Minute No. 159
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 14 Rezoning – 316 Stradbrook Avenue
File DAZ 236/2006

COUNCIL DECISION:

Council concurred in the recommendations 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 236/2006 dated November 6, 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 total number of dwelling units shall not exceed eighteen (18).
      ii. That the maximum height of any buildings shall not exceed forty-five (45) feet.

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 - January 9, 2007

COUNCIL DECISION (continued)

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 City Centre 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 City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 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 – 316 Stradbrook Avenue**
File DAZ 236/2006 [c/r DAV 151124/2006]

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

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

Report date: **November 15, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 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 236/2006 dated November 6, 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 total number of dwelling units shall not exceed eighteen (18); and
      ii. that the maximum height of any buildings shall not exceed forty-five (45) feet.

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.

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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 development is in keeping with the neighbourhood.

PUBLIC HEARING SUMMARY

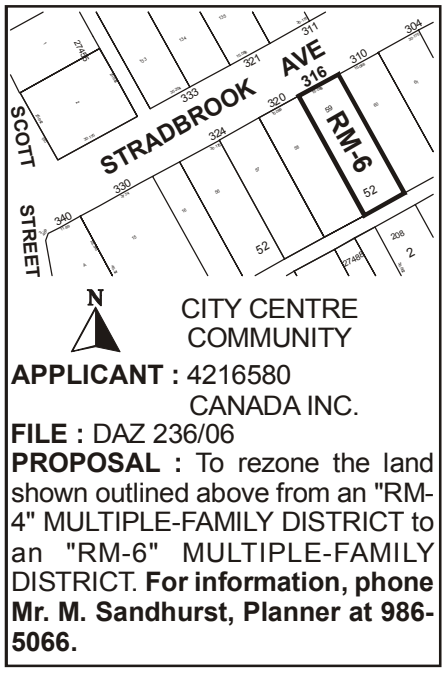
File: DAZ 236/2006 [c/r DAV 151124/2006]

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

Public Hearing: November 14, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: 4216580 Canada Inc. (Danny Warwaruk)

Subject:



APPLICANT : 4216580 CANADA INC.
FILE : DAZ 236/06
PROPOSAL : To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 316 Stradbrook Avenue

Exhibits Filed:

1. Application dated September 13, 2006
2. Notification of Public Hearing dated September 21, 2006
3. Manitoba Status of Title 1994026
4. Letter advising that Danny Warwaruk is the sole owner of 4038569 Manitoba Ltd.
5. Surveyor's Building Location Certificate and sketch dated July 24, 1985

6. Plans (12 pages)
7. Report from the Planning and Land Use Division dated November 6, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Danny Warwaruk, 4216580 Canada Inc.
Edward Yuzak

In Opposition

Nil

For Information:

Nil

For the City:

Mr. Martin Sandhurst, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The Applicant, Danny Warwaruk, 4216580 Canada Inc., appeared in support of the application.

Exhibit "7" referred to in File DAZ 236/2006 [c/r DAV 151124/2006]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: November 6, 2006
File: **DAZ 236/06**
Related Files: DAV 06-151124/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-4" Multiple-Family District to an "RM-6" Multiple-Family District.

