Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 12 Rezoning - 380 Brazier Street
File DAZ 251/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 251/2004 dated August 18, 2004, to a "RM-5" Residential District subject to 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:

    A. That for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That the land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except a multiple family residence not exceeding twenty-six (26) feet in height.

    C. That the number of residential dwelling units be limited to five (5).

2. That a ten per cent (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.

Report - Standing Policy Committee on Property and Development - October 5, 2004

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

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 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 - October 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations 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 October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 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 - 380 Brazier Street**
File DAZ 251/2004 [c/r DAV 322289/2004D]

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

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

Report date: **September 24, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 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 No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 251/2004 dated August 18, 2004, to a "RM-5" Residential District subject to 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:

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    C. That the number of residential dwelling units be limited to five (5).

2. That a ten per cent (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 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 Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 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 reason for its recommendation:

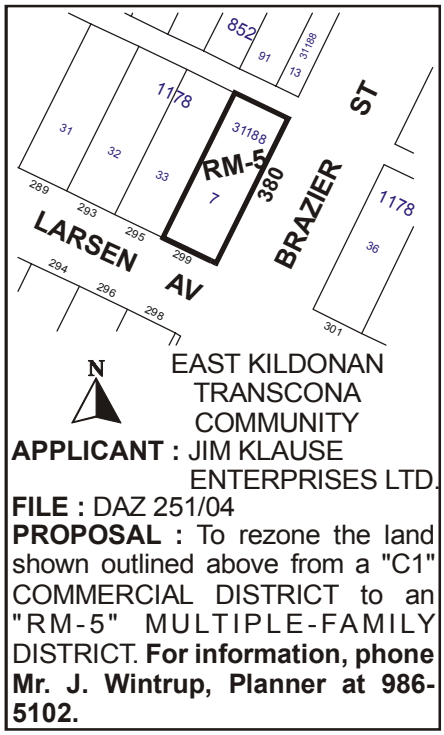
1. The subject application to rezone to a multiple family district is appropriate with the character of the neighbourhood.

PUBLIC HEARING SUMMARY

File: DAZ 251/2004 [c/r DAV 322289/2004D]

Applicant: Jim Klause Enterprises Limited

Subject:



Premises Affected: 380 Brazier Street

Exhibits Filed:

1. Application dated August 13, 2004
2. Notification of Public Hearing dated August 19, 2004
3. Manitoba Status of Title 2017935
4. Surveyor's Building Location Certificate and sketch dated December 8, 1995
5. Letter of authorization dated July 9, 2004 from Jim Klause, Jim Klause Enterprises Ltd., to Jim Klause, Linda Klause and Voitec Architectual
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated August 18, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Jim Klause

In Opposition:

Nil

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Klause appeared in support of the application. He advised that he recently purchased the property, and will be enhancing it to provide affordable housing in the area. He further advised that the main floor is currently vacant and that the construction will not disturb the existing tenant that currently resides in the building.

Exhibit “7” referred to in File DAZ 251/2004

In reply please refer to / Référence à rappeler :

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

File No. DAZ 251/04 August 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
380 Brazier Street
East Kildonan - Transcona Community Committee
File No. DAZ 251/04

An application has been received from Jim Klause Enterprises Ltd. to amend By-Law No. 6400/94 by rezoning the land shown below from a “C1” Commercial District to a “RM-5” Multiple Family District to allow the conversion of an existing commercial building and the construction of an addition to create a 5 suite multiple family dwelling.

RELATED FILES: DAV 04-322289D



5124

SITE DESCRIPTION:

Site Area: 342.207 square metres (3,683 square feet).

Existing Land Use and Zoning: A two (2) story residential building with two (2) suites zoned "C1".

Surrounding Land Use and Zoning:

North: Across public lane, single family dwellings zoned "R1-2.5".
South: Across Larsen Avenue, single family dwellings zoned "R1-3".
East: Across Brazier Street, single family and multiple family dwellings zoned "R1-3" and "R1-2.5".
West: Single family dwellings, zoned "R1-3".

DEVELOPMENT DESCRIPTION:

The applicant intends to rezone the property in order to construct an additional three (3) suites to the existing two (2) suite building.

The three new suites will be constructed on the north side of the existing building. The height of the building will be three (3) stories at 25.1 feet. Each new suite will occupy a floor of the new building, and have three bedrooms, a bathroom, kitchen, living / dining room. The main entrance will be on the north side of the new building, orientated towards the parking area. The parking area will be asphalt and provide six (6) parking stalls. Variances are required for lot width, area, yards and parking.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes increasing densities and supports compact urban form. The Chalmers Neighbourhood has also been identified as a 'Rehabilitation Neighbourhood' targeted for improvement under the City of Winnipeg Housing Policy and Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Planning and Land-Use Division supports the rezoning application. The additional three (3) units will provide residential dwellings in a neighbourhood targeted for improvement. The scale and density of the proposed building is consistent with the character of the surrounding area that

incluces story-and-a-half homes and a two (2) story apartment building on the corner of Bowman Avenue and Brazier Street.

