Minute No. 158
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 13 Rezoning - 471 William Avenue
File DAZ 235/2006

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 outlined on Schedule "A" for File DAZ 235/2006 dated November 14, 2006, to an "RM-6" 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 (40) feet (12.192 metres).

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.

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

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 November 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 - 471 William Avenue**
File DAZ 235/2006 [c/r DAV 149369/2006D]

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

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

Report date: **November 28, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 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:

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 235/2006 dated November 14, 2006, to an "RM-6" 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 40 feet (12.192 metres).

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 reasons 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 November 14, 2006.

PUBLIC HEARING SUMMARY

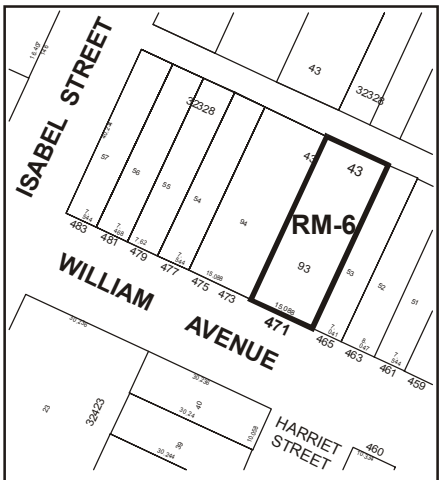
File: DAZ 235/2006 [c/r DAV 149369/2006D]]

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

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

Applicant: Louise Bisko

Subject:



Premises Affected: 471 William Avenue

Exhibits Filed:

1. Application dated September 28, 2006
2. Notification of Public Hearing dated October 4, 2006
3. Title Search 2170829
4. Letter of authorization dated August 29, 2006 from Hudson Properties Inc. to Louise Bisko
5. Surveyor's Building Location Certificate and sketch dated August 30, 2006
6. Plans (5 pages)
7 Report from the Planning and Land Use Division dated November 14, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Louise Bisko
Patrick Penner

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

Louise Bisko and Patrick Penner, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated November 14, 2006.

Exhibit "8" referred to in File DAZ 235/2006

Winnipeg

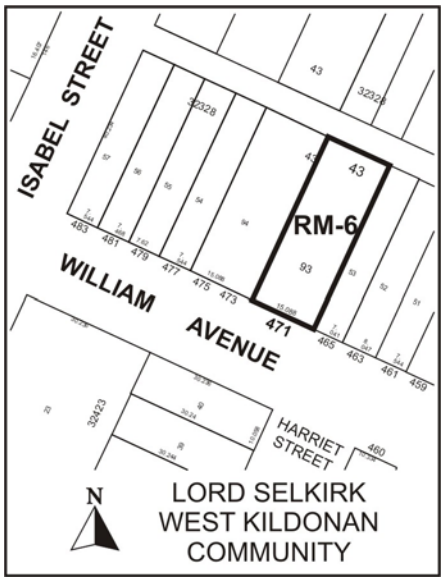
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: November 14, 2006
File: DAZ 253/06
Related Files: DAV 06-149369/D

Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Two-Family Residential District to an "RM-6" Multiple-Family District.

Location: 471 William Avenue
Legal Description:



Applicant: Louise Bisko
Owner: Patrick Penner – Hudson Properties

Recommendation: Approval

Report Summary:

- **Redevelopment of a vacant and boarded multiple-family building to create 22 housing units**
- **The proposed redevelopment will provide safe, quality housing for the community;**
- **The proposed development provides for the rehabilitation of an existing structure which is on the Historical Buildings Inventory**
- **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 advances Plan Winnipeg and its policies;**
- **The proposed rezoning will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;**

Site Description

The subject property, which is zoned "R2" Residential, is located on William Avenue between Isabel Street and Gertie Street in the Centennial neighbourhood of the Point Douglas ward.
North: Residences zoned "R2" Two-Family Residential
South: Vacant lot zoned "C1" Commercial
East: Residences zoned "R2" Two-Family Residential
West: Residences zoned "C2" Commercial

Description of the Proposed Development

The existing three-storey multiple family dwelling, which is on the Historical Buildings Inventory, has been vacant and boarded since 2003.

The applicant recently acquired the property and is undertaking to completely rehabilitate the building in order to reestablish 22 dwelling units. The units, which range in size from 500 square feet to 894 square feet, include a mix of fifteen (15) one bedroom and seven (7) two bedroom units.

The building previously had 23 dwelling units as a non-conforming right. However, in light of the fact that the building was vacant for several years, non-conforming rights to these units were lost.

