Agenda - Council - September 24, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 10 Subdivision and Rezoning - 521 Bannatyne Avenue (Point Douglas Ward) File DASZ 18/2008

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 18/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 1, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18 /2008 dated July 1, 2008 to an "RMU" Mixed Use Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That the following uses shall be prohibited:
            a. drinking establishment
            b. restaurant
            c. personal services
            d. retail sales.

        ii. 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 Lord Selkirk-West Kildonan 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.

Report - Standing Policy Committee on Property and Development - September 2, 2008

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

3. 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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 - September 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation 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 September 2, 2008, 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 July 15, 2008, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 18/2008 be approved subject to the following:

1. That the plan of subdivision under File DASZ 18/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 1, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18 /2008 dated July 1, 2008 to an "RMU" Mixed Use Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
        ii. That the following uses shall be prohibited:
            a. drinking establishment
            b. restaurant
            c. personal services
            d. retail sales.

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. 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 Lord Selkirk-West Kildonan 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.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

3. 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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

10. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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.

RE: **Subdivision and Rezoning - 521 Bannatyne Avenue (Point Douglas Ward) File DASZ 18/2008 [c/r DAV 116621/2008D]**

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

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

Report date: **July 24, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2008, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 18/2008 be approved subject to the following:

1. ***That the plan of subdivision under File DASZ 18/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 1, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.***

2. ***That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18 /2008 dated July 1, 2008 to an "RMU" Mixed Use Residential District subject to the following:***

    A. ***That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:***

        i. ***That the following uses shall be prohibited:***
            a. ***drinking establishment***
            b. ***restaurant***
            c. ***personal services***
            d. ***retail sales.***

        ii. ***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 Lord Selkirk-West Kildonan 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.

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

3. 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 and the creation of additional lots.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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.

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The proposed development supports neighbourhood revitalization and creates needed housing and support services to meet the growing demands of new Canadians.

2. The proposed development represents a good use of vacant land that will provide synergies within the neighbouring community church, community centre and schools, and supports compact urban form.

PUBLIC HEARING SUMMARY

File:	DASZ 18/2008 [c/r DAV 116621/2008D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	July 15, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	5468796 Architecture Inc. (Grant Labossiere)
Subject:	



Premises Affected: 521 Bannatyne Avenue

Exhibits Filed:

1. Application dated May 20, 2008
2. Notification of Public Hearing dated June 2, 2008
3. Manitoba Status of Title 1845497
4a. Letter of authorization dated April 17, 2008 from The City of Winnipeg to Manitoba Interfaith Immigration Council Inc.
4b. Letter of authorization dated April 19, 2008 from Manitoba Interfaith Immigration Council Inc. to Hold Zone Inc. and/or 5468796 Architecture Inc.
5. Surveyor's Building Location Certificate and sketch (undated)
6 Plans (3 pages)
7. Report from the Planning and Land Use Division dated July 1, 2008
8. Communication dated July 8, 2008 from Fred Curry with respect to the application.
9. Inspection Report
10. Annual Report 2007 - 2008 of Manitoba Interfaith Immigration Council Inc. submitted at the public hearing by Marty Dolin, in support of the application
11. Photographs (10) illustrating similar buildings in the surrounding area, submitted at the public hearing by Sasa Raoulovic, in support of the application
12. Communication dated July 15, 2008 submitted at the public hearing by Fred Curry with respect to the application
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Johanna Hurme, 548796 Architecture
Grant Labossiere, 546896 Architecture
Sasa Raoulovic, 5468796 Architecture
Seifu Abebe
Goraro Belayinesh
Marty Dolin
Azizeh Fergowsi
Colin Grover
Befekadu Kifle
Pastor Melkie Mebzat
Alazar Negasi

Bosede O. Okikiola
Elizabeth and John David Peters
Phil Plot
Rob Schuman
Quanhai Tonthat
Adela and Carlos Vialard
Jean P. Venegas
Altash Yirdaw

In Opposition

Nil

For Information:

Catherine Collins, on behalf of the West Alexander Residents Association Inc.
Fred Curry

