Agenda - Council – July 21, 2010

Report - Standing Policy Committee on Property and Development – July 6, 2010

Item No. 9 Rezoning – 641 St. Matthews Avenue
(Daniel McIntyre Ward)
File DAZ 205/2010 [c/r DAV 116212/2010D]

STANDING COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and 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 205/2010 dated June 1, 2010 to an "RMF-L" Residential 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 the height of the existing building shall be limited to 75 feet
        ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.
        iii. That the residential density shall not exceed twenty-four (24) units;
        iv. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

Report - Standing Policy Committee on Property and Development – July 6, 2010

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor 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 – July 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, 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 June 8, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 641 St. Matthews Avenue**
File DAZ 205/2010 [c/r DAV 116212/2010D]

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

Prepared by: **Danielle Caron, Committee Clerk**
City Centre Community Committee

Report date: **June 9, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 8, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

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 205/2010 dated June 1, 2010 to an "RMF-L" Residential Multiple Family District, subject to the following:

    B. 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 the height of the existing building shall be limited to 75 feet
        ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.
        iii. That the residential density shall not exceed twenty-four (24) units;
        iv. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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.

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

1. That this appears to be an excellent adaptation and reuse project which will benefit the community.

2. The project provides affordable housing and is an overall improvement to the area.

PUBLIC HEARING SUMMARY

File: DAZ 205/2010 [c/r DAV 116212/2010D]

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

Public Hearing: June 8, 2010
North Committee Room
Council Building, 510 Main Street

Applicant: St. Matthews Parish (Cathy Campbell)

Subject:

Revised: Applicant Name Changed



Premises Affected: 641 St. Matthews Avenue

Exhibits Filed:

1. Application dated April 8, 2010
2. Notification of Public Hearing dated April 28, 2010
3. Manitoba Status of Title 2407079
4. Surveyor's Building Location Certificate and sketch dated March 1, 1984
5. Photograph (1) of subject property
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated June 1, 2010
8. Communication (undated) submitted by Cathy Campbell, Applicant, St. Matthews Parish, in support of the application
9. Inspection Report
10. Submission with respect to the St. Matthews Non-Profit Housing Corporation's Housing Project, submitted by St. Matthews Parish (Cathy Campbell), Applicant, at the public hearing
11. Petition in opposition to the application purporting to contain the signatures of twenty four (24) area residents, submitted by Karen J. Hyde at the public hearing
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Margaret Abbott
Lyle Barkman
Cathy Campbell, St. Matthews Parish
Bob Clarkson
Robert Dueck
Ian Ferguson
Roger Gateson
Christina Keeper
Ken MacKinnon
Dennis McNab
John McNairnay
Stephen Murphy
Lloyd Penner
Gail Schnabl
Tony and Clara Schweitzer
Fletcher and Patricia Stewart

In Opposition:

Karen J. Hyde
Lynne Somerville

For Information:

J. Stefura
Scott Summerfield and Deb Budge

For the City:

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

Exhibit "7" referred to in File DAZ 205/2010 [c/r DAV 116212/2010D]

ADMINISTRATIVE REPORT

Title: DAZ 205/10 – 641 St. Matthews AVE Public Hearing

Issue: For consideration at the Public Hearing for a rezoning for DAZ 205/10 – 641 St. Matthews AVE

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-Law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

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 205/2010 dated June 1, 2010 to an "RMF-L" Residential Multiple Family District, subject to the following:

   C. 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 the height of the existing building shall be limited to 75 feet

      ii. That in the event that the existing building is destroyed or demolished and future development is proposed, said development shall not exceed a maximum height of 60 feet.

