Minute No. 311
Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 3 Rezoning - 244 Dalhousie Drive
File DAZ 260/2005

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 260/2005 dated December 28, 2005, to an "RM-3" 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 final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations, etc shall be submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development prior to the issuance of any building permits.

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.

Report - Standing Policy Committee on Property and Development - January 31, 2006

COUNCIL DECISION: (continued)

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 31, 2006

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 February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 244 Dalhousie Drive**
File DAZ 260/2005 [c/r DAV 169538/2005D]

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

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

Report date: **January 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Riel 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 260/2005 dated December 28, 2005, to an "RM-3" 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 final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations, etc… shall be submitted to and approved by the Riel Community Committee and the Director of Planning, Property and Development prior to the issuance of any building permits.

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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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. The proposed development will be a positive for the neighbourhood and will eliminate an area eyesore.

2. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 28, 2005.

PUBLIC HEARING SUMMARY

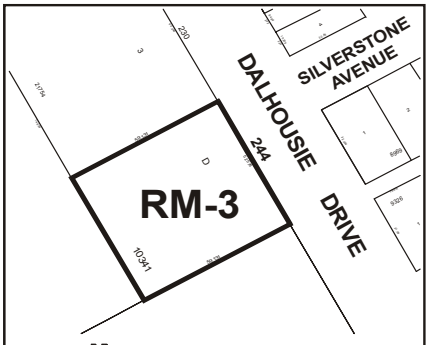
File: DAZ 260/2005 [c/r DAV 169538/2005D]

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

Public Hearing: January 17, 2006
Council Building, 510 Main Street

Applicant: David Goyer Architecture Inc. (Daniel Serhal)

Subject:



RIEL COMMUNITY

APPLICANT: DAVID GOYER ARCHITECTURE
FILE: DAZ 260/05
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DAVID GOYER ARCHITECTURE
N° DE RÉFÉRENCE : DAZ 260/05
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie RM-3 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 244 Dalhousie Drive

Exhibits Filed:

1. Application dated December 13, 2005
2. Notification of Public Hearing dated December 16, 2005
3. Manitoba Status of Title 1615596
4. Surveyor's Building Location Certificate and sketch dated September 10, 1971
5. Letter of authorization dated May 24, 2005 from Darrell Willim to David Goyer & Associates Inc.
6. Plans (4 pages)
7. Report from the Manager of Planning and Land Use dated December 28, 2005
8. Inspection Report
9. Communication dated January 16, 2005, from Donna Ryland in opposition to the application.
10. Communication dated January 11, 2006, submitted by David Goyer at the Public Hearing

REPRESENTATIONS:

In Support:

David Goyer
Glen Hardey
Kim Smith
Vince Spezzano
Darrell Willim

In Opposition:

Casey Maslow
Sharon Penner
Donna Ryland

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

David Goyer, David Goyer Architecture Inc., appeared in support of the application and gave a brief overview of the proposal. Mr. Goyer advised Committee that he had circulated approximately twenty-five (25) notices to area residents providing details of the application before committee, filed as Exhibit 10. Mr. Goyer stated that the proposed units would range in size from approximately 860 to 1000 square feet.

Casey Maslow appeared in opposition to the application. Mr. Maslow explained that he owns the grocery store adjacent to the subject property. Mr. Maslow stated opposition for the following reasons:

- The proposed development may worsen an existing drainage problem on his property;
- The proposed development may create a parking problem on his lot as the plan does not provide adequate parking;
- Approval of the proposed development may result in a decrease in the value of his property.

Mr. Goyer returned in rebuttal. Mr. Goyer stated it was his understanding that A & S Homes had discussed the drainage issue with Mr. Maslow and that a solution had been arrived at. Mr. Goyer further stated that, due to the size of the proposed units, there will be ample parking on site for residents and visitors as it is anticipated that a large number of residents will not own vehicles.

