Agenda – Council – April 27, 2011

Report – Executive Policy Committee – April 13, 2011

Item No. 3 Zoning Agreement Amendment – 2095 Sinclair Street (Old Kildonan Ward) File ZAA 9/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Zoning Agreement under File DAZ 204/79, approved by Council on May 16, 1979 be amended as follows:

    A. That Clause 2. be deleted and the following substituted therefore:

        2. The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for any use except:

            i. Single Family Detached dwellings on the land.

            ii. A religious institution on Lots one and Two, Block One, in accordance with and pursuant to Variance Order no. DAV 04/80, dated February 14, 1980, issued by the Lord Selkirk – West Kildonan Community Committee.

            iii. A Day Care.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 204/79 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 – Executive Policy Committee – April 13, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2011, the Lord Selkirk-West Kildonan 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: **Zoning Agreement Amendment – 2095 Sinclair Street**
File ZAA 9/2010

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **April 6, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2011, the Lord Selkirk - West Kildonan 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 Zoning Agreement under File DAZ 204/1979, approved by Council on May 16, 1979 be amended as follows:

    A. That Clause 2. be deleted and the following substituted therefore:

        2. The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for any use except:

            i. Single Family Detached dwellings on the land.

            ii. A religious institution on Lots one and Two, Block One, in accordance with and pursuant to Variance Order no. DAV 04/80, dated February 14, 1980, issued by the Lord Selkirk – West Kildonan Community Committee.

            iii. A Day Care.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 204/1979 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

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

1. The establishment of a daycare is a great use of space for the subject location and helps address the lack of daycare space in the community.

PUBLIC HEARING SUMMARY

File: ZAA 9/2010 [c/r DCU 175330/2010D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: April 5, 2011
West Committee Room
Council Building, 510 Main Street

Applicant: Leila Day Care Centre Inc. (Dana Tkacz)

Subject:



Premises Affected: 2095 Sinclair Street

Exhibits Filed:
1. Application dated January 14, 2011
2. Notification of Public Hearing dated February 8, 2011
3. Manitoba Status of Title 2439960
4. Letter of authorization dated December 17, 2010 from Lubavitch Centre Inc., to Leila Day Care Centre Inc.

5. Surveyor's Building Location Certificate and sketch dated March 30, 1993
6. Caveat No. 264124
7. Plans (5 pages)
8. Report from the Planning and Land Use Division dated January 24, 2011
9. Inspection Report
10. Petition in support of the application purporting to contain the signatures of 11 area residents, submitted by the Applicant, Danuta Tkacz
11. Audio Recording of representations of public hearing held on April 5, 2011

REPRESENTATIONS:

In Support:

Abe Anhang
Danuta Tkacz, Leila Day Care Centre Inc.
Lorne Weiss

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File ZAA 9/2010 [c/r DCU 175330/2010D]

ADMINISTRATIVE REPORT

Title: ZAA 9/2010 – 2095 Sinclair Street

Issue: For consideration at the Public Hearing for a zoning agreement amendment to allow for a day care.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement under File DAZ 204/1979, approved by Council on May 16, 1979 be amended as follows:

   A. That Clause 2. be deleted and the following substituted therefore:

      2. *The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for any use except:*

         i. Single Family Detached dwellings on the land.

         ii. A religious institution on Lots one and Two, Block One, in accordance with and pursuant to Variance Order no. DAV 04/80, dated February 14, 1980, issued by the Lord Selkirk – West Kildonan Community Committee.

         iii. A Day Care.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 204/1979 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

REASON FOR THE REPORT

- The subject property is **10,116 sq. ft** located on the south east corner to Templeton Ave and Sinclair St the Templeton - Sinclair Neighbourhood of the Old Kildonan ward.
- The proposed development will be for a Day Care with Eleven (11) surface parking stalls.
- The exterior of the two story building will remain the same with the addition of new windows.
- An amendment is required for the Zoning Agreement which currently restricts land-uses to single family and religious institutions.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the daycare will be allowed in the existing building.

