Minutes - Executive Policy Committee - June 16, 2004

Minute No. 400
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 19 Rezoning - land located on the southeast corner of McGregor Street and Pritchard Avenue
File DAZ 217/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 217/2004 dated March 30, 2004, to an "R1-3" Single Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

   A. That the applicant substantially completes a new single family dwelling on the subject property by July 2, 2005.

2. That Caveat 2865670 be withdrawn.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

5. 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.

6. 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 - June 8, 2004

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, namely:

- That clause I.A. be deleted in its entirety and clause I.B. renumbered as I.A.,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - land located on the southeast corner of McGregor Street and Pritchard Avenue**
File DAZ 217/2004

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **April 28, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, 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 outlined on Schedule "A", for File DAZ 217/04, dated March 30, 2004, to an "R1-3" Single Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

   A. That the applicant substantially complete a new single family dwelling on the subject property by July 2, 2005.

2. That Caveat 2865670 be withdrawn.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

5. 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.

6. 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 Act.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee believes the new home to be constructed on the subject property will revitalize the area.

2. The Lord Selkirk-West Kildonan Community Committee is of the opinion the business owners on Selkirk Avenue, can by mutual agreement with the adjacent property owner, find a way to accommodate the delivery trucks in the back lane.

PUBLIC HEARING SUMMARY

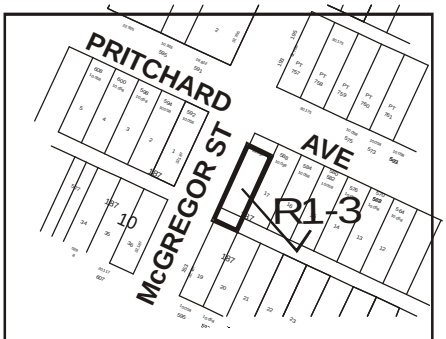
File: DAZ 217/2004

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: April 20, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Winnipeg Habitat for Humanity Inc. (Wayne Sage)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY
APPLICANT : WINNIPEG
HABITAT FOR HUMANITY INC.
FILE : DAZ 217/04
PROPOSAL : To rezone the land shown above from a "C1" COMMERCIAL DISTRICT to an "R1-3" SINGLE-FAMILY DISTRICT to allow for the residential development and to withdraw the existing caveat. **For information, phone Mr. J. Wintrup,Planner at 986-5102**

Premises Affected: southeast corner of McGregor Street and Pritchard Avenue

Exhibits Filed:
1. Application dated March 25, 2004
2. Notification of Public Hearing dated March 26, 2004
3. Manitoba Status of Title 1957008

4. Caveat 2865670
5. Report from the Manager of Planning and Land Use dated March 30, 2004
6. Inspection Report

REPRESENTATIONS:

In Support:

Patrick Gaudet, on behalf of Habitat for Humanity Inc.

In Opposition:

Delmar Singh, on behalf of Avenue Meat Market
E. Smythe, on behalf of Chicken Delight

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Patrick Gaudet, on behalf of Habitat for Humanity Inc., appeared in support of the application. Mr. Gaudet indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated March 30, 2004. Committee was advised the house to be constructed on the subject property would be a raised bungalow, similar to the type typically constructed by Winnipeg Habitat for Humanity.

Delmar Singh, on behalf of Avenue Meat Market, appeared in opposition to the application. Mr. Singh stated that in the event the proposed rezoning is approved and a house is constructed on the subject property, it will make deliveries to Avenue Meat Market more difficult. In this connection, Mr. Singh stated big delivery trucks presently have little room to manoeuvre and unload in the public lane and the situation will be worse if a fence is erected between the properties. Mr. Singh indicated he would welcome the opportunity to meet with any future property owner of the subject property to discuss his concerns.

E. Smythe, on behalf of the Chicken Delight restaurant located next to the Avenue Meat Market, also appeared in opposition to the application. Mr. Smythe reiterated the concerns expressed by Mr. Singh and questioned whether there was any way by which the subject site could be redesigned to accommodate delivery trucks.

