Minutes - Executive Policy Committee - July 11, 2007

Minute No. 459
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 11 Rezoning - 455 Edison Avenue
(North Kildonan Ward)
File DAZ 211/2007

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 211/2007 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.

        ii. That the maximum number of stories shall not exceed four (4).

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.

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

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 with the following amendment, namely:

- That a new Recommendation 1.A. ii. be added as follows:

  "1.A.ii. That the maximum number of stories shall not exceed four (4)."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 455 Edison Avenue**
(North Kildonan Ward)
File DAZ 211/2007

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, as amended, 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 211/2007 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.

        ii. That the maximum number of stories shall not exceed four (4).

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. Plan approval for the subject site is required by the East Kildonan – Transcona Community Committee prior to the issuance of any building or development permit.

2. The current commercial use of the site is no longer compatible as it is located in the middle of a residential neighbourhood.

3. The subject application is a reasonable fit for the neighbourhood, and addresses the needs of seniors who have resided in North Kildonan and who wish to relocate but remain in North Kildonan.

PUBLIC HEARING SUMMARY

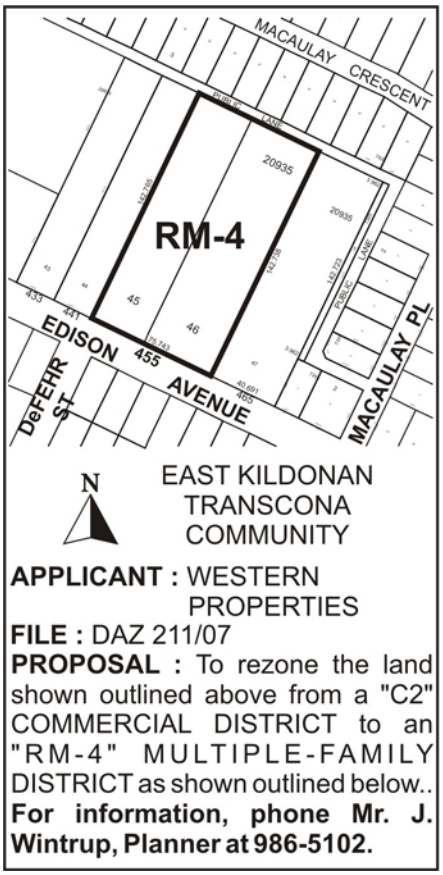
File: DAZ 211/2007

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: Western Properties
(Ryan Kolaski)

Subject:



Premises Affected: 455 Edison Avenue

Exhibits Filed:
1. Application dated May 9, 2007
2. Notification of Public Hearing dated May 30, 2007

3. Manitoba Status of Titles 1962933 and 1962936
4. Letter of Authorization dated May 8, 2007, from 4088485 Manitoba Ltd. to Western Properties
5. Surveyor's Building Location Certificate and sketch dated July 16, 2003
6. Atlas Sheet
7. Report from the Planning and Land Use Division dated June 7, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Murray Goodman
Jack Goods, Westcan Development
G. R. Green
Ryan Kolaski, Western Properties
Len Westwood

In Opposition

Barbara Cove
Ken and Darlene Klassen
Darrell and Lorna Nicholson

For Information:

Agnes Kroeker
M. and E. Kasper

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Ryan Kolaski, Western Properties, Applicant, appeared in support of the application, and advised that developers have indicated that the subject property would be more marketable if the property was rezoned from a commercial to a multiple-family district. In this connection, he advised that a developer has come forward with plans to develop the site for seniors and/or assisted living.

He indicated that they wish to demolish the industrial warehouse on the property once the property has been rezoned. He further indicated that the major difference between rezoning the property to an "RM-4" as opposed to an "RM-3" multiple-family district is density.

Len Westwood appeared in support of the application and advised that he is a realtor. He indicated that they have been marketing the property as industrial; however, have determined that a commercial use no longer fits with the neighbourhood. In this connection, he confirmed that one of the plans for the site is to develop it as non-profit housing for seniors.