HISTORY

On May 16, 1979 Council approved File DAZ 204/1979 for the rezoning of the subject land to a "R-PL" Planned Residential District, which was amended on March 19, 1980, subject to the following:

2. *The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for any use except:*

    i. *Single Family Detached dwellings on the land.*

    ii. *A religious institution on Lots one and Two, Block One, in accordance with and pursuant to Variance Order no. DAV 04/80, dated February 14, 1980, issued by the Lord Selkirk – West Kildonan Community Committee.*

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*January 24, 2011*
File No.	*ZAA 09/10*

APPENDIX 'A'

DATE:	January 24, 2011
FILE:	ZAA 09/10
RELATED FILES:	DAZ 204/1979; DCU 10-175330D
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #:	3.324
SUBJECT:	Zoning agreement amendment to allow for a Day Care
LOCATION:	2095 Sinclair Street
LEGAL DESCRIPTION:	LOT 1/2 BLOCK 1 PLAN 14760 16/18 K
APPLICANT:	Dana Tkacz Leila Day Care Centre Inc. 667 LEILA AVE WINNIPEG MB R2V 4M8
OWNER:	TRUSTEES OF LIBAVITCHER CONGREGATION 2095 SINCLAIR ST WINNIPEG MB R2V 3K2
RECOMMENDATION:	Approval

REPORT SUMMARY

- The subject property is **10,116 sq. ft** located on the south east corner to Templeton Ave and Sinclair St the Templeton - Sinclair Neighbourhood of the Old Kildonan ward.
- The proposed development will be for a Day Care with Eleven (11) surface parking stalls.
- The exterior of the two story building will remain the same with the addition of new windows.
- An amendment is required for the Zoning Agreement which currently restricts land-uses to single family and religious institutions.

SURROUNDING LAND USES AND ZONING

- The subject property is **10,116 sq. ft** located on the south east corner to Templeton Ave and Sinclair St the Templeton - Sinclair Neighbourhood of the Old Kildonan ward.
- The site is zoned "R1-M" Single Family District and is occupied by a two story concrete and brick synagogue.
- Adjacent lands include single family dwellings to the south along Sinclair Street zoned "R1-M"; single family dwellings to the west along Sinclair Street zoned "R1-L"; and two family dwellings to the east zoned **R2 Residential Two Family District**.
- Surrounding land-uses include multiple family dwellings zoned "RMF-S" to the north across Templeton.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to renovate the existing building to accommodate a day care centre with 56 preschoolers and 15 school age kids.
- The building's interior will be redesigned to accommodate the day care: the building externally will have minor changes such as the addition of new windows.

- Eleven (11) parking stalls will be provided to the rear of the building with ingress / egress from Templeton and Sinclair.

ANALYSIS AND ISSUES

ZONING (BY-LAW 200/2006)

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet;
    - rear yard requirements are 25 feet.

- **R2 Residential Two Family District** is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods.
    - There is a front yard requirement of 20 feet and the maximum building height is 35 feet.
    - Side yards are minimum 4 feet.
    - The minimum lot width is 25 feet and lot area 5,000 square feet (2,500 per dwelling unit).

- **RMF- S Residential Multi-Family District - Small** 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 35 feet.
    - The minimum lot area per dwelling unit is 1,250 square feet per dwelling unit.

LAND USE BY-LAW

- An amendment is required for the Zoning Agreement which currently restricts land-uses to single family dwellings and religious institutions.
- Day cares are a 'Conditional use', which means a use of real property that might be approved under a zoning by-law. May be granted by the Community Committee.
- The Conditional Use may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a zoning agreement proceeds to Council for decision.

RECOMMENDATIONS

The Planning and Land-Use Division supports the amendment to the zoning agreement to allow the renovation of the existing two story concrete and brick synagogue into a Day Care.

