Minute No. 384
Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 3 Rezoning – 279 Sherbrook Street
File DAZ 247/2006

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 247/2006 dated February 20, 2007, 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 Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6.

        ii. That the maximum height of any buildings or portions of buildings shall not exceed forty-five (45) feet within forty (40) feet of the rear (east) property line.

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.

Report - Standing Policy Committee on Property and Development – April 3, 2007

COUNCIL DECISION (continued):

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 3, 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 April 18, 2007, 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 April 3, 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 February 27, 2007, 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 – 279 Sherbrook Street**
File DAZ 247/2006 [c/r DAV 108079/2007D]

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

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

Report date: **March 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 27, 2007, 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 247/2006, dated February 20, 2007, 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 Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6, dated January 11, 2007; and

ii. that the maximum height of any buildings or portions of buildings shall not exceed forty-five (45) feet within forty (40) feet of the rear (east) property line.

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.

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 proposal is an environmental green project.

2. The proposal has community support.

3. The proposal fits in with Plan Winnipeg.

PUBLIC HEARING SUMMARY

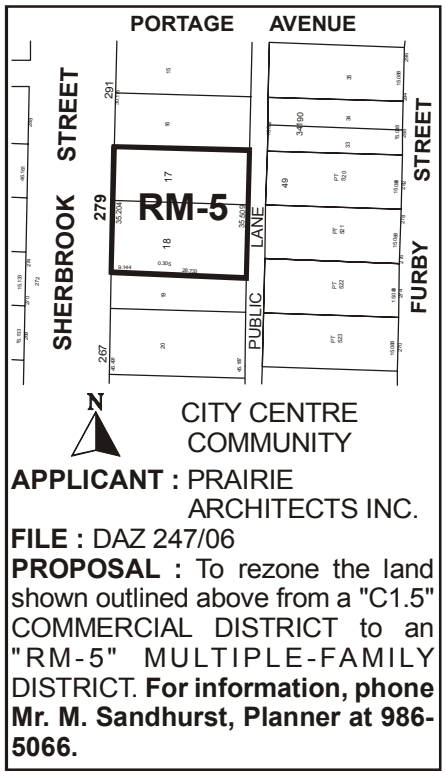
File: DASZ 247/2006

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

Public Hearing: February 27, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: Prairie Architects Inc. (Dudley T. Thompson)

Subject:



Premises Affected: 279 Sherbrook Street

Exhibits Filed:
1. Application dated January 11, 2007
2. Notification of Public Hearing dated January 15, 2007
3. Manitoba Status of Title 1476630

4.A. Letter of authorization dated December 7, 2006 from Rod Kent, Manager of Sales and Leasing, Land Acquisition Branch, Crown Lands and Property Agency, Infrastructure and Transportation, Province of Manitoba to Greenheart Not-For-Profit Housing Cooperative Ltd.
4.B. Letter of authorization dated February 22, 2007 from Greenheart Not-For-Profit Housing Cooperative Ltd. to Prairie Architects
5. Drawing of subject property (9 pages)
6. Plans (1 page)
7. Report from the Planning and Land Use Division dated February 20, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:
Brian Grant, West Broadway Development Corporation
Geoff Butler
Dudley Thompson, Prairie Architects Inc.
Jessica Roder

In Opposition
Nil

For Information:
Nil

For the City:
Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Dudley Thompson, Prairie Architects Inc., appeared in support of the application.

Brian Grant, West Broadway Development Corporation, appeared in support of the application and gave a brief overview of the proposal..

Geoff Butler appeared in support of the application. Mr. Butler stated there was a need in the community for the proposal.

Exhibit "7" referred to in File DAZ 247/2006 [c/r DAV 108079/2007D]

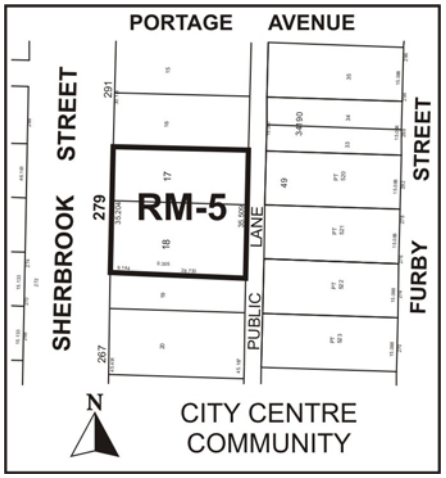
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: February 20, 2007
File: **DAZ 247/06**
Related Files: DAV 06-108079/D
Subject: To rezone the land shown outlined below from a "C1.5" Commercial District to an "RM-5" Multiple-Family District.

