Agenda – Executive Policy Committee – April 19, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 8 Rezoning – 668 Jessie Avenue
File DAZ 265/2005

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of 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 265/2005 dated February 14, 2006, to an "RM-4" 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 the total number of dwelling units shall not exceed three (3);
      ii. That the maximum height of any buildings shall not exceed thirty-five (35) feet;
      iii. That the Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6.

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 - April 4, 2006

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.

Agenda – Executive Policy Committee – April 19, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 4, 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 February 28, 2006, 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 – 668 Jessie Avenue**
File DAZ 265/2005 [c/r DAV 108609/2006D]

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

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

Report date: **March 1, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, 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 265/2005, dated February 14, 2006, to an "RM-4" 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 the total number of dwelling units shall not exceed three (3);
        ii. That the maximum height of any buildings shall not exceed thirty-five (35) feet;
        iii. That the Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6.

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 proposal suits the neighbourhood, is a good example of infill development and fits with Plan Winnipeg.

PUBLIC HEARING SUMMARY

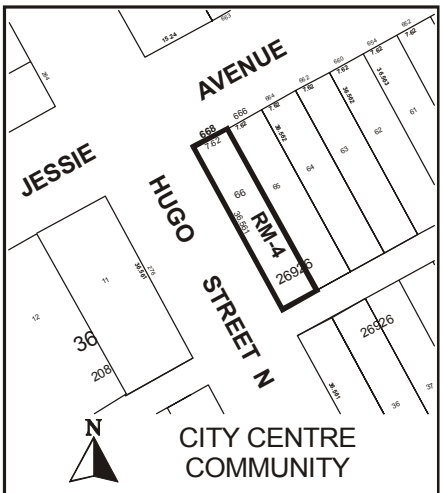
File: DAZ 265/2005 [c/r DAV 108609/2006D]

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

Public Hearing: February 28, 2006
Council Building, 510 Main Street

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

Subject:



APPLICANT : ERNIE WALTER ARCHITECT
FILE : DAZ 265/05
PROPOSAL : To rezone the land shown outlined above from an "R1-3" RESIDENTIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 668 Jessie Avenue

Exhibits Filed:
1. Application dated January 20, 2006
2. Notification of Public Hearing dated January 30, 2006
3. Manitoba Status of Title 2085179
4. Letter of authorization dated November 8, 2005 from Jonathan Koslowsky to Ernie H.A. Walter, Architect
5. Drawing of subject property

6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated February 14, 2005
8. Inspection Report
9. Communication dated February 21, 2006, from Anna Grad in opposition to the application
10. Site plans and photograph of proposed development submitted by the applicant at the public hearing.

REPRESENTATIONS:

In Support:

Brian Wall
Yaron Walter

In Opposition

Anna Grad

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 applicants, Yaron Walter and Brian Wall, Ernie Walter Architect Inc., appeared in support of the application, gave a brief overview of the proposal and submitted supporting documentation placed on file as Exhibit 10.

In response to committees questions, the Senior Planner stated the proposal was a good example of infill development and the department was supportive of the application.

In response to committees questions, the applicants stated they were aware of the code requirements for snow removal.

Exhibit "7" referred to in File DAZ 265/2005 [c/r DAV 108609/2006D]

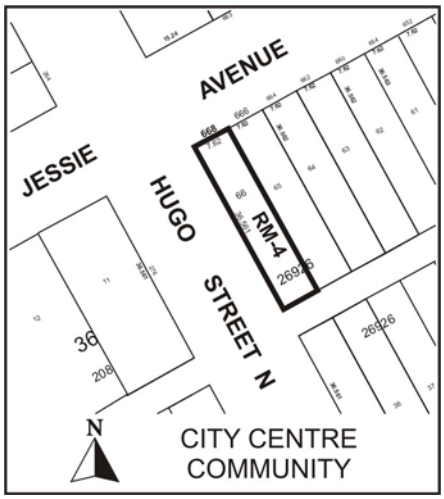
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: February 14, 2006
File: **DAZ 265/05**
Related Files: DAV 06-108609/D

Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-3" Single-Family District to an "RM-4" Multiple-Family District.



Location: 668 Jessie Avenue
Legal Description: SP Lot 66, Plan 26926

Applicant: Ernie Walter Architect
Owner: Jonathan Koslowsky

Recommendation: *Approved*

Site Description

The subject site is located at the south east corner of Jessie Avenue and Hugo Street. The site is currently developed with an older 2-storey dwelling containing three dwelling units. The approximately 25 foot wide by 120 foot deep lot and neighbouring properties are zoned "R1-3" Single-Family District. Surrounding land uses include single-family, duplex, nursing home (to the west across Hugo Street) with non-accessory parking area, and public plaza (to the north across Jessie Avenue).

Description of the Proposed Development

The applicant proposes to demolish the existing 2-storey, 3-unit dwelling and construct a 3-storey, 3-unit dwelling. Floor plans indicate each dwelling unit is a 1-bedroom configuration. The proposed development is approximately 32 feet in height and provides three accessory parking spaces, with access from the public lane. Variance file DAV 06-108609/D concerns yard and parking deficiencies.

Analysis

This portion of the Earl Grey neighbourhood is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential forms and densities, including increased density in established neighbourhoods when the proposed development is respectful of the context and considerate of immediately adjacent properties.

The proposed 3-unit residential development replicates the current density at this location. Its built form, although a clear departure from the conventional Earl Grey neighbourhood typology, handles a narrow corner site creatively and responsibly. The form and scale are not overpowering and provide a reasonable transition from the adjacent 4-storey nursing home and the piazza.

It should be noted, the existing dwelling has non-conforming rights to 3-units in a portion of Earl Grey that was zoned "R2" Two-Family District until the mid-1990s (downzoned to "R1-3" Single-Family District under DAZ 21/395). The proposed 32 foot high residence is comparable to the 30-foot height maximum under "R1-3" zoning.

Recommendation

The Planning and Land Use Division recommends approval, with conditions, for the following reasons:

- The proposal is consistent with *Plan Winnipeg*; and
- The proposed 3-unit residence achieves a reasonable scale and density at its specific location in Earl Grey.

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 265/05, attached hereto and dated February 14, 2006, to an "RM-4" 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 the total number of dwelling units shall not exceed 3;
2. That the maximum height of any buildings shall not exceed 35 feet;
3. That the Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit ___, dated January 12, 2006.

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 265/05

Schedule "A"

By-Law No.

File No. **DAZ 265/05**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 668 Jessie Avenue from an "R1-3" RESIDENTIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

AC24 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 265/05 dated February 14, 2006.