Minute No. 459
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 11 Rezoning - 301 Regent Avenue East
File DAZ 208/2006

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 208/2006 dated February 20, 2006, to a "RM-5" Residential 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 for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

      ii. That the land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except a multiple family residence not exceeding thirty (30) feet in height.

      iii. That the number of residential dwelling units be limited to eight (8).

      iv. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

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

COUNCIL DECISION (continued):

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 (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.

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 East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation No. 1. A. ii be amended by substituting the words “26 feet” with the words “thirty (30) feet”,

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

RE: **Rezoning - 301 Regent Avenue East**
File DAZ 208/2006 [c/r DAV 160699/2005D]

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **March 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2006, the East Kildonan-Transcona 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 208/2006 dated February 20, 2006, to a "RM-5" Residential 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 for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. That the land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except a multiple family residence not exceeding ***thirty (30) feet*** in height.

        iii. That the number of residential dwelling units be limited to eight (8).

iv. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

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 (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.

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

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The subject application is consistent with the neighbouring area inasmuch as multi-family dwelling units currently exist in the neighbourhood.

PUBLIC HEARING SUMMARY

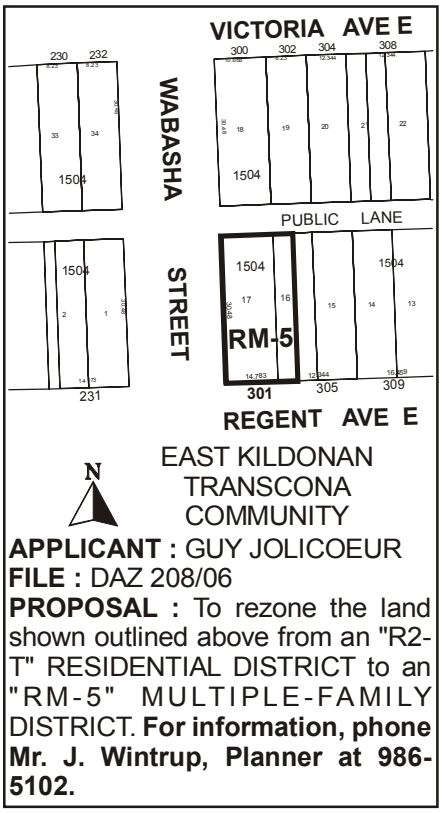
File: DAZ 208/2006 [c/r DAV 160699/2005D]

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: March 21, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Guy Jolicoeur

Subject:



Premises Affected: 301 Regent Avenue East

Exhibits Filed:
1. Application dated February 13, 2006
2. Notification of Public Hearing dated February 20, 2006
3. Manitoba Status of Title 1560544

4. Surveyor's Building Location Certificate and sketch dated March 26, 2002
5. Drawings of subject property (2 pages)
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated February 20, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Guy Jolicoeur

In Opposition

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Guy Jolicoeur appeared in support of the application and requested that the proposed condition to pave the gravel accessory parking area by the end of summer 2006 be extended to the summer of 2007.

Councillor Wyatt questioned if there would be any concerns to amending Recommendation No. 1. A. of the Report from the Planning and Land Use Division, pertaining to the proposed restriction in height of the multiple family residence, from twenty-six (26) feet to thirty (30) feet in height. In reply to the question from Councillor Wyatt, John Wintrup, Planner, responded in the negative.

Exhibit "7" referred to in File DAZ 208/2006 [c/r DAV 160699/2005D]

Winnipeg

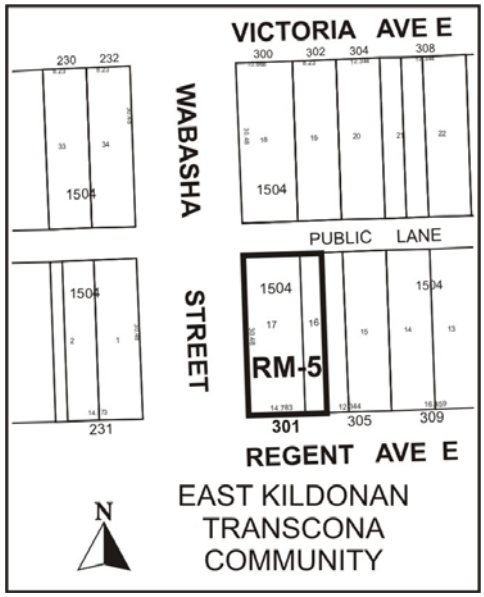
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 20, 2006**
File: **DAZ 208/06**
Related Files: **DAV 05-160699/D**

Subject: **Rezone the land to allow the expansion of a 4 unit multiple family dwelling to an 8 unit multiple family dwelling.**

Location: **301 Regent Avenue East**



Applicant: **Guy Jolicoeur**
Owner: **Guy Jolicoeur**

Recommendation: **Approve with Conditions.**

Report Summary:

- The applicant intends to move and raise the building to provide an additional four (4) residential suites in the basement.
- The proposed suites will result in a density consistent with the "RM-5" Multiple Family Residential District.
- The scale and density of the proposed building is consistent with the character of the surrounding area.

