Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 15 Rezoning - 75-87 Academy Road
File DAZ 222/2004

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, 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 222/2004 dated June 14, 2004, to a "RM-4" Multiple-Family 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 the maximum number of residential units on the property be limited to fourteen (14) condominium apartments.

        ii. That the maximum height of the building be limited to forty-five (45) feet.

        iii. That the development provide eighteen (18) underground parking stalls.

        iv. That prior to the issuance of a development permit plans be submitted for the approval of the City Centre Community Committee showing the site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.

2. That, should the developer request access to the subject property from the lane, a Servicing Agreement with the City be entered into containing the terms and conditions of the memorandum from the Public Works Department, as shown on Schedule "C" for File DAZ 222/2004 dated June 14, 2004.

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.

Report - Standing Policy Committee on Property and Development - September 7, 2004

4. 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.

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 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.

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

8. 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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, 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 September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee with the following amendment, namely:

- Delete Recommendation 2 in its entirety and replace it with the following:

    "2. That, should the developer request access to the subject property from the lane, a Servicing Agreement with the City be entered into containing the terms and conditions of the memorandum from the Public Works Department, as shown on Schedule "C" for File DAZ 222/2004 dated June 14, 2004."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Delete recommendation 1.A.v. in its entirety, namely:

    "v. That the building be designed and constructed in accordance with the elevation drawings as shown on Schedule "B" for File DAZ 222/2004",

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

RE: **Rezoning - 75-87 Academy Road**
File DAZ 222/2004 [c/r DAV 122430/2004D]

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

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

Report date: **July 27, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2004, the City Centre 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 shown on Schedule "A" for File DAZ 222/2004 dated June 14, 2004, to a "RM-4" Multiple-Family 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 the maximum number of residential units on the property be limited to fourteen (14) condominium apartments.

        ii. That the maximum height of the building be limited to forty-five (45) feet.

        iii. That the development provide eighteen (18) underground parking stalls.

        iv. That prior to the issuance of a development permit plans be submitted for the approval of the City Centre Community Committee showing the site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.

        ~~***v. That the building be designed and constructed in accordance with the elevation drawings as shown on Schedule "B" for file DAZ 222/2004.***~~

2. That the developer enter into a Servicing Agreement with the City containing the terms and conditions of the memorandum from the Public Works Department, as shown on Schedule "C" for File DAZ 222/2004 dated June 14, 2004.

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 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.

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 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.

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

8. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reason 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 June 15, 2004.

PUBLIC HEARING SUMMARY

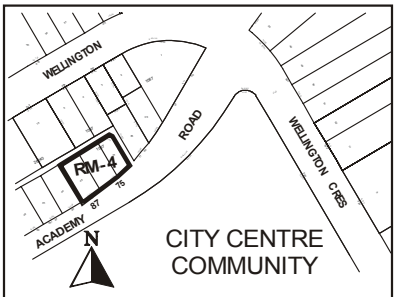
File: DAZ 222/2004 [c/r DAV 122430/2004D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Benham

Public Hearing: July 13, 2004
Council Chambers
Council Building, 510 Main Street

Applicant: Prakash and Michelle Gowdar

Subject:



APPLICANT : P. & M. GOWDAR
FILE : DAZ 222/04
PROPOSAL : To rezone the land shown outlined above from an "R1-4" SINGLE-FAMILY DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT to allow for the construction of a multiple-family development. **For information, phone Mr. R. Mitchell, Planner at 986-5017**

Premises Affected: 75 - 87 Academy Road

Exhibits Filed:

1. Application dated April 7, 2004
2. Notification of Public Hearing dated May 19, 2004
3. Manitoba Status of Titles 1995280, 1995307
4. Extract of Atlas Sheet AB23
5. Plans (3 pages)
6. Report from the Manager of Planning and Land Use dated June 15, 2004
7. Inspection Report

8. Communication dated June 15, 2004, from John and Judith Curran, in opposition to the application
9. Communication dated July 13, 2004, from Candy Allen, in opposition to the application.

REPRESENTATIONS:

In Support:

Prakash and Michelle Gowdar
Barry Greenberg
Jonathan Frost
Jana More
Monica Newman
Ryan Whitely

In Opposition:

Candy Allen
Judith Blair
John and Judith Curran
Dino Longhi

For Information:

Anna Sabramowiz

For the City:

Mr. M. Grady, Senior Planner, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicants, Prakash and Michelle Gowdar, appeared in support of the application and gave a brief overview on the proposal. They further stated that they had spoken with the residents neighbouring the site in regards to their proposal.

