Agenda - Council - January 24, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 11 Rezoning - 202 St. Anthony Avenue
File DAZ 214/2006

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 214/2006 dated December 1, 2006, to an "RM-5" 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 building height shall not exceed forty-five (45) feet
      ii. That the number of dwelling units shall not exceed twenty-four (24).

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 (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.

Report - Standing Policy Committee on Property and Development - January 9, 2007

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 9, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 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 January 9, 2007, 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 December 12, 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 - 202 St. Anthony Avenue**
File DAZ 214/2006 [c/r DAV 157847/2006D]

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

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

Report date: **December 19, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 2006, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A", for File DAZ 214/2006 dated December 1, 2006, to an "RM-5" 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 building height shall not exceed 45 feet
        ii. That the number of dwelling units shall not exceed twenty-four (24).

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 (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 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 Planning and Land Use Division dated December 1, 2006.

PUBLIC HEARING SUMMARY

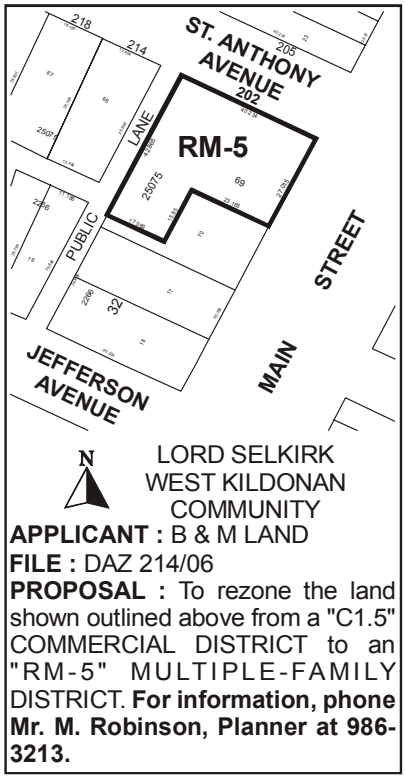
File: DAZ 214/2006 [c/r DAV 157847/2006D]

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

Public Hearing: December 12, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: B & M Land (John Thorvaldson)

Subject:



Premises Affected: 202 St. Anthony Avenue

Exhibits Filed:
1. Application dated November 9, 2006
2. Notification of Public Hearing dated November 15, 2006
3. Manitoba Status of Title 1160596
4. Letter of authorization dated June 29, 2005 from 2143518 Manitoba Limited to B & M Land

5. Surveyor's Building Location Certificate and sketch dated August 13, 1984
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated December 1, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

John Thorvaldson, B & M Land

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

John Thorvaldson, on behalf of the applicant, B & M Land, appeared in support of the application. Mr. Thorvaldson indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated December 1, 2006.

Exhibit "7" referred to in File DAZ 214/2006

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: December 1, 2006
File: DAZ 214/06
Related Files: DAV 157847-06/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a "C1.5" Commercial District to a "RM-5" Multiple-Family District to allow for the establishment of one additional dwelling unit in an existing multiple family dwelling

Location: 202 St. Anthony Avenue



Applicant: B&M Land (John Thorvaldson)
Owner: 2143518 Manitoba Ltd.

Recommendation: Approval

Site Description
The subject property, which is currently zoned "C1.5" Commercial, is located at the southwest corner of St. Anthony Avenue and Main Street in the Jefferson neighbourhood of the Mynarski ward.

North: Multiple-family residences zoned "RM-3" Multiple-family Residential
South: Vacant commercial land zoned "C1.5" Commercial
East: Main Street, then commercial uses zoned "C1.5" Commercial
West: Single-family residences zoned "R1-3" Residential

Description of the Proposed Development
The applicant, who recently purchased the subject building and has subsequently made substantial upgrades to the property, wishes to convert the boiler room, which is no longer needed for building operations, into an additional suite.

By virtue of the fact that the property is currently zoned "C1.5" Commercial, a rezoning to a multiple-family residential zoning district is required in order to add the additional suite.

Analysis

As previously mentioned, the applicant has made substantial upgrades to the subject building over the past year including removal of the boiler, which is no longer needed for building operations. In light of this, space is available for an additional suite.

Plan Winnipeg Compliance
The subject application constitutes development within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include 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.

Compatibility with existing neighbourhood and surrounding uses
The subject apartment building has existed for some time and the addition of one suite will not have an appreciable impact on adjacent properties.

