**Minute No. 304**
**Report – Executive Policy Committee – April 20, 2011**

**Item No. 4** **Rezoning – 478 Agnes Street and 667 Ellice Avenue**
**(Daniel McIntyre Ward)**
**File DAZ 200/2011**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A", to the report of the Winnipeg Public Service dated April 6, 2011, for File DAZ 200/2011 to a "C2" Commercial District, subject to the following conditions:

   A. 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

   B. That only the following uses shall be permitted on the land:

      i. Dwelling, live work
      ii. Dwelling, multi-family
      iii. Dwelling, single-family detached
      iv. Dwelling, two-family
      v. Assisted living facility
      vi. Care home
      vii. Neighbourhood Rehabilitation Home
      viii. Single room occupancy
      ix. Utility facility, minor
      x. Wireless communication, building mounted tower
      xi. Park, plaza, square, playground
      xii. Community gardens
      xiii. Accessory parking area

**Report – Executive Policy Committee – April 20, 2011**

COUNCIL DECISION (continued):

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 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 – Executive Policy Committee – April 20, 2011**

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2011, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2011, the City Centre 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:** **Rezoning - 478 Agnes Street and 667 Ellice Avenue**
**File DAZ 200/2011 [c/r DAV 102436/2011D]**

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

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

**Report date:** **April 13, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2011, the City Centre 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 The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A", to the report of the Winnipeg Public Service dated April 6, 2011, for File DAZ 200/2011 to a "C2" Commercial District, subject to the following conditions:

    A. 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That only the following uses shall be permitted on the land:

        i. Dwelling, live work
        ii. Dwelling, multi-family
        iii. Dwelling, single-family detached
        iv. Dwelling, two-family
        v. Assisted living facility
        vi. Care home
        vii. Neighbourhood Rehabilitation Home
        viii. Single room occupancy
        ix. Utility facility, minor
        x. Wireless communication, building mounted tower
        xi. Park, plaza, square, playground

xii. Community gardens
xiii. Accessory parking area

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 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.

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

1. There was no opposition to the application.

**PUBLIC HEARING SUMMARY**

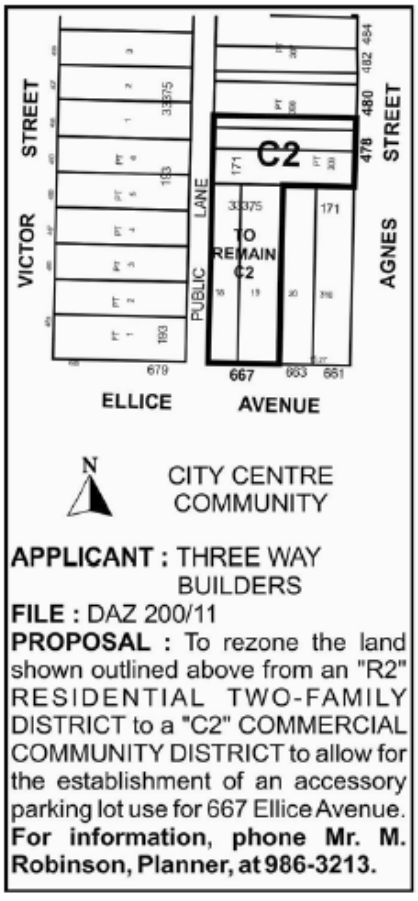
File: DAZ 200/2011

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

Public Hearing: April 12, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Three Way Builders (Cliff Kehler)

Subject:



Premises Affected: 478 Agnes Street and 667 Ellice Avenue

Exhibits Filed:

1. Application dated January 12, 2011
2. Notification of Public Hearing dated February 8, 2011
3. Manitoba Status of Titles 2439880, 2439981 and 2439982
4. Letter of authorization dated December 7, 2010 from the Native Women's Transition Centre Inc. to Three Way Builders
5. Surveyor's Building Location Certificate and sketch dated November 19, 2009
6. Drawing of the subject property
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated April 6, 2011
9. Inspection Report
10. Communication dated April 7, 2011, from Sara Good and Sergey Yegorov, with respect to the application

REPRESENTATIONS:

In Support:

Gerald Korzeniowski

In Opposition:

Nil

For Information:

Sara Good and Sergey Yegorov

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 200/2011

# ADMINISTRATIVE REPORT

**Title:** DAZ 200/2011 – 478 Agnes and 667 Ellice

**Issue:** For consideration at the public hearing for a Rezoning for DAZ 200/2011 – 478 Agnes and 667 Ellice

**Critical Path:** City Centre Community Committee 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210 /2009 dated April 5, 2011 to a "C2" Commercial District, subject to 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 constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    ii. That only the following uses shall be permitted on the land
        1. Dwelling, live work
        2. Dwelling, multi-family
        3. Dwelling, single-family detached
        4. Dwelling, two-family
        5. Assisted living facility

6. Care home
7. Neighbourhood Rehabilitation Home
8. Single room occupancy
9. Utility facility, minor
10. Wireless communication, building mounted tower
11. Park, plaza, square, playground
12. Community gardens
13. Accessory parking area

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.

## REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, permits may be issued.

## CONSULTATION

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

## SUBMITTED BY

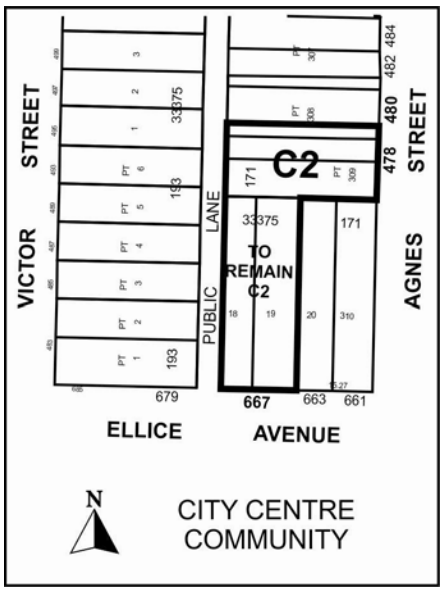
| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Planning and Land Use* |
| *Prepared by* | Michael Robinson, AICP |
| *Date:* | April 6, 2011 |
| *File No.* | DAZ 200/2011 |

**APPENDIX 'A'**

**DATE:** April 6, 2011
**FILE:** DAZ 200/2011
**RELATED FILES:** DAV 11-102436/D
**COMMUNITY:** City Centre Community
**NEIGHBOURHOOD #:** 1.106

**SUBJECT:** To rezone the subject land from an "R1-S" Single-Family Residential District to an "R2" Two-Family District

**LOCATION:** 666 Jessie AVENUE
**LEGAL DESCRIPTION:** Lot 65 Plan 26926




**APPLICANT:** Three Way Builders

**OWNER:** Native Women's Transition Centre Inc.

**RECOMMENDATION:** Approval

**SITE DESCRIPTION**
The subject property, which is currently zoned "R2" Two-Family Residential District, is located on Agnes Street, between Ellice Avenue and Sargent Avenue, in the neighbourhood of the Daniel McIntyre ward.

**North:** Residences zoned "R2" Two-Family Residential District
**South:** Commercial and multi-family residential uses zoned "C2" Commercial District PDO-1 Neighbourhood Main Street

**East:** School zoned "R2" Two-Family Residential District and "C2" Commercial District PDO-1 Neighbourhood Main Street
**West:** Residences zoned "R2" Two-Family Residential District

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**
The Native Women's Transition Centre is renovating the building at 667 Ellice Avenue to be a 15 unit transitional housing facility. In association with that project, the applicant is seeking approval to rezone the vacant lot to the north to a "C2" Commercial District in order to accommodate parking and an open space area for residents of the facility.

**ANALYSIS AND ISSUES**
*i. Plan Winnipeg 2020*
This portion of the Daniel McIntyre neighbourhood is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential forms and densities, including increased density in established neighbourhoods when the proposed development is respectful of
the context and considerate of immediately adjacent properties.

*ii. OurWinnipeg (Complete Communities Direction Strategy)*
This portion of the Daniel McIntyre neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

*4)* Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.*

**Proposed Use**
The vacant lot will function primarily as an accessory parking lot for the transitional housing facility at 667 Ellice Avenue. However, in order to meet the intent of OurWinnipeg, as described above, the space must compliment the existing area, be developed to a high standard, and provide buffering from the adjacent residential property to the north.

***Buffering***
The applicant was initially proposing to install a solid hedge against the north property line, to screen the parking area. However, the property owner to the north has requested that a solid

wood fence be installed, in lieu of a hedge. The Division supports the proposed substitution. In addition, the Division recommends that the fence be buffered by small trees, to soften the transition between the parking lot and the fence.

***Design***
The applicant is proposing to develop the rear portion of the property as a parking lot and the front half of the property as an open space for the residents of the facility. To that point, to ensure that the space is compatible with the area, is used by residents, and is safe, several design considerations are being recommended:

*Intent*
This space can be used for contemplation, relaxation, and the enjoyment of residents. A good example of this idea is Villa Rosa, which is a non-profit in Wolseley, who developed a contemplative garden in their backyard which includes a medicine wheel to emphasize the aboriginal cultural background of many of their residents.