The applicant has indicated that the dwelling will have a live in caretaker and will be marketed primarily to students from Red River College, which is just down the street.

Analysis

Plan Winnipeg Compliance

The subject application constitutes redevelopment 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.

In addition, this development meets several key goals of Plan Winnipeg including *supporting neighbourhood revitalization* (1B-01iv) *facilitating the provision of safe and affordable housing* (1C-01), and *promoting compact urban form* (3A-02).

In that vein, there is a recognition that adaptive reuse of existing buildings maximizes the use of existing infrastructure, helps revitalize existing neighbourhoods, and preserves older structures, which helps us sustain our architectural heritage.

City of Winnipeg Housing Policy
This project falls within the stated goals of the Winnipeg Housing Policy, which include enhancing neighbourhood stability and integrity, increasing property assessments, providing affordable accommodation and generally improving the overall health of Winnipeg.

Compatibility with existing neighbourhood and surrounding uses
The boarded up building is situated among both single-family and multiple-family residences and several older commercial buildings.

The building, which has been vacant for some time, is seen as a hazard and blight in the neighbourhood and its redevelopment for housing will improve its overall compatibility with the area.

The property is currently zoned "R2" Two-Family Residential. Because the building has been vacant for some time, any non-conforming rights which it may have held have been lost.

Consequently, a rezoning is necessary in order to redevelop and reutilize the existing structure.

Basement suites
Four of the dwelling units being proposed are in the basement. Typically, units in the basement are not desirable because of less natural light and air circulation and difficulty with mold. However, the Planning and Land Use Division has inspected the basement suites and verifies that each suite, which is slightly above grade, has several windows and receives a generous amount of natural light and air. With respect to mold, the applicant has indicated that there was a mold problem in the past but that he has undertaken to have it all removed.

With that said, final verification of the suitability of these units will be determined by the City of Winnipeg Health Department prior to occupancy.

Recommendation

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

- **The proposed redevelopment will provide safe, quality housing for the community;**
- **The proposed development provides for the rehabilitation of an existing structure which is on the Historical Buildings Inventory**
- **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 advances Plan Winnipeg and its policies;**
- **The proposed rezoning will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;**

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 235/06, attached hereto and dated November 14, 2006, to an "RM-6" 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 40 feet (12.192 metres)

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 # DAZ 235/06

Schedule "A"

Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File No. DAZ 235/06 dated November 14, 2006.

By-Law No. _____

File No. **DAZ 235/06**

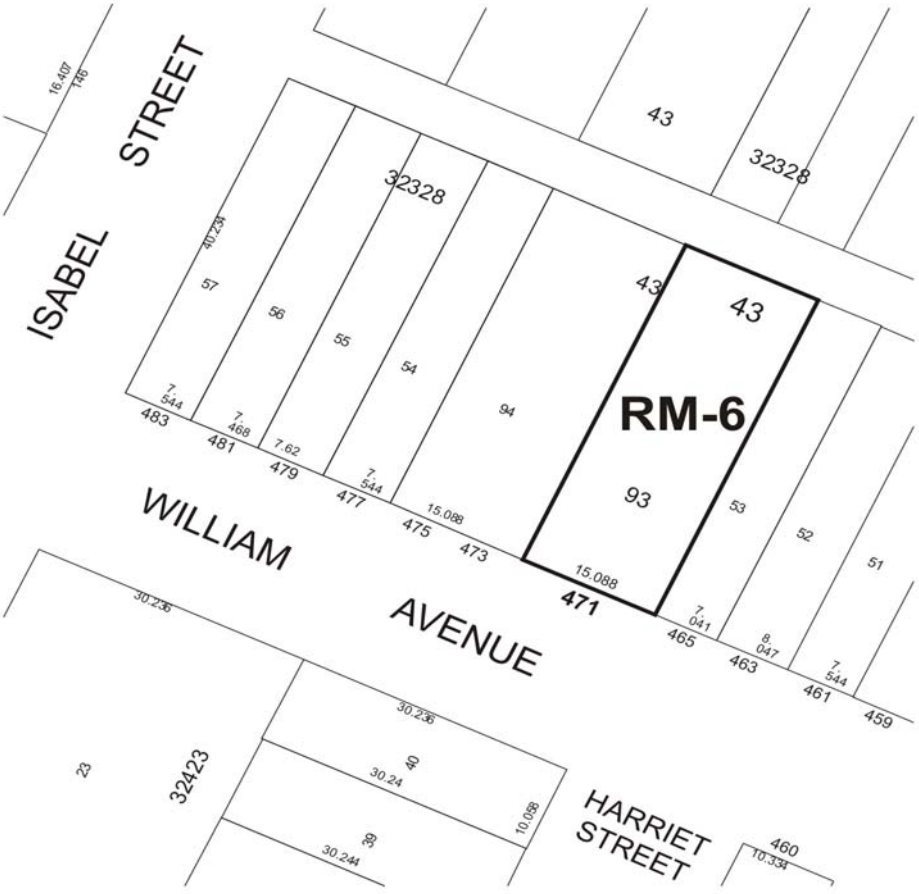
Atlas Sheet No. **Y24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 471 William Avenue from an "R2" RESIDENTIAL DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