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

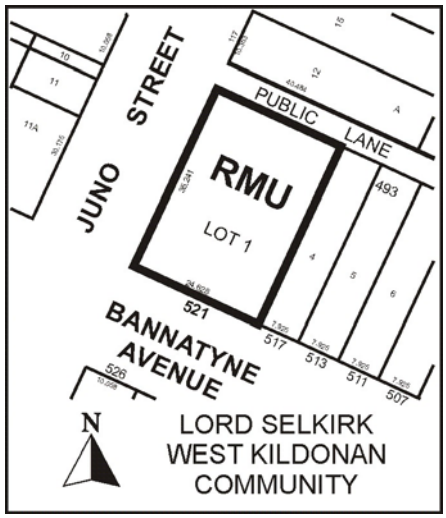
Exhibit "7" referred to in File DASZ 18/2008 [c/r DAV 116621/2008D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: July 1, 2008
File: DASZ 18/08
Related Files: DAV 08-116621/D
Subject: Application to amend Zoning By-law 200/2006 by subdividing and rezoning the subject lands from a "RMF-S" Multiple-Family Residential District to an "RMU" Residential Mixed Use District
Location: 521 Bannatyne



Applicant: 5468796 Architecture Inc.
Owner: City of Winnipeg
Recommendation: Rejection

Report Summary:

- The proposed rezoning contravenes the West Alexander-Centennial Secondary Plan
- The proposed development, as currently configured, is incompatible with the surrounding area

- The proposed development, as currently configured, will have a substantial adverse impact on adjacent properties

Site Description

The subject property, which is zoned "RMF-S" Multiple-Family Residential, is located at the northeast corner of Bannatyne Avenue and Juno Street, in the West Alexander neighbourhood of the Point Douglas ward.

North: Single and two family residences zoned "RMF-S" Multiple-Family Residential
South: Residences zoned "RMF-S" Multiple-Family Residential
East: Single and two family residences zoned "RMF-S" Multiple-Family Residential
West: Residences zoned "RMF-S" Multiple-Family Residential

Background

The subject property is being sold by the City of Winnipeg to the Manitoba Interfaith Immigration Council Inc. for $1.00, conditional upon their receiving zoning approval to establish the use.

Description of the Proposed Development

The applicant is seeking approval to establish a four storey, mixed use building in the West Alexander neighbourhood. The building would include approximately 10,000 square feet[1] of office and administrative space in the basement and on the first floor and 23 apartments, for transitional housing, on the second through fourth floors.

The office and administrative space will house the staff and services provided by the Manitoba Interfaith Immigration Council. At the time of this writing, the applicant has been unable to provide confirmation on the number of staff and the range of services that will be provided at the facility, as well as the number of clients who utilize the facility.[2]

[1] At the time of this writing, the City was unable to confirm the actual square footage of the office space with the applicant. Two different floor plans have been submitted to the City, one showing 5,000 square feet of office space and one showing 10,000 square feet of office space. The RMU District caps offices at a maximum of 5,000 square feet. Offices over 5,000 square feet require a conditional use approval.

[2] The Manitoba Interfaith Immigration Council website indicates that there are approximately 49 staff people, and that the following services are provided to clients:

Settlement Services
Life Skills Training Program
Reception Services
Sponsorship Services
In-Canada Protection Services

The website also indicates that 872 individuals received services from the organization in 2007

Analysis

Plan Winnipeg

Plan Winnipeg (3B-02) encourages the development of secondary plans, in consultation with residents and business interests, to guide the future development of residential neighbourhoods. In this case, a secondary plan has been prepared for the West Alexander neighbourhood

Secondary Plan

The Plan for West Alexander, which was prepared by the City in consultation with a neighbourhood stakeholder group, which included residents, institutional stakeholders, and business owners, formulated a vision for the neighbourhood, which translated into specific land use policies which will guide future development of the neighbourhood. This plan was approved, without amendments, at the Lord Selkirk-West Kildonan Community Committee in May 2008. It is scheduled to be considered for approval at City Council on July 16, 2008.

The plan stipulates that the subject property is within a "Medium Density Residential Area". (Appendix A) Within this area, Plan policy supports an increase in residential density as well as a range of different housing options. Consequently, the Plan does accommodate the proposed building height and residential density (23 units) proposed by the applicant.

However, this area, with limited exceptions identified in the Plan, does not accommodate uses which are classified as "commercial" under the Zoning By-law, which includes administrative offices and training facilities for a non-profit organization.

The Plan does provide many other areas for "commercial" uses, including all regional streets, as well as a new "Residential Mixed Use" area east of Isabel and north of Notre Dame Avenue. (Appendix B)

In that vein, the proposed development, as currently configured, contravenes the Plan.

Alternative

Given the Plan policy, the Planning and Land Use Division would support a 23 unit residential development on the subject property, without the commercial component. The required zoning for this use would be "RMF-L" Multiple-Family. Under this zoning category, a small amount of space (500-1,000 square feet) could be used for support services for residents of the building. This option has been provided to the applicant.