Site Description

The subject property is approximately **4,850 square feet** located on the northeast corner of Regent Avenue East and Wabasha Street in the Kern Park neighbourhood of the Transcona Ward. The site is zoned **"R2-T" Residential District** and is occupied by a 1 1/2 story, 4 unit multiple family dwelling with 5 parking stalls. Adjacent lands include single family dwellings to the east zoned "R2-T". Surrounding uses include single and multiple family dwellings to the west and north.

Background

The building's architecture suggests it may have been converted from a possible commercial use (corner store) or a community hall. The City of Winnipeg has no documentation on this and it likely happened pre-1955.

Description of the Proposed Development

The applicant intends to move the building to increase the west side yard from **1.35 feet** to **7 feet**. The applicant also intends to raise the building by 3 feet. The existing basement will be filled in and a new basement constructed. The existing east side yard will be reduced from **14.5** to **9 feet**. The four (4) existing suites on the main floor will remain with the addition of 4 new suites in the basement. Each suite will have a bedroom, living room and kitchen, with the exception of one bachelor suite in the basement. There will be a common exit on the west and east sides of the building. Five (5) parking stalls will be in the rear yard with direct access to the rear public lane.

Analysis

PLAN WINNIPEG
The proposed concept in consistent with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R2-T" Transitional District** is intended to accommodate single and two family development and, where appropriate, limited multiple family development in lower-density transitional neighbourhoods.

- **"RM-5" Multiple Family District** allow a maximum building height of 70 feet, a minimum lot area of 20,000 square feet and a minimum lot area per dwelling unit (density) of 600 sq.ft per dwelling unit.

LAND USE BY-LAW ISSUES
The proposed 8 unit multiple family dwelling structure does not reflect all of the "RM-5" bulk regulations notably the lot area. The lot area of 4,850 square feet and the number of units (8) does result in a density of **606 sq.ft**. per unit that achieves the density regulations of "RM-5". The applicant is required to make application for a variance for substandard lot width, area, side and front yards, and parking (**DAV 05-160699D**).

SITE DESIGN ISSUES
The site plan submitted does not indicate any landscaping, fencing, or building materials being proposed for the residential development. Landscaping with coniferous trees in the east side yard is suggested to mitigate the negative impacts of reducing this yard against the dwelling to the east. The garbage containers are located on the east side of the property but the materials used to screen the containers is not indicated. There is no screening proposed for the parking area.

Recommendation

The Planning and Land-Use Division supports the rezoning application. The additional four (4) units will provide residential dwellings in a neighbourhood near the old-downtown of Transcona on a major street that is supported by Transit. The scale and density of the proposed building is consistent with the character of the surrounding area that includes story-and-a-half homes and two (2) story dwellings.

The Division is recommending the **"RM-5**" zone to limit the required variances to lot area, yards, and parking since variances for density are not encouraged. A zoning agreement will restrict the height and density of the building to the proposed residential project to ensure conformity with the proposed plan.

The Division is recommending that plans be submitted for final approval that indicate the landscaping, garbage enclosures, etc.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ 208/06**, attached hereto and dated, **February 20, 2006**, to a "**RM-5" Residential 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 for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

ii. That, the land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except a multiple family residence not exceeding 26 feet in height.

iii. That, the number of residential dwelling units be limited to eight (8).

iv. That, prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

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.

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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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: John S. Wintrup
PPD File # DAZ 208/06

Schedule "A"

