Agenda - Council - December 17, 2003

Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 3 Rezoning - 562 Corydon Avenue
File DAZ 233/2003

STANDNG COMMITTEE RECOMMENDATION:

On December 10, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 233/2003 dated October 24, 2003, to a "C1.5" Commercial 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 prior to the issuance of a development permit, plans be submitted for the approval of the City Centre Community Committee showing the following details where applicable: site layout, access, loading, parking, building elevations and materials, signage, landscaping, fencing, garbage enclosures, and site lighting.

        ii. That the height of buildings on the land be limited to three (3) storeys.

        iii. That uses on the land be restricted to the following plus accessory uses:

            a. Dwelling Units, maximum of three (3) subject to Conditional Use approval
            b. Offices, excluding insurance and real estate
            c. Retail Sales, permitted or conditional in "C1.5" Commercial District
            d. Personal Services, permitted or conditional in "C1.5" Commercial District

        iv. That temporary signage, poster boards, banners and mobile signs be prohibited on the property.

Report - Standing Policy Committee on Property and Development - December 2, 2003

v. That freestanding signs on the property be backlit and limited to a height of five (5) feet (1.5 metres) and a maximum sign surface area of one hundred and twenty (120) square feet (11.2 square metres.).

vi. That the hours of public opening of offices and business on the land be limited to between the hours of 7:00 a.m. and 9:00 p.m. daily.

vii. That any commercial rental unit demised in the rear portion of the building, within the proposed five hundred and sixty (560) square foot building addition, be occupied by office use only, and that no pedestrian access to the unit be allowed through the west side yard from the Corydon Avenue sidewalk.

viii. That no buildings or permanent structures be located within seven (7.0) feet (2.1 metres) of the Corydon Avenue right-of-way to provide for the possible future street widening.

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 the 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 same to Council for all three readings.

5. 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.

Report - Standing Policy Committee on Property and Development - December 2, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 4, 2003, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 562 Corydon Avenue**
File DAZ 233/2003 [c/r DCU329666/2003, DAV 329772/2003]

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

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

Report date: **November 5, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 4, 2003, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 233/2003, attached hereto and dated October 24, 2003, to a "C1.5" Commercial 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 prior to the issuance of a development permit, plans be submitted for the approval of the City Centre Community Committee showing the following details where applicable: site layout, access, loading, parking, building elevations and materials, signage, landscaping, fencing, garbage enclosures, and site lighting.

        ii. That the height of buildings on the land be limited to three (3) storeys.

        iii. That uses on the land be restricted to the following plus accessory uses:

            a. Dwelling Units, maximum of three (3) subject to Conditional Use approval
            b. Offices, excluding insurance and real estate
            c. Retail Sales, permitted or conditional in "C1.5" Commercial District
            d. Personal Services, permitted or conditional in "C1.5" Commercial District

iv. That temporary signage, poster boards, banners and mobile signs be prohibited on the property.

v. That freestanding signs on the property be back-lit and limited to a height of 5 feet (1.5 metres) and a maximum sign surface area of 120 square feet (11.2 square metres.).

vi. That the hours of public opening of offices and business on the land be limited to between the hours of 7:00 a.m. and 9:00 p.m. daily.

vii. That any commercial rental unit demised in the rear portion of the building, within the proposed 560 square foot building addition, be occupied by office use only, and that no pedestrian access to the unit be allowed through the west side yard from the Corydon sidewalk.

viii. That no buildings or permanent structures be located within 7.0 feet (2.1 metres) of the Corydon Avenue right-of-way to provide for the possible future street widening.

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 the market value of the land.

3. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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 same to Council for all three readings.

5. 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.

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

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated October 24, 2003.