Jack Goods, Westcan Development, appeared in support of the application, and advised that he is a representative of the Fraternal Order of Eagles who is looking to develop the subject property as an up-scale seniors housing and assisted living complex. In this connection, he commented that people who currently reside in the area who are retired are looking to move into something more suitable to them than maintaining a large home.

Murray Goodman appeared in support of the application and expressed his opinion that the proposal would benefit the neighbourhood and would provide new homes for the elderly.

Lorna Nicholson advised that she resides across the street from the proposed project and is in opposition to it due to the lack of information regarding what is being planned for the subject site. She indicated that there are many children in the area and expressed concern regarding traffic and where the parking will be located. She purported that she was advised that a maximum of 3 stories would be constructed on the site.

Ken Klassen appeared in opposition to the application. He indicated that he resides in a single family home and that to the west are 3 storey walk-ups. In this connection, he commented that he doesn't see what the benefit to them would be to reside by another purported walk-up building. He commented that the property is presently an eyesore and questioned who is responsible to clean up the property.

Darrell Nicholson appeared in opposition to the application, and advised that he resides directly across the street from the subject property. He expressed concern that there is not enough information regarding the proposal and also commented that the property is an eyesore.

Agnes Kroeker appeared for information and indicated she is in favour of assisted living apartments. She commented that the traffic may be better with the subject proposal than if the property remained commercial. She questioned the number of stories permitted in an "RM-4" Multiple-Family district and commented that there is precedence for 3 or 4 storey buildings. In this connection, she commented that the project should be a maximum of 4 stories.

John Wintrup, Planner, City of Winnipeg, confirmed the height and yard allowances of a "RM-4" Multiple-Family district.

M. Kasper appeared for information and advised that the Kaspers would eventually be looking to move into a seniors condominium.

In rebuttal, Ryan Kolaski responded regarding comments expressed about the condition of the property and advised that they have received a clean environmental phase one and that the proposed project will be more aesthetically appealing than what currently exists on the property. In addition, he commented that traffic should improve with a housing development on the site and indicated that traffic will be directed to the backlane.

Councillor Thomas indicated that the developer would have to meet the regulations of the "RM-4" Multiple-Family district and that plan approval of the site requires scrutiny by the East Kildonan-Transcona Community Committee as well as by the Director of the Planning, Property and Development Department before any building or development permit is issued.

Exhibit "7" referred to in File DAZ 211/2007

Winnipeg

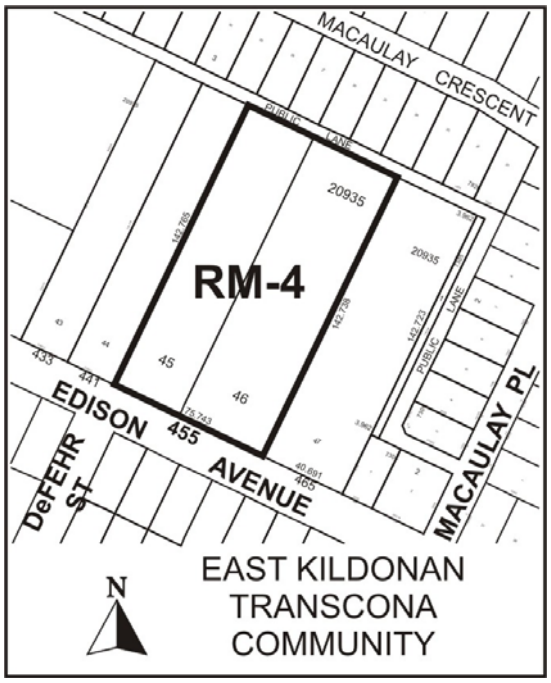
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 7, 2007**
File: **DAZ 211/2007**
Related Files: **DAZ 209/05**

Subject: **Rezone to multiple family dwellings.**

Location: **455 Edison Avenue**



Applicant: **WESTERN PROPERTIES (Ryan Kolaski)**
Owner: **WESTERN PROPERTIES**

Recommendation: Approve with Conditions

Report Summary:

- The applicant intends to demolish the industrial building and prepare the land for future multi family residential.
- Allowable commercial land-uses include multiple family dwellings as 'conditional uses'
- The proposed rezoning will provide certainty to the nearby residents that in-compatible commercial uses will not be permitted.

