Minute No. 453
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 6 **Rezoning - 586 Bannerman Avenue**
File DAZ 262/2005

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 262/2005 not be proceeded with.

Report - Standing Policy Committee on Property and Development - April 4, 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 April 19, 2006, 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 April 4, 2006, 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 February 21, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 586 Bannerman Avenue**
File DAZ 262/2005 [c/r DAV 170373/2005D]

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

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

Report date: **February 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 262/2005 not be proceeded with.

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 February 6, 2006.

PUBLIC HEARING SUMMARY

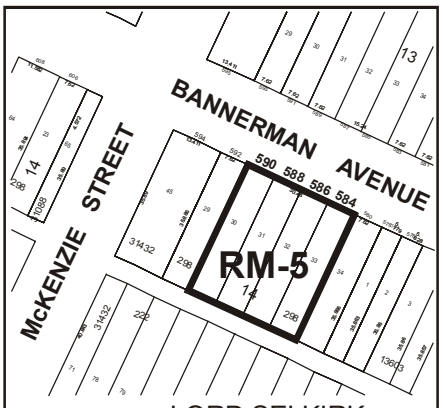
File: DAZ 262/2005 [c/r DAV 170373/2005D]

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

Public Hearing: February 21, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Charly Rule

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY
APPLICANT : MR. C. RULE
FILE : DAZ 262/05
PROPOSAL : To rezone the land shown outlined above from an "R1-2.5" RESIDENTIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: 586 Bannerman Avenue

Exhibits Filed:

1. Application dated January 25, 2006
2. Notification of Public Hearing dated January 27, 2006
3. Manitoba Duplicate Title 1599354
4. Letter of authorization dated January 11, 2006, from The City of Winnipeg to C. Rule
5. Misc. Plan No. 10525

6. Plans (4 pages)
7. Report from the Manager of Planning and Land Use dated February 6, 2006
8. Inspection Report
9. Petition purporting to contain the signatures of eighty-five (85) residents in opposition to the application submitted by Neil St. Pierre at the public hearing

REPRESENTATIONS:

In Support:

Charly Rule

In Opposition

Ken Carter
Fleming Engbaek
Robert Murphy
Neil St. Pierre

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Charly Rule, the applicant, appeared in support of the application and indicated he did not agree with the administrative recommendation. Mr. Rule stated the subject property was originally zoned an "R2-T" zoning designation but that two years ago, it was rezoned to an "R-1" Single-family Residential District. He further stated the proposed application to rezone the property to an "RM-5" Multiple-family is to allow the construction of a two-storey multiple-family dwelling, with 15 units, each unit having 800 square feet and two bedrooms.

Neil St. Pierre, appearing in opposition to the application, submitted a petition purporting to contain the signatures of eighty-five (85) area residents in opposition to the application, filed as Exhibit 9. Mr. St. Pierre stated he was opposed to the application for the following reasons:

1. lack of parking
2. increased traffic

3. out of scale for the neighbourhood
4. lack of lighting and over shadowing.

Robert Murphy, also appearing in opposition to the application stated the proposed multiple-family dwelling would not be in keeping with the character of the area, which is predominantly single-family dwellings, or at the very least, duplexes. Mr. Murphy stated the opinion that a project of this size would be better suited elsewhere. He also expressed concern regarding a loss of privacy in the event the application was approved. He stated concurrence with Mr. St. Pierre that the proposed development would overshadow everything.

In rebuttal, Mr. Rule stated he did not agree the proposed project would overshadow houses as the proposed building will only be two-storeys in height. Mr. Rule also stated he did not agree the proposed development would contribute to increased traffic for the area inasmuch as the majority of the people who would be living in the proposed facility would be older and not necessarily own vehicles.

Exhibit "7" referred to in File DAZ 262/2005 [c/r DAV 170373/2005D]

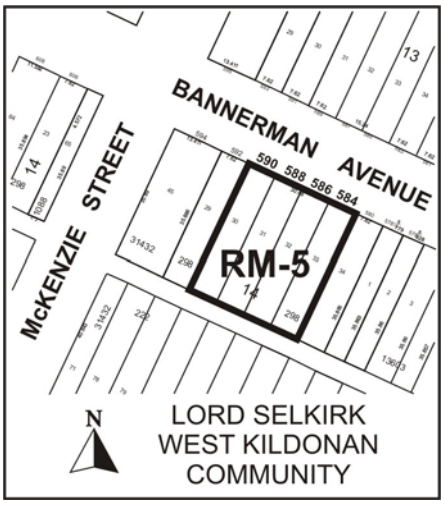
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: February 6, 2006
File: DAZ 262/05
Related Files: DAV 05-170373/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-2.5" Single-Family Residential District to an "RM-5" Multiple Family Residential District.

