will be managed by the North End Housing Project, with a live in caretaker

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The establishment will be used as a fire rescue house, which will provide temporary housing to individuals and families that have been dislocated from their homes because of fire.
- The property and residence are considerably larger than others in the area
- Future modifications to this property can be monitored and controlled through the conditional use process;
- The proposed rezoning and site design are compatible with the surrounding properties;

- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- Municipal services for multi-family development are available;

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 222/2005, attached hereto and dated, August 31, 2005, to a "R2-T" Residential District.

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 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.

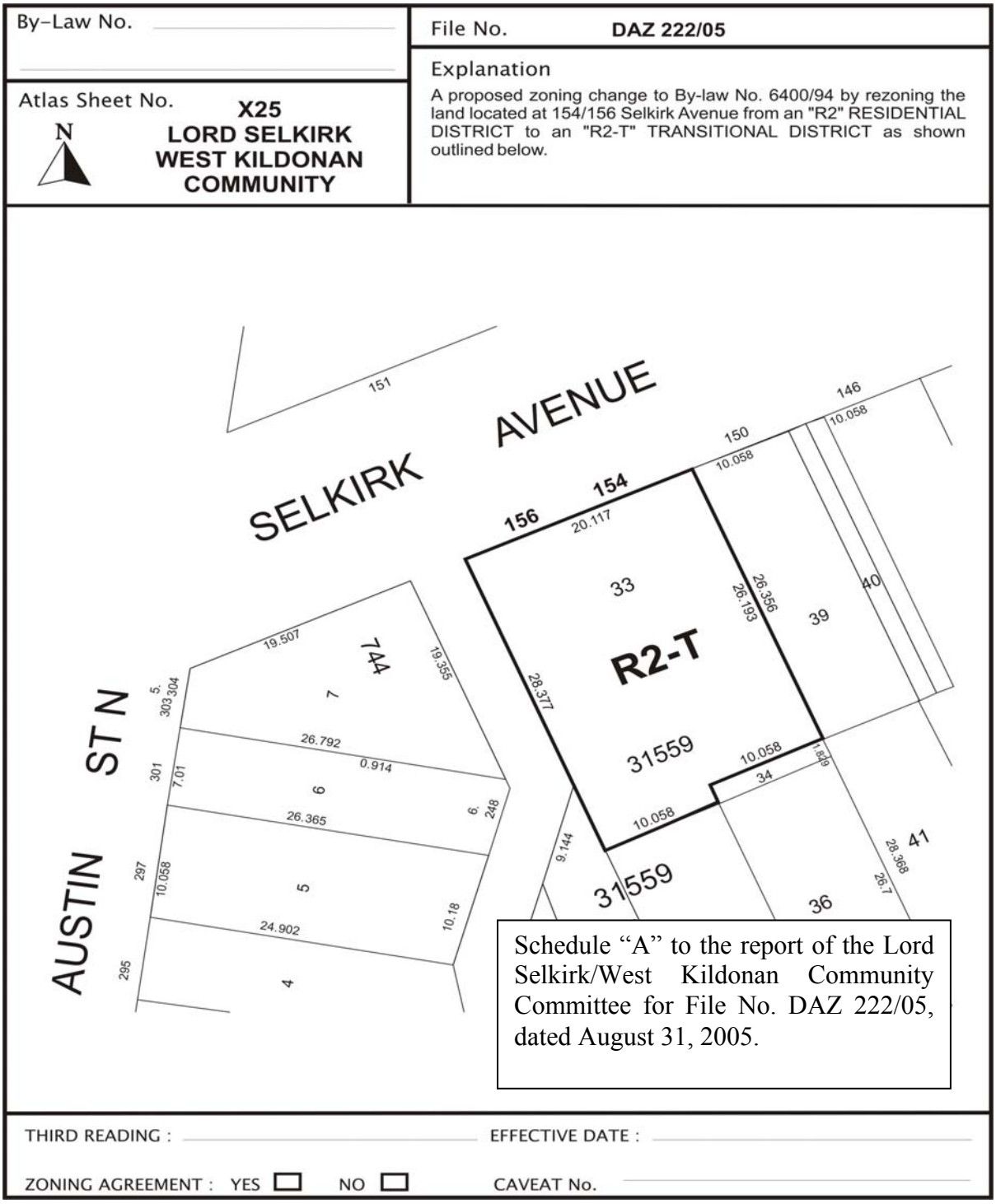
VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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: Michael Robinson, AICP
PPD File # 3.311

Schedule "A"



Schedule "A" to the report of the Lord Selkirk/West Kildonan Community Committee for File No. DAZ 222/05, dated August 31, 2005.



