Minutes - Executive Policy Committee - July 11, 2007

Minute No. 458
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 10 Rezoning - 393 Edison Avenue
(North Kildonan Ward)
File DAZ 207/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona 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 shown on Schedule "A" for File DAZ 207/2007 dated June 7, 2007, to a "RM-4" 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 for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 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.

Report - Standing Policy Committee on Property and Development - June 26, 2007

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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation the Standing Policy Committee on Property and Development.

RE: **Rezoning - 393 Edison Avenue**
(North Kildonan Ward)
File DAZ 207/2007 [c/r DAV 117256/2007D]

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **June 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2007, the East Kildonan-Transcona 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 207/2007 dated June 7, 2007, to a "RM-4" 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 for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. Although the current zoning of the property permits a multi-family development, the subject application to rezone it to an "RM-4" Multiple-Family District allows the East Kildonan – Transcona Community Committee to control the design of the proposal and how it fits into the neighbourhood inasmuch as plan approval by the Community Committee is required prior to the issuance of any building or development permit.

2. There is a dire need for seniors housing and the layout of the subject proposal is appealing to seniors.

PUBLIC HEARING SUMMARY

File: DAZ 207/2007 [c/r DAV 117256/2007D]

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: June 18, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Global Homes Ltd.
(Bernhard Goertzen)

Subject:



Premises Affected: 393 Edison Avenue

Exhibits Filed:
1. Application dated May 9, 2007
2. Notification of Public Hearing dated May 14, 2007
3. Manitoba Status of Title 1951304
4. Site Plan
5. Plans (2 pages)

6. Report from the Planning and Land Use Division dated June 7, 2007
7. Inspection Report
8. Communication dated June 14, 2007, from Rowney David in opposition to the application
9. Plans (6) submitted by Bernhard Goertzen, Applicant, at the public hearing
10. Petition in opposition to the application purporting to contain the signatures of 24 area residents, submitted by Harold Stevens at the public hearing
11. Communication dated June 18, 2007, in opposition to the application from David Klassen
12. Photographs (4) of the subject property submitted by David Klassen at the public hearing

REPRESENTATIONS:

In Support:

Julie Coté, Global Homes Ltd.
Bernhard Goertzen, Global Homes Ltd.
G. R. Green

In Opposition

E. Chomiak
Rowney David
Frieda Derksen
Hermann Driedger
David and Rose Klassen
Frank Klassen
Jacob and Anna Klassen
Vicky Lenser
Charlotte L. Martin
Harold Stevens

For Information:

Andrew Hretzay
Agnes Kroeker

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernhard Goertzen, Global Homes Ltd., appeared in support of the application. He gave a brief overview of the proposal and advised the surrounding property includes an apartment block, single family homes, and a commercial property. He submitted plans and drawings of the proposed development, filed as Exhibit 9.

Councillor Browaty questioned the basis of proposing one parking stall for unit, for a total of six stalls, to which Bernhard Goertzen replied by commenting that the complex is geared towards retired people who likely would not require more than one spot per unit.

Hermann Driedger appeared in opposition to the application and commented that the proposal is too large for the size of the lot. He expressed concern regarding parking and noise,

Harold Stevens appeared in opposition to the application and advised that he resides in a neighbouring apartment block. He submitted a petition in opposition to the application, filed as Exhibit 10. He commented that the subject property has not been well taken care of and expressed his opinion that the lot is too small for the proposed building.

Frank Klassen appeared in opposition to the application and expressed concern regarding the impact on his property values, the impact the sunlight would have on their yard, and fumes from vehicles parking.

Rowney David appeared in opposition to the application, and advised that he lives nearby. He commented that the property has not been looked after and expressed concern regarding car exhaust fumes from the six cars that would be allowed to park on the subject property. He expressed his opinion that only one home should be constructed on the property as originally only one house existed on the site.

David Klassen appeared in opposition to the application, and submitted his presentation on behalf of his parents Jacob and Anna Klassen, filed as Exhibit 11. In addition, he submitted photographs of the subject property, filed as Exhibit 12.

Agnes Kroeker appeared for information, and advised that her sister had resided at the single family home which had previously existed on the lot. She expressed her opinion that the proposed building is too large for the size of the lot and that it would be located too close to the street. In this connection, she suggested that the proposal be down-sized.

