Agenda - Council - June 23, 2004

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

Item No. 17 Rezoning - 90 Gertie Street
File DAZ 213/2004

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation 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 213/2004 dated March 31, 2004, to an "RM-2" Multiple Family District.

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 Act.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

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

RE: **Rezoning - 90 Gertie Street**
File DAZ 213/2004 [c/r DAV 111749/2004D, DCU 111751/2004D]

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 26, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A", for File DAZ 213/2004, dated March 31, 2004 to an "RM-2" Multiple Family District.

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 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 Act.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 31, 2004.

PUBLIC HEARING SUMMARY

2238

File: File DAZ 213/2004 [c/r DAV 111749/2004D & DCU 111751/2004D]

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: Thunderbird Holdings Inc. (Bob Fredericks)

Subject:



APPLICANT : MR. B. FREDERICKS
FILE : DAZ 213/04
PROPOSAL : To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to an "RM-2" MULTIPLE-FAMILY DISTRICT to allow for the establishment of a boarding house / residential institution. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 90 Gertie Street

Exhibits Filed:
1. Application dated February 26, 2004
2. Notification of Public Hearing dated March 3, 2004
3. Manitoba Status of Title 1783153
4. Surveyor's Building Location Certificate and sketch dated February 5, 2004

5. Letter of authorization dated January 22, 2004 from Thunderbird Holdings Ltd. to Claude (Bob) Fredericks and 4840896 Manitoba Ltd.
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated March 31, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Cathy Cook
Claude Bob Fredericks
Jolyn Zettergren

In Opposition:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department
Ernest Carriere, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bob Fredericks appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated March 31, 2004. He questioned what the amount of the 10% land dedication would be and was advised by the Land Development Engineer that the amount would be calculated only on the increased value of the subject land.

Exhibit “7” referred to in File DAZ 213/2004

In reply please refer to / Référence à rappeler : **John S. Wintrup**
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DAZ 213/04 (c/r DCU 04-111751/D and DAV 04-111749/D) March 31, 2004
Our c/f CP 500 (.105)

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
90 Gertie Street
Lord Selkirk - West Kildonan Community Committee
File No. DAZ 213/04

An application has been received from Thunderbird Holdings Inc. (Bob Fredricks) to amend By-Law No. 6400/94 by rezoning the land shown below from a “R2-T” Residential District to an “RM-2” Multiple Family District to allow for a Boarding House / Residential Institution.



SITE DESCRIPTION:

Site Area: The site area is approximately 6,620 square feet. The subject site has a length of 99.7 feet and a width of 66.38 feet.

Existing Land Use and Zoning: The Rizzal Apartment Building – a 3 ½ story brick building with 12 suites and designated "R2-T" Residential District.

Surrounding Land Use and Zoning:

North: Single family dwellings zoned "R2-T".
South: Commercial building zoned "C2".
East: Single family dwellings zoned "R2-T".
West: Single family dwellings, vacant lot and accessory parking area zoned "R2-T".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the subject property from "R2-T" Residential District to a "RM-2" Multiple Family District in order to redevelop the building as a boarding house for more than 12 persons, and a residential institution.

The "R2-T" Residential District is a transitional district intended to accommodate single and two family development, and where appropriate, limited multiple-family development. A multiple family dwelling such as the existing Rizzal Apartment is a Conditional Use in this Zone.

"RM-2" is a multiple family zone that allows a building to be a maximum 35 feet in height and a minimum lot area per dwelling unit of 1,250 square feet.

The apartment building has a non-conforming right to exist since it was constructed in 1906 prior to the Zoning By-Law. The proposed use as a Boarding House for more than 12 persons, and a Residential Intuition are not permitted in "R2-T". The applicant has requested a rezoning to "RM-2" where the proposed uses are considered 'Conditional'. A conditional use application has also been made for the proposed uses and a variance for the substandard lot size.

PLAN WINNIPEG:

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

ADMINISTRATIVE COMMENTS:

The Department supports the rezoning application. The proposed "RM-2" zoning category more accurately represents the existing 3 ½ story apartment building than the "R2-T" zone.