Mr. John Curran appeared in opposition to the application. Mr. Curran sated he lived by the proposed development and had strong objections to the size of development as it was not in character with the existing neighbourhood. He also stated that the applicants had not contact him. He further stated concerns with traffic, noise, and that the development being profitable was not a good reason to proceed.

Councillor Benham inquired as to what Mr. Curran thought of the current condition of the site in question.

Mr. Curran stated that it was okay, but that a large development was not the answer.

Councillor Benham inquired if Mr. Curran had seen the plans for the site.

Mr. Curran stated no.

Ms Judith Blair appeared in opposition to the application. She reiterated the concerns of Mr. Curran and added the concern of garbage dumpsters that would be required. She stated that an appropriate development would be of 2 or 3 units and not 14. She also stated that the site in question had placed an advertisement sign stating "coming soon" on the property, which lead people to believe this was a done deal.

Councillor Benham inquired as to what Ms Blair thought of the current condition of site.

Ms Blair stated the proposed development was too large.

Mr. Dino Longhi appeared in opposition to application. Mr. Longhi reiterated the concerns of the previous speakers and stated that the proposed development would affect the existing neighbourhood negatively.

Ms Candy Allen appeared in opposition to application. Ms Allen reiterated the concerns of the previous speakers. She stated that she would like to see no more than duplexes being development on the site.

Councillor Benham inquired if Ms Allen was aware of the provisions for underground parking?

Ms Allen stated no. She also inquired as to having the application adjourned in order for people to see the plans.

In rebuttal the applicants, Mr. and Mrs. Gowdar, responded to the concerns expressed by the residents stating that they had looked at different solutions, including restoring the existing properties, but that it was cost prohibited to do so. Mr. Gowdar stated that the size of the lots permitted 18 units to be development. He also stated that the proposal had the traffic entering and exiting at the front of the building, thus decreasing the traffic on the lane. He further stated that the plans had changed since the start of the application in order to address concerns, but they were unable to make everyone happy with any changes they proposed to make. Mrs. Gowdar

stated that it was their intent to keep as much greenery as possible, that the development had been pulled back in order to provide for as much privacy as possible for the neighbours. She also stated that the units were going to be owned and thus would be well maintained. She further stated that it was their concern to maintain the character of the neighbourhood.

Exhibit "6" referred to in File DAZ 222/2004 [c/r DAV 122430/2004D]

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 222/04 (c/r DAV 04-122430D) June 15, 2004
Our c/f CP 500 (.601)

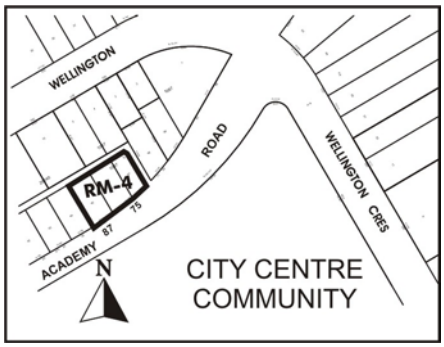
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location, 75-87 Academy Road, west of Wellington Crescent.
City Centre Community Committee
File No. DAZ 222/04

An application has been received from Prakash and Michelle Gowder, to amend By-Law No. 6400/94 by rezoning the land shown below from a "R1-4" Single-family Residential District to a "RM-4" Multiple-family Residential District to allow for the construction of a 3.5 storey, 14-unit condominium apartment building.

RELATED FILES: DAV04-122430D



SITE DESCRIPTION:

Site Area: Approximately 0.42 acres or 18,300 square feet. The property boundaries measure approximately as follows: west 120 feet; north along lane 159 feet; east along lane 100 feet;

south along Academy 166 feet. There is a 7-foot corner cut for the lane at the northeast corner of the site.

Existing Land Use and Zoning: Lot 95, formerly 87 Academy, vacant lot zoned "R1-4". Lots 46 and 46, 75 Academy Road, lot containing a 2.5 storey, brick house zoned "R1-4".

