Agenda - Council - April 21, 2004

Report - Standing Policy Committee on Property and Development - April 8, 2004

Item No. 4 Rezoning - 498 Ottawa Avenue
File DAZ 204/2004

STANDING COMMITTEE RECOMMENDATION:

On April 14, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land shown on Schedule "A" for File DAZ 204/2004 dated February 18, 2004 to a "RM-L" Residential District.

2. 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. 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.

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 That Caveat 82-26698 be withdrawn.

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.

Report - Standing Policy Committee on Property and Development - April 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On April 14, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 498 Ottawa Avenue**
File DAZ 204/2004 [c/r DAV 110966/2004]

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

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, the East Kildonan-Transcona 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 204/2004, dated February 18, 2004 to a "RM-L" Residential District.

2. 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

3. 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.

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 Caveat 82-26698 be withdrawn.

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.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The subject property was formerly zoned a residential designation, and is currently being rezoned from a commercial designation back to a residential designation to allow for the establishment of a multiple family dwelling.

2. The subject application will fit well into the surrounding community.

PUBLIC HEARING SUMMARY

File: DAZ 204/2004 [c/r DAV 110966/2004]

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Lubosch
Councillor Thomas

Public Hearing: March 16, 2004
Community Committee Chambers
755 Henderson Highway

Applicant: Barry Wilder
Maxwell Canyon Creek

Subject:



APPLICANT : MAXWELL CANYON CREEK
FILE : DAZ 204/04
PROPOSAL : To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT to allow for the establishment of a multiple-family dwelling and to withdraw the existing Zoning Agreement affecting the subject site. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 498 Ottawa Avenue

Exhibits Filed:

1. Application dated February 5, 2004
2. Notification of Public Hearing dated February 10, 2004
3. Manitoba Status of Title 1690393
4. Letter of authorization dated September 30, 2003 from David Keenan to Barry Wilder
5. Plan
6. Basement and Main Floor Plans (two pages)
7. Report from the Manager of Planning and Land Use dated February 18, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Terry Allard

In Opposition:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Terry Allard appeared in support of the application and advised that the applicant would like to rezone the subject property back to a residential designation. He indicated that the building would house a smaller number of people compared to the number of people housed when it was commercially used.

Councillor Thomas indicated that the building will essentially be reconfigured to what it was in the past.

Exhibit "7" referred to in File DAZ 204/2004

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 204/04 February 18, 2004
Our c/f CP 500 (.401)

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

REZONING
498 Ottawa Avenue
East Kildonan - Transcona Community Committee
File No. DAZ 204/04

An application has been received from Barry Wilder Maxwell, to amend By-Law No. 6400/94 by rezoning the land shown below from a " C1" Commercial District to a "RM-L" Residential District to allow for the establishment of a multiple family dwelling in the existing building.

RELATED FILES: DAZ 299/80; ZAA 36/85; DAV 04-110966/D



SITE DESCRIPTION:

Site Area: 8976.437 square feet (833.9 square metres)

Existing Land Use and Zoning: Two storey building occupied by a commercial (office) user. Zoned "C1" Commercial. An asphalt parking lot is on the south side of the lot with chain link fencing and one-board light barrier fence separating the property from the adjacent public lane. Access to the lot is from Watt Street.

Surrounding Land Use and Zoning:

North: Across Ottawa Avenue, single family residential zoned "R1-3".
South: Across Public Lane, single family dwellings zoned "R1-3" and commercial buildings zoned "C1" along Watt Street.
East: Across Watt Street, single family residential zoned "R1-3".
West: Across Hydro Right-of-Way, single family residential zoned "R1-3".

DEVELOPMENT DESCRIPTION:

The applicant intends to convert the existing two story building into a multiple family residential dwelling. Each floor will be a separate unit of 792 square feet, with two bedrooms. The basement may be converted into a one bedroom suite. The applicant may construct a garage in the rear of the lot.

PLAN WINNIPEG:

The proposal is in conformity with Plan Winning since the subject property is located in a Neighbourhood Policy Area. And, Plan Winnipeg encourages the establishment of mixed uses and increased residential densities within these areas.