Exhibit "7" referred to in File DAZ 260/2005 [c/r DAV 169538/2005D]

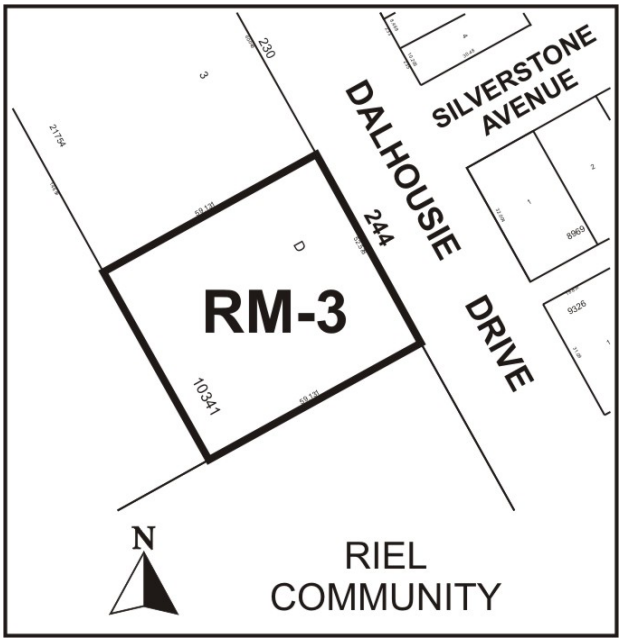
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **December 28, 2005**
File: **DAZ 260/05**
Related Files: **DAV 05-163053/C**
Subject: **Rezone the subject property from "C1" Commercial District to "RM-3" Multiple Family District.**

Location: **244 Dalhousie Drive**



Applicant: **David Goyer Architecture Inc.**
Owner: **Darrell Willim**

Recommendation: **Approve, with Conditions**

Report Summary:

- The applicant wishes to rezone the subject property from "C2" Commercial District to "RM-3" Residential District.
- The applicant wishes to establish a 32-unit condominium development on this site.
- This development requires variances for the accessory parking area with reference to a north side yard variance and a variance for number of parking stalls.
- The Planning and Land Use Division recommends approval, with conditions, of this proposal.

Site Description

The subject property is approximately **194.0 feet by 172.5 feet (33,465 square feet)** and is located on the west side of Dalhousie Drive, at the intersection of Dalhousie Drive and Silverstone Avenue in the Fort Richmond neighbourhood of the St. Norbert ward. The site is currently zoned "C2" Commercial District.

Surrounding Land Uses

West: Multiple-family residential dwellings zoned "RM-1" Residential District;
East: Single-family dwellings zoned "R1-5.5" Residential District;
South: Dalhousie Elementary School zoned "PR-1" Parks and Recreational District;
North: Commercial uses zoned "C1" Commercial District.

Surrounding land includes a mix of single-family dwellings zoned "R1-5.5" to the north and east, multiple-family dwellings to the west and a school use to the south. The University of Manitoba main campus is north east of the site.

Background

The existing commercial site at 244 Dalhousie Drive is a small convenience store use. Previous applications for this site include:

- DAV 613-70 – to vary the "C1" district regulations to permit the construction of a one-storey commercial building to contain a grocery store and the following "C2" district uses: a bank, dry cleaning establishment and liquor store;
- DAV 989/98C – to vary the "C1" district regulations to permit a change of use and the establishment of a Martial Arts Studio in the existing building;
- DCU 65/2001C – to establish a 377 square foot restaurant on the site.

Description of the Proposed Development

David Goyer Architecture is proposing to rezone the subject site from "C2" Commercial District to "RM-3" Residential District. The proposed development is a 32-unit condominium development. The building area is 8571 square feet and is four stories (approximately 43 feet)

high. The development has eight (8) two bedroom units per floor ranging from 986 square feet/unit to 1025 square feet/unit.

The proposed building will be on the north half of the subject site, with an accessory parking area on the south portion providing resident and visitor parking. Site plans indicate the parking area will be asphalt paving and will be bordered with a 2.5 foot cedar and spruce lightproof fence with bumper rails. Access to the site will be from the existing approach on Dalhousie Drive.

This application requires one variance for no north side yard and a variance (DAV 05-163053/D) for the number of parking spaces provided. Zoning By-law 6400/94 requires 48 spaces for a development of this size in the "RM-3" Residential District. The applicant is proposing 37 parking stalls.

Site plans indicate that the building will be finished with masonry veneer, prefinished siding and stucco. The site will be sodded and landscaped with a mix of deciduous and coniferous trees.

Analysis

PLAN WINNIPEG
The subject property is designated as a Neighbourhood Policy Area under *Plan Winnipeg 2020 Vision*. The Neighbourhood Policy area allows for a variety of uses including: residential, commercial, institutional and mixed uses. Therefore the subject rezoning application, to permit a multi-family development, conforms to *Plan Winnipeg 2020 Vision*.

