Agenda - Council – July 20, 2011

Report - Executive Policy Committee – July 13, 2011

Item No. 8 Zoning Agreement Amendment – 582 Burnell Street (Daniel McIntyre Ward) File ZAA 5/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2011, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That Zoning Agreement Caveats 85-110536 under File DAZ 238/85 dated July 31, 1985 (By-law No. 4120/85), be withdrawn and replaced with a new Zoning Agreement as follows:

   A. That the maximum height of any building shall not exceed 60 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement under File DAZ 238/85 (By-law No. 4120/85) 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 – July 13, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 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 July 5, 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: **Zoning Agreement Amendment – 582 Burnell Street**
File ZAA 5/2011

For submission to: **Executive Policy Committee**

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

Report date: **July 7, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 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 That Zoning Agreement Caveats 85-110536 under File DAZ 238/85 dated July 31, 1985 (By-law No. 4120/85), be withdrawn and replaced with a new Zoning Agreement as follows:

   A. That the maximum height of any building shall not exceed 60 feet.

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

1. Development is needed in the neighbourhood.

2. The property has been vacant for a long time.

3. There has not been much development on Burnell Street.

4. This is a good development of the property.

PUBLIC HEARING SUMMARY

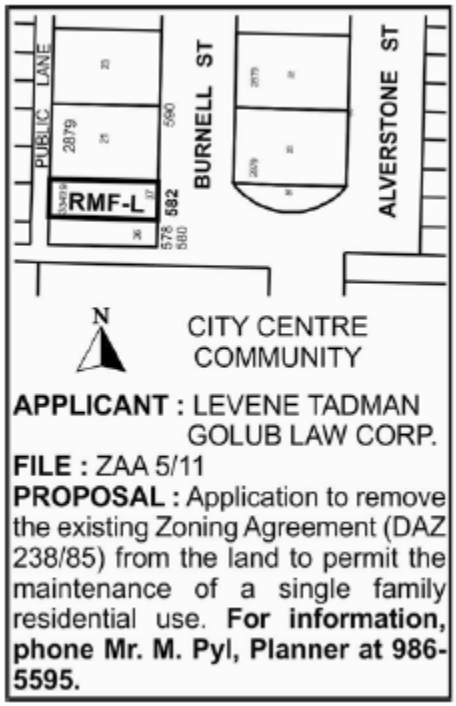
File: ZAA 5/2011

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

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

Applicant: Levene Tadman Golub Law Corporation (David Golub)

Subject:



Premises Affected: 582 Burnell Street

Exhibits Filed:
1. Application dated May 11, 2011
2. Notification of Public Hearing dated May 24, 2011
3. Manitoba Status of Title 2512194
4. Letter of authorization dated February 17, 2011 from Una Truscott to Levene Tadman Golub Law Corporation

5. Surveyor's Building Location Certificate and sketch dated June 30, 1992
6. Caveat No. 85-110536
7. Report from the Planning and Land Use Division dated June 28, 2011
8. Inspection Report
9. Audio Recording of representations of public hearing held on July 5, 2011

REPRESENTATIONS:

In Support:

Louis Mendelson

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 5/2011

ADMINISTRATIVE REPORT

Title: ZAA 5/2011 – 582 Burnell St

Issue: For consideration at the public hearing to remove an existing zoning agreement

Critical Path: City Centre 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 Caveats 85-110536 under File DAZ 238/85 dated July 31, 1985 (By-Law No. 4120/85), be withdrawn and replaced with a new Zoning Agreement as follows:

    A. That the maximum height of any building shall not exceed 60 feet.

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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 applicant intends to withdraw an existing zoning agreement on the subject property that limits all permitted uses to a senior citizen's residence and accessory uses.
- The site is occupied by an existing single family dwelling and is zoned "RMF-L" Residential Multi-Family district.
- In the absence of a zoning agreement, any future development on the site would be regulated by the dimensional standards of the "RMF-L" district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

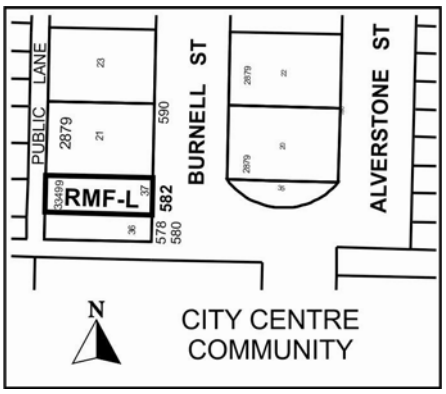
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	June 28, 2011
File No.	ZAA 5/2011

APPENDIX 'A'

DATE: June 28, 2011
FILE: ZAA 5/2011
RELATED FILES:
COMMUNITY: City Centre
NEIGHBOURHOOD #: 3.318

SUBJECT: The applicant would like to remove the existing zoning agreement that restricts all permitted uses to a senior citizen's residence.