      iii. That the residential density shall not exceed twenty-four (24) units;

      iv. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

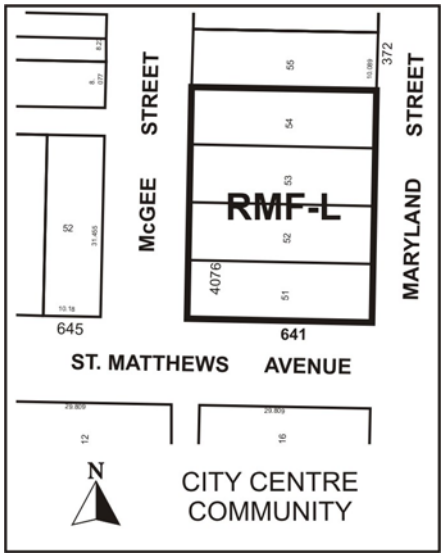
Department	Planning, Property and Development
Division	Planning and Land Use Division
Prepared by	M. Robinson, AICP
Date:	June 1, 2010
File No.	DAZ 205/10

APPENDIX 'A'

DATE: June 1, 2010
FILE: DAZ 205/10
RELATED FILES: DAV 10-116212/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.112

SUBJECT: To rezone the subject property from "RMF-M" Residential Multiple Family District (Medium) to an "RMF-L" Residential Multiple-Family District (Large) to allow for the development of twenty-four (24) dwelling units within an existing church building.

LOCATION: 641 St. Matthews AVE
LEGAL DESCRIPTION: LOT 51/54 PLAN 4076 71 ST JA



APPLICANT: Cathy Campbell (St. Matthews Anglican Church)
641 St. Matthews Avenue
WINNIPEG MB R3G 0G6

OWNER: St. Matthews Anglican Church
641 St. Matthews Avenue
WINNIPEG, MB R3G 0G6

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION AND SURROUNDING LAND USES:
The subject property, which is currently zoned "RMF-M" Residential Multiple-Family (Medium), is located at the northwest corner of St. Matthews Avenue and Maryland Street, in the St. Matthews neighbourhood of the Daniel McIntyre ward.

North: Residences zoned "RMF-M" Residential Multiple-Family

South: St. Matthews Avenue, then residences zoned "RMF-M" Residential Multiple- Family
East: Residences zoned "RMF-M" and "RMF-L" Residential Multiple-Family
West: Residences zoned "R2" Two-Family Residential

DESCRIPTION OF THE PROPOSED DEVELOPMENT:
The applicant seeks approval to convert the upper three floors of the existing church building into a housing complex that will include 24 rental dwelling units.

As currently designed, the complex includes:
- 1 bachelor units
- 2 one bedroom units
- 16 two bedroom units
- 4 three bedroom units
- 1 four bedroom unit

All of the units will be accessible. Sixteen of the units will be subsidized by Manitoba Housing (rent-geared to income) and four units are for WRHA's mental health housing support program, whose clients have portable rent support.

In addition to the residential component, there will be a 1,500 square foot central plaza on the main floor for the use of the complex. The lower level of the building, recently renovated as a Neighbourhood Resource Centre, will be retained with only minor modifications. The worship space will be maintained, as well.

In order to accommodate the proposed density, a rezoning is required.

ANALYSIS AND ISSUES:
The proposed use is the repurposing of an important neighbourhood landmark that has seen a decline in church attendance over the last number of years. The proposed development will provide much needed affordable rental units for the community, in a safe environment.

Given the size of both the site and the building in comparison to other properties in the area, it is justifiable to rezone this property to an "RMF-L" Residential Multiple-Family District to accommodate this project.

Zoning
While most of the residential properties on Maryland and Sherbrook Streets are zoned "RMF-M", two of the larger residential properties in the area are zoned "RMF-L". These properties include the Lions Manor at Portage and Sherbrook and the Greenheart development at 279 Sherbrook, which was rezoned in 2007.

Consequently, given the size of the property, the proposed zoning does not appear to be out of step with the area or inconsistent with past zoning approvals.

Public Consultation
The applicant held a public open house on Tuesday May 18th. According to the applicant, there were 12 people in attendance.

It should also be noted that the applicant has broad support for this project from a number of neighbourhood stakeholders, including the Spence Neighbourhood Association.

Conditions
The Planning and Land Use Division is recommending several conditions to ensure that all current and future development is sensitive to the scale of existing buildings in the area.

