Minute No. 340
Report – Executive Policy Committee – April 18, 2012

Item No. 2 **Rezoning – 724 Wellington Avenue and 705 & 709 Beverley Street (Daniel McIntyre Ward)**
File DAZ 206/2012 [c/r DAV 107305/2012D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2012 dated April 3, 2012 to an "RMF-L" Residential Multi-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 any building shall be limited to 40 feet.

        ii. That no front approaches shall be permitted.

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.

Report – Executive Policy Committee – April 18, 2012

COUNCIL DECISION (continued):

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 18, 2012

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 18, 2012, 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 10, 2012, 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 – 724 Wellington Avenue and 705 & 709 Beverley Street**
File DAZ 206/2012

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

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

Report date: **April 11, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2012, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2012 dated April 3, 2012 to an "RMF-L" Residential Multi-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 any building shall be limited to 40 feet.
        ii. That no front approaches shall be permitted.

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. Affordable housing is needed.
2. The structures that are there now are in shambles.
3. This development is an improvement

PUBLIC HEARING SUMMARY

File: DAZ 206/2012

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

Public Hearing: April 10, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Mistecture Architecture & Interiors Inc. (Chijab Mitra)

Subject:



Premises Affected: 724 Wellington Avenue and 705 & 709 Beverley Street

Exhibits Filed:

1. Application dated February 8, 2012
2. Notification of Public Hearing dated February 13, 2012
3. Manitoba Status of Title 2516943
4. Letter of authorization dated January 4, 2012 from Garry Marshall, Vice-President & Secretary, 6093541 Manitoba Ltd. to Mistecture Architecture and Interiors Inc.
5. Surveyor's Building Location Certificate and sketch dated January 17, 2012
6. Plans (8 pages)
7. Report from the Planning and Land Use Division dated April 3, 2012
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Garry Marshall
Hijab Mitra

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 DAZ 206/2012

ADMINISTRATIVE REPORT

Title: DAZ 206/2012 – 724 Wellington Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 206/2012 – 724 Wellington Avenue

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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2012 dated April 3, 2012 to an "RMF-L" Residential Multi-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 any building shall be limited to 40 feet

   ii. That no front approaches shall be permitted

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.

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, the property will be rezoned.

CONSULTATION

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

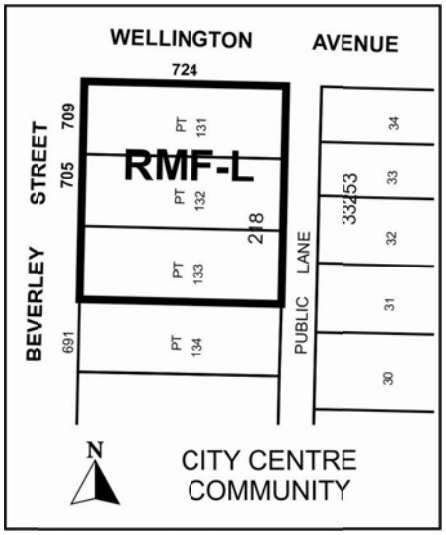
SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	April 3, 2012
File No.	DAZ 206/2012

APPENDIX 'A'
DATE: April 3, 2012
FILE: DAZ 206/2012
RELATED FILES: DAV 12-107305/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.108

SUBJECT: To rezone the subject land from an "R2" Residential Two-Family District to an "RMF-L" Residential Multi-Family District

LOCATION: 724 Wellington Avenue
LEGAL DESCRIPTION: EXC E 8F Lots 131, 132, 133 Block 2 Plan 218 67/8 St. Ja



APPLICANT: Hijab Mitra (Mistecture Architecture and Interiors)

OWNER: 6093541 Manitoba Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is zoned "R2" Residential Two-Family District, is located at the southeast corner of Wellington Avenue and Beverley Street, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.

North: Residences zoned "R2" Residential Two-Family District
South: Residences zoned "R2" Residential Two-Family District
East: Residences zoned "R2" Residential Two-Family District
West: School zoned "R2" Residential Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to demolish the existing duplex and to construct a new seven (7) unit apartment building on the subject property. The building will be 3.5 stories and will be physically separated from the existing apartment building on the site by a 4 foot walkway, located between the buildings.

The southern half of the lot, which is currently vacant, will be developed as a parking area. It will be gated, paved, and landscaped to meet Zoning By-law requirements.

Reason for application
The proposed density exceeds the allowable density in the "R2" Residential Two-Family District. Consequently, a rezoning to "RMF-L" Residential Multiple-Family, which allows for a higher density, is required.

ANALYSIS AND ISSUES
A. Policies
*O*urWinnipeg (Complete Communities Direction Strategy)

Wellington Avenue has the characteristics of a neighbourhood mixed use corridor. Policies which are relevant to this application are as follows:

1) Support the location of new development within existing clusters of commercial or multiple-family developments
2) Support the minor intensification of Neighbourhood Mixed Use Corridors keeping in character with the surrounding neighbourhood.