ADMINISTRATIVE COMMENTS:

The land was formerly occupied by a one-storey single family dwelling and zoned "R1" under Zoning By-Law No. 145. A previous owner renovated the building by adding the second storey and applying a tyndal stone finish to the exterior. The land was subsequently rezoned to "C1" to permit the establishment of a clothing shop and shoe store (DAZ 299/80). A zoning agreement was attached to limit the type of commercial uses to seven (7) specific low intensity commercial uses, which would be compatible with the surrounding neighbourhood. The zoning agreement was later expanded to allow a Lithograph Shop (ZAA 36/85). Multiple Family uses are permitted in "C1", however, due to the Zoning Agreement, the applicant was advised to rezone the property instead of amending the application to allow residential. This zoning agreement can also be withdrawn.

The Planning and Land-Use Division is recommending approval of the subject application. Watt street is zoned commercial between Ottawa and Chalmers, and is developed with a mixture of uses that include residential and commercial uses. The subject property is irregular-shaped and that has 100 ft frontage on Watt but a depth that varies along Ottawa. The public lane, hydro

lines, Ottawa and Watt street tend to isolate this lot. Subsequently, a low intensity commercial or residential land-use is compatible with the surrounding area.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 204/04, attached hereto and dated, February 18, 2004 to a "RM-L" Residential District.

II. 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 this time is applied for prior to the expiry of this twenty four (24) month period **and the extension is subsequently approved by Council**.

III. That, a 10 per cent 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.

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, Caveat 82-26698 be withdrawn.

VI. That, the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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Per: John S. Wintrup, Planner
East Kildonan - Transcona Community
986-5102

