Agenda - Council - March 19, 2003

Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 14 Proposed Rezoning - 525 Day Street
File DAZ 234/2002 (c/r DCU 9/2003D and DAV 28/2003D)

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee as amended, and submits the following to Council:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 234/2002 dated January 31, 2003, to a "RM-L" Multiple Family District.

2. That the ten percent (10%) dedication in lieu of the requirement for land dedication based on the increase in the market value of the land be waived, subject to the Planning, Property and Development Department being provided with the charter documents indicating the non-profit status of the project.

3. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 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 - Standing Policy Committee on Property and Development - March 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee as amended, namely:

- Recommendation 2. be amended by adding the words "subject to the Planning, Property and Development Department being provided with the charter documents indicating the non-profit status of the project" after the words "be waived".

- Recommendation 5. be deleted in its entirety,

and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation as amended, namely:

- Recommendation 2. be deleted in its entirety and replaced with the following:

    "2. That the ten percent (10%) dedication in lieu of the requirement for land dedication, based on the increase in the market value of the land, be waived"

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

RE:	**Proposed Rezoning - 525 Day Street DAZ 234/2002 (c/r DAV 28/2003D and DCU 9/2003D)**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**
Report date:	**February 26, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

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 Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 234/2002 and dated January 31, 2003, to a "RM-L" Multiple Family District.

2. ***That the ten percent (10%) dedication in lieu of the requirement for land dedication, based on the increase in the market value of the land, be waived.***

3. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 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: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the East Kildonan-Transcona Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendations:

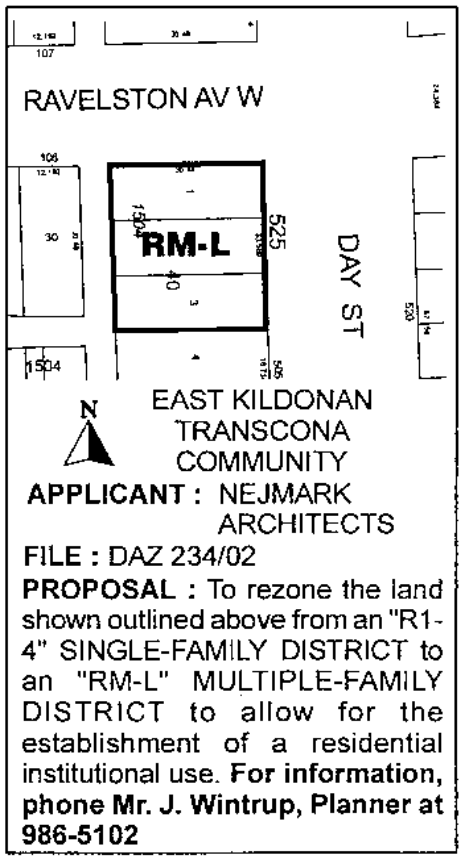
1. The applicant has done tremendous work across the country and it is an honour to have them situated in Transcona.

2. There is strong continuing support for the applicant.

PUBLIC HEARING SUMMARY

File:	DAZ 234/2002 (c/r DCU 9/2003D and DAV 28/2003D)
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Lubosch Councillor Wyatt
Public Hearing:	February 18, 2003 Helen Mayba Theatre, Miles Macdonell Collegiate 757 Roch Street
Applicant:	Nejmark Architects (Vic Giesbrecht) 2 - 54 Adelaide Street Winnipeg, MB R3A 0V7

Subject:



Premises Affected: 525 Day Street

Exhibits Filed:

1. Application dated December 24, 2002
2. Advertising Notice dated January 22, 2003
3. Manitoba Status of Title 1836921
4. Letter of authorization from Dennis L. Butcher, Executive Director, L'Arche Winnipeg Inc., to Vic Giesbrecht, Nejmark Architect
5. Plans (5 pages)
6. Report from the Manager of Planning and Land Use dated January 31, 2003
7. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Vic Giesbrecht, 85 Leighton Avenue, Winnipeg, R2K 0J1
Dennis L. Butcher, 54 Sonning Bay, Winnipeg, R2N 3M2
Robert Winter, 161 Lenon Street, Winnipeg, R3G 2C4

In Opposition:

Nil

For the City:

John McNairnay, Development Management Coordinator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSONS MADE AT THE PUBLIC HEARING

Vic Giesbrecht appeared in support of the application and advised that the proposed project will provide a home for adults with development disabilities. He indicated that the rezoning is required because the basement will be a community gathering place for residents and family of this specific home as well as other group homes, and will accommodate approximately 60 people two or three times a month.