LOCATION: 582 Burnell St



APPLICANT: Levene Tadman Golub Law Corportation (David Golub)
700-330 St. Mary Av
Winnipeg, MB R3C 3Z5

OWNER: Una Faylene Truscott

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to withdraw an existing zoning agreement on the subject property that limits all permitted uses to a senior citizen's residence and accessory uses.
- The site is occupied by an existing single family dwelling and is zoned "RMF-L" Residential Multi-Family district.
- In the absence of a zoning agreement, any future development on the site would be regulated by the dimensional standards of the "RMF-L" district.

SITE DESCRIPTION

- The subject property is located on the south side of Burnell St between Ellice Av and Sargent Av in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.

- The site is 33 ft. wide and 3,124 sq. ft. in area. It is currently occupied by a 1,060 sq. ft. 1 ¾ storey single family dwelling and a 550 sq. ft. detached garage. The site is zoned “RMF-L” Residential Single Family district.
- Adjacent properties include an empty lot used as surface parking zoned “RMF-L” to the north, a duplex zoned “RMF-L” to the south, single family dwellings zoned “R2” Residential Two Family to the west, and St. Josaphat Ukrainian Catholic church to the east zoned “R2”.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to withdraw an existing zoning agreement on the subject property that limits all permitted uses to a senior citizen’s residence and accessory uses.
- The zoning agreement was originally registered on the land in 1985 in anticipation of the construction of a six storey, 60-unit senior’s residence. However, the project never materialized, and the existing single family dwelling remained.
- The applicant has not submitted plans, nor has indicated any intention, to redevelop the site.

BACKGROUND

DAZ 238/85

- In 1985, the subject property (including Lots 19, 21, 23, and 25, Plan 2879) was rezoned by St. Josephat's Chuch to a multi-family zoning district to build a six storey, 60 unit senior citizen's residence.
- A zoning agreement was registered on the property that limits all uses to:
    - A senior citizen's residence
    - Accessory uses

ZAA 7/2005

- On July 27, 2005, Council approved an amendment at 596 Burnell to the above-noted zoning agreement to permit the following uses:
    - Single family dwelling.
    - Two family dwelling.
    - Three-unit multiple family dwelling.
- 596 Burnell is two properties to the north of the subject property.

ANALYSIS AND ISSUES

Plan Winnipeg

- The subject property is designated as Neighbourhood Policy Area in Plan Winnipeg. The Neighbourhood Policy Area provides for areas including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.
- The proposed development is compatible with Plan Winnipeg.

Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, as is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It was endorsed by Council on July 21, 2010, and, as of June 22, 2011, is currently awaiting approval from the Minister of Local Government.
- The subject property falls within what's designated as an "Area of Stability". Areas of Stability are those areas of the City where the majority of Winnipeggers currently reside. In contrast to Transformative Areas, which are undeveloped or underutilized land that is expected to accommodate the vast majority of Winnipeg's growth over the next 20 years, Areas of Stability are expected to accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Policy directions for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form.
    - Support Complete Communities by ensuring diverse and high quality housing stock.

- 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.

Zoning

- The Residential Multi-Family (RMF-L) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