The area has a mixture of uses and the "RM-2" acts as a buffer between the commercial building to the south and the single family dwellings to the north. The Rizzal Apartment building was constructed in 1906 (and is on the Historical Buildings Inventory), thus the scale of the building has long been established in the neighbourhood.

RECOMMENDATION:

A. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 213/04, attached hereto and dated, March 31, 2004, to a "RM-2" Multiple Family District.

B. 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.

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

E. 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
Lord Selkirk - West Kildonan Community
986-5102

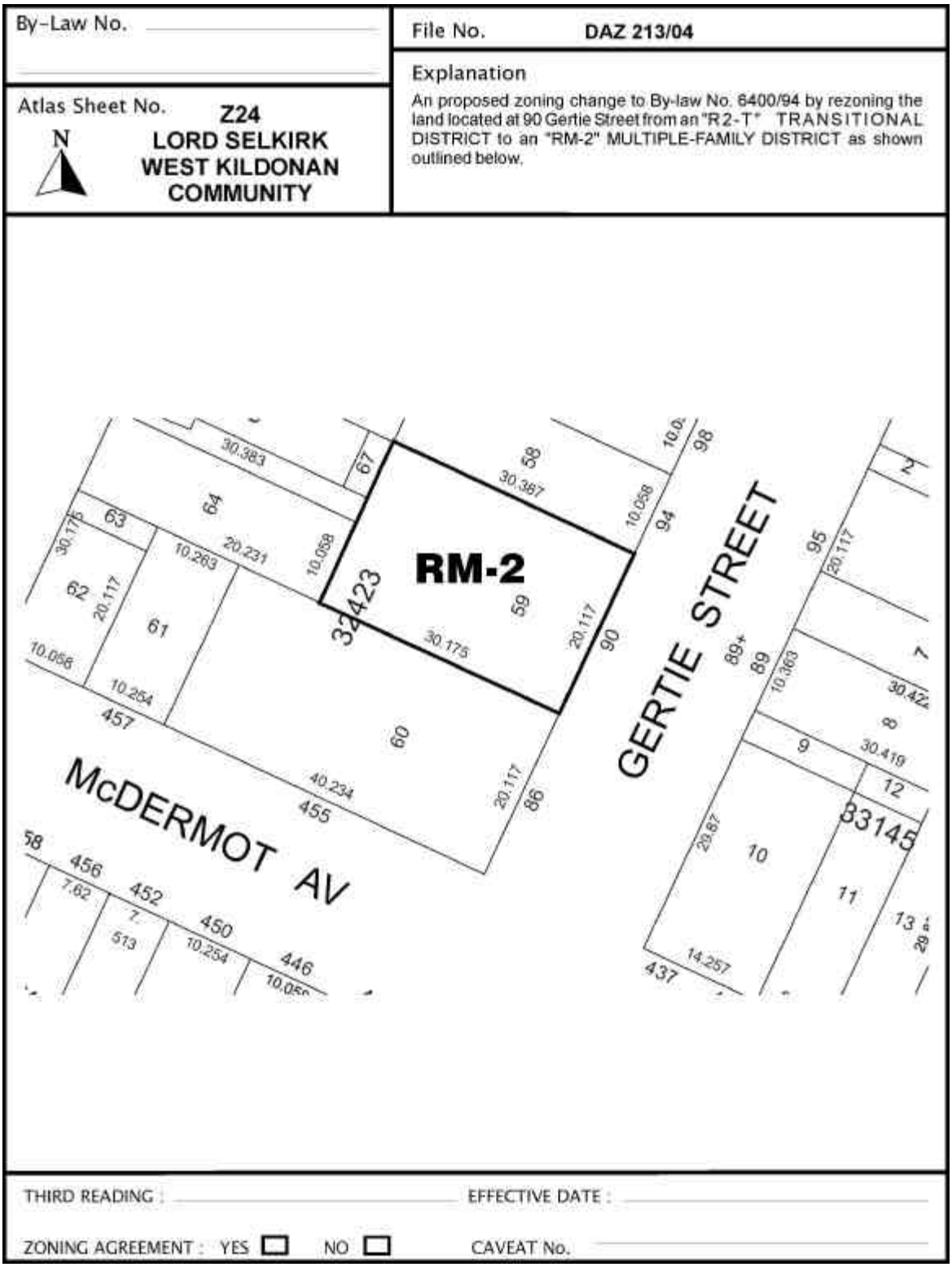

Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File No. DAZ 213/04, dated March 31, 2004.

