Agenda – Council – July 16, 2008

Report - Executive Policy Committee - June 25, 2008

Item No. 2 Rezoning - 577 Simcoe Street
(Daniel McIntyre Ward)
File DAZ 211/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2008 dated June 9, 2008, to an "RMF-L" Residential Multiple Family District.

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 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 - Executive Policy Committee - June 25, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 25, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - 577 Simcoe Street**
(Daniel McIntyre Ward)
File DAZ 211/2008 [c/r DAV 113154/2008D]

For submission to: **Executive Policy Committee**

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

Report date: **June 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2008 dated June 9, 2008, to an "RMF-L" Residential Multiple Family District.

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 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 enhances the property and neighbourhood.

PUBLIC HEARING SUMMARY

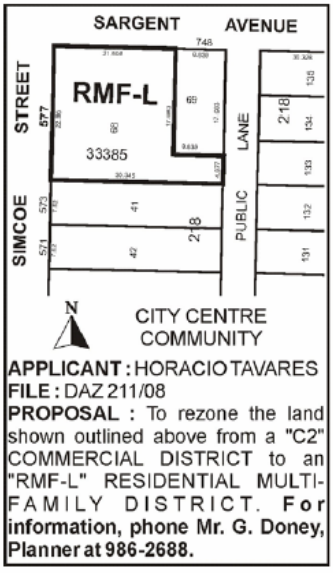
File: DAZ 211/2008 [c/r DAV 113154/2008D]

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

Hearing: June 17, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Horacio Tavares

Subject:



Premises Affected: 577 Simcoe Street

Exhibits Filed:

1. Application dated April 14, 2008
2. Notification of Public Hearing dated April 22, 2008
3. Manitoba Status of Title 1870426
4. Letter of authorization dated March 31, 2008 from Horacio and Barbara Tavares to Horacio and Barbara Tavares
5. Surveyor's Building Location Certificate and sketch dated September 25, 1956
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated June 7, 2008

8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Horacio Tavares

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

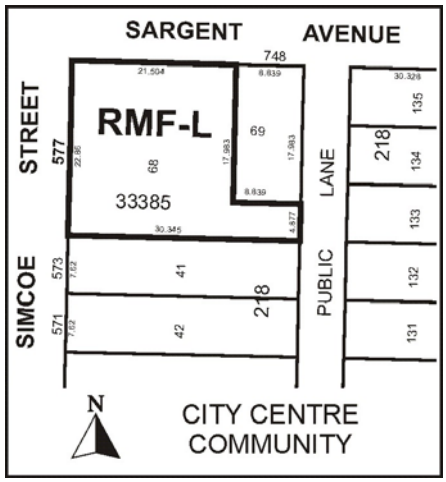
Exhibit "7" referred to in File DAZ 211/2008 [c/r DAV 113154/2008D]

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **June 7, 2008**
File: **DAZ 211 /2008**
Subject: **Rezone land to allow 13 units instead of 12 units.**

Location: 577 Simcoe ST
Legal Description: LOT 68 PLAN 33385 66/67 ST JA



Applicant: HORACIO TAVARES
150 GARDEN PARK DR
WINNIPEG MB R2V 3R3

Owner: HORACIO & BARBARA TAVARES

Recommendation: **Approve**

Report Summary:

- The applicant would like to demolish the existing single family dwelling and construct a two family dwelling.

- No variances are required at this time as the lot compiles with the bulk regulations of the Zoning By-law for lot width and lot area.
- The adjacent property to the east is zoned R2 with a duplex on the land.
- Submitted plans at this time indicate a two story, side by side dwelling that will have 25 foot front yard, 32 foot rear yard, 5 foot side yards

Site Description

- The subject property is 5,325 square feet located at the south east corner of Sargent Avenue and Simcoe Street in the Daniel McIntyre neighbourhood of the Daniel McIntyre Ward.
- The site is zoned **"C2" Commercial Community District** and is occupied by a 3 story, multiple family dwelling (Sylvan Apartments) constructed in the mid-1950's.
- Adjacent lands include a 2 story mixed use commercial / residential building to the east zoned "C2"; and single family dwelling zoned "R2" to the south.
- Surrounding uses include a church, a park and apartment blocks along Sargent Avenue zoned "C2"; residential uses to the south along Simcoe Street zoned "R2" include single family dwellings.

Description of the Proposed Development

The applicant would like to construct an additional dwelling unit in the basement of the apartment building to increase the total number of dwelling units from the existing 12 to 13 dwelling units.

Background

The existing apartment building was constructed in the mid-1950's. The basement has two locker rooms, a laundry room, and a boiler room. The applicant has indicated there is no need for one of the locker rooms.

Analysis

PLAN WINNIPEG

The proposed concept in consistent with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
- There is no front or side yard requirement.
- **"RMF-L" Residential Multi-Family District - Large** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

- There is a front & rear yard requirement of 25 feet and the maximum building height is 150 feet.
- The minimum lot area is 25,000 square feet (400 square feet per dwelling unit).

LAND USE BYLAW ISSUES

- The existing C2 zoning allows as a 'conditional' use a multiple family dwelling with the RMF-M bulk regulations, therefore permitting a maximum 6 dwellings units.
- The existing structure has 12 units as a non-conforming right.
- The property is 5,325 square feet and under the proposed RMF-L zone, would permit a maximum of 13 dwelling units.
- The development also requires variances related to substandard front yard, rear & side yards, and lot area (DAV 08-113154/D).
- The variances may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.
- The subject property is within the Neighbourhood Main Streets 'Planned Development Overlay 1' (PDO-1 Neighbourhood Main Streets).
- The Neighbourhood Main Streets Overlay District is intended to protect the scale and character of the pedestrian-oriented, neighbourhood-scale commercial areas in older areas of the city, to prevent the proliferation of certain uses that will erode the scale, character, or walkability of those areas, and to protect the surrounding neighbourhoods from adverse impacts of active commercial uses in close proximity to residential areas.

