Minute No. 172
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 27 Subdivision and Rezoning - 202-204 Perth Avenue and 205 St. Anthony Avenue File DASZ 46/2006

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 46/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 46/2006 dated December 1, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 46/2006 dated December 1, 2006, to an "RM-5" Multiple-Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. That the building height shall not exceed forty-five (45) feet

   B. That the number of dwelling units shall not exceed forty-nine (49).

4. 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 market value of the land and the creation of additional sites, (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

COUNCIL DECISION (continued)

7. That the subdivision section of the by-law shall come into force upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. 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, 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 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: **Subdivision and Rezoning - 202/204 Perth and 205 St. Anthony File DASZ 46/2006 [c/r DAV 159159/2006D]**

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

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

Report date: **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 plan of subdivision proposed under File DASZ 46/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 46/2006 dated December 1, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 46/2006 dated December 1, 2006, to an "RM-5" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That the building height shall not exceed 45 feet

   B. That the number of dwelling units shall not exceed 49.

4. 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 market value of the land and the creation of additional sites, (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. 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

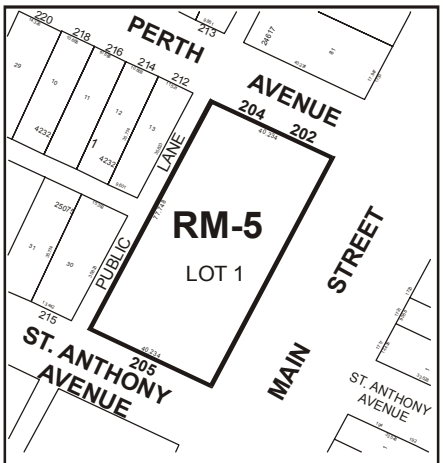
File: DASZ 46/2006 [c/r DAV 159159/2006D]

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:



APPLICANT : B & M LAND
FILE : DASZ 46/06
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "RM-3" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: 202/204 Perth Avenue and 205 St. Anthony Avenue

Exhibits Filed:

1. Application dated November 10, 2006
2. Notification of Public Hearing dated November 15, 2006
3. Manitoba Status of Title1005524 (202-204 Perth Avenue) Manitoba Status of Title 1005523 (205 St. Anthony Avenue)
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. AirPhoto
7. Title Plot of the subject property
8. Plans (5 pages)
9. Report from the Planning and Land Use Division dated December 1, 2006
10. 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 "9" referred to in File DASZ 46/2006

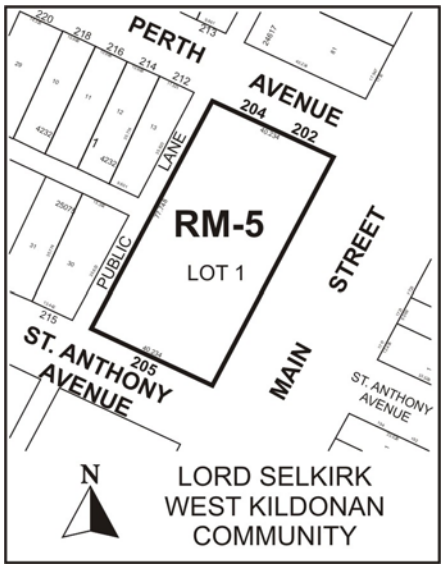
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: December 1, 2006
File: DASZ 46/06
Related Files: DAV 06-159159/D
Subject: Subdivision and rezoning application to consolidate and rezone the subject lands from "RM-3" to "RM-5" Multiple-Family District in order to add 4 additional dwelling units to three existing multiple-family buildings

Location: 202/204 Perth Avenue and 205 St. Anthony Avenue



Applicant: B&M Land (John Thorvaldson)
Owner: 21431518 Manitoba Ltd.

Recommendation: Approval

Site Description
The subject properties, which are zoned "RM-3" Multiple-Family Residential, are located between St. Anthony and Perth Avenues in the Jefferson neighbourhood of the Mynarski ward.
North: Multiple-family dwelling zoned "C1.5" Commercial
South: Multiple-family dwelling zoned "C1.5" Commercial
East: Main Street, then commercial uses zoned "C1.5" Commercial
West: Residences zoned "R1-4" Residential

Description of the Proposed Development
The applicant currently owns three multiple-family residences on the subject lands. In conjunction with building upgrades, they wish to convert space previously used for building operations into additional suites. They proposed the following:

- 202 Perth – 1 additional dwelling unit for a total of 12
- 204 Perth – 1 additional dwelling unit for a total of 12
- 205 St. Anthony – 2 additional dwelling units for a total of 25 units

Analysis

As previously mentioned, the applicant has made substantial upgrades to the subject building over the past and have additional space which is no longer needed for building operations. In light of this, there is room for additional suites.