Surrounding Land Use and Zoning:

North: across public lane, single-family housing, zoned "R1-4"
South: across Academy, St. Mary's Academy, zoned "R1-4"
East: across public lane, 2-storey duplex zoned "R1-4"
West: single-family housing, zoned "R1-4"

DEVELOPMENT DESCRIPTION:

The proposal is to demolish the existing 2.5 storey brick house at 87 Academy and develop the property with a 3.5 storey, 14 unit condominium building with underground parking for 18 cars and garage parking for 3 cars. The building will be about 45 feet high measured to the top of the hip roof. The current floor plans show dormers on the front and rear for the 3rd floor loft units, balconies front and rear for the 2nd and 3rd floor units, and windows on all four sides of the building. The applicant intends that the building have a "mansion style" architecture, reminiscent of the architectural character of the Crescentwood Neighbourhood. The units will range between 1,400 square feet and 2,500 square feet.

PLAN WINNIPEG:

The application complies with Plan Winnipeg in that higher density rezonings are permitted in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

Zoning: The site measures about 18,300 square feet. The proposed "RM-4" zoning permits one (1) unit per 800 square foot of lot area, with a maximum height of 45 feet. On the subject site, this density would amount to 22 units, whereas the applicant is requesting 14 units and a building height of 45 feet. From the standpoint of density, the proposed development could be accommodated within the "RM-2" zoning category, which permits 1 unit per 1,250 square feet of lot area (14 units). However, the height limit in "RM-2" zoning districts is 35 feet. The zoning district category that most closely reflects the proposed development is the "RM-3" zoning distric, which allows for one unit per 1,000 square feet of lot area (18 units), with a height limit of 45 feet. It is therefore recommended that the Community Committee approve the subject rezoning to an "RM-3" district, as apposed to the requested "RM-4" district, with a condition in the Zoning Agreement limiting the development to 14 units.

Building Location: The current site plans shows the building roughly centred on the site, leaving equi-distant east and west side yards. However, the building would have a greater impact on the

house at 95 Academy on the west, which has east facing windows and a large and actively used side yard. In comparison, the east side of the site is bounded by the public lane and overlooked by the windowless west wall of the duplex at 69/71 Academy. Zoning variances imply site overdevelopment. The Division is of the opinion that the building should comply with the required west side yard of 19 feet in order to reduce the impact on 95 Academy.

Parking: The most recent basement floor plan submitted shows underground parking for 18 cars with the ramp located at the northwest corner of the site off the back lane. The designer also indicated that they would like to provide garage parking for 3 cars at the east end of the building with access off the lane. The combination of underground and garage parking would satisfy the zoning requirement for parking (1.5 stalls per unit with 2 stalls or 10% assigned to visitors). However, given the lack of on-street parking, it is necessary to add surface parking for visitors along the north and possibly east sides of the building, with access off the public lane. The location and number of stalls is uncertain at this time because the design of the underground parking ramp has not been finalized. Given the tight dimensions, the ramp may have to descend from east to west between the building face and the back lane, making a right angle (left) turn under the building at the northwest corner. This would direct traffic to and from the lane intersection at Academy. The Division is of the opinion that this project should provide more visitor parking than the minimum required under the by-law in view of the lack of convenient on-street parking. This may necessitate redesigning the building to accommodate visitor parking along the lane wherever possible.

Loading: The site plan has made no allowance for on-site loading. This is a concern in view of the traffic volumes on Academy and the substandard back lane, and the issue of traffic blocking. The Division is of the opinion that a loading zone should be provided on site of a size to accommodate 5-ton moving trucks.

Access: The two major access issues are related to traffic safety. First, the property is located on the inside of the curve in Academy between Wellington and Stafford. The location is not ideal for access onto Academy given the speed and volume of traffic on Academy, especially during rushhour. Academy is constructed with a concrete median that runs from the Wellington intersection back to the public lane that borders the east limit of the subject site. A right-turn onto Academy (westbound) is the safe movement. And while it is physically possible for cars to make a left turn from the lane onto Academy, leading to Wellington eastbound and Sherbrook northbound, this movement is potentially dangerous.