3A-01 Promote Orderly Development

ii) considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses at a scale and density compatible with each other

3A-02 Promote Compact Urban Form

v) supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land

ZONING

- The **"RM-3" Multiple Family Residential District** requires a minimum lot size of 9000 square feet and a minimum lot width of 75 feet. A side yard of 8 feet is required. DAV 05-169358/D is applying for a variance for the side yard requirement.
- The **"RM-3" Multiple Family Residential District** permits a maximum building height of 45 feet and requires a rear and front yard of 25 feet. At approximately 43 feet in height this development meets the building height requirement.
- The **"RM-3" Multiple Family Residential District** requires 48 resident parking stalls and 5 visitor parking stalls. DAV 05-169358/D is applying for a variance for the side yard requirement.

COMPATABILITY WITH SURROUNDING AREA
Considering that the proposed new multi-family development will generate additional automobile traffic, the subject property is a suitable location for providing easy access to a major transportation corridor (Pembina Highway) via Winnipeg Transit service along Dalhousie Drive.

In the context of the surrounding neighbourhood, the proposed development appears compatible in as it is surrounded by a mix of land uses, which including commercial uses to the north, a variety of residential districts to the east, west and north, and a school to the south.

SITE PLAN
Site plans indicate access to the site will be from Dalhousie Drive. Parking for the development will be to the north of the building. The parking area will be asphalt paving and surrounded by a 3-foot pressure treated wood, lightproof fence with bumper rail. Plans also indicate the site will be sodded and landscaped.

The Planning and Land Use Division recommends that the proposed rezoning should be granted, as the subject property is an appropriate location for the proposed use.

Recommendation

The Planning and Land-Use Division supports rezoning property from "C2" to "RM-3" for the following reasons:

- The subject site is an appropriate location for the proposed residential use.
- The zoning will complement the existing zoning to the west and across Dalhousie Drive to the east
- There is an increasing demand for a range of multiple-family housing options in the southwest quadrant of the City.
- That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter.

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 260/05**, attached hereto and dated December 28, 2005, to an "RM-3"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. The final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations etc. shall be submitted to and approved

by the **Riel Community Committee**, and the **Director of Planning and Land Use** for plan approval prior to the issuance of any building permits.

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: Angie Clark
PPD File # 5.615

Schedule "A"