RECOMMENDATIONS:

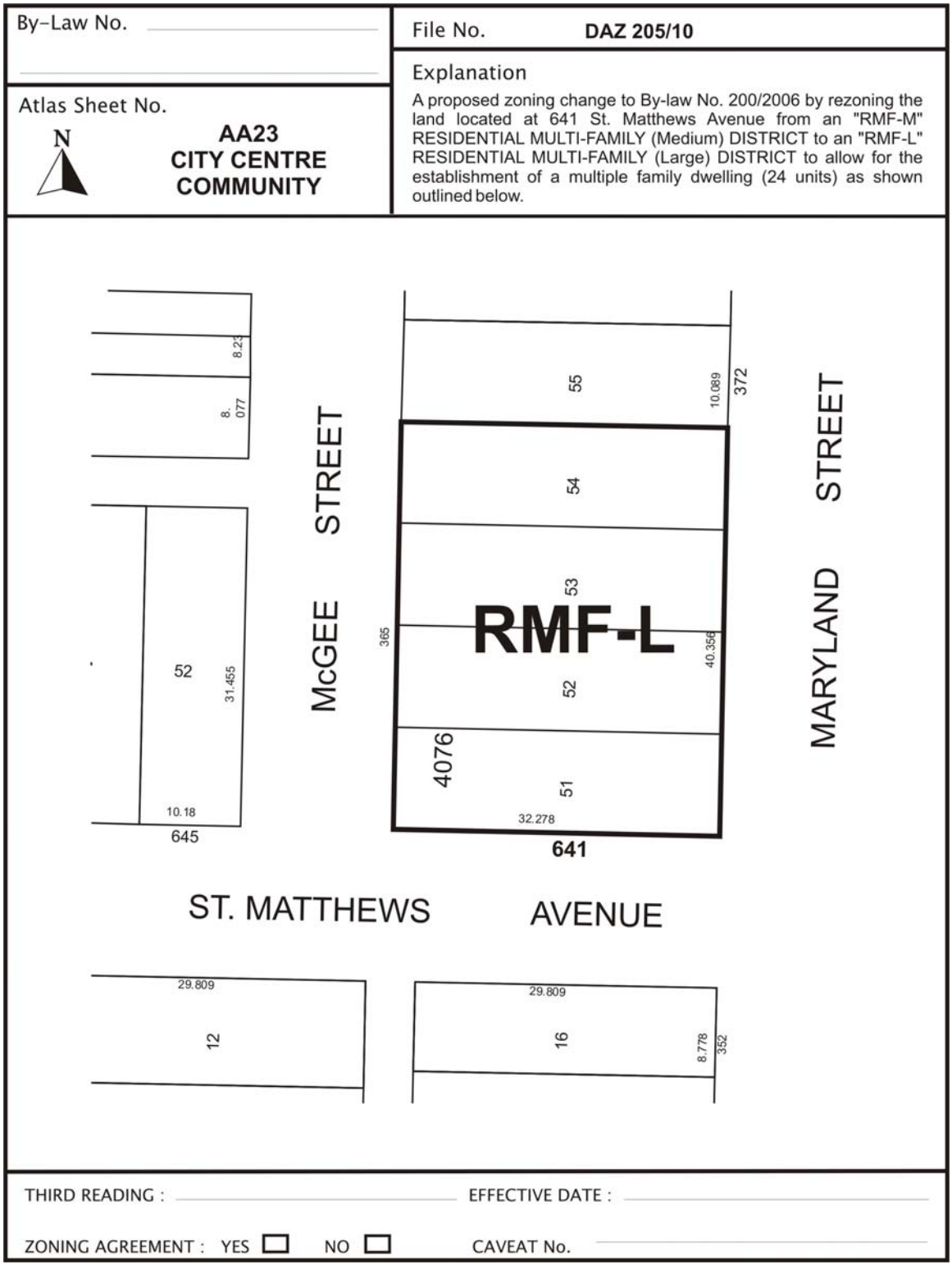
The Planning and Land Use Division recommends **approval** for the following reasons:

- The proposed use is a creative repurposing of an important neighbourhood landmark
- The proposed development will provide much needed affordable rental units for the community
- The proposed zoning does not appear to be out of step with the area or inconsistent with past zoning approvals.
- The proposed development has broad support from neighbourhood stakeholders

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: M. Robinson, AICP
PPD File # DAZ 205/10