Site Description

The subject property is approximately **2.7 acres** located on the north side of Edison Avenue between Rothesay ST and Macaulay Pl in the Rossmere-A neighbourhood of the North Kildonan Ward. The site is zoned **"C2" Commercial District** and is occupied by a one storey, stucco, steel and cinder block building being used for the manufacturing of plastic products with outside storage. Adjacent lands include Hawthorne Wood Works to the east zoned "C2". Surrounding uses include single family dwellings to the north and south zoned "R1" with multiple family uses to the west.

Background

Zoning By-law No. 74 (1961-1986)

The property was zoned 'M1' Industrial District under the zoning by-law for the Municipality of North Kildonan. A number of different manufacturing uses and users occupied the property:

- Dyck JI Manufacturing, farm and garden supplies (1960 – 1977?)
- Turner & Seymour of Canada LTD. & Red River Chain Division, manufacturing (1977 - 1986).

The surrounding area was mainly vacant lands with increasing land subdivided for residential purposes in the 1970's and 1980's to accommodate the residential growth of Winnipeg. There was no other industrial land-uses in the immediate area except 1.4 acres for Hawthorne Woodworks LTD, which was established as early as 1957.

Zoning By-law No. 4440 (1986 – 1994)

The zoning by-law that consolidated the East Kildonan, Transcona and North Kildonan by-laws zoned the subject property to **"CF" Commercial Fabrication District**. The purpose of this district was to provide a transitional zone between an industrial area and a residential district, to accommodate existing industrial uses that have continued within the surroundings of residential neighbourhood. Only one manufacturing use and user occupied the property:

- Turner & Seymour of Canada LTD. & Red River Chain Division, manufacturing (1986 - 1994).

The land owner was notified of the change in the zoning from "M1" to "CF" in a letter dated February 1, 1995 in response to a written enquiry to the City of Winnipeg. The City also indicated an unwillingness to support a rezoning at that time for a "M1" Industrial District. The surrounding area had become predominantly residential with little or no vacant lands.

Zoning By-law No. 6440 (1994 – present)
The zoning by-law that consolidated each of the community area by-laws into one zoning by-law for Winnipeg's suburbs zoned the property to **"C2" Commercial District**. The purpose of this district is to regulate more intensive commercial sites that do not have a local or neighbourhood orientation. A number of different manufacturing uses and users occupied the property:

- Turner & Seymour of Canada LTD. & Red River Chain Division, manufacturing (1994-1995).
- Accro Furniture Industries, furniture manufacturing (1996-2003?)
- Western Profiles Ltd., plastic manufacturing and warehousing (2004? – present).

Accro and Western Profiles both occupied the building without the appropriate permits. The applicant does not have a non-conforming right in terms of land-use since both the user and type of use have changed since the zoning by-law was enacted.

DAZ 209/2005
Western Profiles LTD made application to use the existing structure and land for warehousing and manufacturing of plastic products with outside storage ('Storage: outside', 'Warehousing' and 'Plastic Products: Manufacturing from finished plastics').
The Division indicated the proposed industrial land-use is not compatible with the surrounding residential area where outside storage, barb wire fencing and manufacturing is not prevalent. The proposed rezoning was not consistent with the policies of Plan Winnipeg that strive towards separating incompatible uses to ensure both residential and industrial uses are protected. The application was withdrawn prior to a public hearing.

DEMO 07 118786
An application has been made to demolish a one storey 31591 sq ft industrial warehouse building.

Description of the Proposed Development

The applicant intends to demolish the industrial building and develop the site for multiple residential use.

Analysis

ZONING

- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market.
- There is no front yard requirement and the maximum building height is 45 feet.
- The uses include: Automobile Repair, Bakery, Bicycle Repairs, Care Home, Contractors' Establishment, Church, Convenience Store, Drug Store, Exterminator, Fuel: Sales Kiosk, Mobile Home Park, Pawnshop, Tattoo Parlour, Terminal For Haulage, Motor Freight Station, Tire: Sales, Service.