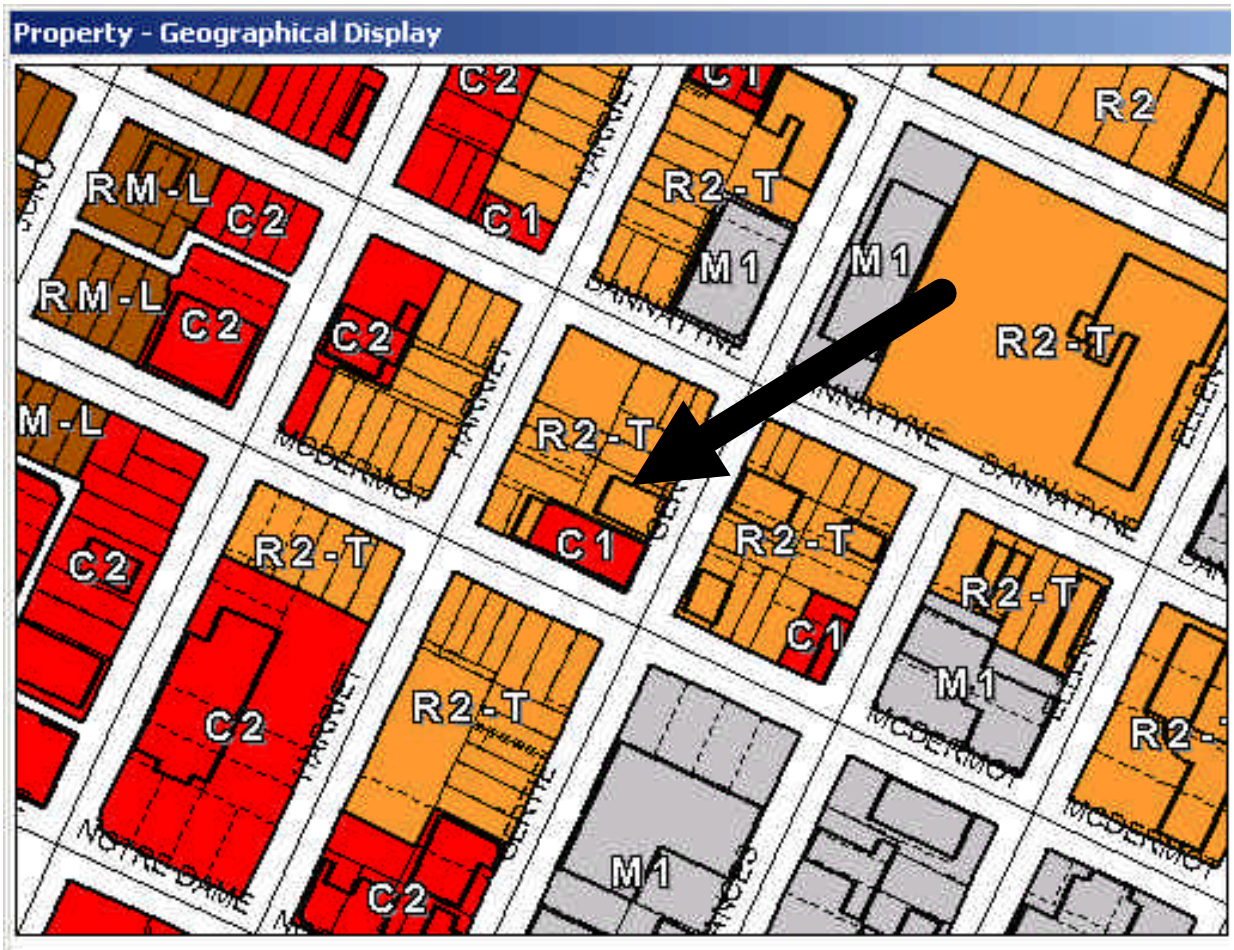

Figure 2: Existing Zoning for subject property and Surrounding Area.