In rebuttal, Bernhard Goertzen indicated that there are a number of apartment blocks in the area, including one containing 32 units, which he indicated is larger than the proposed six unit development. He advised that the present zoning already permits the development of a 5 unit complex and that the subject proposal is only one more unit, which equates to one additional car. With respect to concerns regarding the condition of the site, he indicated that the grass maintenance has been contracted and that the applicant would look into addressing the situation.

Councillor Thomas questioned the parking allotment for six cars and commented that when family visits residents, there would be no place for them to park. Bernhard Goertzen responded by expressing his opinion that one car per suite makes little difference.

Exhibit "6" referred to in File DAZ 207/2007 [c/r DAV 117256/2007D]

Winnipeg

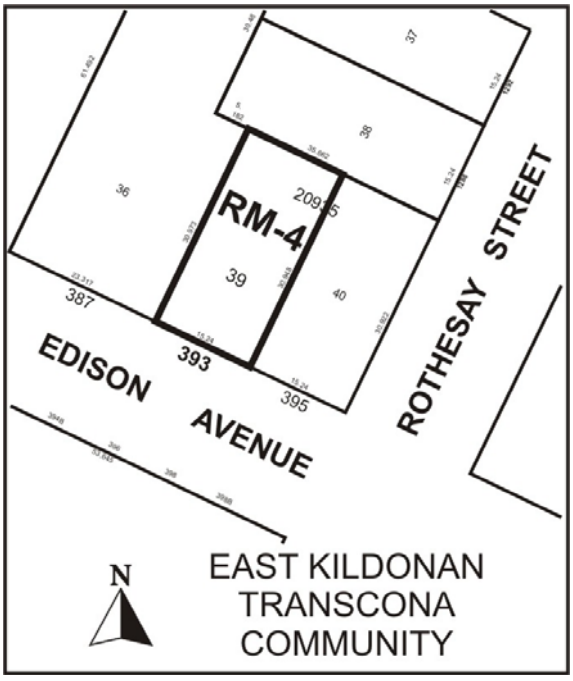
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 7, 2007**
File: **DAZ 207/2007**
Related Files: **DAV 07-117256/D**

Subject: **To allow 6 instead of 5 units in a multiple family dwelling.**

Location: **393 Edison Avenue**
Legal Description: LOT 39 PLAN 20935 58/59 K



Applicant: GLOBAL HOMES LTD.
Owner: GLOBAL HOMES LTD.

Recommendation: Approve with Conditions

Report Summary:

- The applicant intends to construct a six (6) unit, three (3) story multiple family complex with six (6) parking stalls located in the rear yard.
- There are only slight differences between **"RM-3"** and **"RM-4"** multiple family district
- The existing RM-3 zoning permits five (5) units, and the proposed RM-4 zoning will permit only six (6) units.
- The additional unit will not alter the building bulk regulations and impact on the surrounding uses.

Site Description

The subject property is approximately **5,073 square feet (40 feet by 101 feet)** located on the north side of Edison Avenue, west of Rothesay Street in the Rossmere-A neighbourhood of the North Kildonan Ward. The site is zoned **"RM-3" Multiple Family District** and is vacant. Adjacent lands include multiple family dwellings to the west; and single family dwellings to the north and east zoned "RM-3".

Background

An application for the construction of a single story, 1065 square foot single family dwelling was made and withdrawn in 2003. The land has been vacant since at least 1997.

Description of the Proposed Development

The applicant intends to construct a six (6) unit, three (3) story multiple family complex with six (6) parking stalls located in the rear yard.

Analysis

ZONING

- **"RM-3" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 45 feet. Front and rear yard requirements of 25 feet. Minimum lot area 9,000 square feet. Minimum lot width 75 feet. Minimum lot area 1,000 square feet per dwelling lot.
- **"RM-4" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 45 feet. Front and rear yard requirements of 25 feet. Minimum lot area 9,000 square feet. Minimum lot width 75 feet. Minimum lot area 800 square feet per dwelling lot.