In rebuttal, Mr. Gaudet advised Committee that he sympathizes with the business owners, but stated that at no time, did anyone approach the applicant with any request and/or permission for delivery trucks to utilize the subject property for unloading purposes. In this connection, Mr. Gaudet stated that Wayne Sage of Habitat for Humanity could meet with the business owners to discuss their concerns. He also noted that the applicant could legally erect a fence on the subject property if it wanted to do so.

Exhibit “5” referred to in File DAZ 217/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 217/04 March 30, 2004
Our c/f CP 500 (.302)

Ms. Diane Timmins, Community Clerk
Lord Selkirk - West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Diane Timmins:

REZONING
S/E Corner McGregor and Pritchard
Lord Selkirk - West Kildonan Community Committee
File No. DAZ 217/04

An application has been received from Habitat for Humanity (Wayne Sage) to amend By-Law No. 6400/94 by rezoning the land shown below from a “C1” Commercial District to an “R1-3” Single Family District to allow for residential development and to withdraw the existing caveat.



SITE DESCRIPTION:

Site Area: The site area is approximately 324 square metres (3,487 square feet). The subject site has a length of 105 feet and a width of 33 feet.

Existing Land Use and Zoning: Vacant land designated "C1" Commercial District.

Surrounding Land Use and Zoning:

North: Across Pritchard Avenue, a church and single family dwellings zoned "R2-T".
South: Across rear public lane, multi-tenant commercial building zoned "C1-5".
East: Multiple family dwelling zoned "R2-T".
West: Single and multiple family dwellings zoned "R2-T".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the subject property from "C1" Commercial District to a "R1-3" Single Family District in order to construct a single family residential dwelling.

The "R1-3" zoning category requires a minimum lot width of 30 feet and lot area of 3,000 square feet. This zoning will allow the applicant to build one (1) single family dwelling on the property.

The new dwelling will front onto Pritchard Avenue. Access will be from the rear public lane.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes infill development and supports compact urban form. The William Whyte Neighbourhood has also been identified as a 'Major Improvement Neighbourhood' targeted by the City of Winnipeg Housing Policy and Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential uses on the subject lands. The proposed use is consistent with the surrounding residential uses along Pritchard Avenue. A new single family dwelling will diversify the housing stock, and assist in improving the neighbourhood.

The only concern the Department has is in regards to the possibility of the applicant using a house design that is not consistent with the character established in the neighbourhood. The applicant should be encouraged to have a façade design that is compatible with the adjacent dwellings on the street. Final plans for the façade designs of the dwelling should require approval by the Lord Selkirk - West Kildonan Community Committee.

Caveat 2865670 is held by the City of Winnipeg against the subject property. The caveat requires the owner to renovate the dwelling on the subject property no later than July 2, 2005. The land

has been vacant since April, 1979 when a demolition permit was issued for the commercial building that was previously on the lot. The Administration is recommending withdrawing this caveat since there is no building to substantially renovate. The Administration, however, feels the intention of the caveat is relevant to the rezoning in that a single family dwelling should be constructed in the near future as a condition of rezoning the property from commercial to residential.

RECOMMENDATION:

A. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 217/04, attached hereto and dated, March 30, 2004, to a "R1-3" Single Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

1. That, the final plans showing the location, details and exterior designs of the dwelling shall be submitted to the Lord Selkirk - West Kildonan Community Committee for approval prior to the issuing of any development or building permits.