Figure 1: Aerial Photo (Flown in 2002)

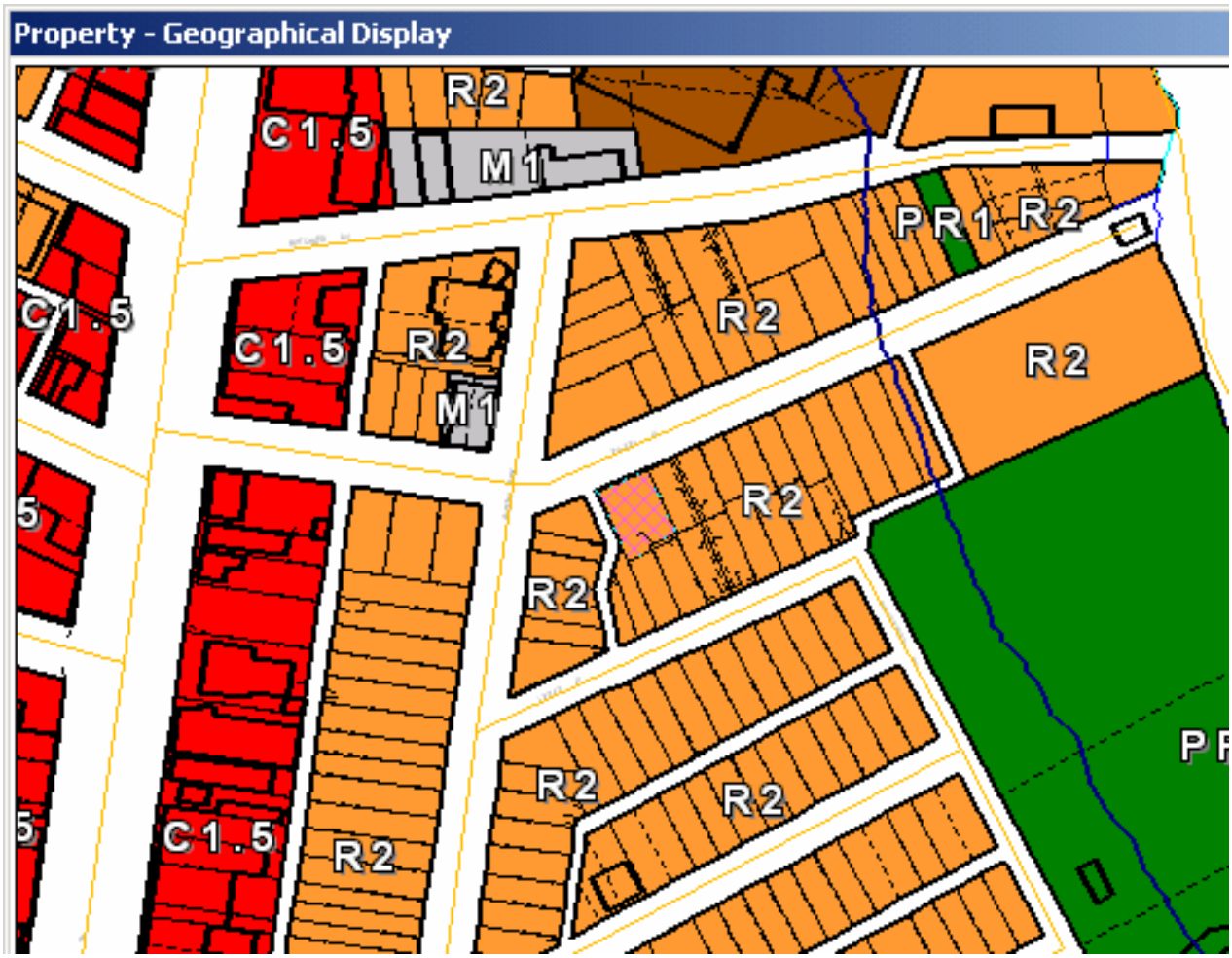


Figure 2: Zoning Map