The proposed Day Care use is compatible with the surrounding neighbourhood.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # ZAA 07/10

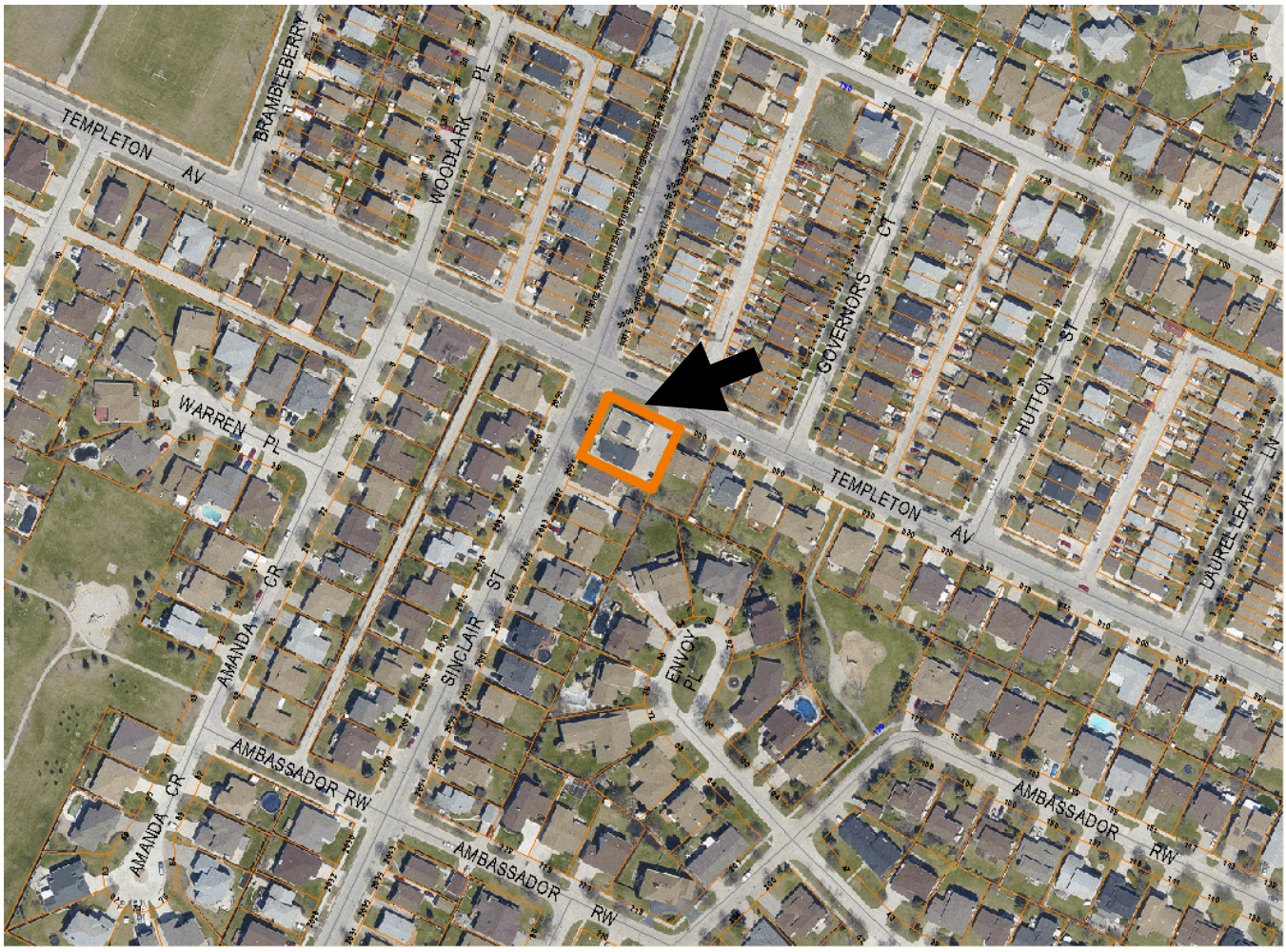

Figure 1: Air Photo of subject property and Surrounding Context.