The second issue is the public lane at the rear of the property, which is primarily used by the Academy road addresses as most of the Wellington properties have front approaches. The east-west portion of the lane is long, at 1,355 feet measured from Harrow to the northwest corner of the property. The lane is also narrow at 16 feet, with about 14 feet of pavement. This compares to the current standard for local residential lanes of 20 feet with 18 feet of pavement. A drive aisle in a shopping centre, with backing cars, typically provides 20 feet of pavement. The lane is also in poor condition. Theoretically, the lane can accommodate traffic from the development, but there are concerns from a traffic safety standpoint.

In view of the above traffic issues, the Public Works Department have requested that the applicant enter into a Servicing Agreement with the City to provide for a 4.5 foot lane widening, across the the north and east limits of the property, with a 9.8 foot corner cut. In addition, they are requesting that the applicant add 4.5 feet of concrete to the existing lane, and reconstruct the entire lane if necessary. The widening will have an impact on the development from the standpoint of additional zoning variances. Currently, the related zoning variance application deals with a front yard of 20 feet instead of 25 feet, and a west side yard of 10 feet instead of 19 feet. As the site plan will change on the basis of the request of the Public Works Department, the Division would recommend that the zoning variance application be adjourned to the July 13 Community Committee meeting to allow for a reposting of the property.

Unresolved Issues: At time of writing, the following development details need to be worked out.

- Zoning Variances: The building may have to be shifted or redesigned to accommodate the lane widening and the parking ramp, and the zoning variances may change in degree or number.
- Parking: The Division is of the opinion that additional visitor parking is required.
- Loading: The Division is of the opinion that the development should provide an off-street loading zone.
- Access: The applicant needs time to examine the implications of the lane widening requested by the Public Works Department.
- Site Landscaping: The applicant has not submitted a landscaping plan indicating what mature trees can be saved.

Assuming the satisfactory resolution of the above issues, the Division is prepared to recommend that the property be rezoned to "RM-3" subject to the applicant entering into a Zoning Agreement to ensure that the development parameters, as agreed to at the Public Hearing, are understood and adhered to. The Division generally supports residential infill at higher densities in appropriate locations in older neighbourhoods. Overall, the proposed development is consistent in terms of bulk, height and density with other infill developments supported by the Division in the area of Fort Rouge and Crescentwood. The Division is of the opinion that the design of the building and exterior elements will compliment the architectural heritage of the neighbourhood. The Division laments the demolition of the century home at 75 Academy, but cannot force the applicant to rehabilitate the structure. The applicant will attempt to save as many of the mature trees on the site as possible.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 222/04, attached hereto and dated, June 8, 2004, to a "RM-3" 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 the maximum number of residential units on the property be limited to 14 condominium apartments.

2. That the maximum height of the building be limited to 45 feet.

3. That the development provide 18 underground parking stalls.

4. That, prior to the issuance of a development permit, plans be submitted for the approval of the City Centre Community Committee showing the site layout, access, parking, building elevations, exterior colours and materials, building floor plans, garbage enclosures, fencing, landscaping, signage and site lighting.

5. That the building be designed and constructed in accordance with the elevation drawings attached as "Schedule B" to the report for DAZ 222/04.

II. That the developer enter into a Servicing Agreement with the City containing the terms and conditions of the memorandum from the Public Works Department, dated June 14, 2004, attached as Schedule "C" to this report.

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, 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.

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

VI 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.

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

VIII. That the City Solicitor 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: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

attachments:

Schedule “A”, Zoning Explanation Sheet.
Schedule “B”, Building Elevation drawings (to be inserted at public hearing).
Schedule “C”, Public Works Memorandum dated June 14, 2004.