- ‘Storage: outside’, ‘Warehousing’ and ‘Plastic Products: Manufacturing from finished plastics’ are not permitted.
- Multiple Family uses are a conditional uses requiring a public hearing at the Board Adjustment: “RM-3” regulations for yards apply.
- **“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 “RM-3” bulk regulations apply in ‘C2” Commercial Districts). The lot area, widths, and yard requirements are exactly the same for RM-3 and RM-4. 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 **117,611 sq ft** subject property permits 117 units. The proposed RM-4 zoning will permit 147 units.

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. The subject property is an anomaly within this area, in terms of its proposed its industrial usage and commercial zoning.

SITE PLAN
A site plan has not been submitted at this time. The proposed multiple family development will require yard setbacks and landscaping to mitigate any negative impacts on the adjacent area. Parking should be developed to the rear of the lot and the new structure located on the front of the property fronting Edison. The adjacent multiple family dwellings to the west have access to the rear public lane for accessory parking.

Recommendation

The Planning and Land Use Division recommends approval.

The proposed RM-4 zone will allow for a residential rezoning of an industrial site zoned commercial that has been in-compatible with the surrounding area for decades. The industrial use can longer operate at the building and only commercial uses, many of them would also be viewed as ‘incompatible’ with the surrounding residential area.

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 211/2007 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.

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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.

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

Report Prepared by: John S. Wintrup
PPD File # DAZ 211/2007

Schedule "A"