He advised that he supports the administrative recommendations outlined in the Report from the Manager of Planning and Land Use, filed as Exhibit 6, with the exception of Recommendation No. 2 regarding land dedication. In this connection, he expressed his opinion that the subject rezoning does not provide a market increase in property value and therefore is of no benefit to his client as the nature of the facility is for non-profit.

John McNairnay commented that in some circumstances, the dedication requirement of other applications have been waived and that in this connection, Community Committee could recommend that Recommendation No. 2 be waived as this application is for a non-profit housing development.

Robert Winter, representing the Board of Directors of L'Arche Winnipeg Inc., appeared in support of the application.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 234/02 January 31, 2002
Our c/f CP 500 (.404)

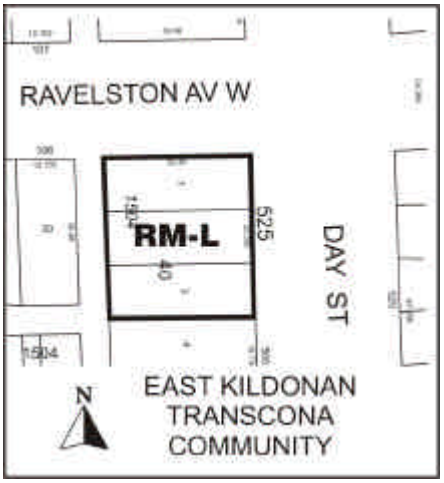
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
525 Day Street
East Kildonan - Transcona Community Committee
File No. DAZ 234/02

An application has been received from Nejmark Architects (Vic Giesbrecht), to amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-4" Single-Family Residential District to an "RM-L" Multiple Family District to allow for the establishment of a residential institutional use.

RELATED FILES: DCU 9/03D and DAV 28/03D



SITE DESCRIPTION:

Site Area: 11,000 square feet (1024.31 square metres) 110 feet by 100 feet.

Existing Land Use and Zoning: Vacant Land zoned "R1-4" Single-Family Residential District

Surrounding Land Use and Zoning:

North: Across Ravelston Avenue West, flankage of single family dwellings designated "R1-4"; residential dwellings designated "R2-T"; and commercial uses designated "C-1".
South: Flankage of single family dwelling designated "R1-4"; and across Yale Avenue West frontage of residential dwellings designated "R2".
East: Across Day Street, non-accessory parking area designated "PR-1" and multiple family dwellings designated "R-2".
West: Across rear public lane, single family dwellings designated "R1-4" with frontage on Ravelston.

DEVELOPMENT DESCRIPTION:

The applicant proposes to rezone the subject property from "R1-4" Residential District to "RM-L" Multiple Family District for the purpose of constructing a multiple family residential building on the vacant land.

The residential building will be 2,660 square feet with an attached garage of 306 square feet. The building will be two (2) stories with a finished basement, and be 80 feet by 32.8 feet. There will be eight (8) bedrooms with a number of common areas such as bathrooms, kitchens, living room and laundry facilities on the above ground floors. Two (2) small offices will occupy part of the basement along with a large multi-purpose room.

The main entrance for the residential building will front Day Street with a porch constructed of pressure treated wood. Emergency exit doors will open onto Ravelston. A back door will open into the rear yard with an attached deck and wheel chair ramp. Windows will be on all sides of the structure. Bay windows will be on the east side and south side of the building. The roof line will have a number of peaks and be articulated.

Parking for two vehicles will be provided in the rear yard with access from the rear lane. The garage will also be in the rear yard on the northwest corner of the lot adjacent to the parking stalls. The garage will be 20 feet by 25.8 feet and the parking stalls 20 feet by 20.4 feet, and 22.4 feet by 20.4 feet.