4202

By-Law No. _____

File No. **DAZ 222/04**

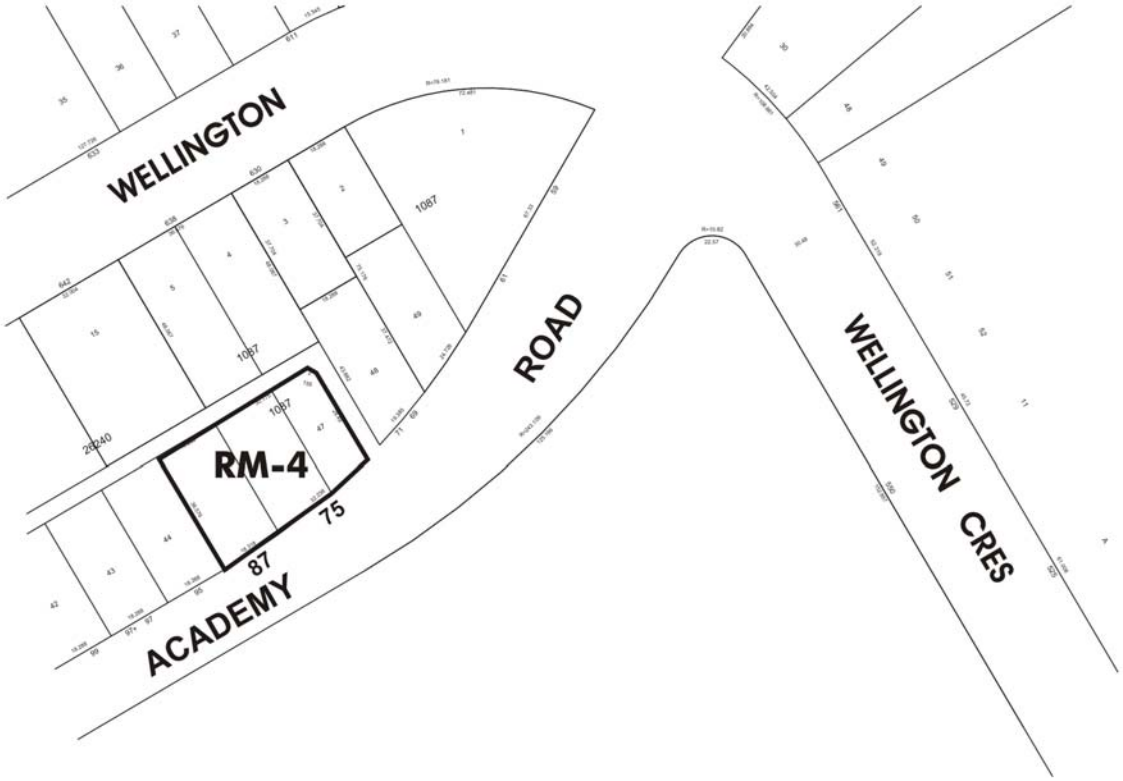
Atlas Sheet No. **AB 23**

CITY CENTRE COMMUNITY

N

Explanation

A proposed zoning change to By-Law 6400/94 by rezoning the land located at 75 / 87 Academy Road from an "RI-4" SINGLE-FAMILY DISTRICT to an "RM-4" MULTIPLE- FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the City Centre Community Committee for file Number DAZ 222/04, dated June 14, 2004.

Public Works Department
Transportation Division
100 Main Street
Winnipeg, Manitoba
R3C 1A4
(Fax: 986-7020)

Winnipeg

INTER-OFFICE MEMORANDUM

TO:	**E. AXELROD,** **SUBDIVISION OFFICER** **DEVELOPMENT AND INSPECTIONS DIVISION** **PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT** **Main Floor – 65 Garry Street**	**FROM:**	**R. J. HARTMANN, P. ENG.** **TRAFFIC ASSESSMENT ENGINEER** **TRANSPORTATION DIVISION** **PUBLIC WORKS DEPARTMENT** **3rd Floor – 100 Main Street**
FILE NO.	**C/D**		
REF:	H:\WORD DOCUMENTS\DAZ222204.DOC	**DATE:**	2004 06 14

RE: Your File No. DAZ 222/04 – Proposed Rezoning of Land Located on the North Side of Academy Road, West of Wellington Crescent, From an "R1-4" Single-Family District to an "RM-4" Multiple-Family District – 75 & 87 Academy Road

The Public Works Department has reviewed the above-referenced rezoning proposal and has the following comments and recommendations:

1.) The Developer shall provide and legally open, at no cost to the City, property required for a 1.373m (4.50ft.) widening to the Public Lane right-of-way for the full length of the subject property abutting the Public Lane and for a 3.0m by 3.0m right-of way corner-cut in the southwest corner of the 90° deflection in the Public Lane.