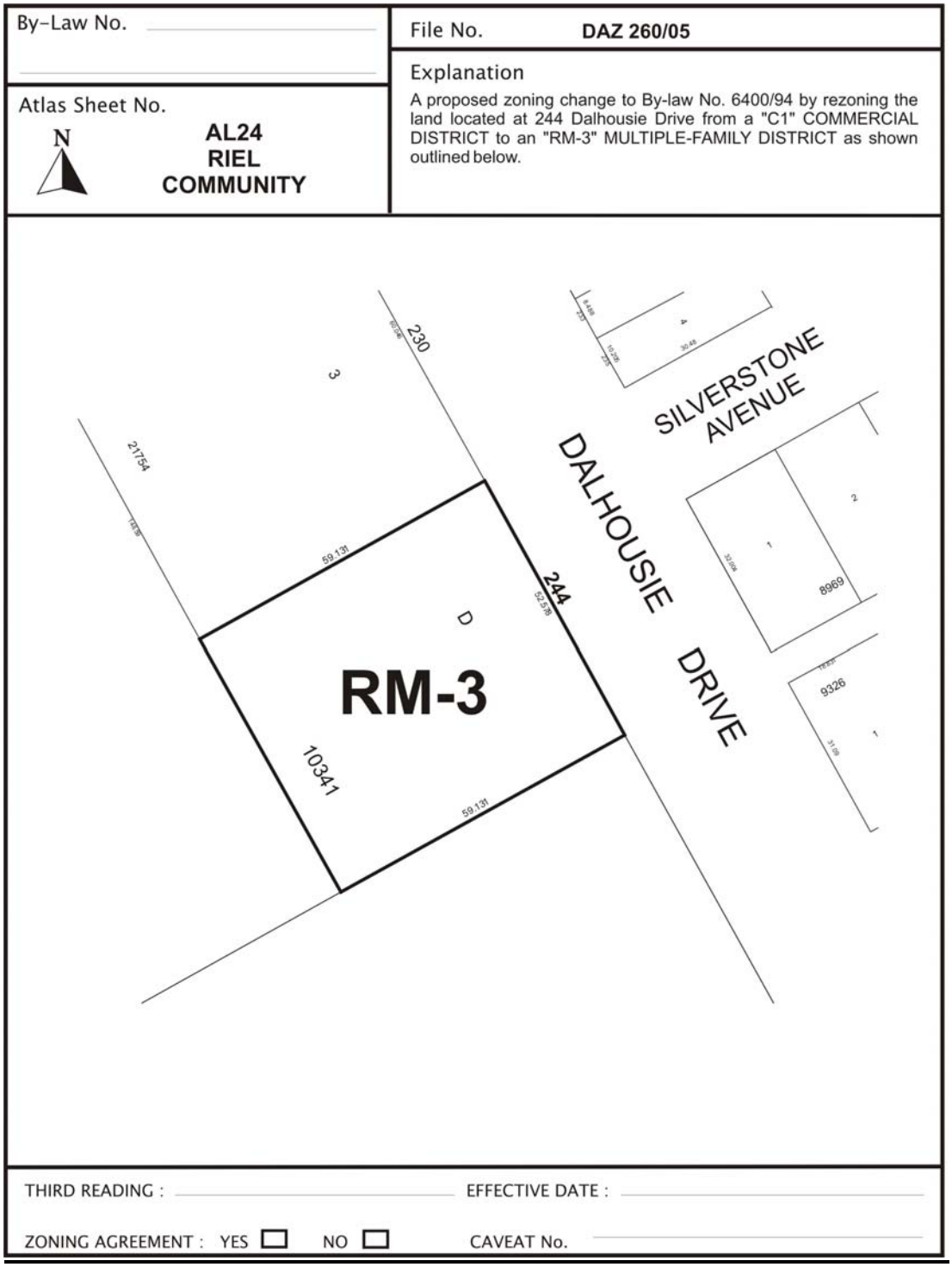


Figure 1: Schedule "A" to the report to the Riel Community Committee for File No. DAZ 260/2005, dated December 28, 2005.

