Minutes - Executive Policy Committee - October 15, 2008

Minute No. 499
Report - Standing Policy Committee on Property and Development - October 2, 2008

Item No. 2 Subdivision and Rezoning - 924 Dorchester Avenue (River Heights-Fort Garry Ward) File DASZ 19/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 19/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2008 dated July 10, 2008, for registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 19/2008 dated July 10, 2008 to an "RMF-S" Residential Multiple-Family District (lower density) 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 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 City Centre 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        iii. That no illuminated signage be erected on the building.

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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.

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

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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.

Minutes - Executive Policy Committee - October 15, 2008

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

DECISION MAKING HISTORY:

The Chairperson called Councillor Steeves to the Chair and left the meeting.

Moved by Councillor Swandel,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2008, 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 September 22, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Recommendation 2.A.i.
  After the words "Director of Planning, Property and Development, add the words "and the City Centre Community Committee",

and forwarded the matter to the Standing Policy Committee on Property and Development.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 2, 2008, the City Centre Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on September 22, 2008.

On July 14, 2008, the City Centre Community Committee adjourned the public hearing to its meeting on September 2, 2008, in order to allow the applicant to hold a public consultation meeting with the community.

RE: **Subdivision and Rezoning - 924 Dorchester Avenue**
File DASZ 19/2008 [c/r DEMO 118647/2008 and DAV 118517/2008D]

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

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

Report date: **September 24, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 19/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2008 dated July 10, 2008, for registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 19/2008 dated July 10, 2008 to an "RMF-S" Residential Multiple-Family District (lower density) 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 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 City Centre 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

        iii. That no illuminated signage be erected on the building.

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.

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

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

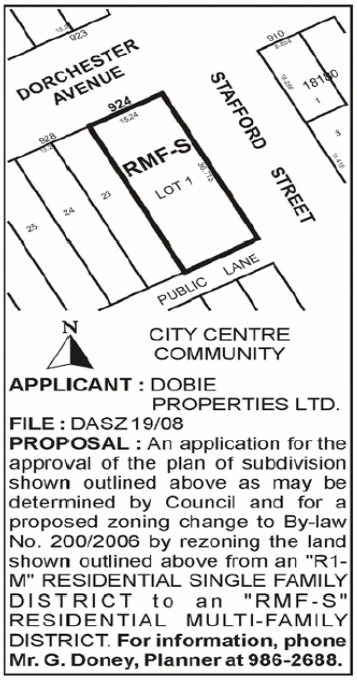
10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is not a great density
2. The proposal is beautiful architecturally.
3. The proposal blends in with the neighbourhood.
4. The proposal is in accordance with Plan Winnipeg.

PUBLIC HEARING SUMMARY

File:	DASZ 19/2008 [c/r DEMO 118647/2008 and DAV 118517/2008D]
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Smith
Hearing:	September 22, 2008 September 2, 2008 July 14, 2008 North Committee Room Council Building, 510 Main Street
Applicant:	Dobie Properties Ltd. (Bryan Salvador)
Subject:	
Premises Affected:	924 Dorchester Avenue
Exhibits Filed:	1. Application dated May 12, 2008 2. Notification of Public Hearing dated May 26, 2008 3. Manitoba Status of Title 2238417

4. Letter of Authorization dated December 13, 2007 from Vera Bodo to Dobie Properties Ltd.
5. Surveyor's Building Location Certificate and sketch dated January 14, 2008
6. Drawing of subject property
7. Plans (8 pages)
8. Communication (undated) from Fred Curry in opposition to the application
9. Report from the Planning and Land Use Division dated July 2, 2008
10. Inspection Report
11. Revised Report from Planning and Land Use Division dated July 10, 2008
12. Sketches (4) of the subject property submitted by Cameron Dobie in support of the application.
13. Presentation submitted by Fred Curry in opposition to the application
14. Presentation submitted by John Orlikow in opposition to the application
15. Communication from Heidi Grieser in opposition to the application submitted by John Orlikow
16. Communication from Randy Grieser in opposition to the application submitted by John Orlikow
17. Communication from Bryan and Colleen Jennings in opposition to the application submitted by John Orlikow
18. Communication from Arthur Schafer in opposition to the application submitted by John Orlikow
19. Communication from Don and Pat Courtnage in opposition to the application submitted by John Orlikow
20. Audio Recording of the public hearing held on July 14, 2008
21. Notice of Adjournment dated July 16, 2008
22. Communication dated September 2, 2008, from Fred Curry in opposition to the application
23. Sketches (2) of the subject property submitted by Bryan Salvador in support of the application.
24. Communication (undated) from Bryan Salvador, Dobie Properties Ltd., in support of the application.
25. Letter of intent dated August 27, 2008, with respect to parking signed by Bryan Salvador, Dobie Properties, and K & P Properties Inc., in support of the application.
26. Letter of intent dated September 2, 2008, with respect to parking, signed by Bryan Salvador, Dobie Properties Ltd. and Frances Lioneetti, in support of the application.
27. Notice of Adjournment dated September 4, 2008