2. That the applicant substantially complete a new single family dwelling on the subject property by July 2, 2005;

B. That Caveat 2865670 be withdrawn.

C. 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.**

D. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

F. 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.

Yours truly,

C. Knoll
Manager of Planning and Land Use

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Per: John S. Wintrup, Planner
Lord Selkirk - West Kildonan Community
986-5102

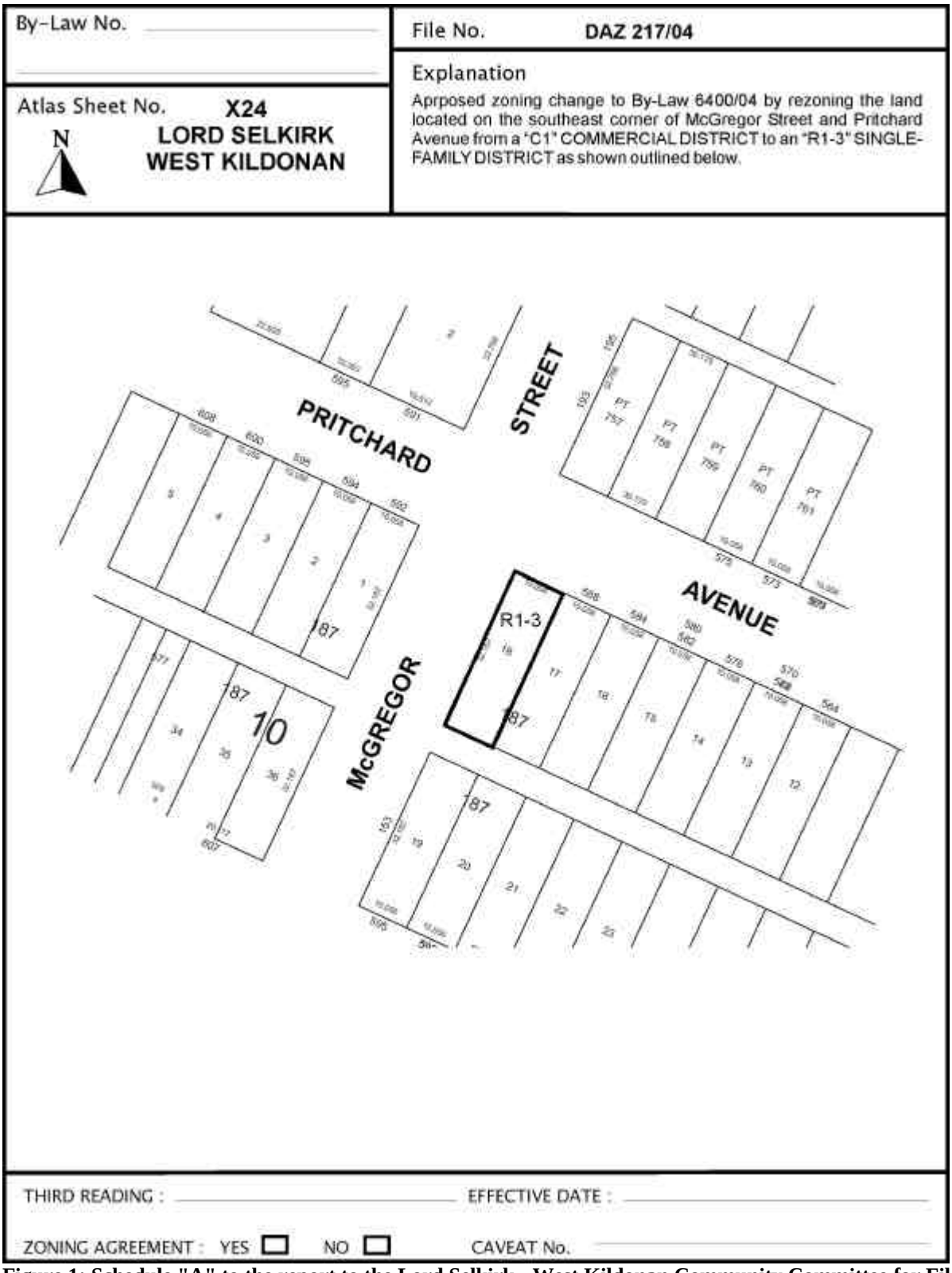

Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File No. DAZ 217/04, dated March 30, 2004.