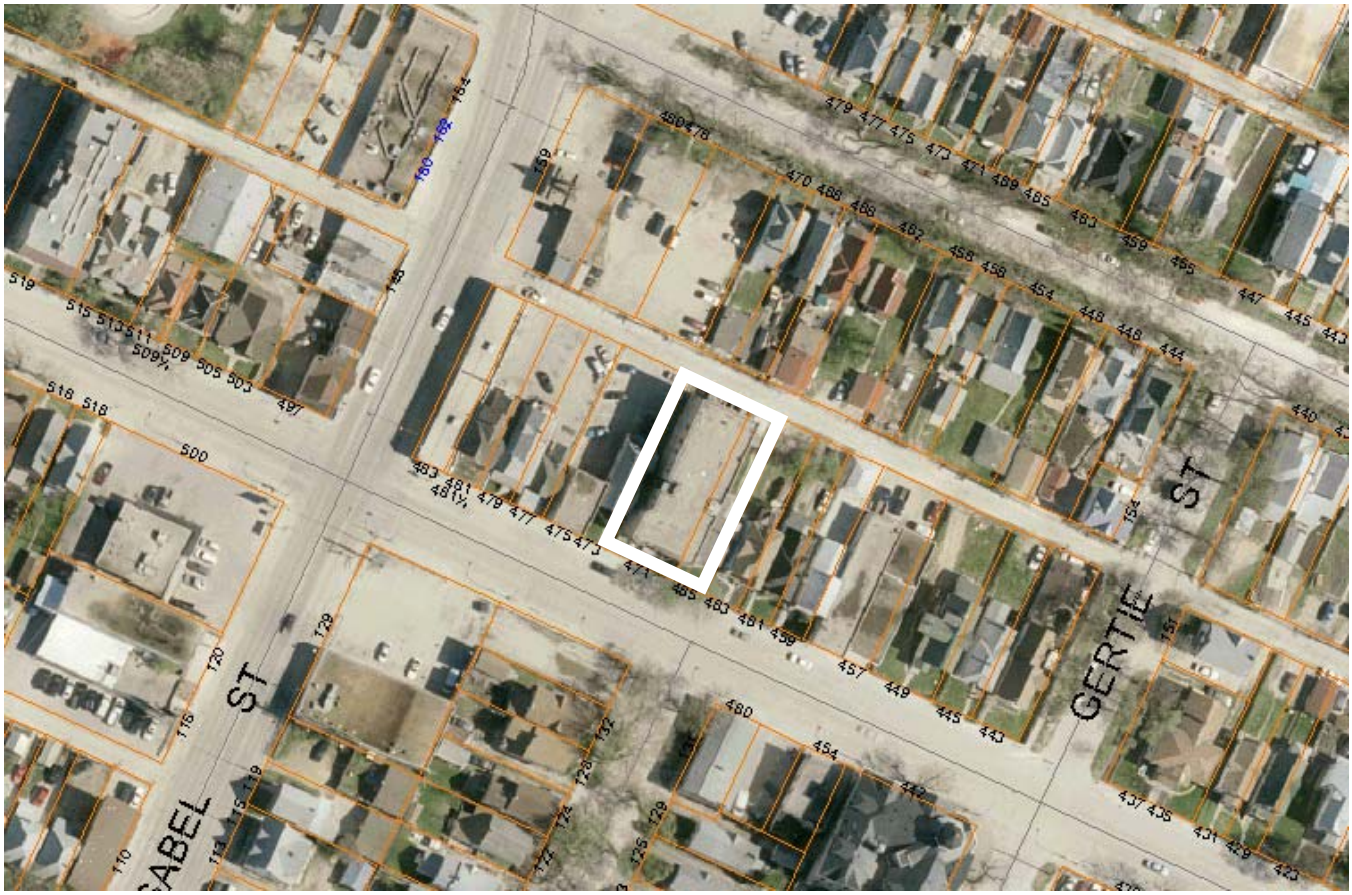


Figure 1: Aerial Photo (Flown in 2005)