Location: 586 Bannerman Avenue



Applicant: Charlie Rule
Owner: City of Winnipeg

Recommendation: *Denial*

Site Description

The subject property, which is zoned "R1-2.5" Residential, is located on Bannerman Avenue between McGregor Street and McKenzie Street in the Inkster-Faraday neighbourhood of the Mynarski Ward.
North: Residences zoned "R2" Two-Family Residential
South: Residences zoned "R2" Two-Family Residential
East: Residences zoned "R2-T" Two-Family Transitional Residential
West: Residences zoned "R2-T" Two-Family Transitional Residential

Background

DAZ 208/04
In February, 2004, the Lord Selkirk-West Kildonan Community Committee approved a rezoning of the subject property from "R2-T" Two-Family Transitional to "R1-2.5" Single-Family Residential for the purpose of constructing four single-family residences. That development was never preceded with.

Description of the Proposed Development
At this time, the applicant is wishing to rezone the subject property to "RM-5" Multiple-Family for the purpose of constructing a 15-unit multiple-family dwelling.

The proposed multiple-family building, which is two stories in height, measures 80 feet in width by 85 feet in depth (13,600 square feet). It consists of 15 dwelling units, each with 800 square feet of living space.

The applicant is providing a total of 11 parking spaces at the rear of the building, with access off the alley.

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.

Policy 3B-02, with respect to the development of new and existing residential areas, indicates that new residential proposals be evaluated according to appropriateness of location and assessing their long term impact within an evaluation framework established in consultation with the development industry.

Compatibility with neighbourhood and surrounding uses
New development should respect and enhance the overall quality and character of the street and community in which it takes place. A building which is designed without considering its ability to compliment its neighbours and the broader community may negatively impact the area.

In light of this, there are several elements of the proposed development which need to be evaluated in detail. These include, but are not limited to density, building massing, site layout, and parking.

Density
The surrounding neighbourhood is made up of single-family and two-family detached residences on narrow lots. The proposed development, however, with 15 units, would have 4 times more density then what is currently permitted by zoning. In that vein, the proposed density is not characteristic of multiple-family developments that abut single-family and two-family residential dwellings, especially in such close proximity.

While adjacent "R2-T" zoning allows for higher density development as a conditional use, this zoning category has very limited use in this neighbourhood and may not consistent with the built form of the neighbourhood, in some instances.

Massing
A design which respects its context is based upon a careful analysis of the adjacent homes on the street and the broader community. In that vein, massing, which refers to the combined effect of the arrangement, size and shape of a building on its site and its visual impact in relation to adjacent buildings, is a key element of compatibility.

In this case, the massing of the proposed building does not reflect the context of the neighbourhood and is not characteristic with what one would find in a single-family and two-family neighbourhood, particularly with a mid-block orientation.

Site Layout
The setbacks of new development should respect the established street pattern, at a minimum, by providing a front yard setback that is typical of adjacent properties. Similarly, side yard setbacks should also be respectful of adjacent properties and provide for privacy as well as adequate light and air. Likewise, the principle building entry should be clearly identifiable from the street and located in a manner which respects the privacy of neighbours.

Finally, amenity space for residents to enjoy – which could include shared open space or small private areas, such as patios, porches, or decks, or balconies, are often provided in multiple-family developments.

With that said, the proposed building orientation, including both setbacks and lack of open space, are not typical of the residential character of the neighbourhood.

Parking
The applicant has made provision for 11 parking spaces at the rear of the building. Under By-law 6400/94, the applicant is required to provide a total of 23 parking spaces (1.5 per unit). Public Works has indicated that this parking shortage will result in vehicles parking on adjacent streets, which may prompt complaints from area residents.

Public Input
The Planning and Land Use Division requested that the applicant meet with residents in advance of the public hearing to inform them of the proposed development. To the best of our knowledge, this recommendation was not preceded with.