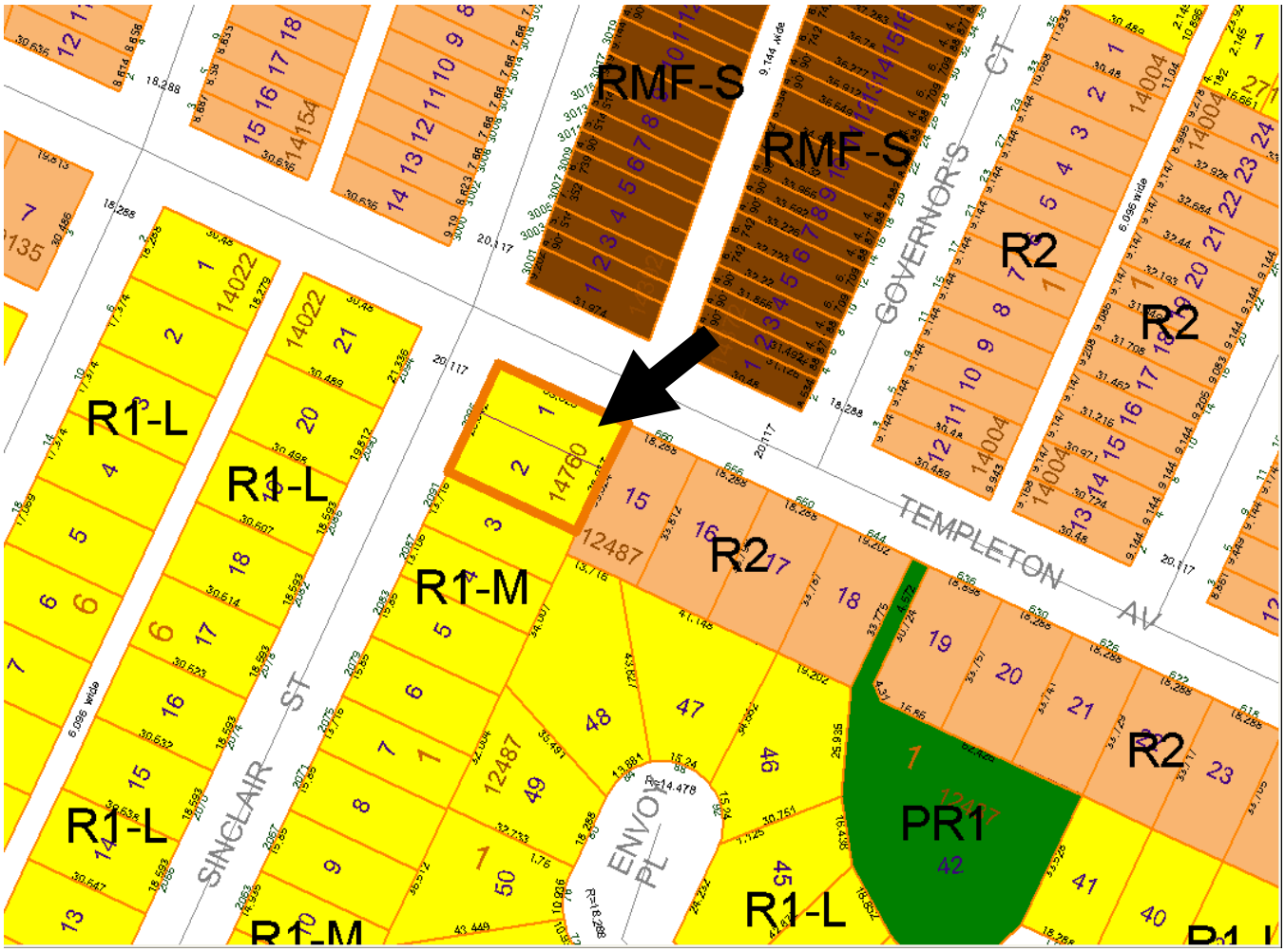

Figure 2: Zoning Map of subject property and Surrounding Context.