COMPATIBILITY WITH SURROUNDING USES

There are apartments buildings directly across the street and to the east that are zoned "C2". The apartment blocks on Sargent appear to be 2, 3 and 4 story buildings – the latter having more suites then the proposed development.

SITE DESIGN ISSUES

Submitted plans at this time indicate a one bedroom apartment with a 316 s.q. foot kitchen / living room, a 90 sq.ft. bedroom, and a bathroom located in the basement of the existing building. No alterations will be done to the exterior of the building.

Recommendation

The Planning and Land-Use Division supports the rezoning application.

The proposed additional suite allowed by the rezoning will not comprise intention of the Neighbourhood Main Streets Overlay District as the existing building has design elements that contribute to the pedestrian-oriented, neighbourhood-scale qualities that make Winnipeg's main streets places.

The proposed rezoning will reflect and existing situation as the apartment building is all ready, with 12 suites, considered a RMF-L building. The surrounding residential dwellings on Sargent in this area include medium to high density apartment blocks.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211 /2008 dated June 9, 2008 to a "RMF-L" Residential Multiple Family District.

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 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 211/2008

Schedule "A"

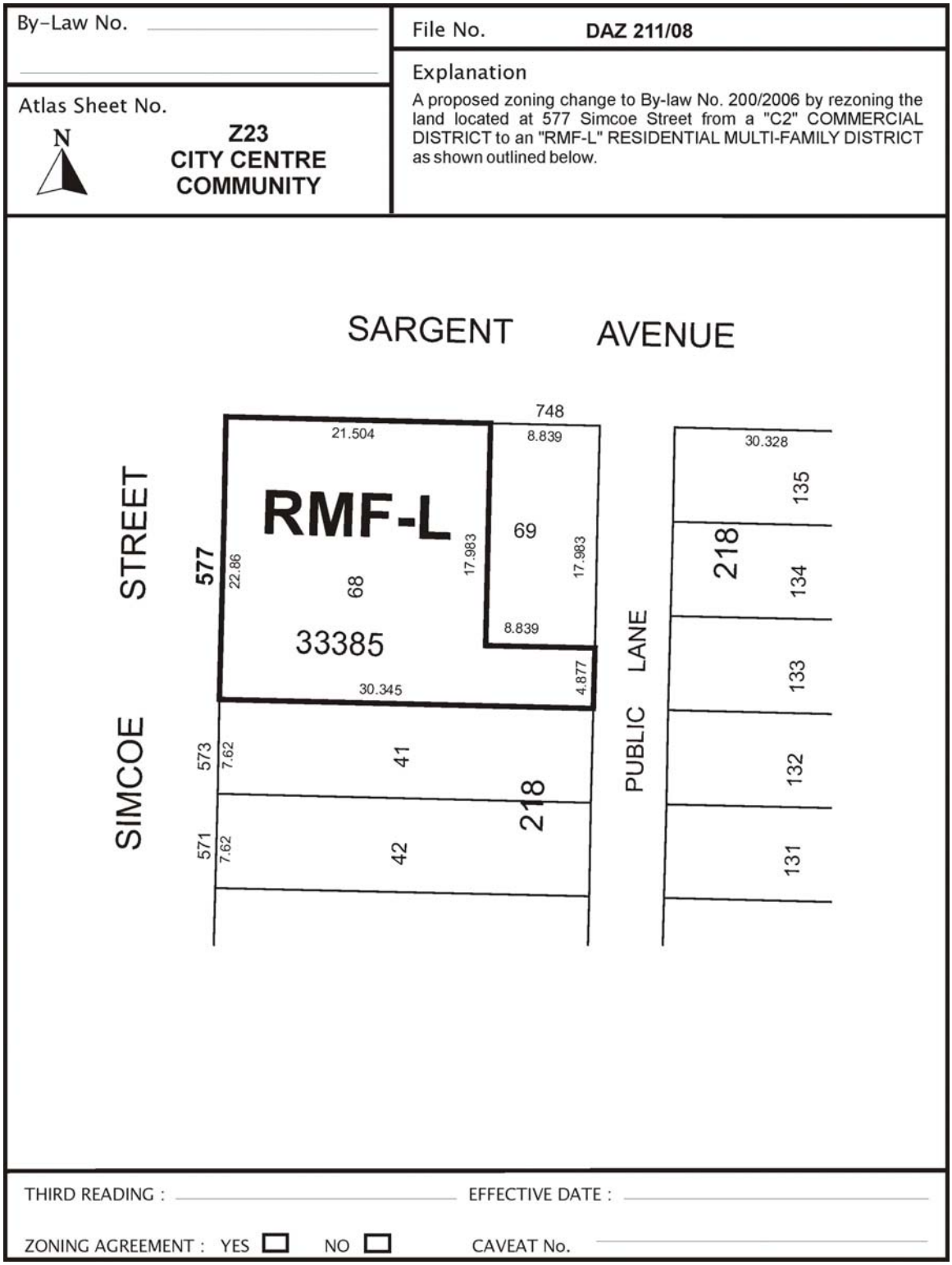


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DAZ 211/2008, dated June 7, 2008.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.



Figure 3: Existing Zoning for subject property and Surrounding Area.