A wood fence 5 feet in height will be constructed along the west property line adjacent to the lane, and along the south property line adjacent to the single family dwelling. A shorter wood fence of 2.5 feet will be erected adjacent to north property line to screen the parking area. This fence will only be the length of the parking area (20.4 feet).

The developer will also be providing a community gathering place, which will be in the basement of the structure. It is anticipated that around 60 people will visit the facility, two or three times a month. Parking for this will be accommodated across the street in the accessory parking area for Ecole Centrale School.

The applicant has provided documentation of the public information campaign the project owners have initiated regarding this development. Information sheets have been distributed to the residential houses on the surrounding streets. A sign has been posted on the property since 09 September 2002 indicating the future development of the vacant property. A number of newspapers articles regarding the project have also been published in The Transcona Views, The Herald, The Lance, and the Free Press over the last few months. And, letters of support have been supplied by five houses close to the property including the immediate neighbour to the west across the rear lane and the neighbour two doors south on Day Street.

PLAN WINNIPEG:

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

ADMINISTRATIVE COMMENTS:

The Department supports the proposed development of the subject lands as a multiple family residential use. The proposed development of the vacant land is comparable to the surrounding context of residential uses, which include a variety of single and multiple family dwellings. The design of the development will resemble residential structures in the area and will complement the existing buildings. In the opinion of the Department, the proposed development is compatible with the existing land-uses in the Victoria West Neighbourhood.

RECOMMENDATION:

I. That, By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 234/02, attached hereto and dated, 2003, to a "RM-L" Multiple Family District.

II. That a 10 per cent 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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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.

VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter Act.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

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Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