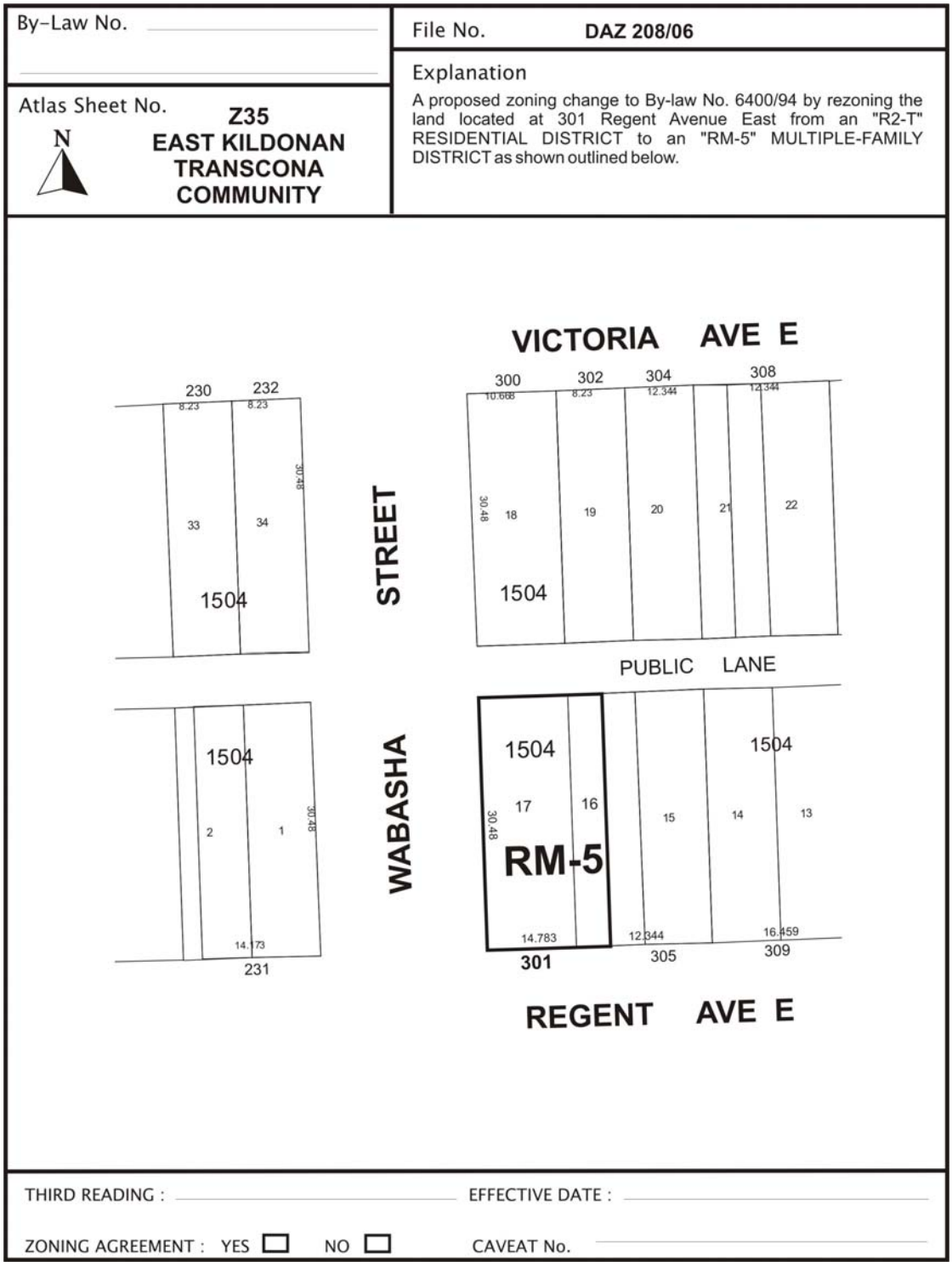


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 208/06, dated February 20, 2006.