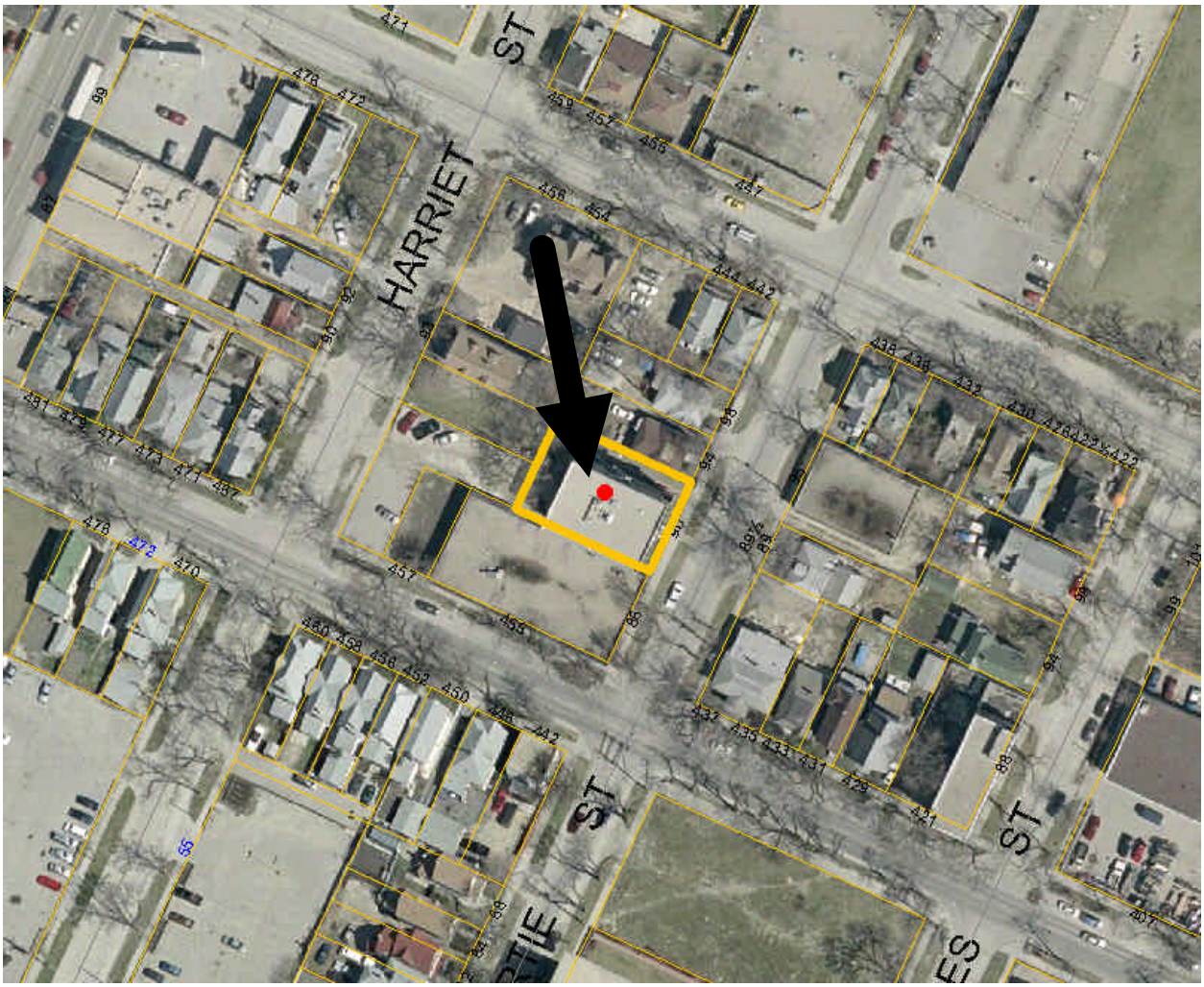

Figure 3: Existing Land-Uses for subject property and Surrounding Area.