28. Communication dated September 22, 2008, from John Orlikow in opposition to the application
29. Communication dated September 22, 2008, from Pat Courtnage in opposition to the application
30. Audio Recording of representations of public hearing held on September 22, 2008

REPRESENTATIONS:

In Support:

Cameron Dobie, Dobie Properties Ltd.
Bryan Salvador, Dobie Properties Ltd.
Dudley Thompson

In Opposition

Don and Pat Courtnage
Fred Curry
Silvia de Sousa
Heidi and Randy Grieser
Bruce Hildebrand
Duncan Jacoby
Bryan and Colleen Jennings
Peter Neagle and Pauline Lord
Zoann Nugent
John Orlikow
Frederick R. Pollock
Arthur Schafer
Kristy Wyndels

For Information:

Eleanor Bond
Lloyd Schulz

For the City:

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

Exhibit "11" referred to in File DASZ 19/2008 [c/r DEMO 118647/2008 and DAV 118517/2008D]

Planning, Property and Development Department

To the City Centre Community Committee

Date:	**July 10, 2008**
File:	**DASZ 19/08 - REVISED REPORT**
Related Files:	**DAV 08-118517D and DEMO 08-118647**
Subject:	Consolidate two lots into one and rezone from "R1-M" Residential Single Family District (medium lot size) to "RMF-S" Residential Multiple Family District (lower density).
Location:	924 Dorchester Avenue
Legal Description:	Lots 21 and 22, Block 76, Plan 255



Applicant:	**Dobie Properties Limited**
Owner:	**Vera Bodo**
Recommendation:	**Approve with conditions.**

2020

Report Summary: The proposal is to demolish the house on the subject land and to build a three-storey multiple-family dwelling with four dwelling units and four accessory parking spaces.

A wide range of residential and commercial uses is near the subject land.

Several houses close to the subject land are 2 ½ storeys.

The "R1-M" Residential Single-Family District (medium lot size) and the "RMF-S" Residential Multiple Family District (lower density) have identical front-yard building-alignment, rear yard, interior side-yard and Stafford-Street-adjacent yard depth requirements and building height requirements.

Plan approval by the Director of the Planning, Property and Development Department can be a condition of rezoning the subject land.

Site Description

The subject land is at the southwest corner of Dorchester Avenue and Stafford Street, as shown in Figure 2, and is in the Crescentwood Neighbourhood of the River Heights – Fort Garry Ward.

Figure 2 also shows that the subject land:

- is in an "R1-M" Residential Single-Family District (medium lot size);
- is in the vicinity of other "R1-M" Residential Single-Family Districts, "R2" Residential Two Family Districts, "R1-S" Residential Single-Family Districts (smaller lot size) and an "RMF-S" Residential Multiple-Family District (lower density); and
- is in the vicinity of "C1" Commercial Neighbourhood Districts and "C2" Commercial Community Districts, all of which are adjacent to Stafford Street.

Figure 3 shows that the subject land:

- is principally used as a single-family dwelling that is 2 ½ storeys;
- is in the vicinity of other single-family dwellings and two-family dwellings that are also 2 ½ storeys;
- is also in the vicinity of a two-storey multiple-family dwelling with four dwelling units, a two-storey building principally used as office and personal services and a two-storey building principally used as retail sales, personal services and office.

Description of the Proposed Development

The proposal is to:

- demolish the house on the subject land; and

- to build a three-storey multiple-family dwelling with four dwelling units and four accessory parking spaces, as shown on the site plan, floor plans, roof plan and elevations identified as Sheets 1 to 4, respectively, of DAV 08-118517/D.

Analysis

Plan Winnipeg

The proposal conforms to *Plan Winnipeg 2020 Vision* because the subject land is in a neighbourhood policy area as per "Policy Plate A, Land Use" of said document.