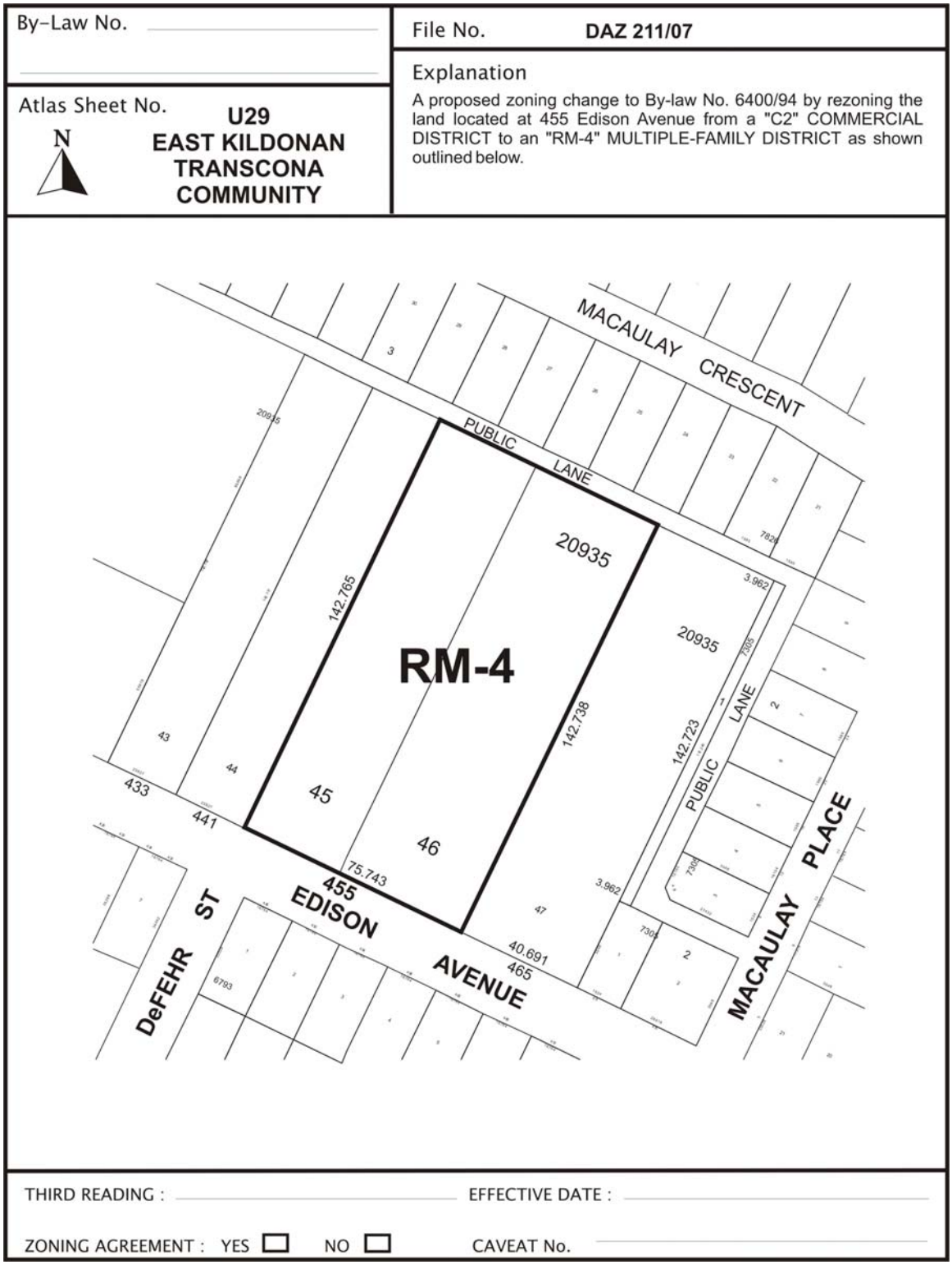

Figure 1: Schedule "A" to the report to the East Kildonan – Transcona Community Committee for File DAZ 211/2007, dated June 7, 2007.