Recommendation

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

- The proposed density is not characteristic of the area
- The proposed massing is not characteristic of nor compatible with adjacent properties
- The site layout is not characteristic of nor compatible with adjacent properties
- The is not adequate parking to support the development
- The project will have an adverse impact upon traffic circulation in the area

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 262/05

Recommended Conditions of Approval

I. That file DAZ 262/05, as shown on Schedule "A" attached hereto, and dated February 6, 2006 to an "RM-5" Multiple-Family Residential District **NOT BE PROCEEDED WITH**.

Schedule "A"

By-Law No.

File No. **DAZ 262/05**

Atlas Sheet No. **V25**
LORD SELKIRK WEST KILDONAN COMMUNITY

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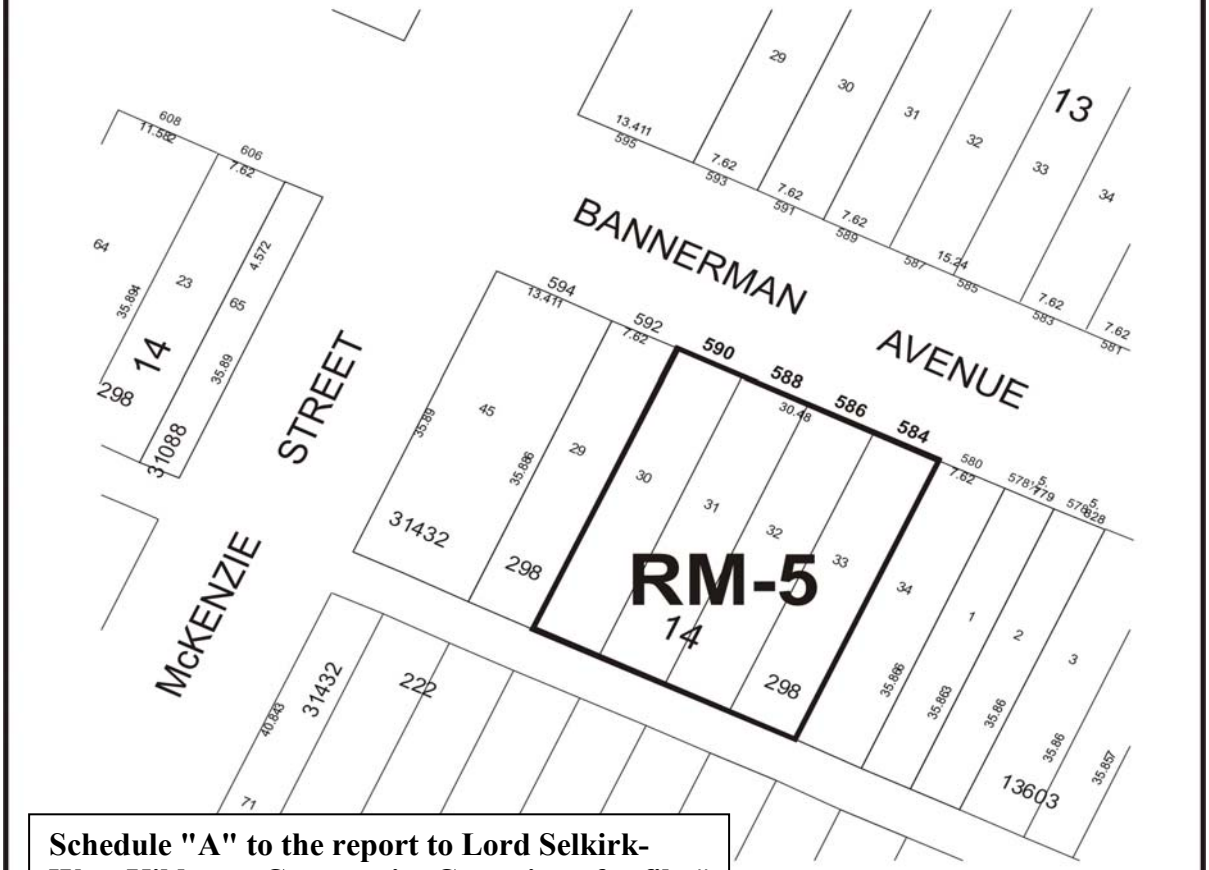
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 586 Bannerman Avenue from an "R1-2.5" RESIDENTIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for file # DAZ 262/05 dated February 6, 2006.

THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.



Figure 1: Aerial Photo (Flown in 2005)