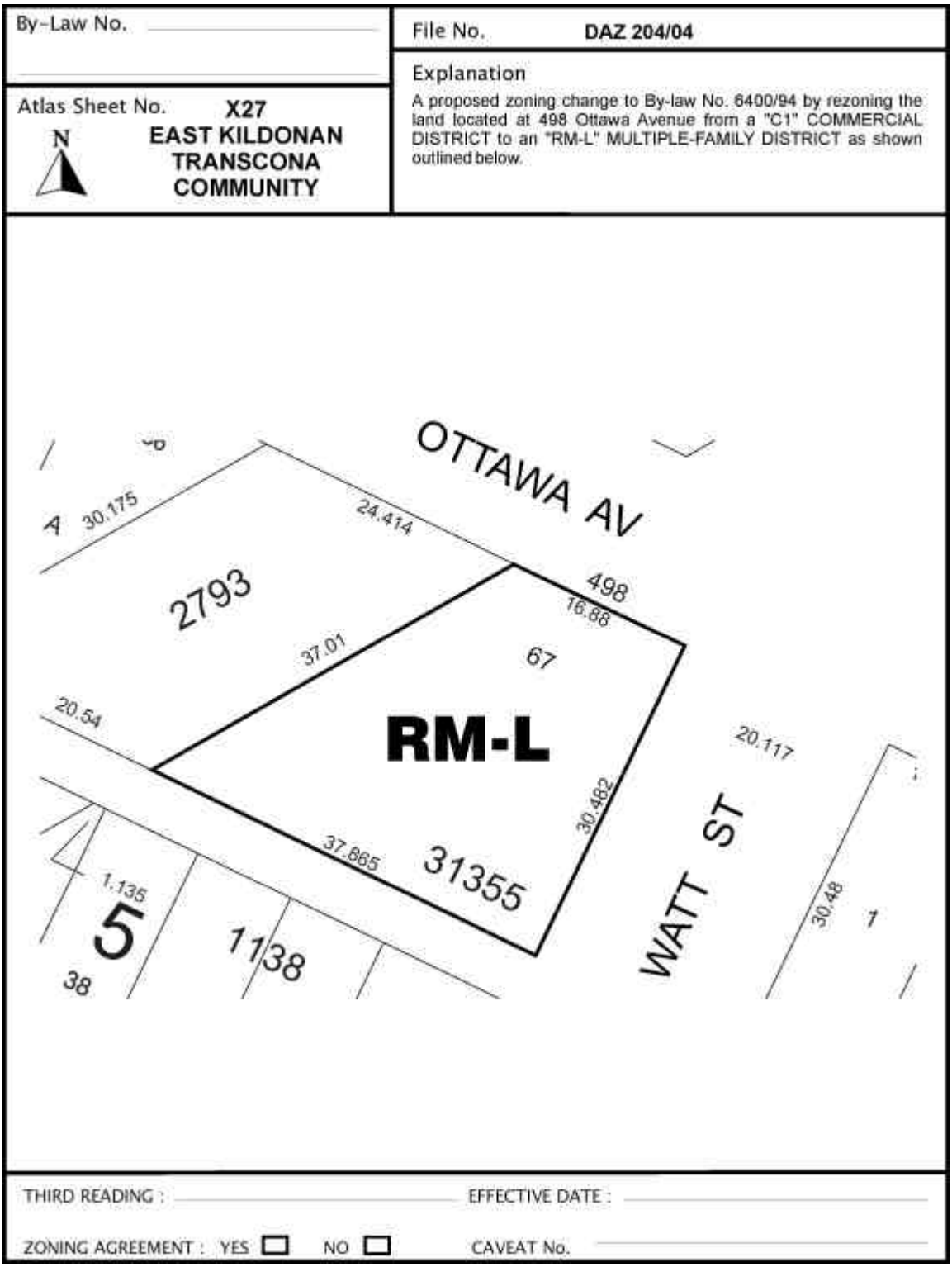

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAS 204/04, dated February 18, 2004.

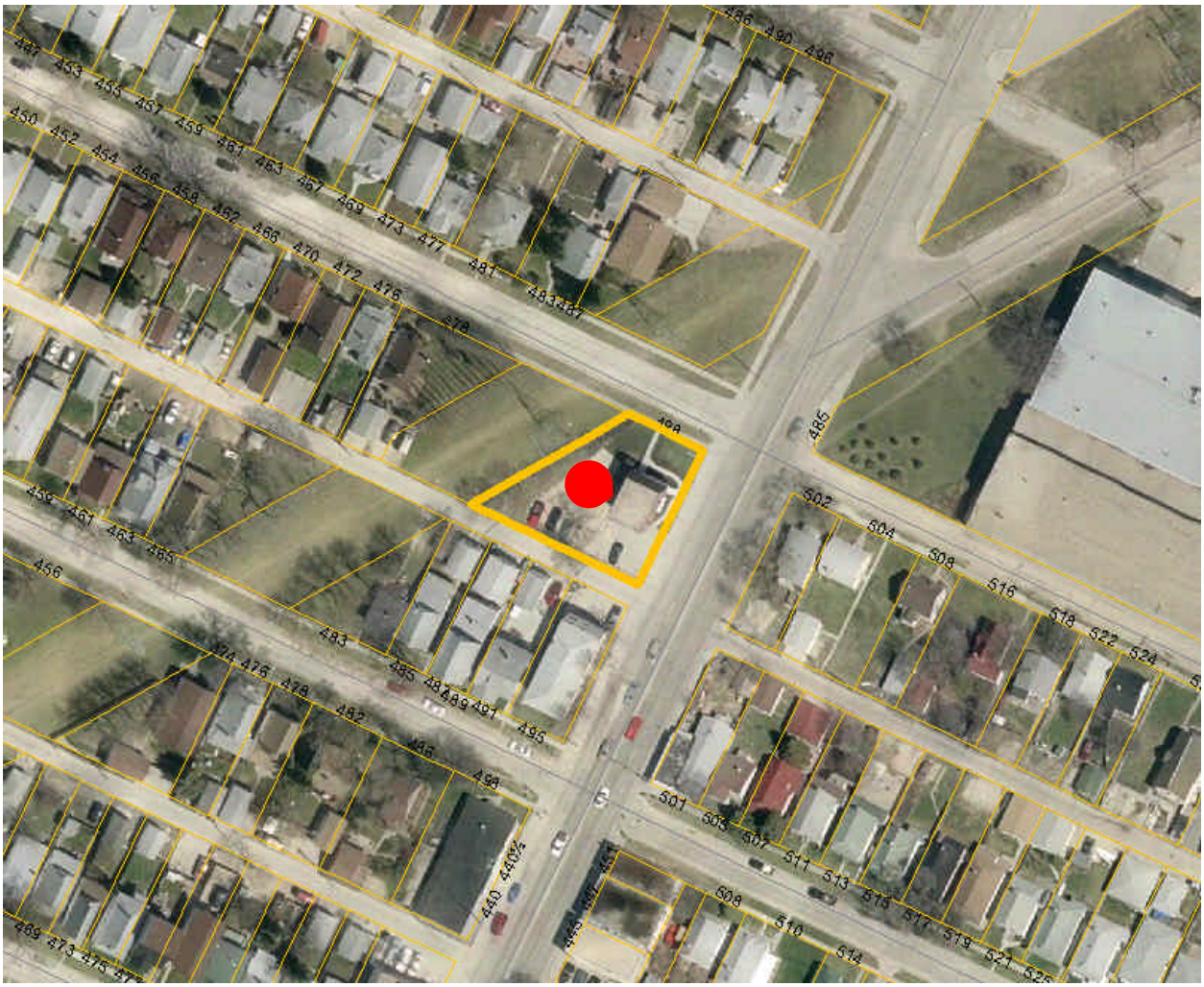

Figure 2: Air photo of subject property.