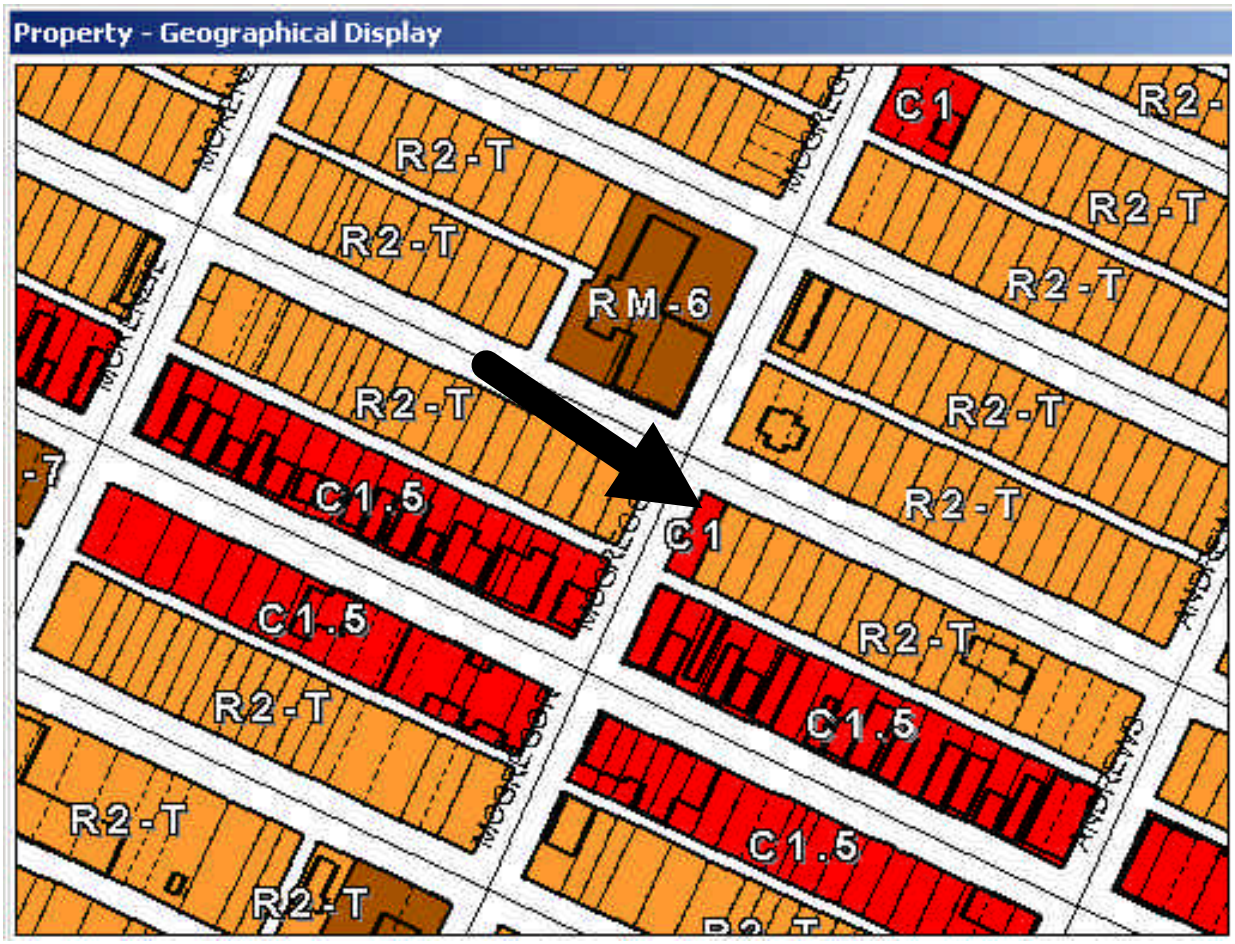

Figure 2: Existing Zoning for subject property and Surrounding Area.