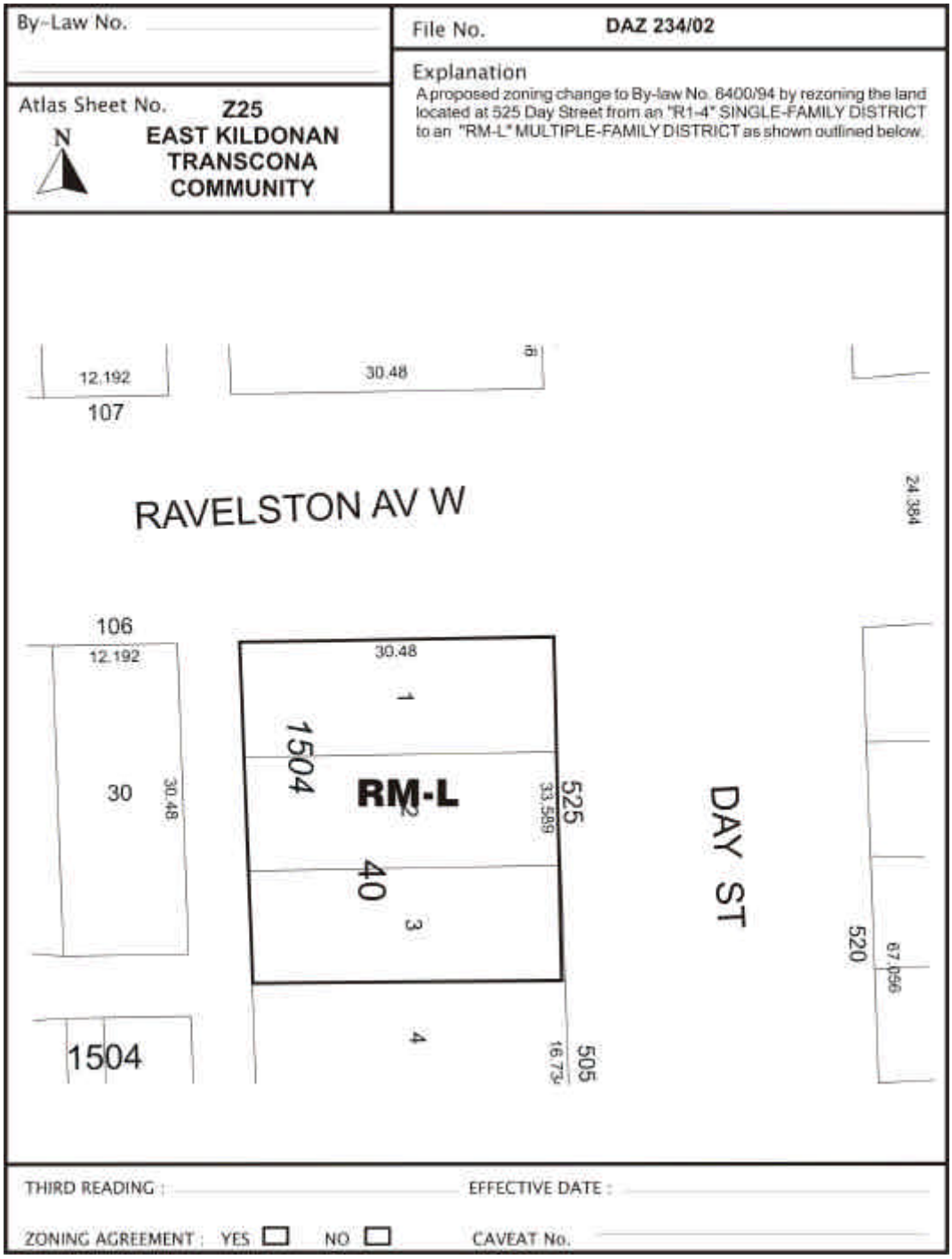


Figure 1: Schedule "A" to the report to the East Kildonan-Transcona Community Committee for File No. DAZ 234/02, dated January 31, 2003.



