Agenda – Council – February 27, 2012

Report – Executive Policy Committee – February 22, 2012

Item No. 3 Rezoning – 258 Burnell Street
(Daniel McIntyre Ward)
File DAZ 232/2012 [c/r DAV 166105/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendation of 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 240/2012 dated January 29, 2013 to a "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 building height shall be limited to 60 feet.
        ii. 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 City Centre Community Committee and the Director of Planning, Property and Development 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 Director of Legal Service and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

Report – Executive Policy Committee – February 22, 2012

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 Service 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 – February 22, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2013, 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.

On January 8, 2013, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on February 5, 2013, at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Rezoning – 258 Burnell Street**
File DAZ 232/2012

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **February 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2013, 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 232/2012 dated December 28, 2012 to an "RMU" Residential Mixed Use 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 60 feet.

        ii. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of parking areas, garbage enclosures, fencing, lighting, and landscaping 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.

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, if applicable.

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.

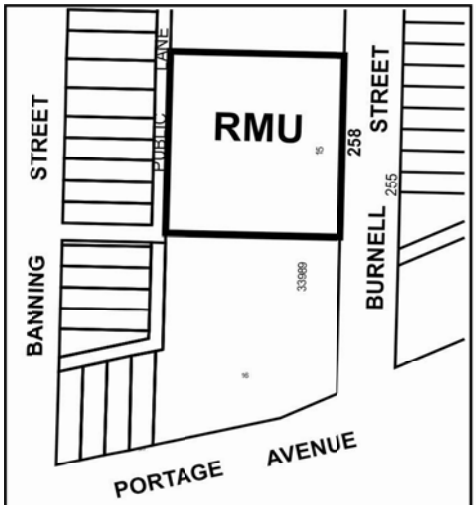
7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The development will be an enhancement to the area as the building has been vacant for many years.

2. It will accommodate a large number of residents.

PUBLIC HEARING SUMMARY

File:	DAZ 232/2012
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Smith
Public Hearing:	February 5, 2013 January 8, 2012 West Committee Room Council Building, 510 Main Street
Applicant:	GDM Designs (Gary Danyluk)
Subject:	

APPLICANT: GDM DESIGNS
FILE: DAZ 232/12
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the conversion of an existing building for the establishment of a multiple family dwelling (80 units) along with main floor commercial uses (5 units). **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 258 Burnell Street

Exhibits Filed:

1. Application dated October 25, 2012
2. Notification of Public Hearing dated November 5, 2012
3. Manitoba Status of Title 2319630/1
4. Letter of authorization dated September 17, 2012 from Stav Adivi, Burnell Investments Inc. to Gary Danyluk, GDM Designs
5. Surveyor's Building Location Certificate and sketch dated May 29, 2007
6. Plans (10 pages)
7. Report from the Planning and Land Use Division dated December 28, 2012
8. Notice of Adjournment dated January 10, 2013
9. Audio Recording of representations of public hearing held on January 8, 2013
10. Inspection Report
11. Audio Recording of representations of public hearing held on February 5, 2013

REPRESENTATIONS:

In Support:

Gary Danyluk, GDM Designs
Bert Friesen
Randall Ranick

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 232/2012

ADMINISTRATIVE REPORT

Title: DAZ 232/2012 – 258 Burnell Street

Issue: For consideration at the public hearing for a Rezoning for DAZ 232/2012 258 Burnell Street to rezone the subject property from a "C2" Commercial category to a "RMU" Mixed Use category to accommodate both housing units and main floor commercial development.

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 232/2012 dated December 28, 2012 to an "RMU" Residential Mixed Use 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 60 feet
      ii. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of parking areas, garbage enclosures, fencing, lighting, and landscaping 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.

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, if applicable.

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, the property will be rezoned.