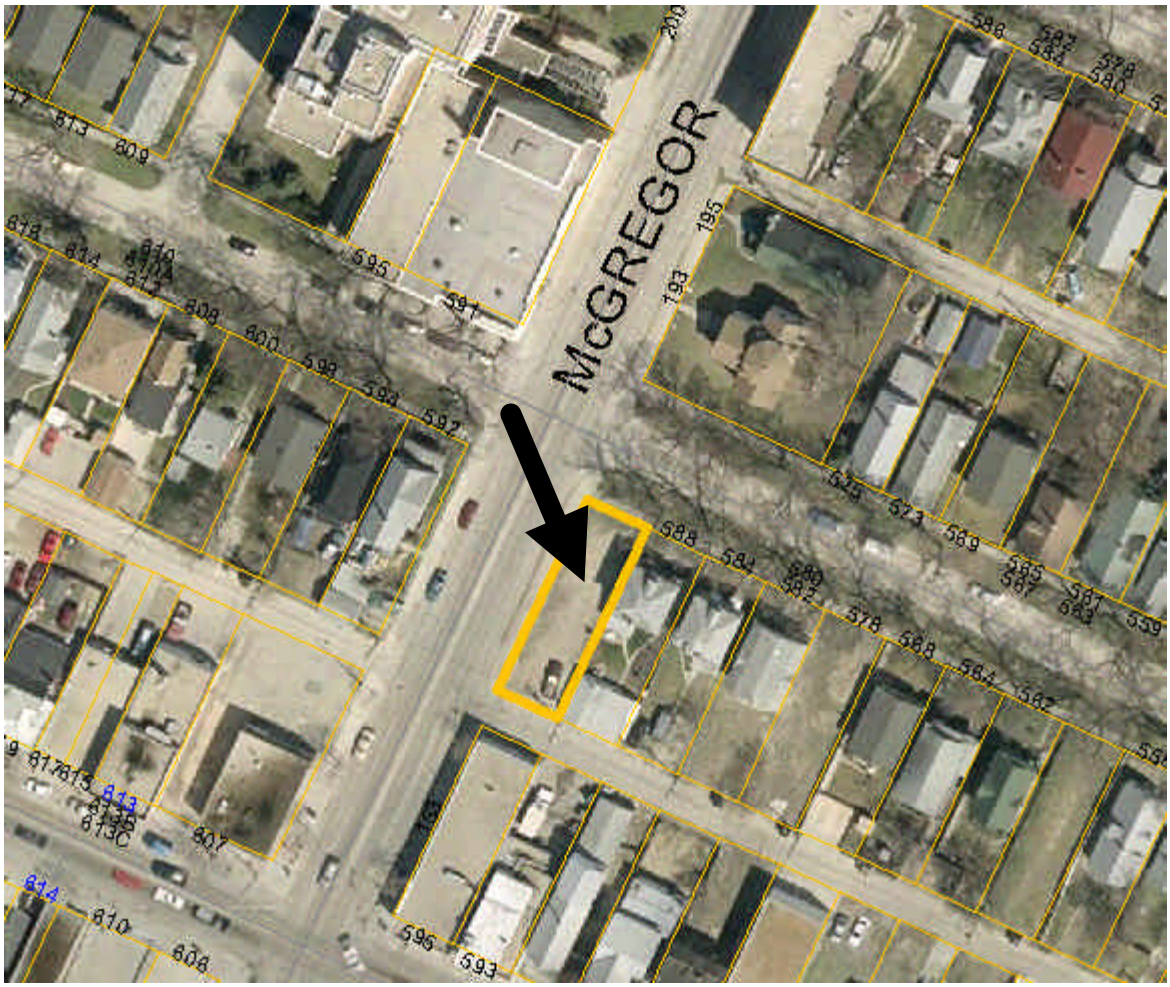

Figure 3: Existing Land-Uses for subject property and Surrounding Area.