Compatibility with existing neighbourhood and surrounding uses

The intent of the Medium Density Residential area is to preserve a mixture of residential uses, accommodating the apartments that already exist, and maintaining single-family, duplex, and low/medium density residential development, so that a variety of housing can continue to be provided in the area. With limited exceptions, commercial uses are prohibited in this area.

In that vein, the proposed development will introduce a scale and intensity of use which has the potential to generate additional traffic and parking demand in the area, as well as creating a general increase in activity, beyond the norm, for a residential area.

Transportation and Site Access
Under the Zoning By-law, the proposed development requires 34 parking stalls. Currently, none are provided on site. Based upon a rudimentary parking management plan submitted by the applicant, all parking is being directed off-site, onto adjacent vacant properties, which are currently zoned "residential". In order to legitimize this off-site parking, these parcels would also have to the rezoned "commercial".

Public Input

The West Alexander Residents Association has been consulted on this project. However, at the time of this writing, it was unconfirmed as to whether immediate neighbours were contacted by the applicant, prior to the hearing.

Recommendation

The Planning and Land Use Division recommends denial of the proposed rezoning and subdivision for the following reasons:

- It contravenes the West Alexander and Centennial Neighbourhood (Secondary) Plan
- The scale and intensity of the use is out of step with the area
- There are many other locations within the surrounding neighbourhood where the zoning and Plan would accommodate this type of use

I. That file DASZ 18/08, as shown on Schedule "A" attached hereto, and dated July 1, 2008 to an "RMU" Residential Mixed Use District **NOT BE PRECEDED WITH**.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 18/08

Schedule “A”