CONSULTATION

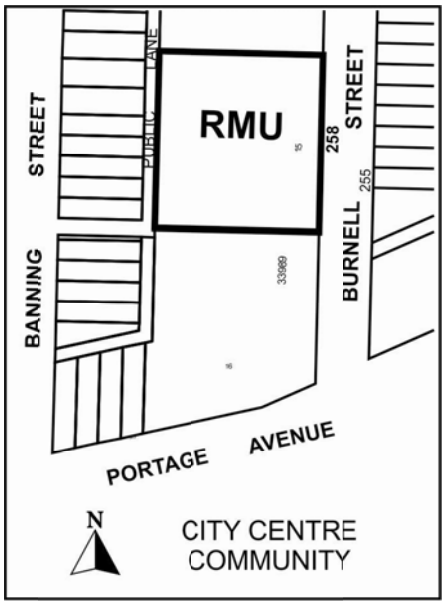
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	December 28, 2012
File No.	DAZ 232/2012

APPENDIX 'A'

DATE:	December 28, 2012
FILE:	DAZ 232/2012
RELATED FILES:	DAV 12-166105/D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.103
SUBJECT:	To rezone the subject land from a "C2" Commercial District to an "RMU" Residential Mixed Use District
LOCATION:	258 Burnell Street
LEGAL DESCRIPTION:	Lot 15 Plan 33989 WLTO in RL 63 and 64 Parish of St. James



APPLICANT:	Gary Danyluk, GDM Designs
OWNER:	Burnell Investments Inc.
RECOMMENDATION:	Approval with conditions

SITE DESCRIPTION:



Figure 1: Subject Site and Surrounding Area

The subject site is located along the west side of Burnell Street, north of Portage Avenue and is in the St. Matthews Neighbourhood of the Daniel McIntyre Ward. The site is zoned "C2" Commercial Community District.

The existing commercial/industrial building on the subject property has been vacant for at least ten years. This block of Burnell Street is characterized by similar industrial buildings, many of which are vacant.

Abutting the subject property to the north is a curling club. Across the street on the east side of Burnell are "C2" zoned lands. To the south, along Portage Avenue, are recently developed commercial buildings zoned "C2". Across the back lane to the west are single-family dwellings and duplexes zoned "R2" Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

The applicant is proposing to convert 2 three story commercial buildings, and 1 one story commercial structure, on the west side of Burnell Street, into an 80 unit housing complex with a

main floor commercial component and parking. The total main floor square footage of all three buildings encompasses an area of 38,610 sq. ft.

It is anticipated that the top two floors of the newly converted structure will house a total of 80 suites ranging in size from 499 sq. ft. to 1082 sq. ft. The majority of suites fall within the 520 sq. ft. to 650 sq. ft. range.

The main floor is designed to accommodate 60 parking stalls overall and floor space for four commercial units, the smallest being 952 sq. ft. in area and the largest having upwards of 1423 sq. ft. of floor space. There is no indication at this point who the future tenants might be.

It should be noted that all internal parking traffic exits onto the rear lane.

BACKGROUND:

The subject property, in this instance, like many of the nearby properties on Burnell, has had a history of light industrial or commercial use. 258 Burnell Street was at one time a wholesale producer and distributor of baked goods. In 2007, the then owners, attempted to rezone the subject property to an "M-1B" Light Industrial District which was endorsed by Community Committee but was subsequently never pursued. At the time of that previous effort to rezone, the building had already been vacant for at least five years.

ANALYSIS AND ISSUES:

It should be noted that there is provision for a garbage container at the southwest corner of the building off the rear lane.

A. Policies:

OurWinnipeg and Complete Communities Direction Strategy

Community Mixed Use Corridor

The subject property is situated within close proximity to a regional mixed use corridor. These are specifically designated, major regional arterial roads intended to serve as a link between Downtown and one or more Regional Mixed Use Centres or major activity areas. They are high frequency transit corridors and offer significant opportunities for intensification.

Complete Communities Direction Strategy provides the following direction for mixed use corridors:

Develop centres and corridors as focal points, characterized by a mix of uses, higher density developments, opportunities for gathering and other social interaction and a high level of accessibility through multiple modes of transportation

It should also be noted that there is a demonstrated need for a mix of residential housing types in the accommodate it.

To that regard, the Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

The proposed development helps to meet this growing trend in the City.