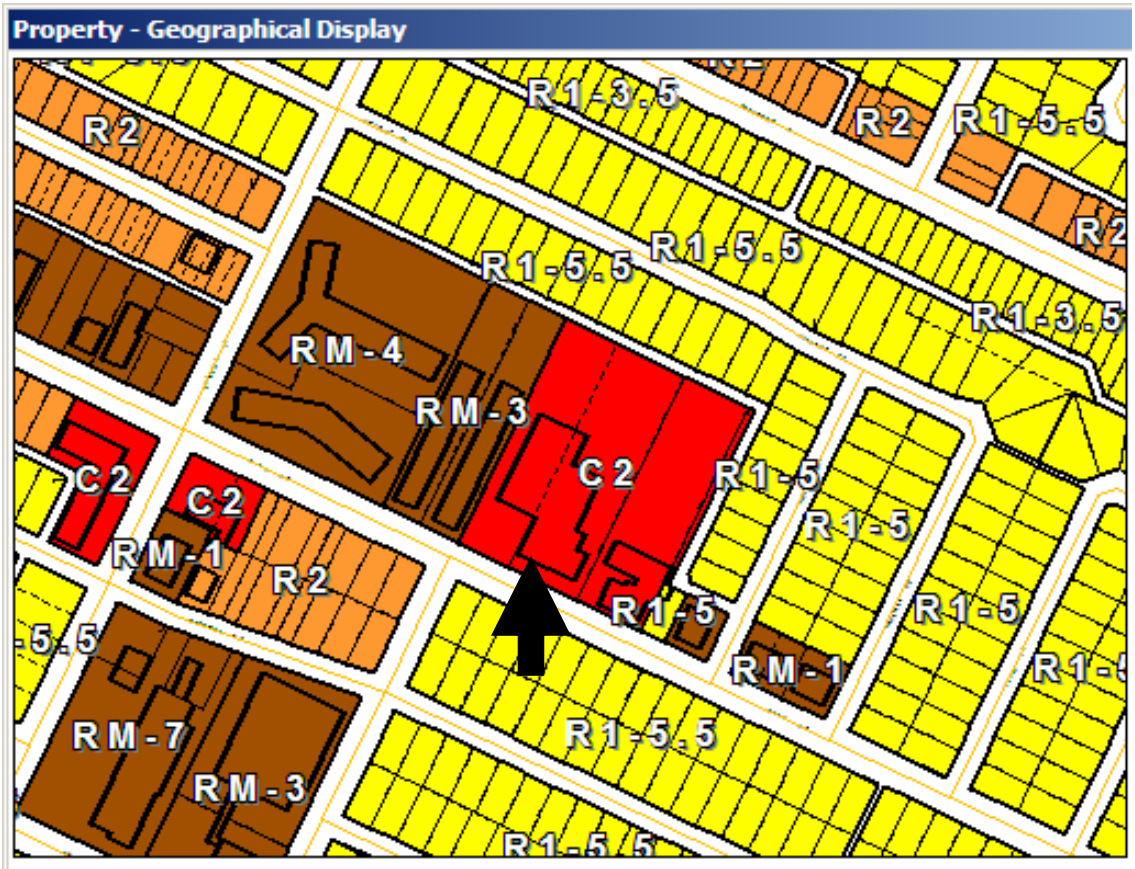

Figure 2: Existing Zoning for subject property and Surrounding Area.

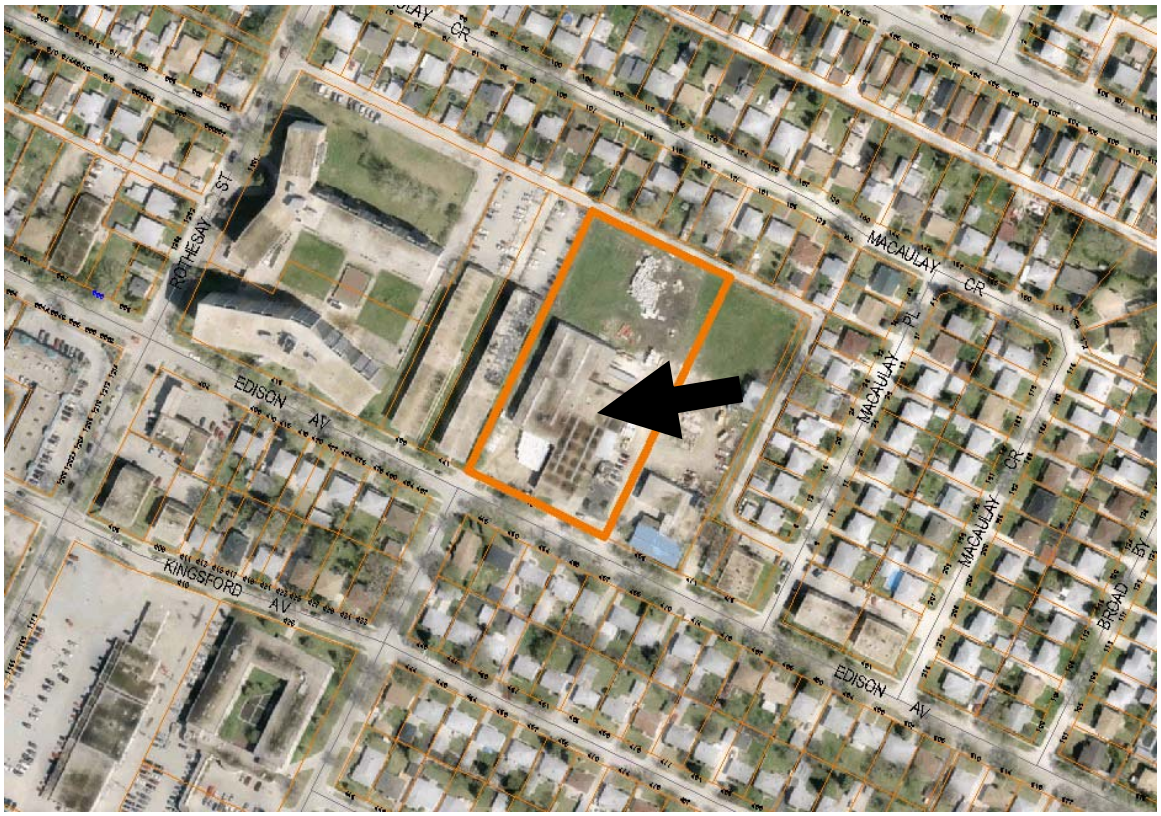

Figure 3: Existing Land-Uses for subject property and Surrounding Area.