**Minute No. 36**
**Report – Executive Policy Committee – November 13, 2013**

**Item No. 3** **Rezoning – 800 Burrows Avenue (former 798 and 796 Burrows Avenue)**
**(Point Douglas Ward)**
**File DAZ 226/2013 [c/r DAV 164207/2013D]**

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 226/2013 dated October 2, 2013 to an "RMF-L" Residential Multi-Family District (Large).

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 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 – November 13, 2013**

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 November 13, 2013, 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 November 5, 2013, 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:** **Rezoning – 800 Burrows Avenue (former 798 and 796 Burrows Avenue)**
**File DAZ 226/2013 [c/r DAV 164207/2013D]**

**For submission to:** **Executive Policy Committee**

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

**Report date:** **November 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 5, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended 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 226/2013 dated October 2, 2013 to an "RMF-L" Residential Multi-Family District (Large).

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 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 subject proposal is a great project which will provide more housing.

## PUBLIC HEARING SUMMARY

File: DAZ 226/2013

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

Public Hearing: November 5, 2013
Council Building, 510 Main Street

Applicant: John Prystanski Law Office (John Prystanski)

Subject:




Premises Affected: 800 Burrows Avenue (former 798 and 796 Burrows Avenue)

Exhibits Filed:

1. Application dated September 30, 2013
2. Notification of Public Hearing dated October 2, 2013
3. Manitoba Status of Titles 1049001/1, 1528214/1 and 1590778/1
4. Letter of authorization dated September 25, 2013 from Eugene Hyworon, on behalf of St. Mary The Protectress Ukrainian Orthodox Millennium Villa Inc. to Prystanski Law Office, John Pystanski.
5. Surveyor's Building Location Certificate and sketch dated September 7, 1989
6. Caveat 1084480
7. Plan
8. Report from the Urban Planning Division dated October 28, 2013
9. Inspection Report
10. Communication dated November 5, 2013, from John Prystanski, John Prystanski Law Office, Applicant, in support of the application
11. Audio Recording of representations

REPRESENTATIONS:

In Support:
J. Bielak
Eugene Hyworon, St. Mary The Protectress Ukrainian Orthodox Millennium Villa Inc.
John Prystanski, John Prystanski Law Office
Stefania Myhaluk
Mihai Rosoha

In Opposition
Nil

For Information:
Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 226/2013

# ADMINISTRATIVE REPORT

**Title:** DAZ 226/2013 – 796 - 800 Burrows Ave

**Issue:** For consideration at the public Hearing for a Rezoning, DAZ 226/2013 – 796 - 800 Burrows Ave

**Critical Path:** Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | B. Thorgrimson | 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 226/2013 dated October 2, 2013 to an "RMF-L" Residential Multi-Family District (Large).
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 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 wishes to rezone the subject property to an "RMF-L" Residential Multi-Family District so as to use the lands as accessory parking for the existing multi-family building at 820 Burrows Ave.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, development permits can be issued for the development as proposed.

## CONSULTATION

In preparing this Report there was consultation with:

N/A

## SUBMITTED BY

| | |
|---|---|
| *Department* | *Planning, Property and Development* |
| *Division* | *Urban Planning* |
| *Prepared by* | Noah Yauk |
| *Date:* | October 28, 2013 |
| *File No.* | DAZ 226/13 |

**Attachments:**

- **APPENDIX 'A': PLANNER'S REPORT**
- **SCHEDULE "A" FOR FILE NO. DAZ 226/2013, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED OCTOBER 2, 2013**

**APPENDIX 'A': PLANNER'S REPORT**

**DATE:** October 28, 2013
**FILE:** DAZ 226/2013
**RELATED FILES:**
**COMMUNITY:** Lord Selkirk / West Kildonan
**NEIGHBOURHOOD #:** 3.326 (Leila North)

**SUBJECT:** To rezone the subject land from an "R1-S" Residential Single-Family Estate District to an "RMF-L" Residential Multi-Family District (Large).

**LOCATION:** 796 – 800 Burrows Ave
**LEGAL DESCRIPTION:** Parcel B Plan 23013, Lots 577 and 576 Plan 28 EXC SLY 8 feet




**APPLICANT:** John Prystanski (Prystanski Law Office)

**OWNER:** ST MARY THE PROTECTRESS UKRAINIAN ORTHODOX

**RECOMMENDATION:** Approval with conditions

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

- The proposed rezoning will allow the subject property to be used as a temporary accessory parking area for the St Mary The Protecress Ukrainian Orthodox Villa and will be zoned appropriately when the Villa is ready to expand the facility.

**SITE DESCRIPTION**
The subject property, which is zoned "R1-S" Residential Single-Family District is located on the side of Burrows Avenue between Arlington Street and Sinclair Street, in the Burrows Central neighbourhood of the Point Douglas ward.