B. Summary:

The proposed development will provide much needed infill housing in a neighbourhood that is walkable, has frequent transit service, and has a range of services and amenities in close proximity. It makes innovative use of a virtually derelict building that would otherwise, in all likelihood, be demolished and it is also of a scale that is deemed appropriate in this location. The owners should be commended for their efforts to blend residential housing with a moderate commercial component in a way that makes the project commercially viable. It is recommended that the rezoning and accompanying variances be fully endorsed.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 232/2012

Schedule “A” for File No. DAZ 232/2012, City Centre Community Committee, dated December 28, 2012

By-Law No. _____

File No. **DAZ 232/12**

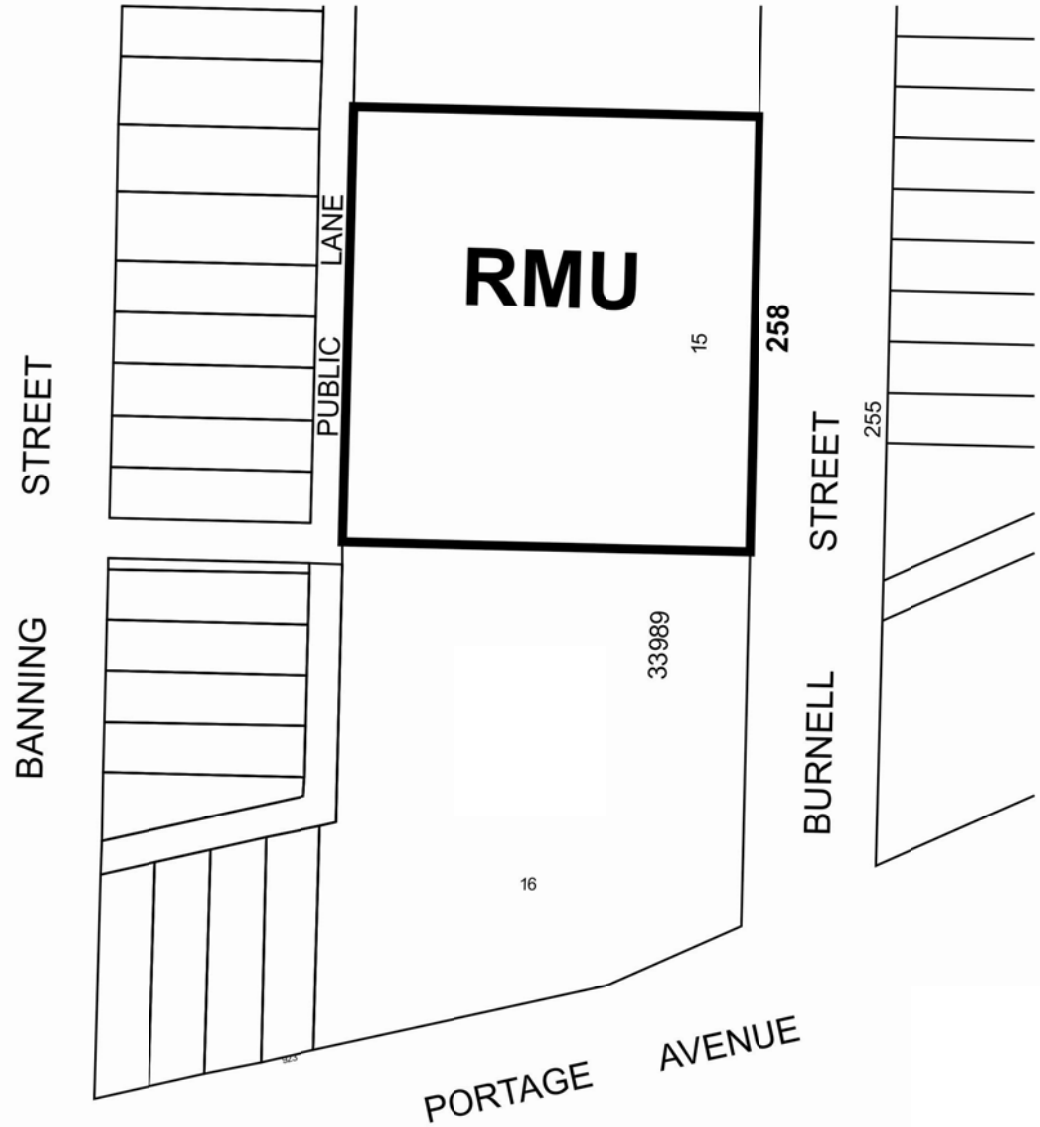
Atlas Sheet No.

N

AA22
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 258 Burnell Street from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the conversion of an existing building for the establishment of a multiple family dwelling (80 units) along with main floor commercial uses (5 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____