Minutes - Executive Policy Committee - June 16, 2004

Minute No. 402
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 21 Rezoning - 130 St. Anne's Road
File DAZ 219/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 219/2004 dated May 11, 2004, to an "RM-5" Multiple-Family Residential 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 final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing be submitted to and approved by the Director of Planning, Property and Development prior to the issuance of any building permits, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

        ii. That the maximum number of dwelling units shall be twelve (12).

2. That prior to the by-law proceeding to Council, the owner shall provide evidence of long term right to lease/ownership of Parcel A, Plan 26249.

3. That Zoning Agreement Caveat No. 81-5226 be withdrawn.

4. 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.

5. 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.

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

6. 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.

7. 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.

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

9. 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 recommendations of the Standing Policy Committee on Property and Development and the Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 130 St. Anne's Road**
File DAZ 219/2004 [c/r DAV 116491/2004D]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **May 20, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18 2004, the Riel 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 219/2004 dated May 11, 2004, to an "RM-5" Multiple-Family Residential 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 final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing be submitted to and approved by the Director of Planning, Property and Development prior to the issuance of any building permits, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

        ii. That the maximum number of dwelling units shall be twelve (12).

2. Prior to the by-law proceeding to Council, the owner shall provide evidence of long term right to lease/ownership of Parcel A, Plan 26249.

3. That Zoning Agreement Caveat No. 81-5226 be withdrawn.

4. 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.

5. 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.

6. 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.

7. 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.

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

9. 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 Act.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 11, 2004.

PUBLIC HEARING SUMMARY

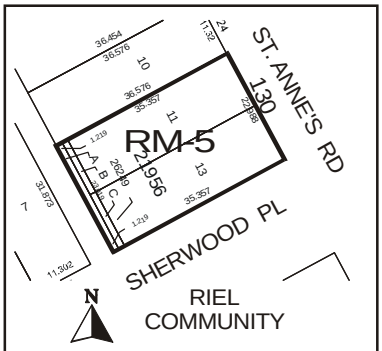
File: DAZ 219 /2004 [c/r DAV 116491/2004D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Angus

Public Hearing: May 18, 2004
Community Committee Chamber, 604 St. Mary's Road

Applicant: Kelly Rempel

Subject:



APPLICANT: KELLY REMPEL
FILE: DAZ 219/04
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family development and to withdraw the Zoning Agreement affecting the subject lands. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : KELLY REMPEL
N° DE DOSSIER : DAZ 219/04
PROJET : Rezoner le bien-fonds indiqué ci-dessus de sorte qu'il passe de la catégorie C2 (SECTEUR COMMERCIAL) à la catégorie RM-5 (SECTEUR D'HABITATIONS MULTIFAMILIALES) afin de permettre la construction d'un ensemble d'habitations multifamiliales et la suppression de la convention de zonage s'appliquant aux biens-fonds visés. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 130 St. Anne's Road

Exhibits Filed:

1. Application dated April 15, 2004
2. Notification of Public Hearing dated April 21, 2004
3. Manitoba Status of Titles 1191543 and 1191544
4. Surveyor's Building Location Certificate and sketch dated January 28, 2004
5. Letter of authorization dated December 19, 2003 from Len Andree to Kelly Rempel
6. Plans (6 pages)
7. Report from the Manager of Planning and Land Use dated May 11, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Kelly Rempel

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Kelly Rempel, appeared in support of the application.

Exhibit "7" referred to in File DAZ 219/2004 [c/r DAV116491/2004D]

In reply please refer to / Référence à rappeler : **Kevin Lalor**
(204) 986-5069
Fax / Téléc. : (204) 986-7524

File No. DAZ 219/04 May 11, 2004
Our c/f CP 500 (5.516)

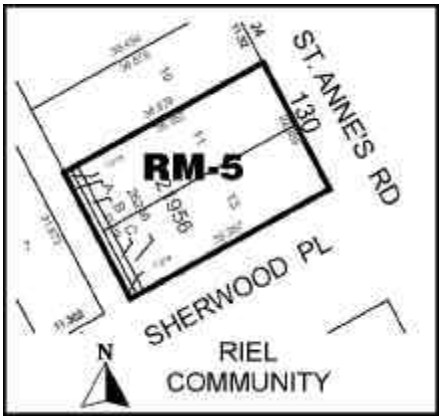
Marc Pittet Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mr. Pittet :

REZONING
130 St. Anne's Road
Riel Community Committee
File No. DAZ 219/04

An application has been received from Kelly Rempel to amend By-Law No. 6400/94 by rezoning the land shown below from a "C2" Commercial District to a "RM-5" Multi-Family Residential District to allow for the construction of a 12 suite multiple family dwelling.