2.) The Developer shall, at no expense to the City, construct within the widened Public Lane right-of-way abutting the south and east limits of the Planned Area, a portland cement concrete pavement widening of 1.373m (4.50ft.) in width and thickness of 150mm, and all related works all as determined by and to the satisfaction of the Director of Public Works. Should the condition of the existing Public Lane pavement not be suitable for construction of the subject widening, as determined by the Director of Public Works, the Developer shall, at no expense to the City, reconstruct the portion of the Public Lane abutting the subject property to a width of 5.0m and thickness of 150mm, and all related works all as determined by and to the satisfaction of the Director of Public Works

/rjh

cc: R. Mitchell, Senior Planner
A. Zielonko, P. Eng., Development Projects Engineer
E. L. Carriere, P. Eng., Land Development Engineer

Embrace the Spirit • Vivez l'esprit

Schedule "C", Public Works Memorandum dated June 14, 2004.



Figure 1: Air photo showing site including house at 87 Academy, since demolished.

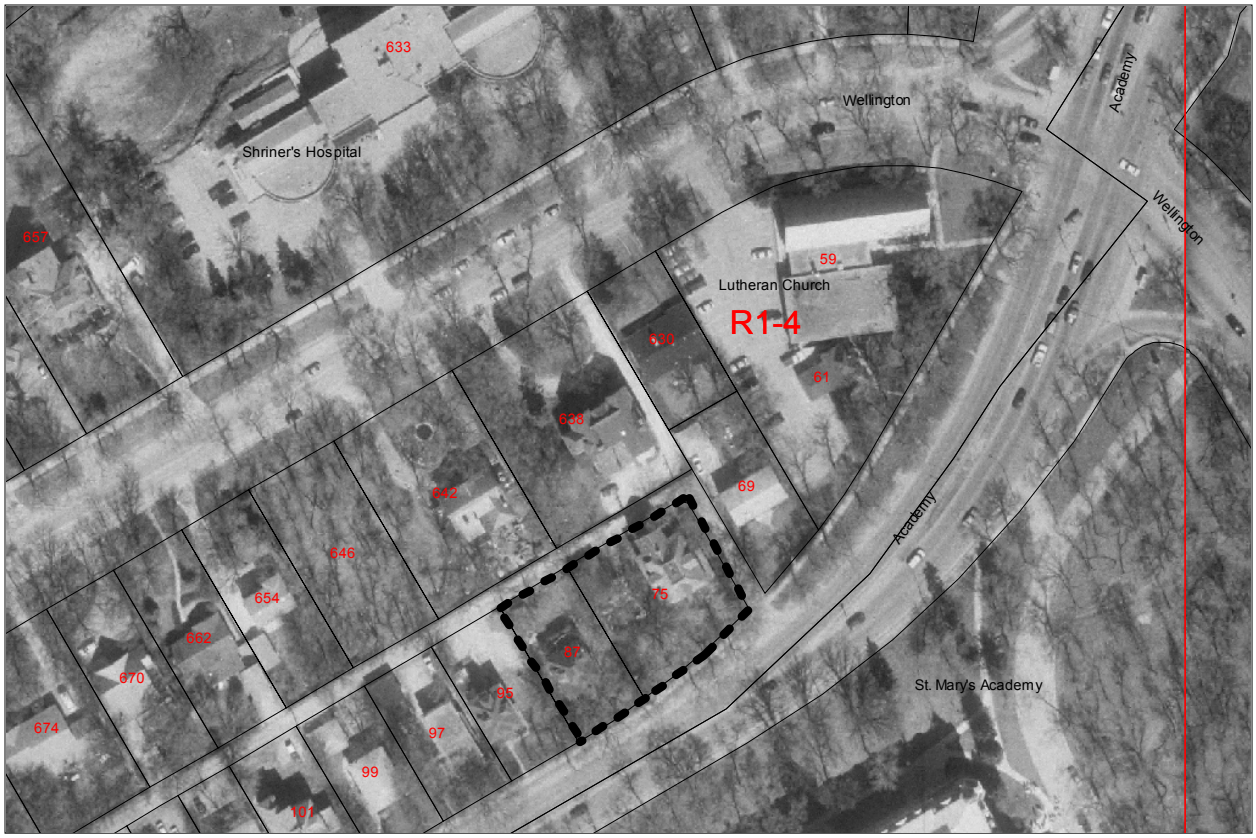

633
Shriner's Hospital
Wellington
Academy
Wellington
657
59
Lutheran Church
R1-4
630
61
638
69
642
646
654
75
662
87
670
95
St. Mary's Academy
674
97
99
101
Academy



Figure 22: Air Photos of neighbourhood.