Basement Suites
The dwelling unit being proposed is in the basement. Typically, units in the basement are not desirable because of less natural light and air circulation. However, the Planning and Land Use Division has inspected the basement suite and verifies that the suite, which is slightly above grade, has windows and receives a generous amount of natural light and air. In addition, there are currently several other suites in the basement.

Recommendation

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

- **The proposed rezoning and site design are compatible with the surrounding community in scale, the intensity of development, and the nature of the use;**
- **The proposed rezoning will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;**
- **The size of the suites is adequate and the proposed density will not result in overcrowding or over densification of the site.**

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 214/06, attached hereto and dated December 1, 2006, to an "RM-5" 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 building height shall not exceed 45 feet
2. That the number of dwelling units shall not exceed 24

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: Michael Robinson, AICP
PPD File # 3.309

Schedule "A"

Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for File No. DAZ 214/06 dated December 1, 2006.

By-Law No. _____

File No. **DAZ 214/06**

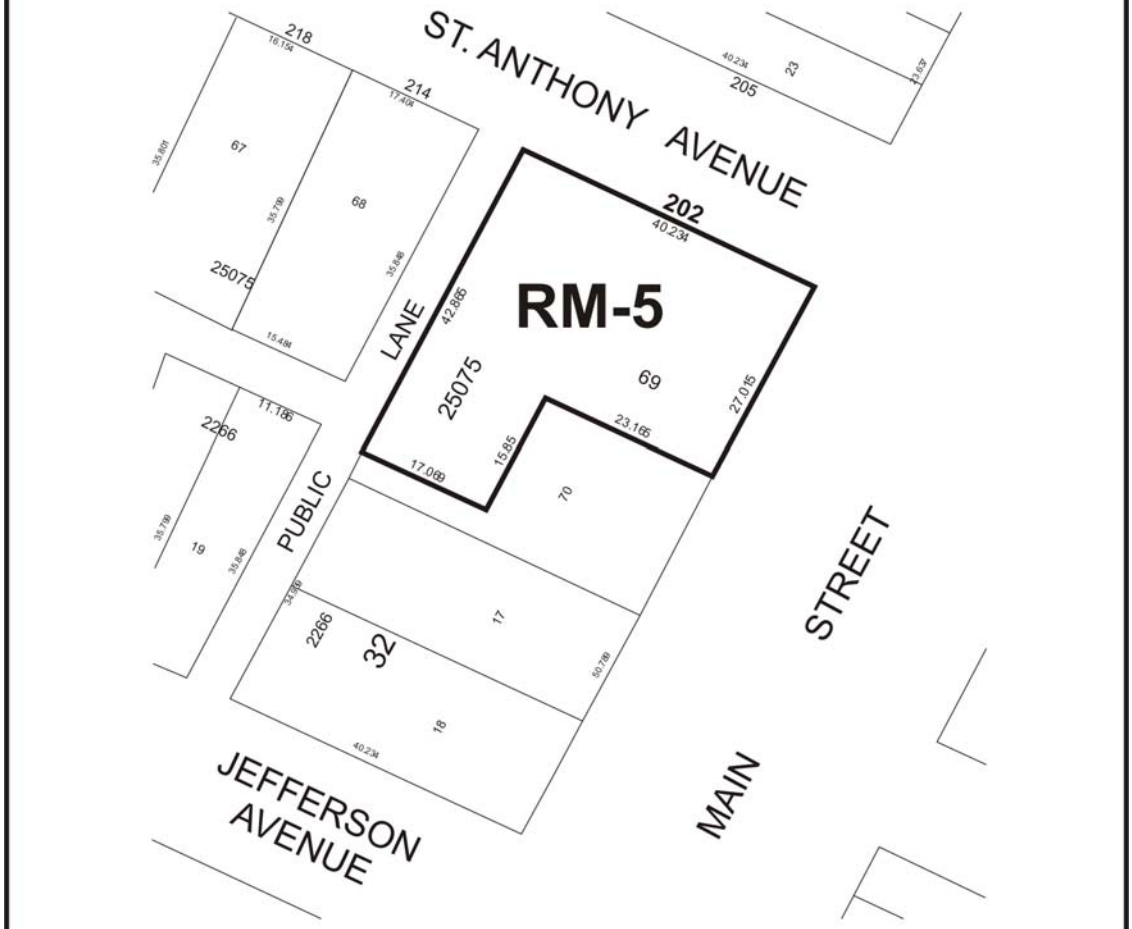
Atlas Sheet No. **V26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 202 St. Anthony Avenue from a "C1.5" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2005)