*Privacy*
On the south side of the lot, the Division recommends the installation of Virginia creeper on the existing fence with some coniferous trees to provide privacy, shade, and a sense of enclosure

On the east side, the Division recommends installing a 3-3.5 foot high wrought iron fence along the property line. This fence could include a locked gate for residents to enter into the space from the sidewalk. Also, the Division recommends installing a few deciduous trees along this side (since there are no boulevard trees on that side of Agnes) and shrub beds with lower growing species.

The Division wants to ensure that along this side, there is some transparency and open site lines into and out of the property

*Other issues*
The Division recommends providing seating areas for people to enjoy the space and a pathway from the gate to the building

*Plan Approval*
The Division is recommending that the design of the parking area be finalized and approved through Schedule "A" plan approval prior to the issuance of any development permits for the site.

**Zoning Agreement**
The Public Service is recommending a zoning agreement, which would restrict the types of uses which could be developed on this property, in the future. This is necessary because the “C2” Commercial District allows for a variety of uses which would not be appropriate at this location.

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

- The rezoning will ensure that current development standards for fencing, buffering, landscaping, and paving are provided
- The rezoning will result in a general improvement in the look and functionality of the property

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

**APPENDIX "A"**
Schedule "A" for File No. DAZ 200/2011, City Centre Community Committee, dated April 6, 2011

By-Law No. _____

File No. **DAZ 200/11**

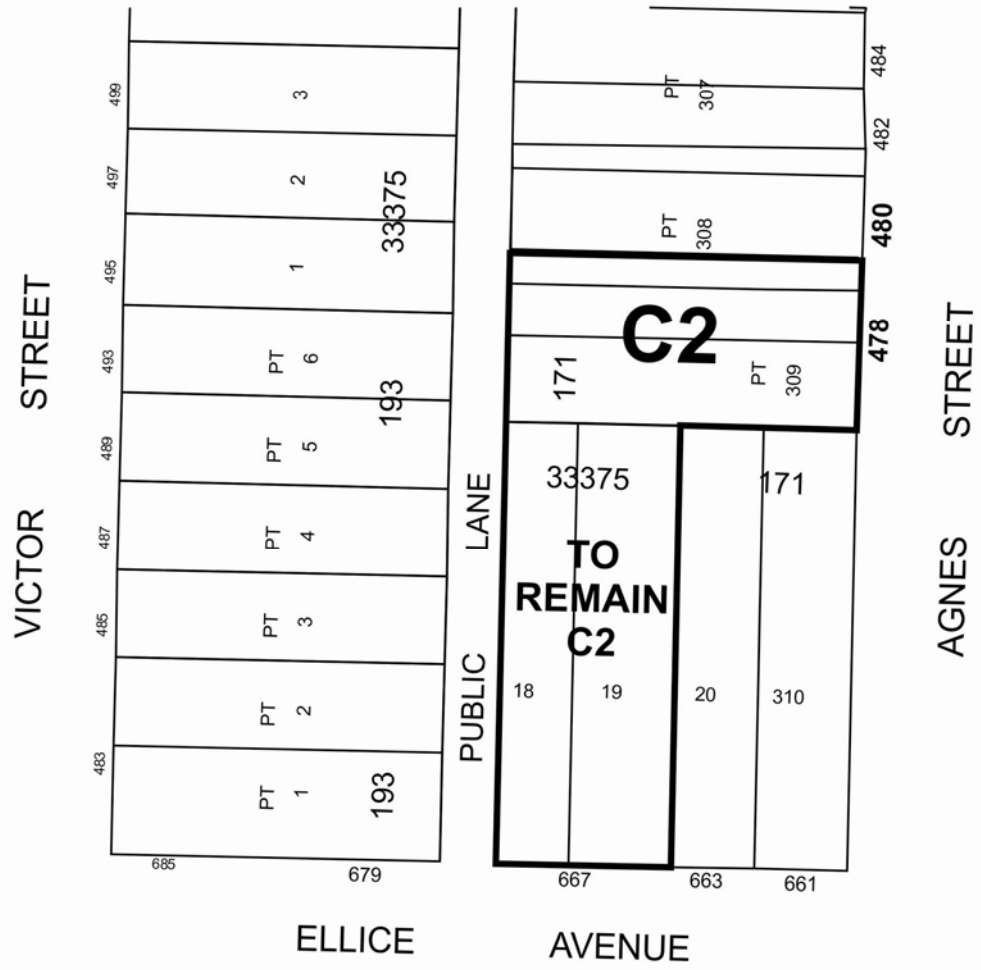
Atlas Sheet No.

N

**Z23**
**CITY CENTRE**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 478 Agnes Street with lot adjacent to the south and 677 Ellice Avenue from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of an accessory parking lot use for 667 Ellice Avenue as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____




**Figure 1: Aerial Photo (Flown in 2009)**