PUBLIC HEARING SUMMARY

File: DAZ 233/2003 [c/r DCU 329666/2003D, DAV 329772/2003D]

Applicant: Ernie H.A. Walter, Architect, Project Manager,
Walter Development Corporation

Subject:



APPLICANT : ERNIE WALTER
ARCHITECT

FILE : DAZ 233/03

PROPOSAL : To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT to allow for commercial development and the establishment of a multiple-family dwelling (Subject to Conditional Use Approval) in conjunction with the commercial uses. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 562 Corydon Avenue

Exhibits Filed:

1. Application dated September 12, 2003
2. Notification of Public Hearing to Applicant dated September 25, 2003
3. Manitoba Status of Title(s) 1587302
4. Surveyor's Building Location Certificate and sketch dated February 17, 1986
5. Letter of authorization dated September 9, 2003 from Yaron D. Walter, Walter Development Corporation to Ernie H.A. Walter, Architect, Project Manager
6. Extract of Atlas Sheet AC24
7. Zoning Development Information

8. Plans, Sheets 1 to 2 inclusive for File DAZ 233/2003 dated April 3, 2003
9. Photograph of subject site
10. Report from the Manager of Planning and Land Use dated October 24, 2003

REPRESENTATIONS:

In Support:

Ernie H.A. Walter, Architect, Project Manager, Walter Development Corporation

In Opposition:

Nil

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Ernie H.A. Walter, Architect, Project Manager, Walter Development Corporation, appeared in support of the application

Exhibit “10” referred to in File DAZ 233/2003

In reply please refer to / Référence à rappeler :

Ross Mitchell (204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DAZ 233/03 **October 24, 2003**
Our c/f CP 500 (.106)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location : 562 Corydon Avenue
City Centre Community Committee
File No. DAZ 233/03

An application has been received from Ernie Walter Architect, to amend By-Law No. 6400/94 by rezoning the lands shown below from an “RM-4” Multiple-Residential District to a “C1.5” Commercial District to permit a combination of retail, office and residential uses on the land.

RELATED FILES: DAV 03-329772/D; DCU 03-329666/D



SITE DESCRIPTION:

Site Area: 6,000 square feet

Existing Land Use and Zoning: Multiple-family dwelling zoned "RM-4"

Surrounding Land Use and Zoning:

The Corydon frontage is developed with 3-storey apartment buildings zoned "RM-4". Nassau Street to the east and Jesse Street to the south are developed with single-family dwellings. principally.

DEVELOPMENT DESCRIPTION:

The existing building is a 2.5 storey structure constructed as a side-by-side, two-family dwelling. The building is currently demised into 6 self-contained suites. The lot measures 50 feet by 120 feet (6,000 square feet). The rear yard is used for resident parking off the public lane that bounds the east and south property limits. The related variance application would permit the maintenance of the building with the existing, substandard yards, a zero-foot front yard to a freestanding sign, and substandard parking. The related Conditional Use application would permit the establishment of dwelling units in a commercial zone.

The proposal is to renovate the building into a mixed-use development with two or three office/retail units on the main floor and three condominium apartments on the second floor and third floors. A two-storey addition would be constructed off the back of the building, providing additional office/retail space on the main floor and additional living area and roof-deck for a condo unit on the second floor. A porch would be added to span the front of the building and provide front balconies for the condo units. Parking would be provided in the rear yard for 9 vehicles plus an area for refuse containers.

The applicant has designed the project so as to retain the residential character of the building.

PLAN WINNIPEG:

The application complies with Plan Winnipeg. The proposal is supportable under Plan Winnipeg if it can be determined that the redevelopment can proceed without harming the adjacent residential neighbourhood**.**

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Branch is prepared to support the application for the following reasons:

- The property is zoned for multiple-family housing and could be developed with an apartment building that would not reflect the historic architect of the Corydon village, as does the current building.
- A Zoning Agreement can ensure that the scale and intensity of commercial uses in the building will not be incompatible with the residential character of the immediate neighbourhood.
- The dwelling units are intended as owner-occupied condominiums that will further ensure that the building is managed and maintained in an appropriate manner.
- The site can accommodate 9 parking stalls parking for residents and commercial tenants.
- The Planning and Land Use Division supports mixed-use, commercial/residential projects as building blocks of diverse, lively, pedestrian neighbourhoods.
- The Planning and Land Use Division is of the opinion that the proposed development is consistent with the Corydon Avenue main street character and will contribute to the appearance and liveability of the neighbourhood.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 233/03, attached hereto and dated October 24, 2003, to a "C1.5" Commercial District, subject to the following:

B. 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, prior to the issuance of a development permit, plans be submitted for the approval of the City Centre Community Committee showing the following details where applicable: site layout, access, loading, parking, building elevations and materials, signage, landscaping, fencing, garbage enclosures, and site lighting.

ii. That the height of buildings on the land be limited to 3 storeys.