Location: 279 Sherbrook Street
Legal Description: Lot 17/18, Plan 34190 79 St. James

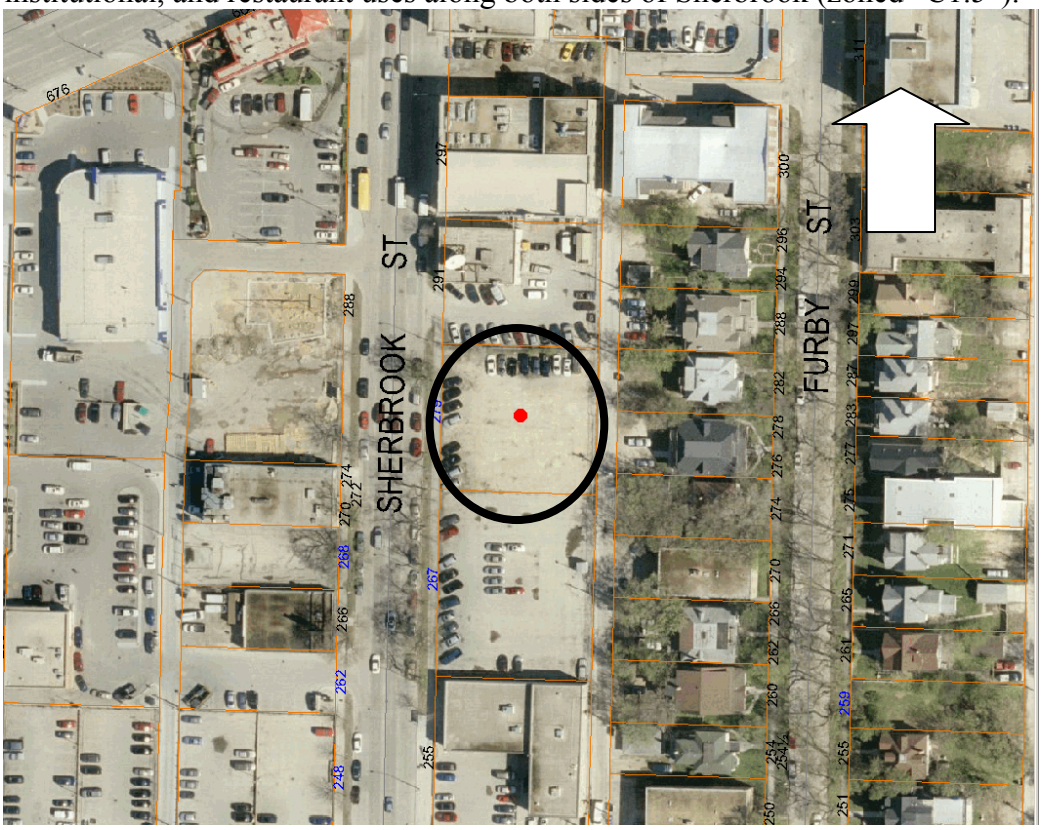


Applicant: Prairie Architects Inc (Dudley T. Thompson)
Owner: Province of Manitoba, Land Acquisition Branch (Rod Kent)

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the east side of Sherbrook Street, between Broadway and Portage Avenue. The site is currently used as a surface parking lot. It's zoned "C1.5" Commercial District. Adjacent properties include parking lots immediately north and south (zoned "C1.5"); single-family and duplex properties to the east across the public lane (zoned "R2-T" Two-Family Transitional District); and retail, personal service, institutional, and restaurant uses along both sides of Sherbrook (zoned "C1.5").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to construct a 4-storey, 24-unit multiple-family building, with 10 accessory parking spaces accessed from the public lane (along the east side of the site). In addition, a public meeting room is to be located on the main floor along the Sherbrook frontage. The proposed multiple-family building includes a mix of accessible, subsidized, and market units. Outdoor amenity space is provided in a central courtyard configuration. Under
DAV 06-108079/D, the applicant seeks relief from required lot area, yards, fence height, and parking provisions.

Analysis

This portion of West Broadway is designated "Neighbourhood" under Plan Winnipeg.