LAND USE BY-LAW ISSUES

There are only slight differences between **"RM-3"** and **"RM-4"** multiple family district. The lot area, widths, and yard requirements are exactly the same. The maximum height of a building is

also the same. The only difference is the density: the number of units per lot area. The existing RM-3 zoning for the **5,073 sq ft** subject property permits five (5) units (1,014 sq ft per unit). The proposed RM-4 zoning will permit only six (6) units (845 sq. ft. per unit). Any additional units would require a rezoning to RM-5.

The development also requires a number of variances related to substandard lot area, widths and parking.

COMPATIBILITY WITH SURROUNDING USES
Generally, development within the area bounded by the major peripheral streets, these being Henderson Hwy, Springfield RD, Gateway RD, and McLeod Ave, can be characterized as low density single and two-family housing, with higher density and limited commercial development on Henderson Hwy and Rothesay St. There are a number of apartment buildings along Edison Avenue that range from 4 stories to +8 stories.

SITE PLAN
The submitted site plan indicates the proposed building will be located 10 feet from the front property line, and 46 feet from the rear property line. Parking will be provided for six (6) parking stalls in the rear yard against a 5 foot planting strip with deciduous trees. The laneway to the parking area will be in the east side yard. The west side yard will be 2 feet.

Recommendation

The Planning and Land Use Division recommends approval.

The RM-3 and RM-4 zones are significantly similar with only a slight differences in density. The proposed RM-4 zone will allow one additional unit, six compared to five under the RM-3 zone. The addition of one unit does not drastically change the impact of the structure's building envelope on the adjacent properties: the yards and height will be the same.

The Division is recommending site plan approval to ensure the design of the building and site are compatible with the adjacent properties.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2007 dated June 7, 2007, to a "RM-4" Multiple Family District, subject to the following:

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This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # DAZ 207/2007

Schedule "A"