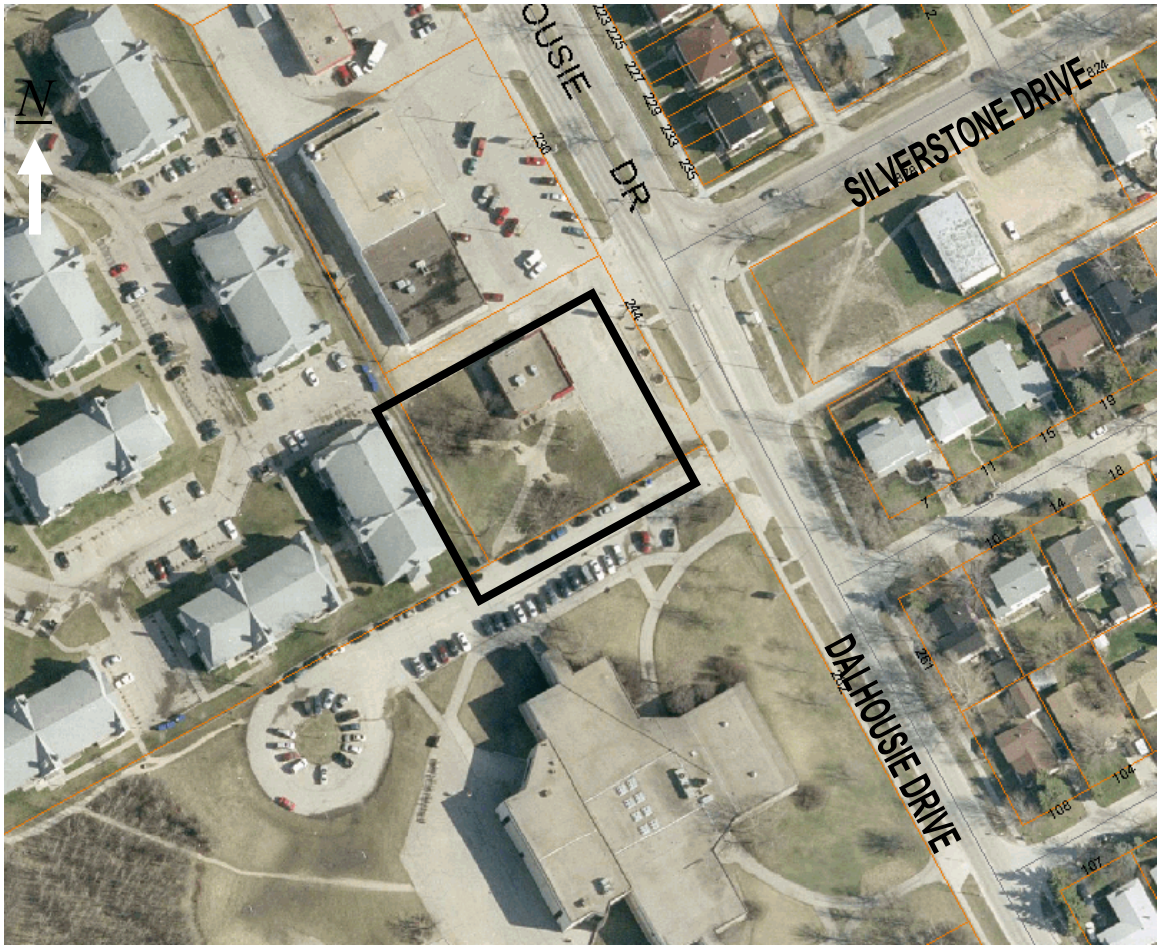


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

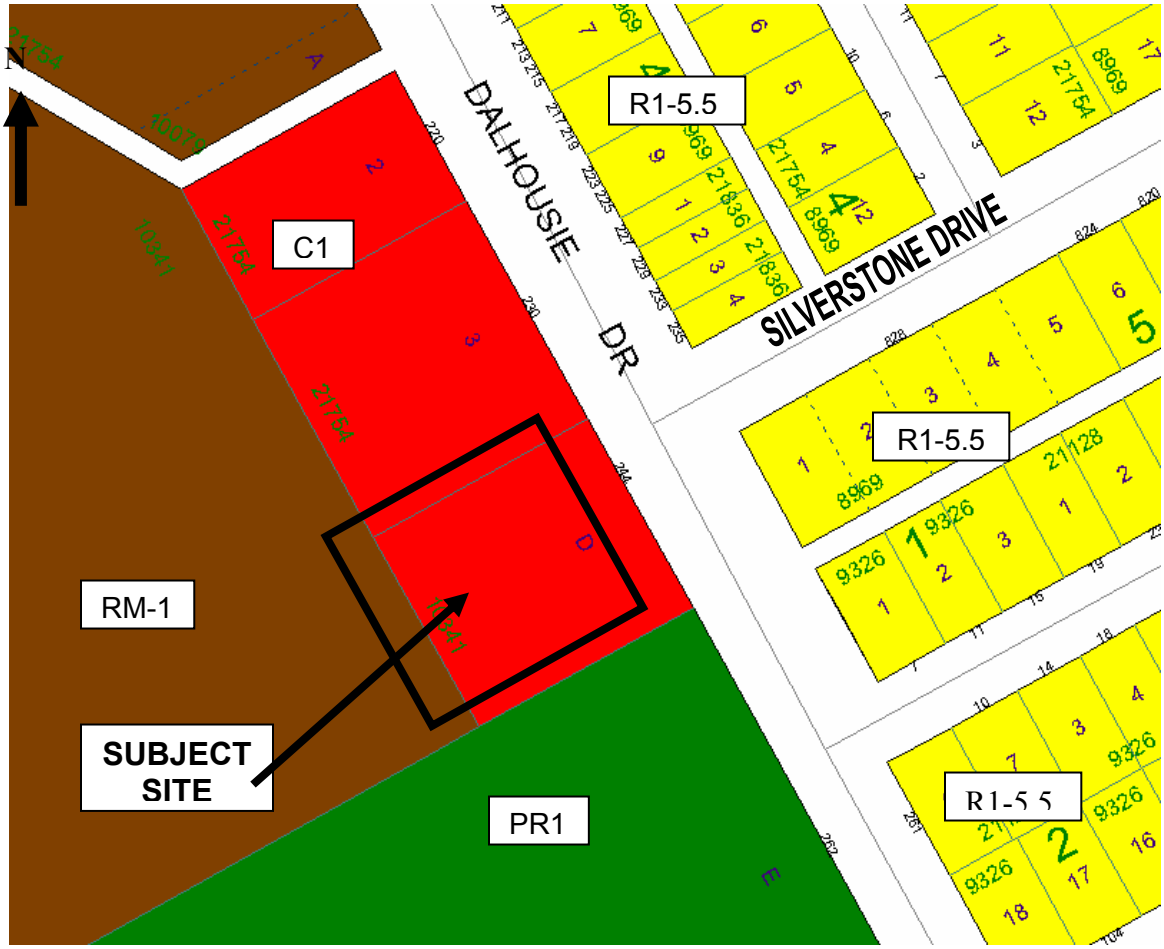


Figure 3: Existing Zoning for subject property and Surrounding Area.