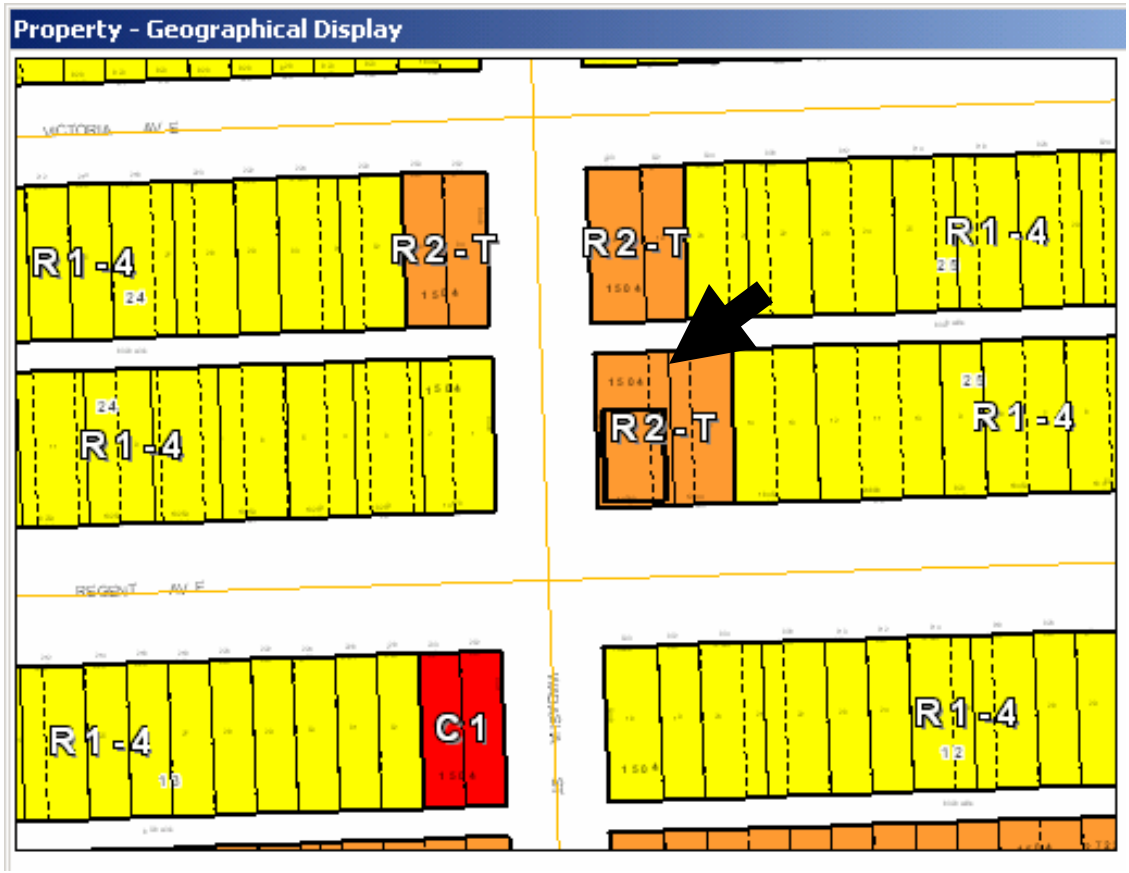


Figure 2: Existing Zoning for subject property and Surrounding Area.

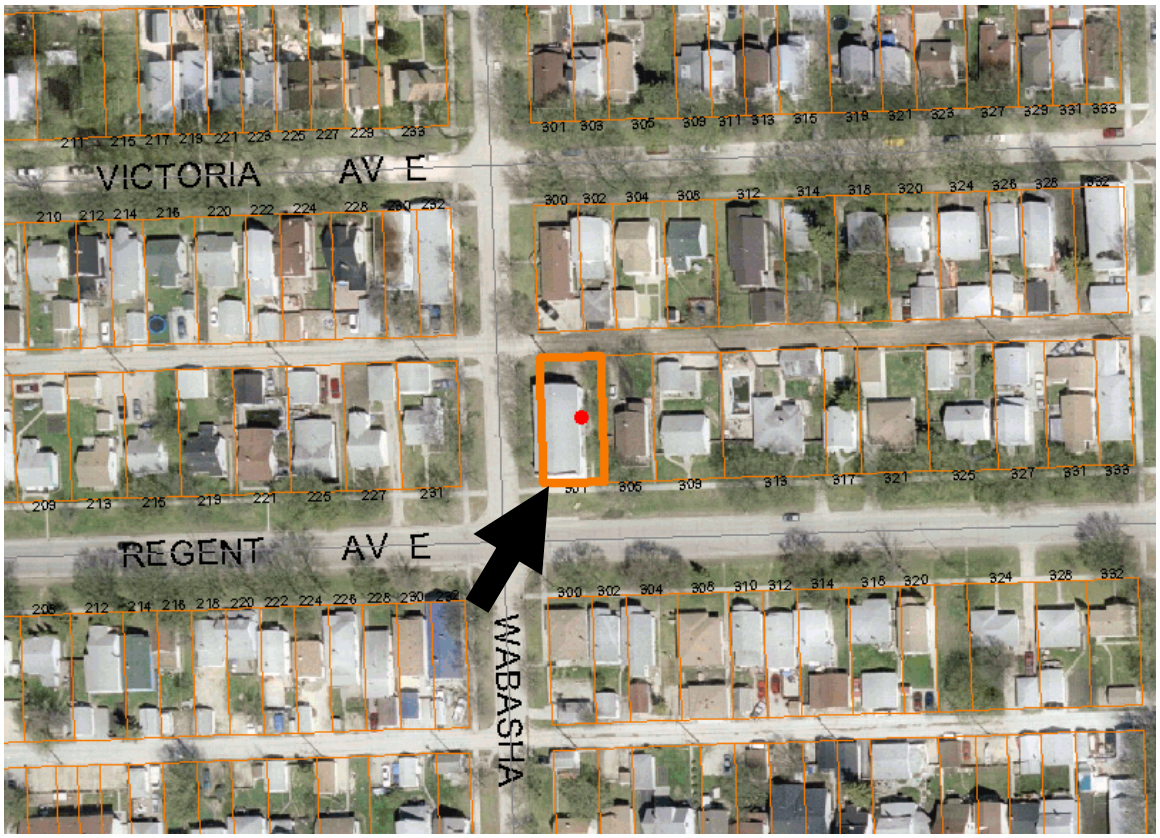


Figure 3: Existing Land-Uses for subject property and Surrounding Area.