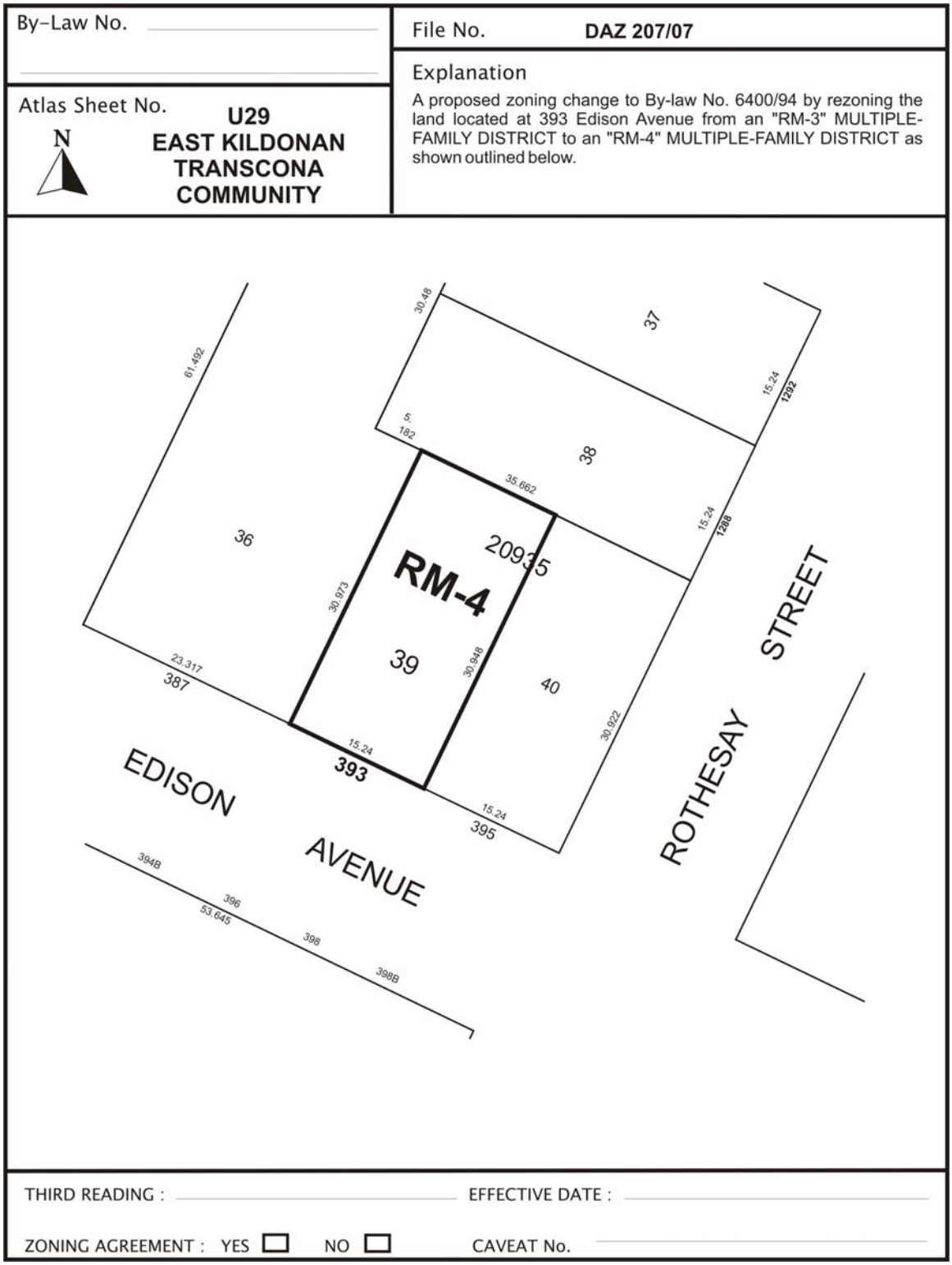


Figure 1: Schedule "A" to the report to the East Kildonan – Transcona Community Committee for File DAZ 207/2007, dated June 7, 2007.