Figure 2: Zoning Map of 525 Day Street and Surrounding Context

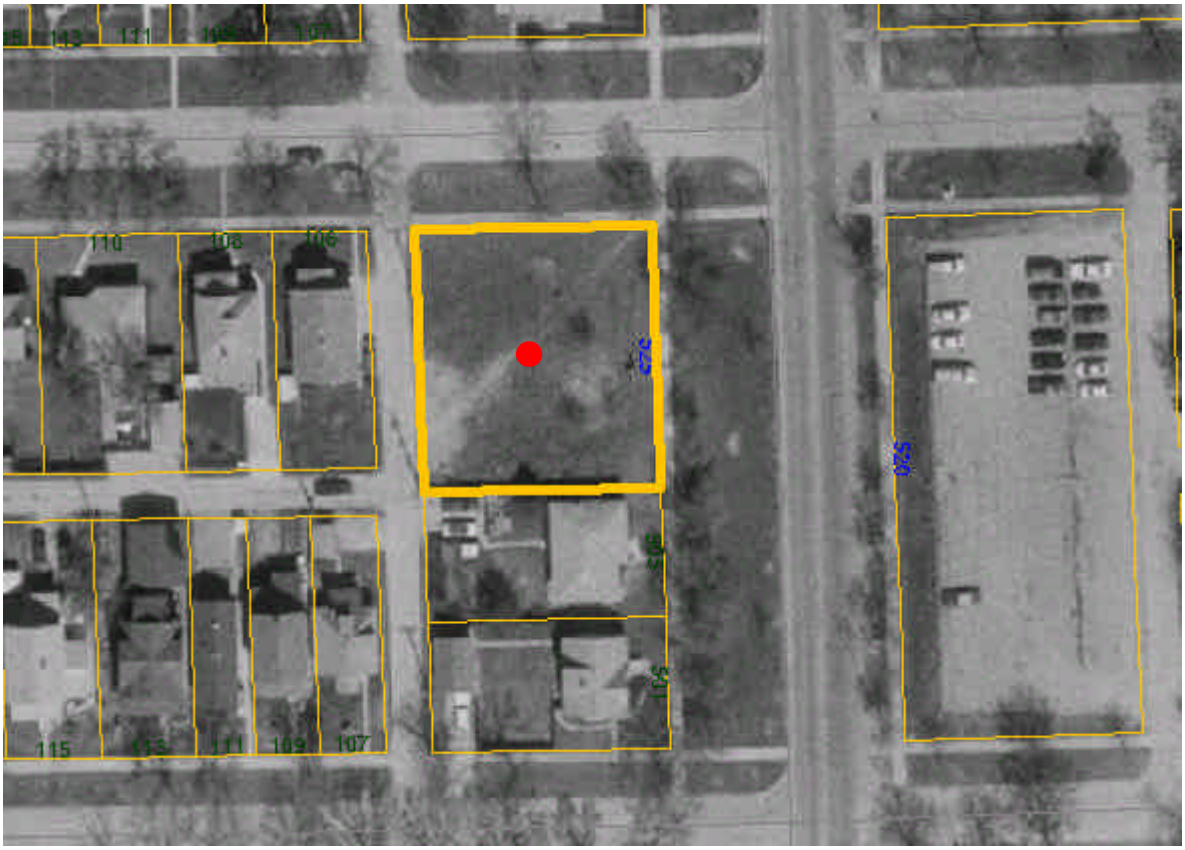


Figure 3: Air Photo of 525 Day Street

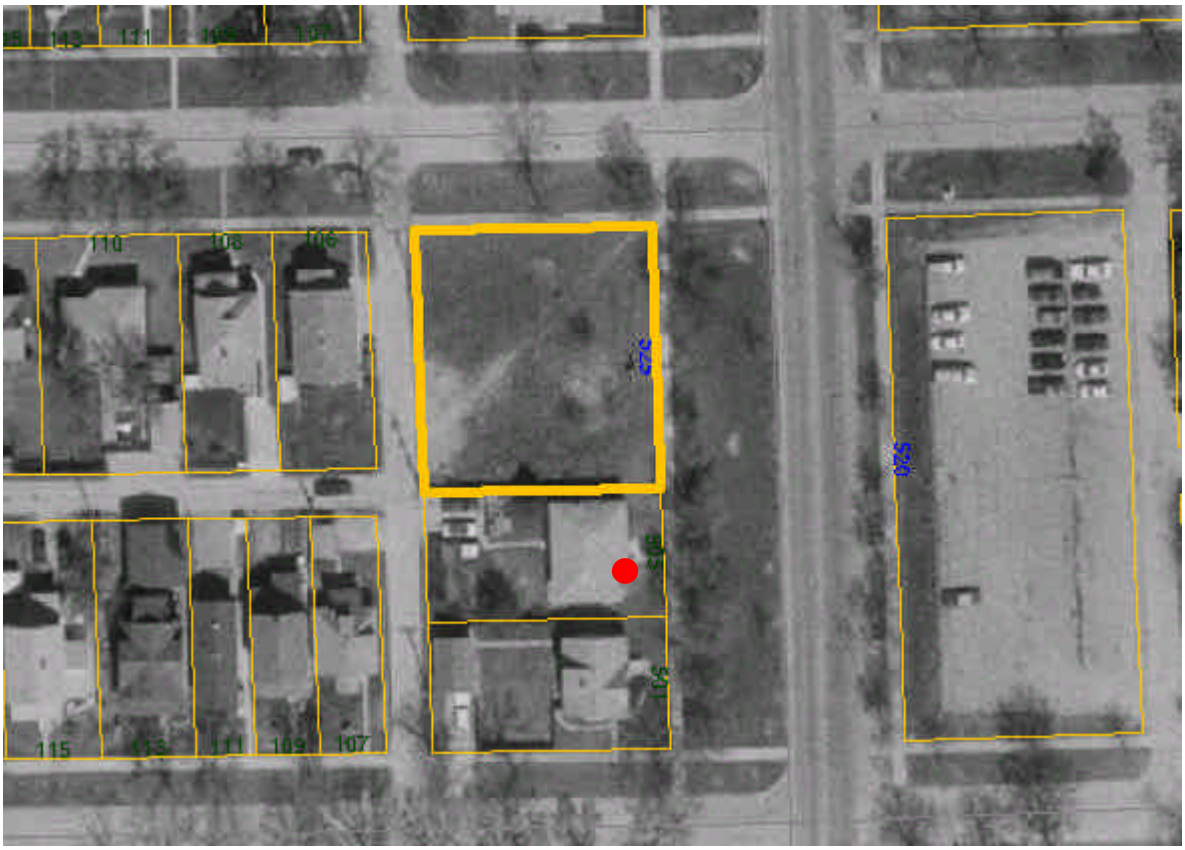


Figure 4: Air Photo of 525 Day Street and Surrounding Context