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 1-2 suites per building will not have an appreciable impact on adjacent properties.

Basement Suites
The dwelling units 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 suites and verifies that the suites, 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 plan of subdivision proposed under File No. DASZ 46/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 46/06, attached hereto and dated December 1, 2006, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 46/06, attached hereto and dated December 1, 2006, to an "RM-5" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

1. That the building height shall not exceed 45 feet
2. That the number of dwelling units shall not exceed 49

IV. That a ten (10) percent 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 market value of the land and the creation of additional sites, (if applicable).

V. 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.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **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.**

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

XI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

XII. 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. DASZ 46/2006 dated December 1, 2006.

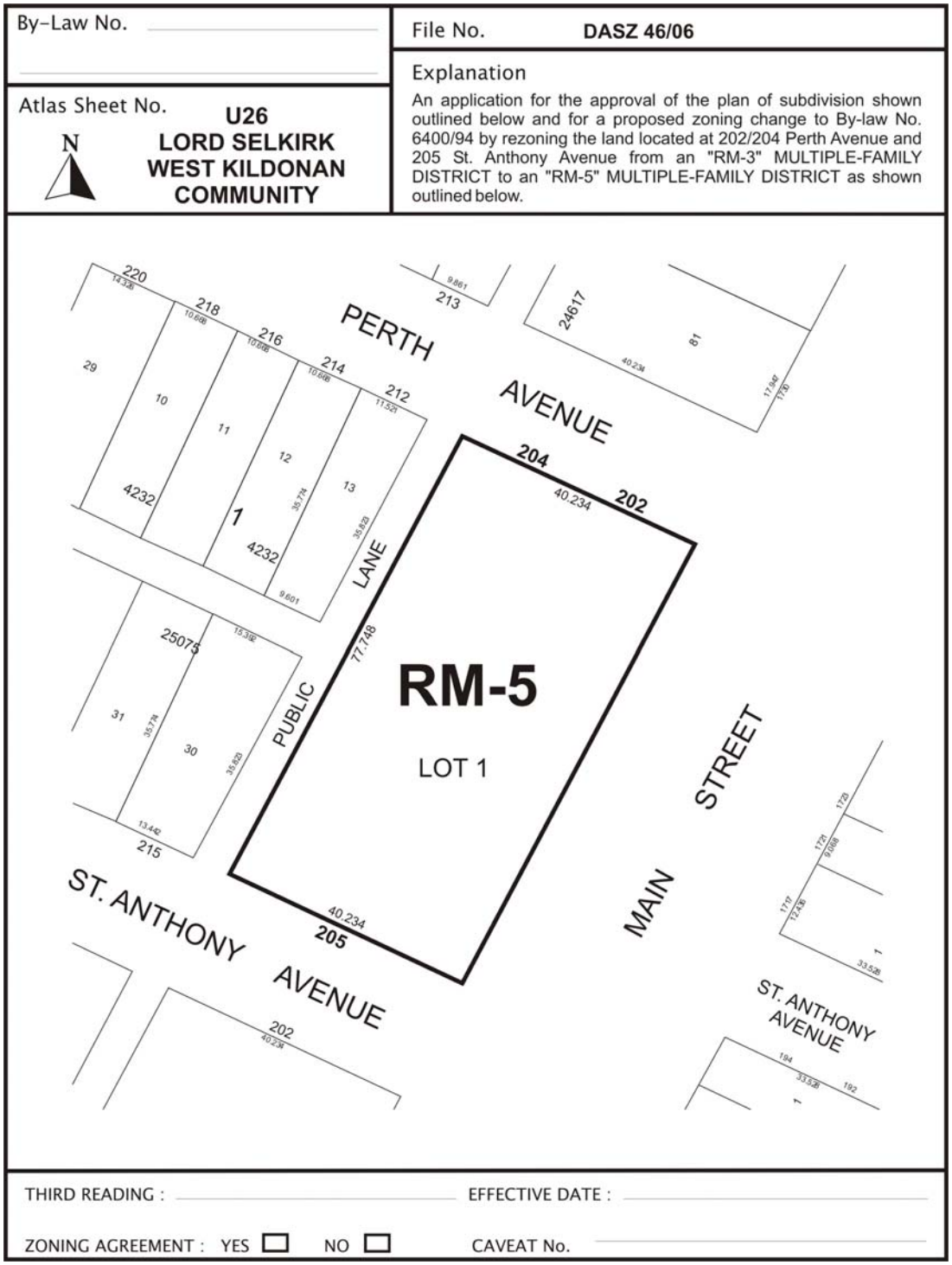




Figure 1: Aerial Photo (Flown in 2005)