The addition of a new residential structure will provide a number of positive spin-offs such as:
- Added eyes on the street
- More people to patronize the local community clubs, schools, parks, libraries, etc

From a City's perspective, infill development is beneficial for a variety of reasons as well:
- Increases the tax base
- Utilizes existing infrastructure
- Slows suburban sprawl

New development can also help foster a positive environment for growth and investment in the community, which can contribute to neighbourhood revitalization.

B. Compatibility
The existing site is currently occupied by a run down duplex, which has deteriorated beyond repair. The proposed development makes higher and better use of the property and is at a scale that is compatible with the adjoining buildings and with the character of the street.

To that point, Wellington Avenue includes a mix of different building typologies including apartment buildings, commercial buildings, single-family homes, a school, etc.

C. *Summary*
The proposed development will provide much needed infill housing in a neighbourhood that is walkable, has frequent transit service, and a range of services and amenities close by.

It enhances the property by replacing a deteriorating building on the site, and fits the local scale and context.

For the reasons stated above, it is consistent with OurWinnipeg and the Complete Communities Direction Strategy and the Winnipeg Public Service **recommends that the application be approved.**

D. Conditions
The Winnipeg Public Service is recommending conditions in a Zoning Agreement

1) The "RMF-L" Residential Multi-Family District permits a height of 150 feet. However, given the scale of buildings in this area, it is recommended that the height be limited to a maximum of 40 feet.
2) In order to preclude the possibility of a front approach on Beverley Street in the future, it is recommended that there be a condition restricting a front approach to the property

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

- The proposed rezoning is consistent with OurWinnipeg and the Complete Communities Direction Strategy
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties.
- The rezoning will provide much need needed infill housing in a neighbourhood that is walkable, has frequent transit service, and a range of services and amenities close by.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 231/2011

APPENDIX "B"
Schedule "A" for File No. DAZ 206/2012, City Centre Community Committee, dated April 3, 2012

By–Law No. _____

File No. **DAZ 206/12**

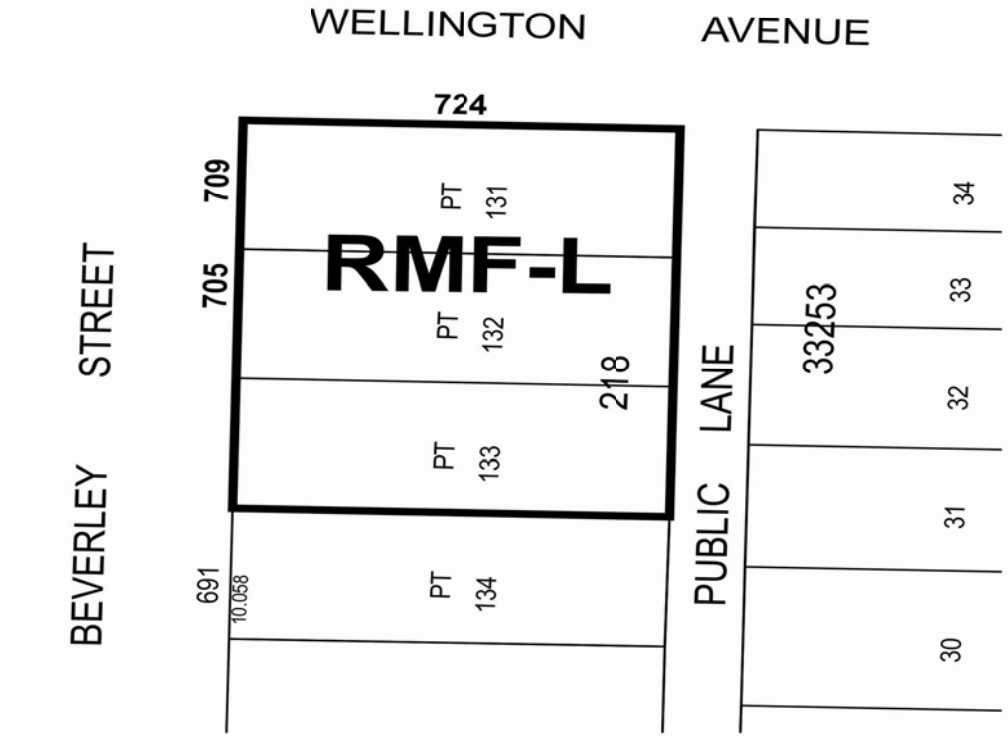
Atlas Sheet No.

N

Z23 CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 724 Wellington Avenue, 705 & 709 Beverley Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling in conjunction with an existing multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)