iii. That uses on the land be restricted to the following plus accessory uses:

- Dwelling Units, maximum of three (3) subject to Conditional Use approval
- Offices, excluding insurance and real estate
- Retail Sales, permitted or conditional in C1.5 districts
- Personal Services, permitted or conditional in C1.5 districts

iv. That temporary signage, poster boards, banners and mobile signs be prohibited on the property.

v. That freestanding signs on the property be back-lit and limited to a height of 5 feet (1.5 m.) and a maximum sign surface area of 120 square feet (11.2 sq. m.).

vi. That the hours of public opening of offices and business on the land be limited to between the hours of 7:00 a.m. and 9:00 p.m. daily.

vii. That any commercial rental unit demised in the rear portion of the building, within the proposed 560 square foot building addition, be occupied by office use only, and that no pedestrian access to the unit be allowed through the west side yard from the Corydon sidewalk.

viii. That no buildings or permanent structures be located within 7.0 feet (2.1 metres) of the Corydon Avenue right-of-way to provide for the possible future street widening.

II. That a ten per cent (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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

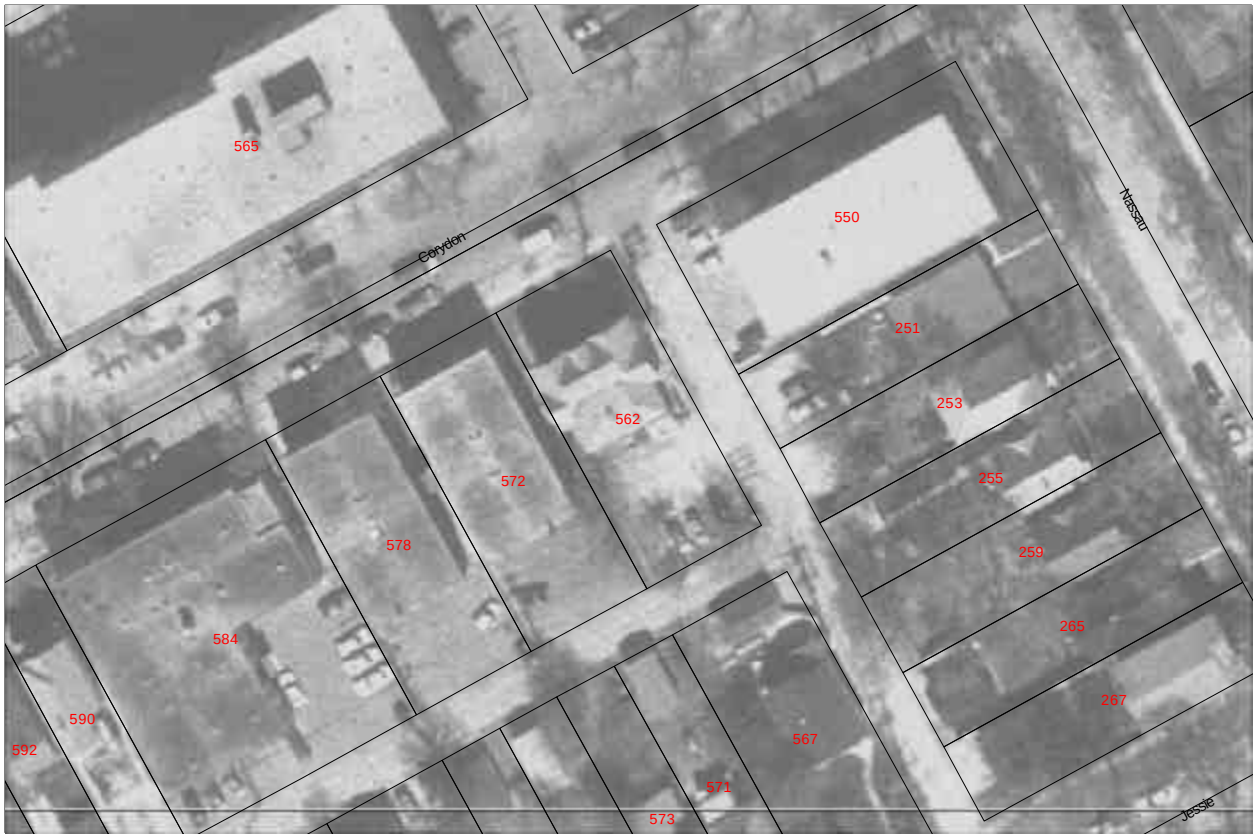
Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
City Centre and Assiniboia Communities
986-5017