Compatibility with the Existing Neighbourhood

Given that a wide range of dwelling types, including multiple-family dwellings, a care home and commercial uses are in the vicinity of the subject land, the area is quite diverse in terms of existing uses. Therefore, the proposal is generally compatible with the existing area uses.

The proposed three-storey building would not be excessively higher than existing 2 ½ storey houses close to the subject land.

The subject land, adjacent land and other nearby land are in "R1-M" Residential Single-Family Districts (medium lot size) and, given that the proposed building height and associated front, west-side and rear yard depths are identical to, or within eight percent of, what is required in "R1-M" Districts, the proposal is reasonable in terms of those characteristics. However, the proposed east yard of four feet is not reasonable because the minimum yard depth requirement is seven feet. The Public Works Department does not support varying that yard requirement because it is to facilitate future widening of Stafford Street. Given that the minimum corner side-yard requirement for multiple-family dwellings in an "RMF-S" District is five feet, the Planning and Land Use Division is of the opinion that an additional two feet in depth is reasonable and supports the position of the Public Works Department. Therefore, if the proposal is revised to have an east side yard depth of seven feet instead of four feet, the revised east yard would be reasonable.

By making plan approval a condition of rezoning, a fairly high degree of compatibility of the proposed development with existing developments can be ensured.

Zoning

"R1-M" Residential Single-Family District (medium lot size) is intended to accommodate primarily single-family residential development in lower density neighbourhoods in accordance with the following requirements:

- minimum lot area of 3,500 square feet;
- minimum west side yard of four feet;

- minimum east side yard of seven feet, at Stafford Street;
- minimum rear yard of 25 feet;
- minimum front yard of 26 feet, as per Section 139 of Zoning By-law 200/2006, which states that a new, or an addition to a, single- or two-family dwelling on a street must have a front yard that is consistent with the front yard(s) of existing residential building(s) that are adjacent to and, in some cases, near the subject land; and
- maximum building height of 35 feet.

The "RMF-S" Residential Multi-Family District (lower density) is intended to accommodate the development of multiple-family units in neighbourhoods with medium to high residential densities in accordance with the following requirements:

- minimum lot area of 9,000 square feet;
- minimum interior side yard of four feet;
- minimum east side yard of seven feet, at Stafford Street;
- minimum rear yard of 25 feet;
- minimum front yard of 26 feet, as per Section 144 of Zoning By-law 200/2006, which states that a new, or an addition to a, multiple-family dwelling on a street must have a front yard that is consistent with the front yard(s) of existing building(s) that are adjacent to and, in some cases, near the subject land; and
- maximum building height of 35 feet.

Figure 2 shows that several "C1", "C2", "R2" and "RMF-S" Districts are at or near the ends of blocks – near Harrow or Stafford Streets – and many of these districts are approximately the same area as the subject land. Therefore, rezoning the subject land from an "R1-M" District to an "RMF-S" District is consistent with existing zoning in proximity to the subject land.

Land Use By-Law Issues

Winnipeg Zoning By-law 200/2006 requirements for lot area, yard depths and parking must be varied before development can proceed.

Application to vary By-law 200/2006 has been made under File DAV 08-118517/D.

While a variance order can be appealed to the Appeals Committee, the Community Committee's recommendation regarding a rezoning proceeds to Council without an additional public hearing.

Transportation and Site Access

As previously stated, the subject land is adjacent to Stafford Street. Stafford Street is a regional street and Winnipeg Transit bus routes are on this street. Four on-site parking spaces are to have direct access to a public lane. Sidewalks on Dorchester Avenue connect pedestrians to sidewalks on Stafford and Harrow Streets.

Site Design Issues

If this proposal proceeds to plan approval, a detailed site plan will have to be submitted for approval before a development permit will be issued. The site plan will have to contain the design elements that are to integrate the structure and function of the proposed land use into the community. The final site plan will include detailed designs for fencing, vegetation and buildings.

- Trees, shrubs and vines should be planted to enhance the site.
- On-site sidewalks should be well lit, without cause glare onto nearby land, convenient and provide relatively direct access to public sidewalks, parking spaces and building entrances.
- The front entrance to the building should be distinct by means such as higher quality building materials, canopies, porticos, windows, lighting and other means.
- Outside garbage containers should be fully enclosed and screened with fencing and/or vegetation and located away from nearby dwellings.