**North:** Burrows Ave, then single family residences zoned "R1-S" Residential Single-Family District.
**South:** A public lane, then vacant lots zoned "R1-S" Residential Single-Family District.
**East:** Single family residences zoned "R1-S" Residential Single-Family District.
**West:** The St Mary Protectress Orthodox Millennium Villa zoned "RMF-L" Residential Multi-Family District (Large).




**Figure 1: Subject Site and Surrounding Land uses (2012)**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant is wishes to use to residential properties as temporary parking for the St Mary Protectress Orthodox Millennium Villa located at 820 Burrows Avenue. The seniors housing complex is having difficulty renting out suites because there is a lack of parking on the property. The Villa owns several properties adjacent to the existing facility and plans to build another wing of the Villa within the next 3-5 years which would developed to meet the parking needs of both

existing and new development. In the interim, the applicant is seeking to use two adjacent properties currently zoned “R1-S” for temporary parking.

**ANALYSIS AND ISSUES**

**Complete Communities Direction Strategy**

With respect the City of Winnipeg’s adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within the Areas of Stability Policy Area (Mature Community). A key direction within this policy area is to: “support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.

Key Policies for Areas of Stability:

*‘Infill in areas of stability will be supported with the intent of creating more complete communities.’* P.78

*‘Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.’* P.80

*‘Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.’* P.80

*‘Support Complete Communities by ensuring diverse and high quality housing stock.’* P.80

*‘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, townhouses.’* P.80

*‘Provide opportunities to increase multi-modal connectivity when redevelopment occurs.’* P.80

*‘Where intensification/densification of housing occurs, ensure that the types of open space - passive, active, and plazas - respond to community needs.’* P.81

‘Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreation amenities. P.80

**Zoning**

The site is currently zoned “R1-S” Residential District;

> *‘The “R1-S” Residential District is intended to accommodate primarily residential development in lower-density neighbourhoods.’*

The proposed zoning district is “RMF-L” Residential Multi-Family:

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

The impact of the subject lands being rezoned to “RMF-L” simply makes the zoning consistent with that of the existing Villa that these lots will be used to provide temporary parking for. The rezoning will allow the existing single family home to be removed and the lands to be used for parking. The proposed rezoning is not to accommodate any buildings in the short term. The Villa has indicated they have future expansion plans to add more housing on neighbouring lands that they own. This larger development vision will require the future rezoning and consolidation of adjacent properties that are currently zoned to accommodate single-family development. Therefore, the full impact of the proposed “RMF-L” zoning will be for accessory parking.