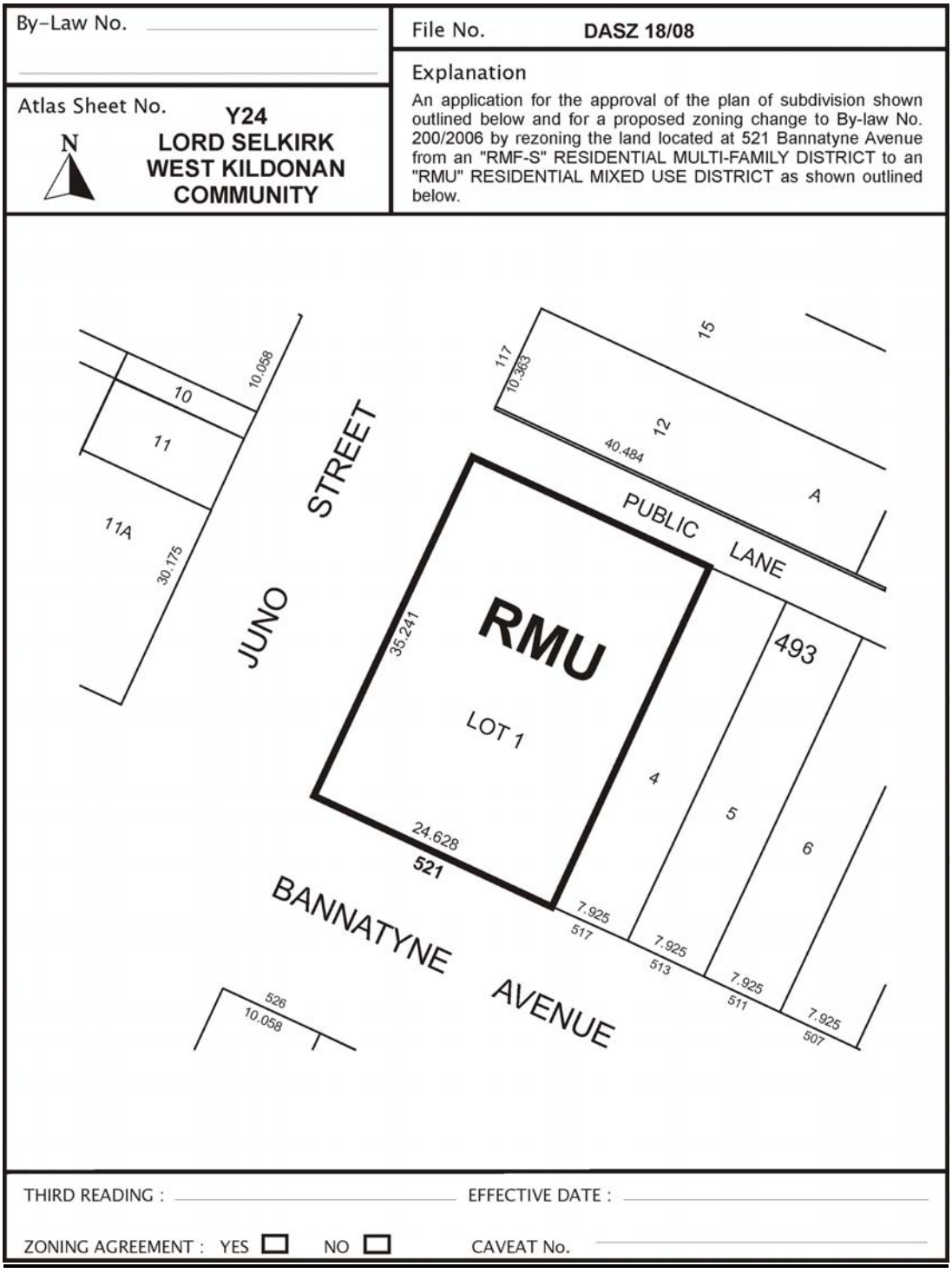
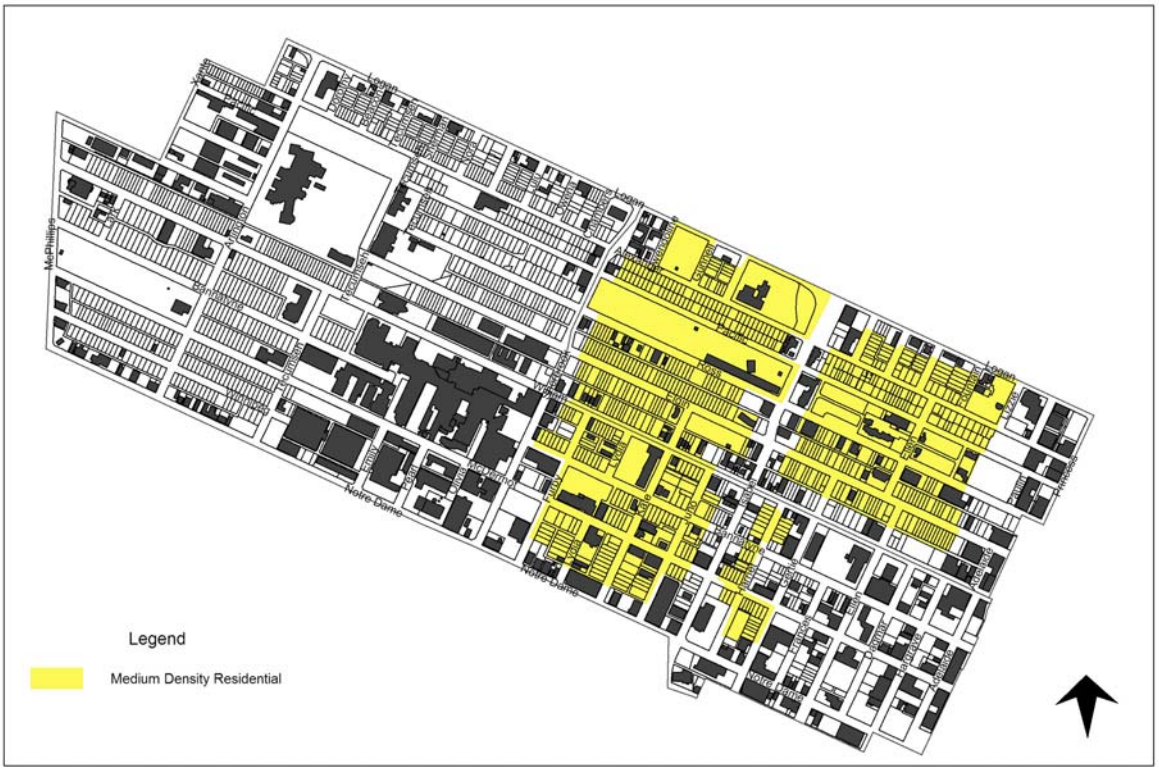


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 18/2008, dated July 1, 2008.



Figure 1: Aerial Photo (Flown in 2005)

Appendix A


McPhillips
Notre Dame
Notre Dame
Legend
Medium Density Residential

Appendix B


Legend
Residential Mixed-Use


Legend
Commercial
Commercial Mixed-Use
Character Commercial