As well, the design should be in accordance with "Part 5: Development and Design Standards" of Winnipeg Zoning By-law 200/2006.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision because:

- the proposed use is compatible with the wide range of residential and commercial uses that are near the subject land;
- the proposed three storey building would not be excessively higher than existing 2 ½ storey houses close to the subject land;
- the subject land, adjacent land and other nearby land are presently in "R1-M" Residential Single-Family Districts (medium lot size) and the proposed building height and associated yard depths are identical to, or within eight percent of, what is required in "R1-M" Districts; and
- by making plan approval a condition of rezoning, a reasonably high degree of compatibility of the proposed development with existing developments can be ensured.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 19/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2008 dated July 10, 2008, for registration in the Winnipeg Land Titles Office.

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 19/2008 dated July 10, 2008 to an "RMF-S" Residential Multiple-Family District (lower density) 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 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 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 there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

      iii. That no illuminated signage be erected on the building.

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.

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

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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: J. Glen Doney
PPD File DASZ 19/08

Schedule "A"

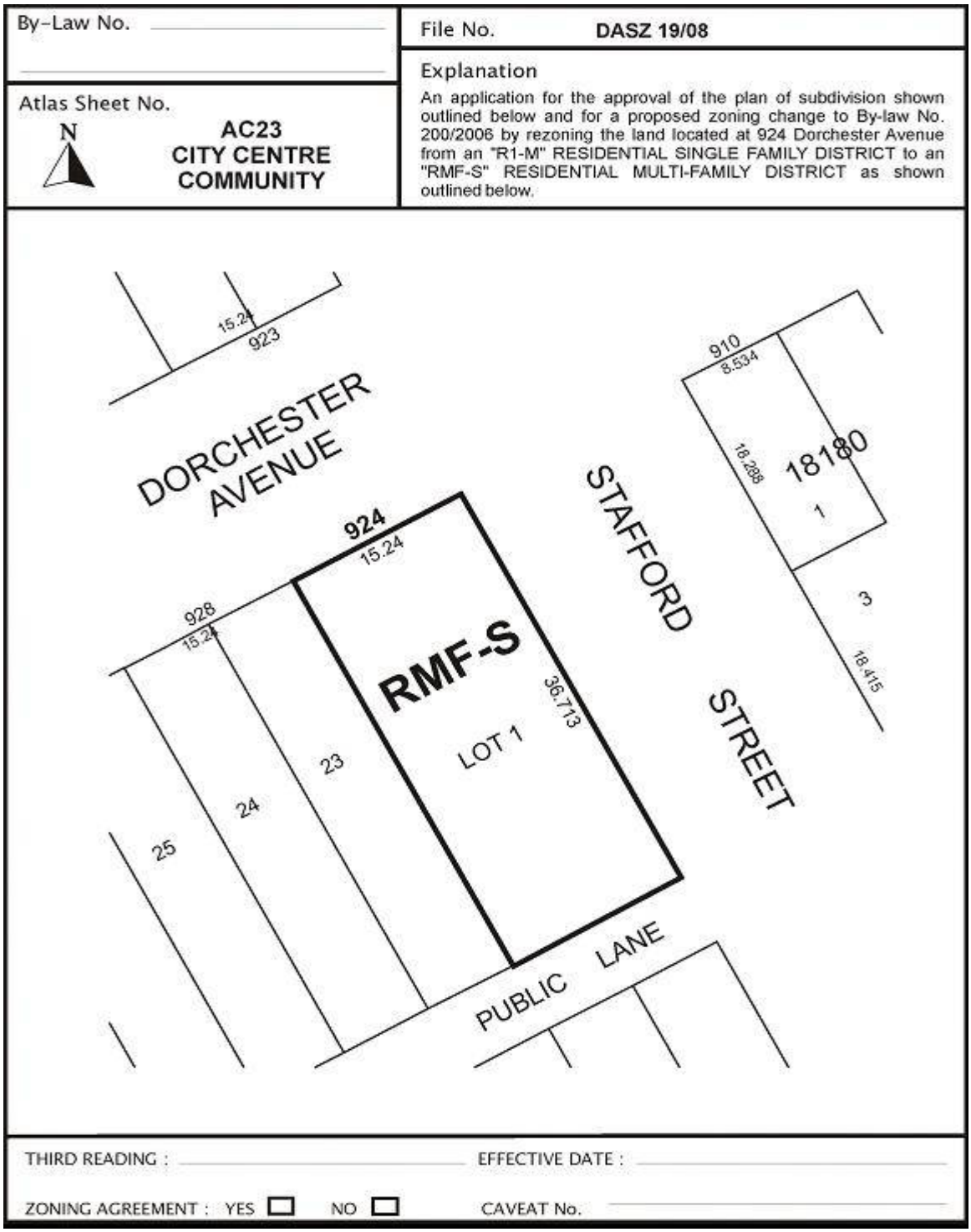


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File DASZ 19/2008, dated July 10, 2008