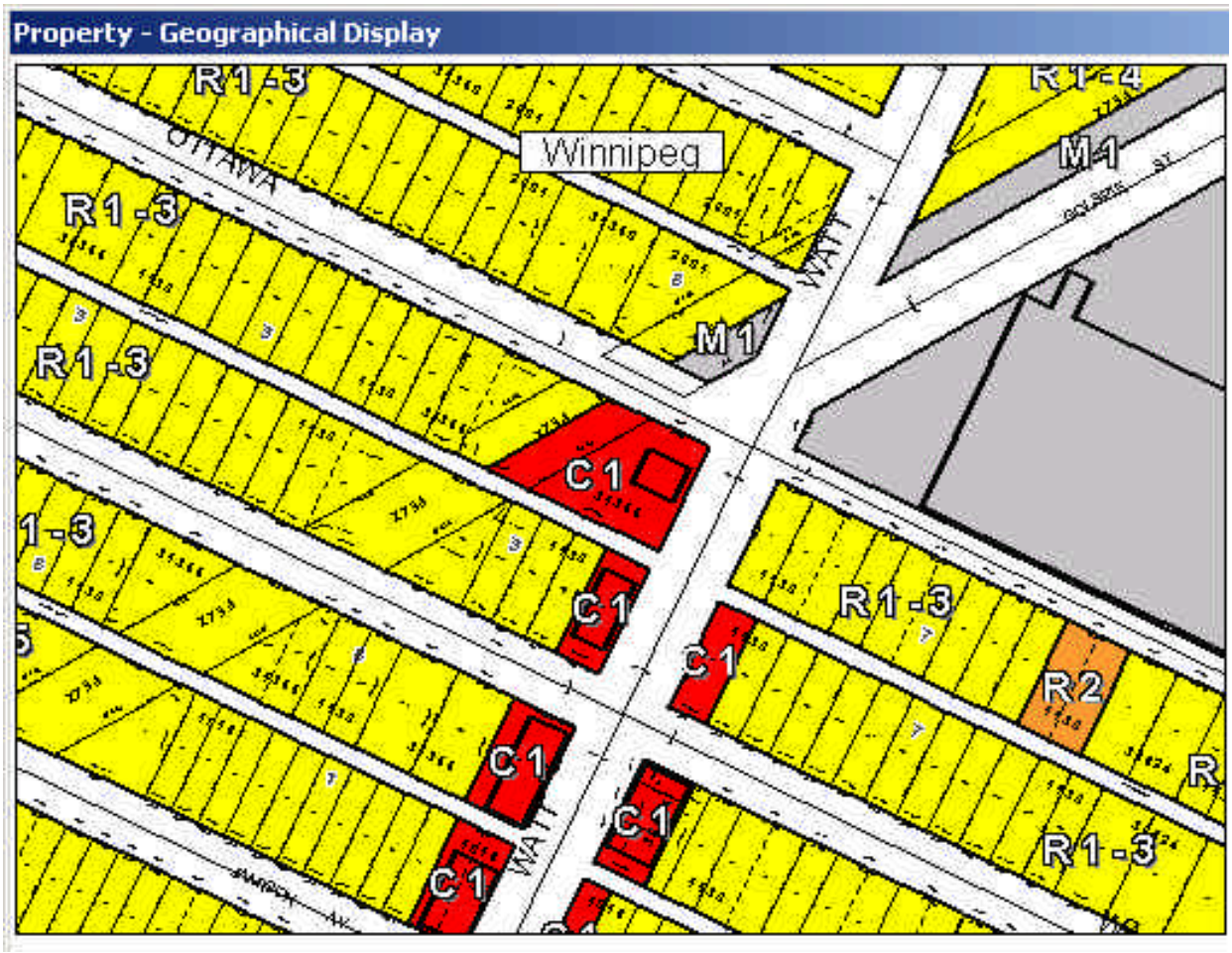

Figure 3: Zoning Map of subject property.