Location: 316 Stradbrook Avenue
Legal Description: Lot 59, Plan 52

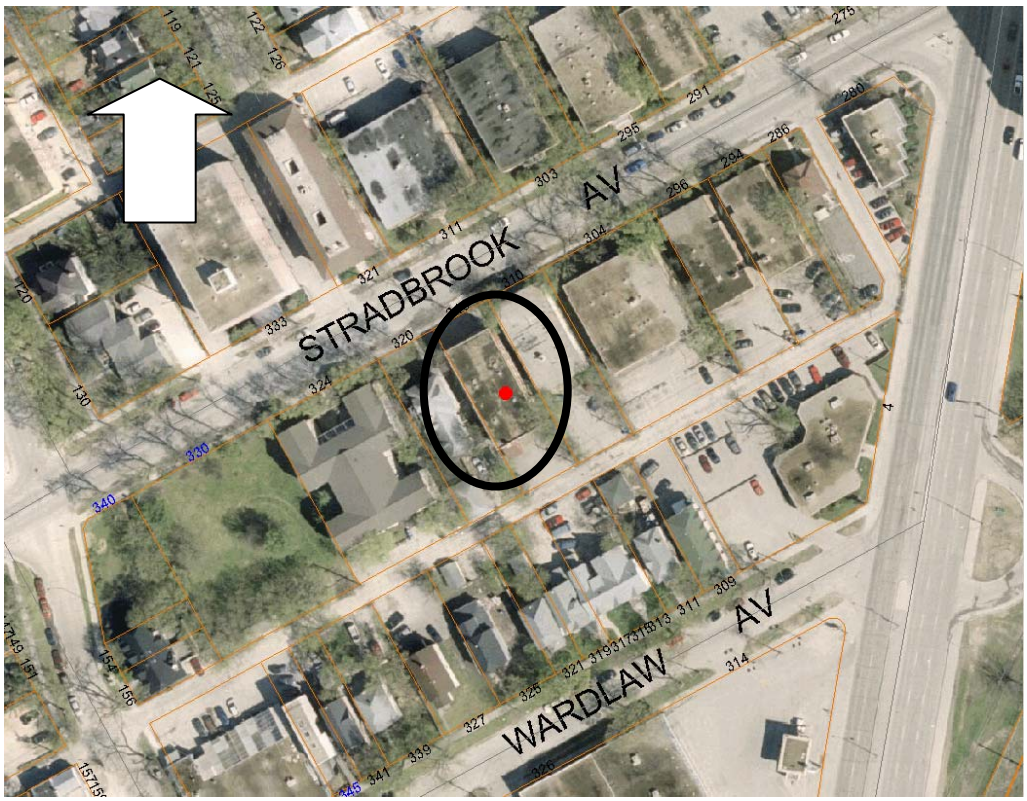


Applicant: 4216580 Canada Inc (Danny Warwaruk)
Owner: 4216580 Canada Inc

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the south side of Stradbrook Avenue, between Scott Street and Donald Street. The site is developed with an apartment-style (two-up; one-down) building zoned "RM-4" Multiple-Family District. Neighbouring properties are also developed with multiple-family buildings.



Subject site: aerial photo flown 2005.

Background

Since the early 1990s, this property has housed a variety of residential institutional facilities, including a medical receiving home (under DAV 854/92C) and boarding house (under DAV 05-130769C). A recent application to establish an addiction treatment and living support facility (under DCU 06-128512/C) was not approved.

Description of the Proposed Development

The applicant proposes to convert the existing walk-up, apartment-style building back to a 14-unit multiple-family building. 5 accessory parking spaces are accessed via the public lane that parallels Stradbrook Avenue, to the rear (south) of the site. Although the size of the property is not being reduced and no building expansion is proposed, lot area, lot width, and parking space zoning by-law provisions must be varied in order to reestablish the multiple-family development (the subject of DAV 06-151124/D).

Analysis
This portion of Osborne Village is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a range of residential densities and forms, as well as commercial, institutional, and parks & recreation uses. The proposed conversion reestablishes a medium-density residential building that had operated at this location prior to 1990. The site is located within an area well-served by neighbourhood amenities and public transit. In addition, the proposal is consistent with the "Village Medium Density Residential Policies" of the draft *Osborne Village Neighbourhood Plan* (presented to the community at open houses in June, 2006 and expected to be before City Centre Community Committee Standing Policy Committee on November 14, 2006). These draft policies encourage a mixture of single-family, duplexes, townhouses, and multiple-family buildings, including the reestablishment of former multiple-family buildings.

Recommendation
The Planning and Land Use Division recommends approval for the following reasons:
- The proposal is consistent with *Plan Winnipeg*;
- The proposal is consistent with the "Village Medium Density Residential Policies" of the draft *Osborne Village Neighbourhood Plan*; and
- The proposed duplex can be effectively integrated into its immediate context and demonstrates a good land use – transportation fit.

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 236/06, attached hereto and dated November 6, 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 total number of dwelling units shall not exceed 18; and
      2. that the maximum height of any buildings shall not exceed 45 feet.

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 236/06

Schedule "A"

By-Law No. _____

File No. **DAZ 236/06**

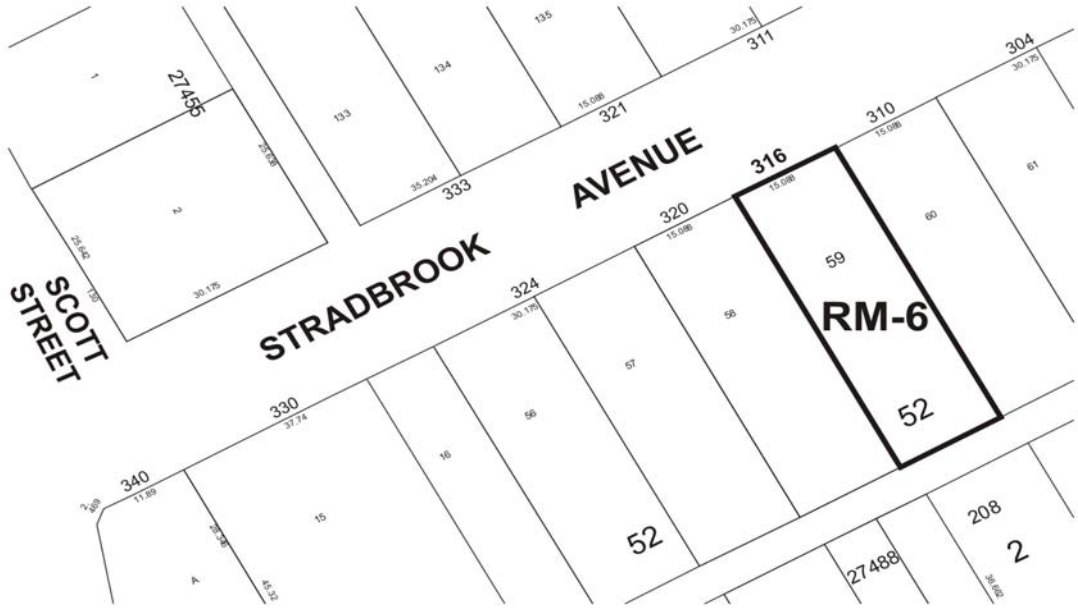
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 316 Stradbrook Avenue from an "RM-4" MULTIPLE-FAMILY DISTRICT to an "RM-6" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

AB25
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 236/06 dated November 6, 2006.