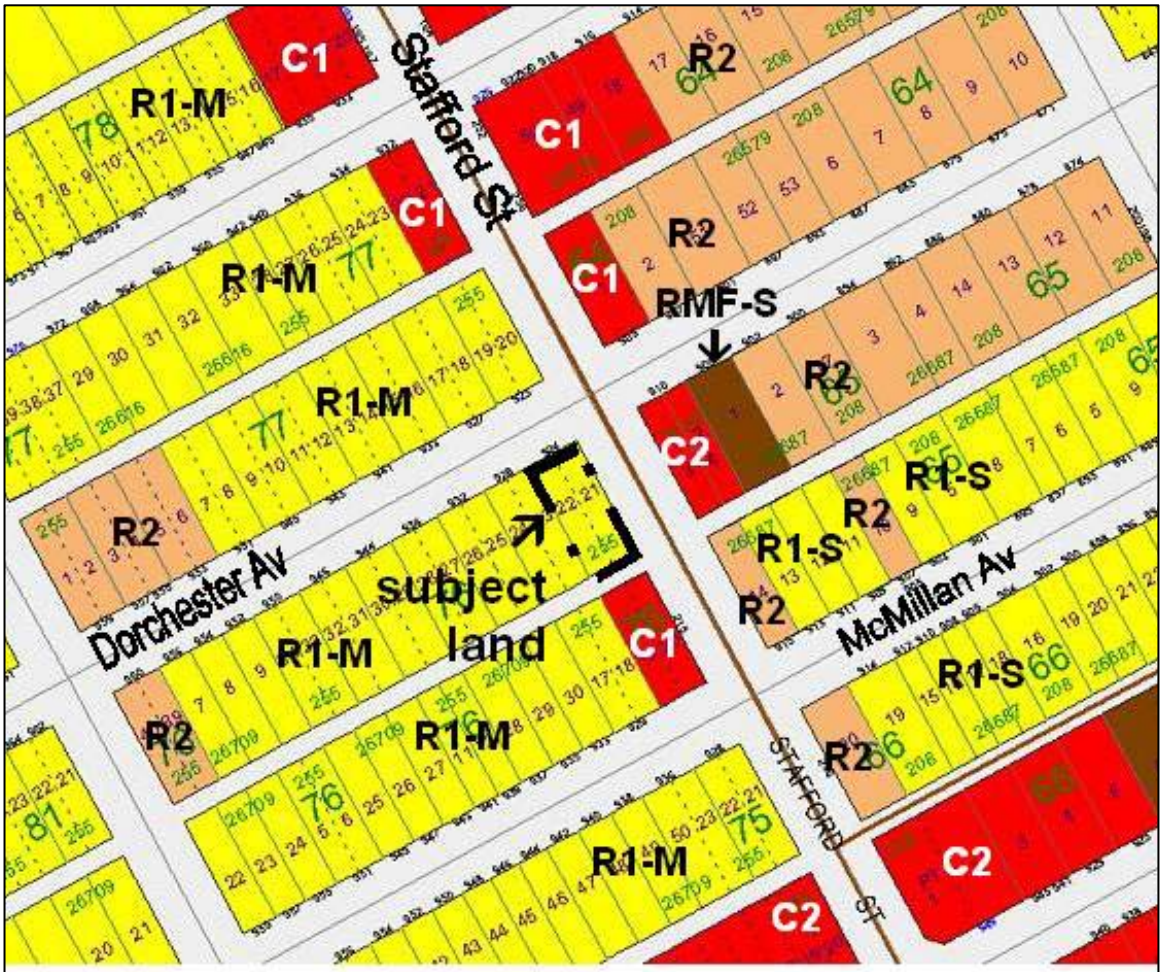


Figure 2: Existing Zoning

July 2, 2008



Figure 3: Existing Land Use, 2005 Aerial Photography

Legend	
SFD 2 ½	single-family dwelling, 2 ½ storeys
2FD 2 ½	two-family dwelling, 2 ½ storeys
MFD – 4 DUs 2	multiple-family dwelling – 4 dwelling units, 2 storeys
care home 2	care home, 2 storeys

July 2, 2008