APPENDIX "B"

Schedule "A" for File No. DAZ 205/2010, City Centre Community Committee, dated June 1, 2010



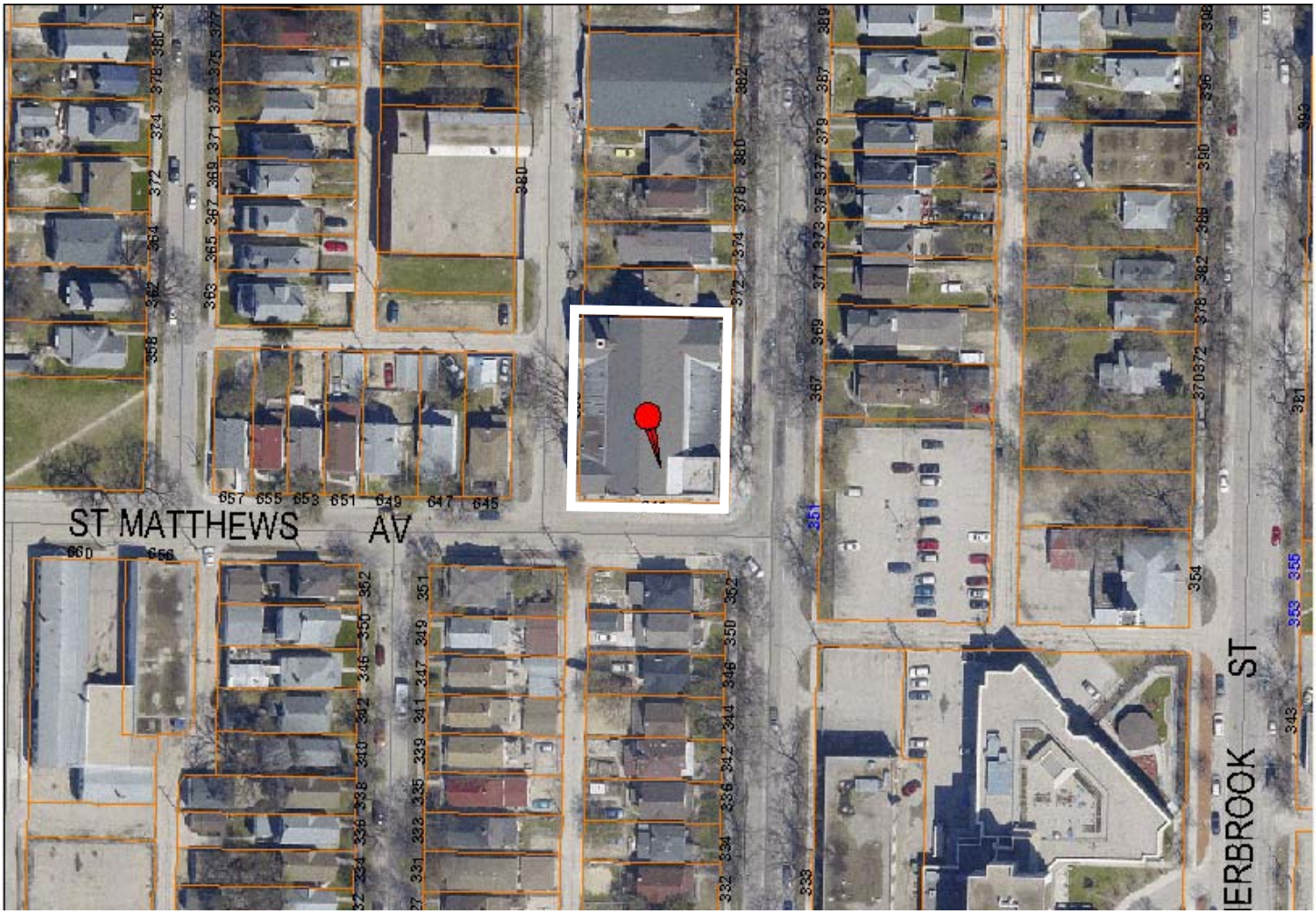


Figure 1: Aerial Photo (Flown in 2009)