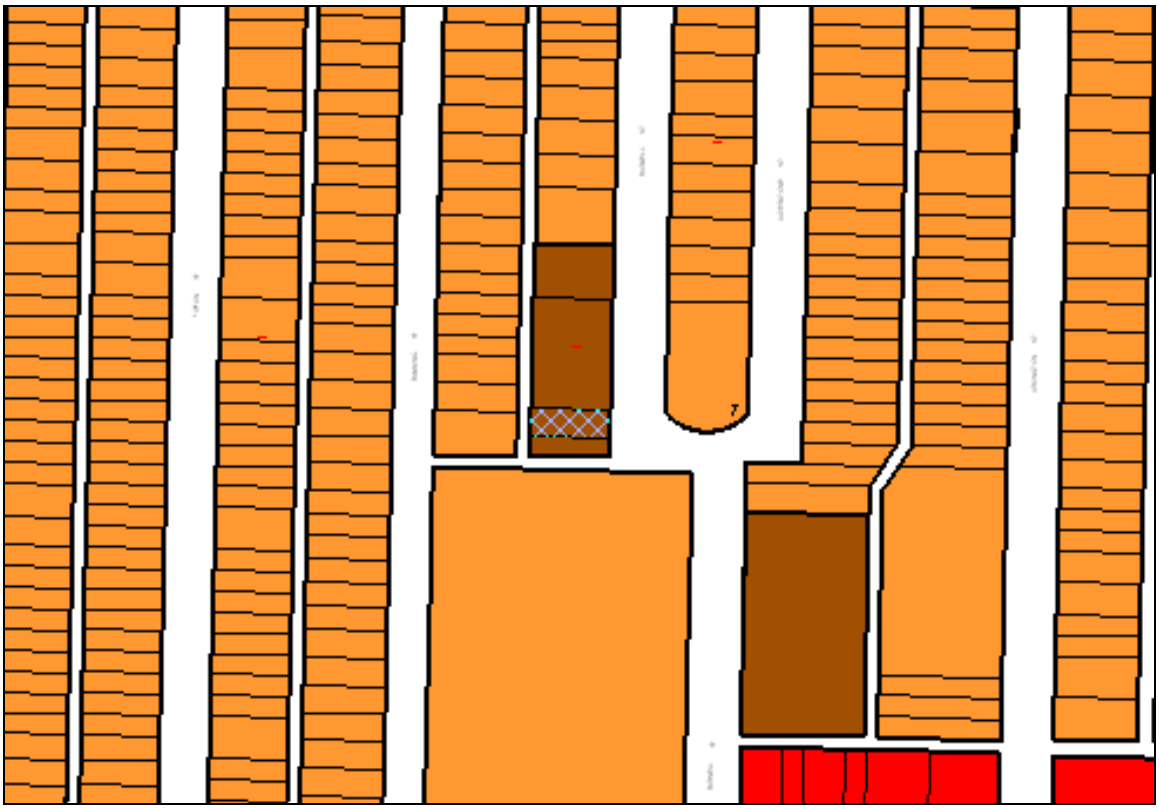


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted principal uses in each zoning district. In the "RMF-L" district, the following uses are permitted:

Permitted	Conditional
Dwelling, single-family detached	Dwelling, live-work
Dwelling, two-family	Dormitory
Dwelling, multi-family	Neighbourhood rehabilitation home
Assisted living facility	Community/recreation centre
Care home	Library
Single room occupancy	College or university
Protection and emergency services	Elementary or junior high school
Community gardens	Senior high school
Park/plaza/square/playground	Day care centre
Utility facility, minor	Place of worship
	Transit station

Figure 3: All permitted and conditional uses in the "RMF-L" district

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "RMF-L" district:

Min. Lot Area (sq. ft.)	Min. Lot Area per Dwelling Unit (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard	Principal Building Separation (ft.) **	Max. Building Height (ft.)
20,000	400	25	25	8*	20	8	150

* - For buildings taller than 35 ft., the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.

** - Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

Figure 4: Dimensional standards for the "RMF-L" district

Compatibility with the surrounding neighbourhood

- If the existing zoning agreement were to be removed, future development of the property would be regulated by the provisions of the "RMF-L" zoning district. With this in mind, the Planning and Land Use Division is generally supportive of the applicant's request to remove the zoning agreement.
    - There are no concerns with the permitted and conditional land uses enabled by the full range of the zoning district.
    - There are also no concerns with the maximum permitted density that would be permitted on the site. Based on a lot area of 3,124 sq. ft., up to seven units would be permitted as-of-right on the site.
- The PLU Division does have some concern with the maximum permitted building height. The "RMF-L" zoning district permits a building up to 150 ft. tall. A building of that height would be better suited for the city's Regional Mixed Use Corridors, such as Portage Avenue. It is recommended that the site be restricted to a height commensurate with what is permitted in the "RMF-M" district, which is 60 feet.

RECOMMENDATION

If the existing zoning agreement were to be removed, future development of the property would be regulated by the provisions of the "RMF-L" zoning district. With this in mind, the Planning and Land Use Division is generally supportive of the applicant's request to remove the zoning agreement.

- There are no concerns with the permitted and conditional land uses enabled by the full range of the zoning district.
- There are also no concerns with the maximum permitted density that would be permitted on the site. Based on a lot area of 3,124 sq. ft., up to seven units would be permitted as-of-right on the site.

However, there are concerns with a maximum permitted height of 150 feet. It is recommended that this be better aligned with the dimensional standards of the "RMF-M" district, which would permit a height of up to 60 feet.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: PPD File # ZAA 5/2011