RELATED FILES: DAV 04-116491/D



SITE DESCRIPTION:

Site Area: 9,000 square feet (836.13 metres^2); 75 feet (22.85 metres) fronting St. Anne's Road and 120 feet (35.58 metres) along Sherwood Place.

Existing Land Use and Zoning: A former parking lot for McDonalds Restaurant with"C2" Commercial Zoning.

Surrounding Land Use and Zoning:

North: The subject property is next to two properties zoned "RM-2" Multiple Family Residential followed by a commercially zoned business.

South: Immediately to the south of the subject property is a McDonalds followed by additional commercial properties.

East: St. Anne's Road has a mixture of commercial businesses and single-family homes designated "C2" Commercial Zoning and "RM-2" Multiple Family Residential District respectively.

West: Sherwood Place consists of single-family homes zoned "R1-5" Single Family Residential District.

DEVELOPMENT DESCRIPTION:

The applicant is proposing to create a 12 suite, 3 storey, senior's apartment block by rezoning the subject property to a "RM-5" Multi-Family District. The subject property has a width of 75 feet (22.85 metres) and a depth of 120 feet (35.58 metres).

On February 21, 1979, Council approved of the rezoning of the subject property from an "R3" Multiple-Family District to a "C2" Commercial District. The original intention for the change of zoning was to construct a multi-tenant commercial building, which was subsequently approved by the Community Committee, but pending receipt of certain transfer documents, it never received final approval. However, in the text of the report, the Administration and the Community Committee made a list of specific "C2" uses which would not be allowed on the site. These included a gas kiosk and a public parking area as a primary use, both of which at one time have received zoning amendment agreements and were the predominant use on the site.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in a Neighbourhood Policy Area.

ADMINISTRATIVE COMMENTS:

St. Anne's Road is a major collector street in St. Vital, bridging the older neighbourhood with more recent developments in South St. Vital. Additionally the character of the street is diverse, supporting smaller businesses next to large national retailers, as well as single-family homes near

large apartment blocks and condos. It is a diverse, mixed-use street that can support a myriad of uses.

The subject property at 130 St. Anne's was being used as an overflow parking lot for the McDonalds Restaurant across the street. However, since the redesign and redevelopment of the McDonalds site, the parking lot has become superfluous to the company, leading to a bid to try and redevelop the site into a more appropriate response to the diversity of the street. The apartment building also begins to address the lack of new multiple family homes in the neighbourhood.

The proposed development is a 12-suite apartment block of 3 storeys and is in keeping with the nature of the street. The design and massing of the building is of human scale and will not dwarf the single family homes in the area, and the articulating façade will add interest to the public street. The balconies that face the street add to the character and promote a pedestrian friendly and safe environment. A 4-foot by 75-foot strip of land needed for parking for the proposed development is owned by the City of Winnipeg. The Public Works Department has advised that the subject property can be made available for lease, subject to the successful negotiation of the terms and conditions as well as the appropriate approval of Council.

The Department supports multiple-family housing on the subject land. This proposed use is complementary to the surrounding context of the existing mixed-use street and single-family neighbourhood of the community.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 219/04, attached hereto and dated, May 11th, 2004, to a "RM-5" Multiple-Family Residential 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:

      1. That final site plans indicating details of approaches, building locations, parking, signage, garbage enclosure and fencing be submitted to and approved by the Director of Planning, Property & Development Department prior to the issuance of any building permits, and maintained there after to the satisfaction of the Director of Planning, Property and Development Department.

      2. That the maximum number of dwelling units shall be twelve (12).

II. Prior to by-law proceeding to Council, the owner shall provide evidence of long term right to lease/ownership of Parcel A, Plan 26249.

III. That Zoning Agreement Caveat No. 81-5226 be withdrawn.

IV. 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.

V. 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.

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

VII. 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.

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

IX. 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 Act.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Kevin Lalor, Senior Planner
(Riel Community)
986-5069



By-Law No. _____

File No. **DAZ 219/04**

Atlas Sheet No.

N

AD27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 130 St. Anne's Road from a "C2" COMMERCIAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for file DAZ 219/04, Riel Community Committee, dated May 11, 2004.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____