This designation accommodates a range of residential densities, along with commercial, institutional, and parks & recreation uses. The proposed multiple-family building is a good fit at this location, providing residential accommodation within short distance from public transit and neighbourhood amenities. The 20-foot yard to the rear (east) property line, in combination with the 16-foot wide public lane width, is a considerate setback for a 4-storey building to low-density dwellings located along Furby Street (the proposed building is approximately 36 feet in height). Proposed front and side yards are consistent with expectations for an urban context.

The building's design, the proponent's attention to details, and the fit between the building and its location are commendable.

Recommendation

The division recommends the subject site be rezoned to "RM-5" Multiple-Family District for a number of related reasons, principally:

- the proposal conforms to *Plan Winnipeg*;
- the proposal introduces new housing opportunities within a mixed-use, urban neighbourhood;
- the proposal represents a strong land use – transportation fit.

Conditions of approval are recommended in order to facilitate the land transfer and to ensure the site is developed consistent with plans considered at the public hearing.

In addition, the applicant has requested consideration for waiver of the land dedication requirement in accordance with Council's policy regarding non-profit housing developments (Recommendation 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."). The division advises that Council's waiver is specific to Non-Profit Senior Citizen Developments.

Recommended Conditions of Approval

I That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 247/06, attached hereto and dated December 5, 2006, to a "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 Multiple-Family development be established and maintained in substantial conformity with plans submitted and identified as Exhibit ___, dated January 11, 2007; and

2. That the maximum height of any buildings or portions of buildings shall not exceed 45 feet within 40 feet of the rear (east) property line.

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 247/06

Schedule "A"

By-Law No.

File No. **DAZ 247/06**

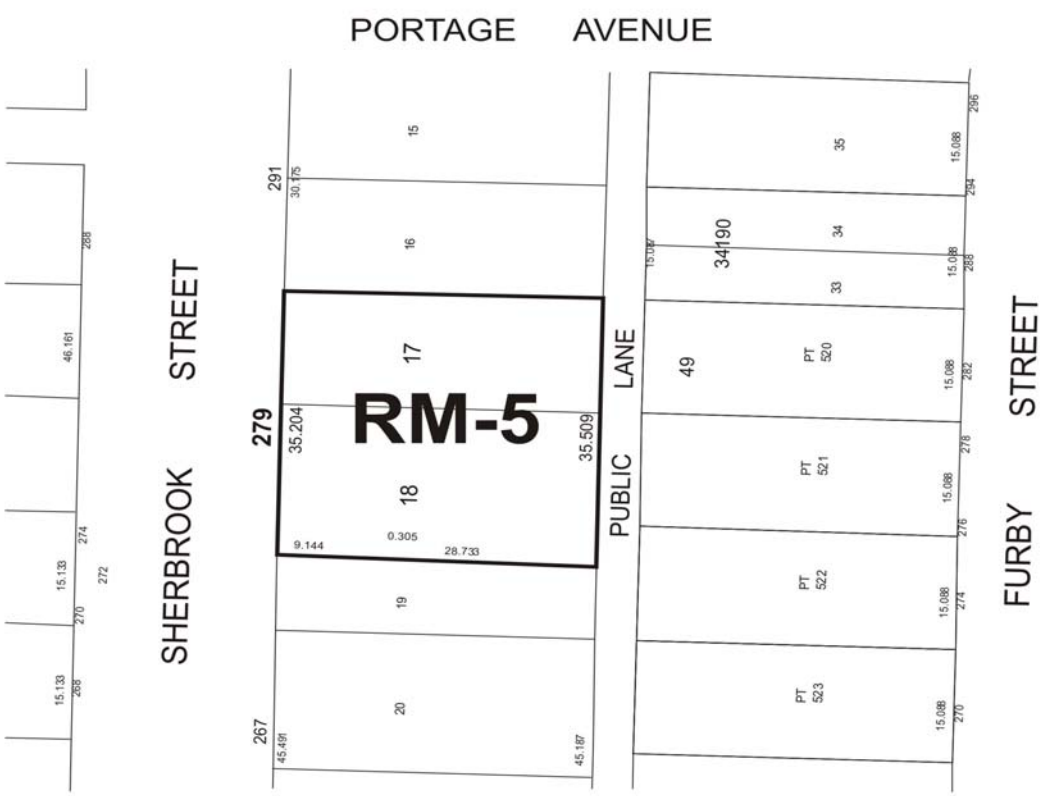
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 279 Sherbrook Street from a "C1.5" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

AA23 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 247/06 dated February 20, 2007.