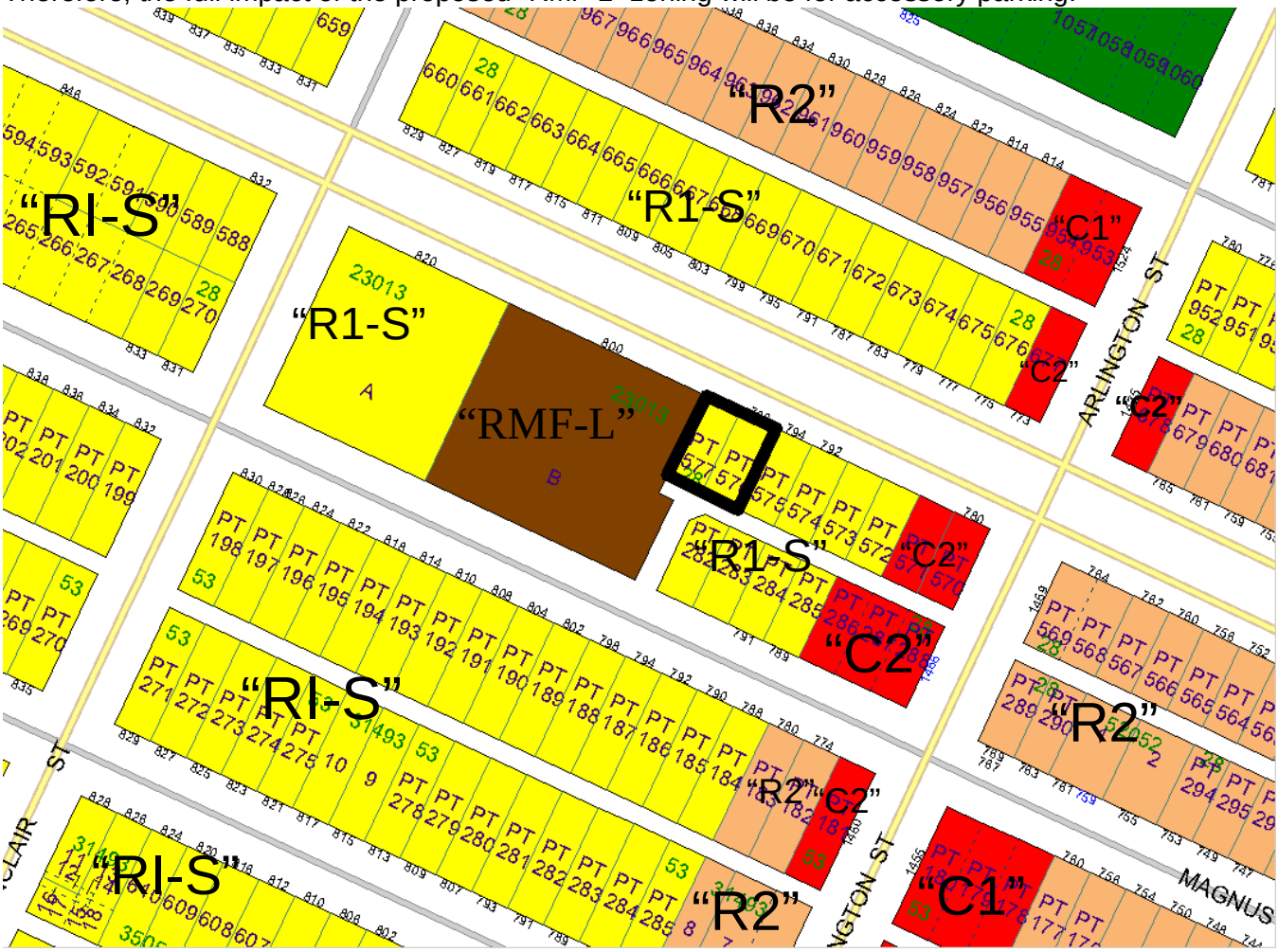



**Figure 4: Zoning Map**

**REASONS FOR RECOMMENDATIONS**

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 226/2013
Schedule "A" for File No. DAZ 226/2013, Lord Selkirk / West Kildonan Community Committee, dated October 2, 2013

By-Law No. _____

File No. **DAZ 226/13**

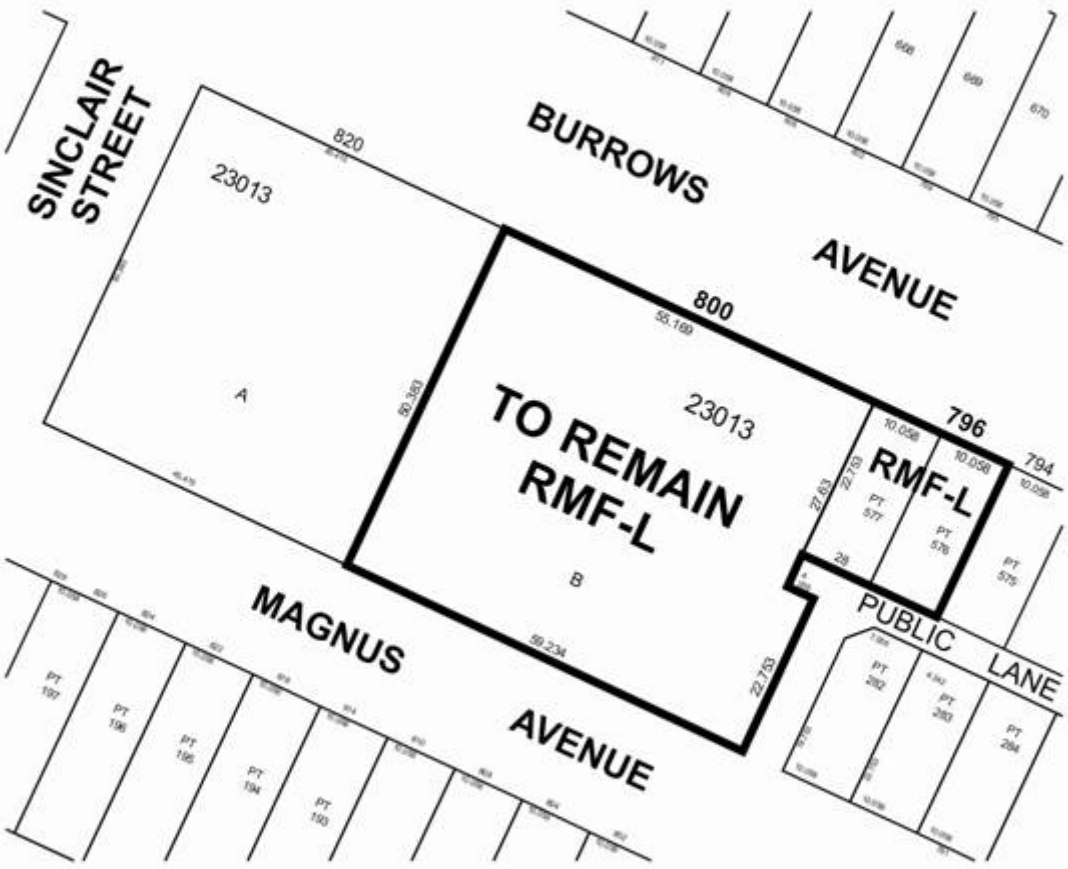
Atlas Sheet No. **W24**

N

**LORD SELKIRK WEST KILDONAN COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 800 Burrows Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the establishment of an accessory parking area as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____