/jc


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Corydon
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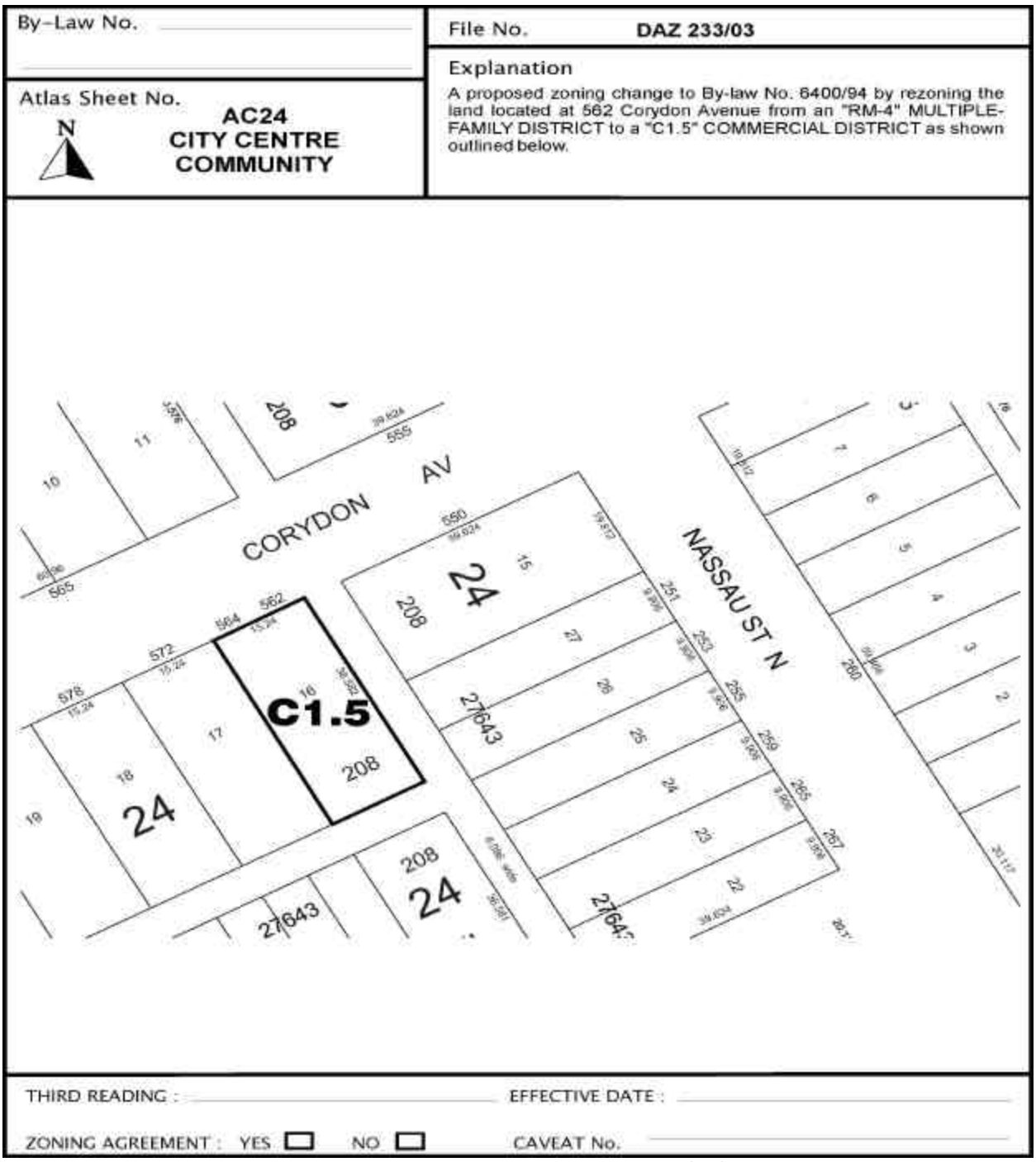


Figure 1: Schedule "A" to the report to the City Centre Community Committee for file No. DAZ 233/03, dated October 24,2003.