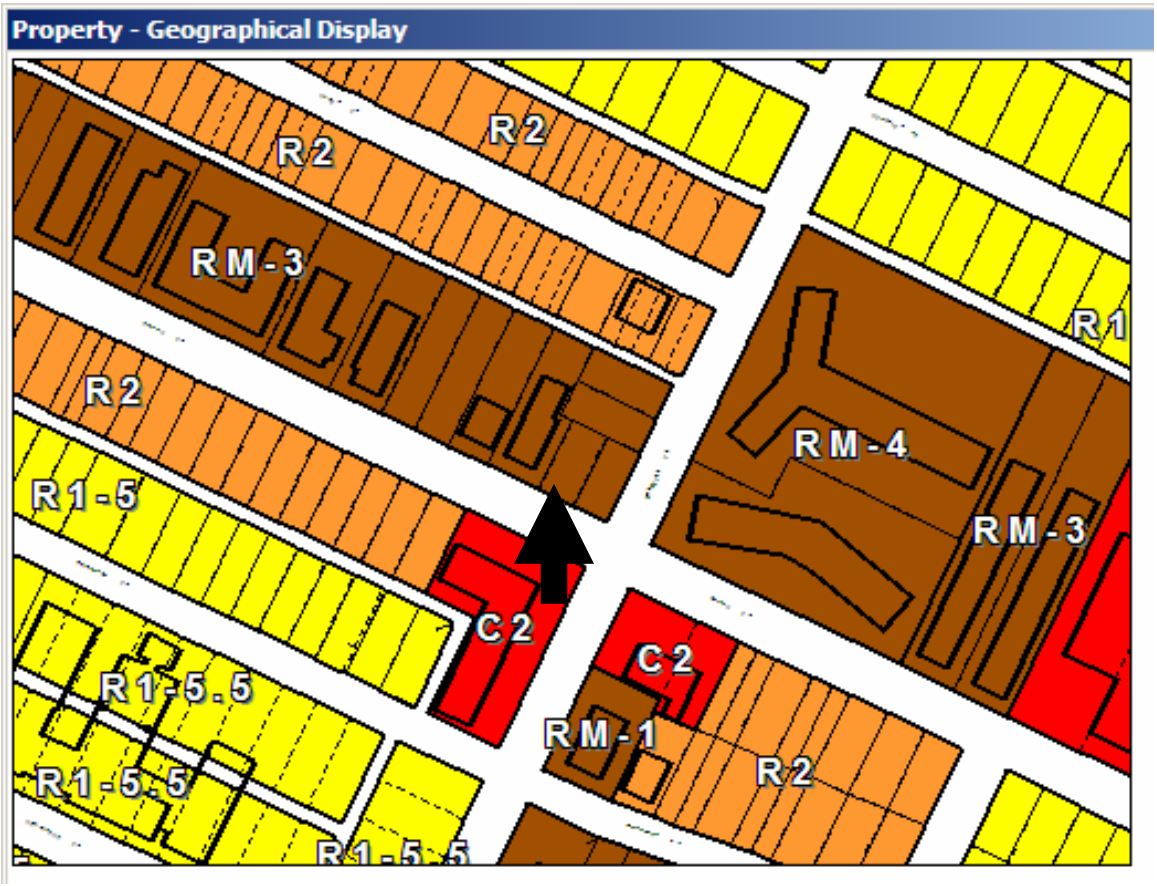


Figure 2: Existing Zoning for subject property and Surrounding Area.

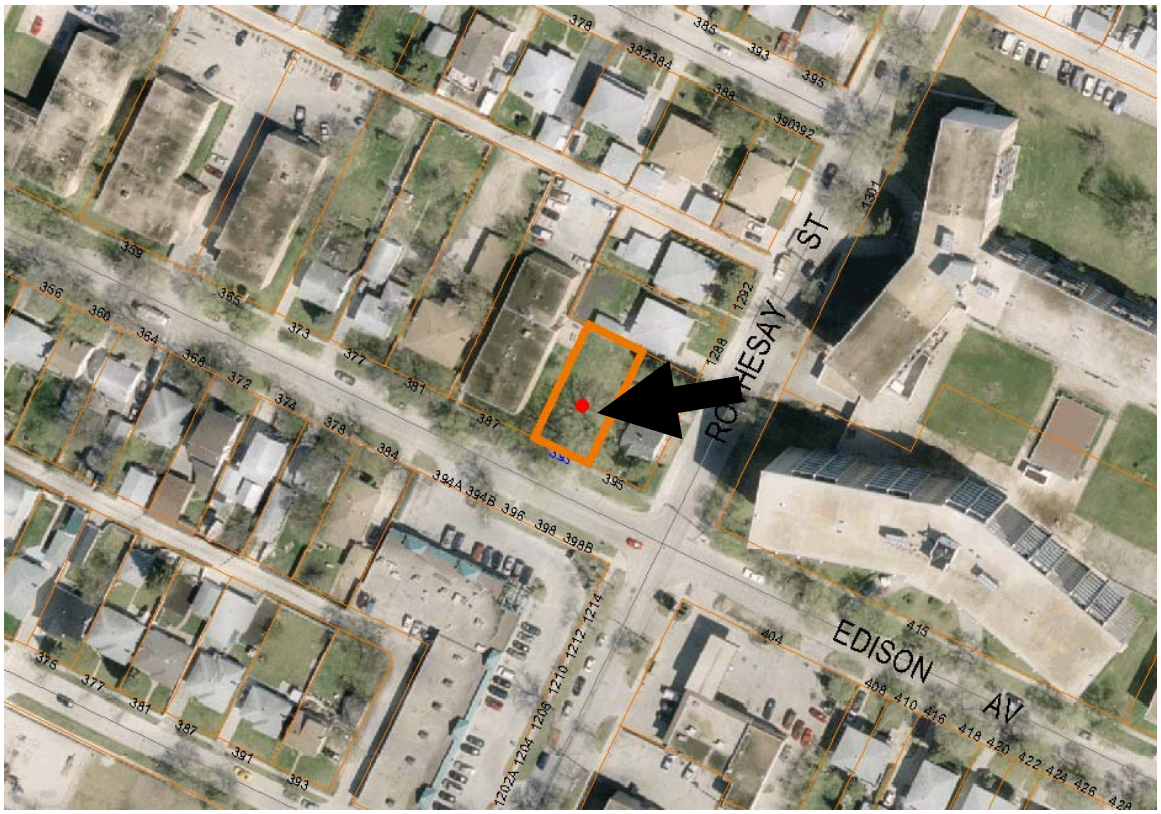


Figure 3: Existing Land-Uses for subject property and Surrounding Area.