The Bulk Regulations of the "RM-5" zone allow a maximum building height of 70 feet, a minimum lot area of 20,000 square feet and a minimum lot area per dwelling unit (density) of 600 sq.ft per dwelling unit.

The proposed 5 unit multiple family dwelling structure does not reflect all of the "RM-5" bulk regulations notably the maximum height and lot area. The lot area of 3,683 square feet and the number of units (5) does result in a density of 736 sq.ft. per unit that achieves the density regulations of "RM-5". The Administration is recommending the "RM-5" zone to limit the required variances to lot area, yards, and parking. A zoning agreement will restrict the height and density of the building to the proposed residential project.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 251/04, attached hereto and dated, August 18, 2004, to a "RM-5" Residential District subject to the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter Act, to provide for the following:

   A. That, for the development of any building, accessory parking area or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

   B. That, the land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except a multiple family residence not exceeding 26 feet in height.

   C. That, the number of residential dwelling units be limited to five (5).

II. 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.

III. 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.

IV. 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.

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

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 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

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

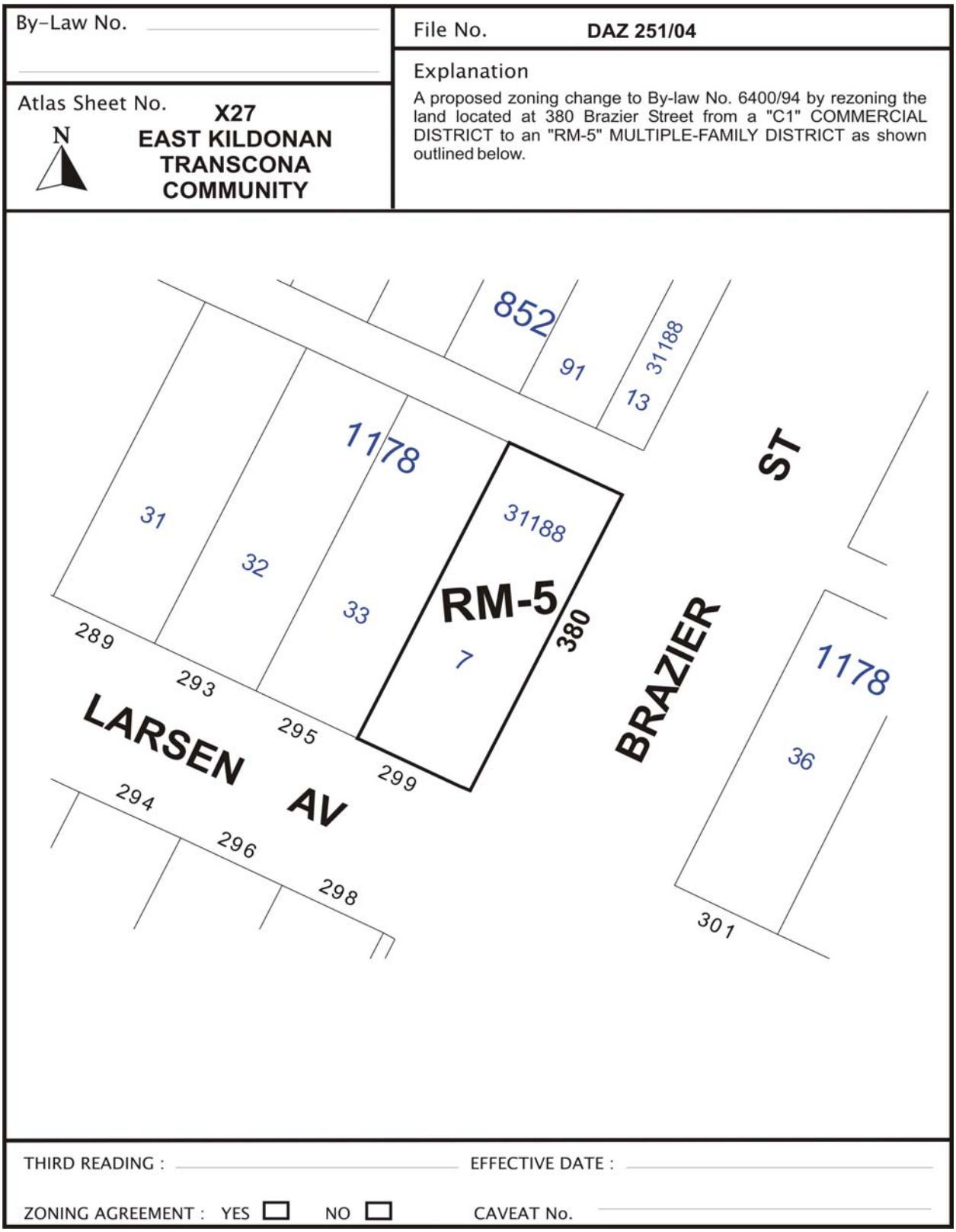


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DAZ 251/04, dated August 18, 2004.

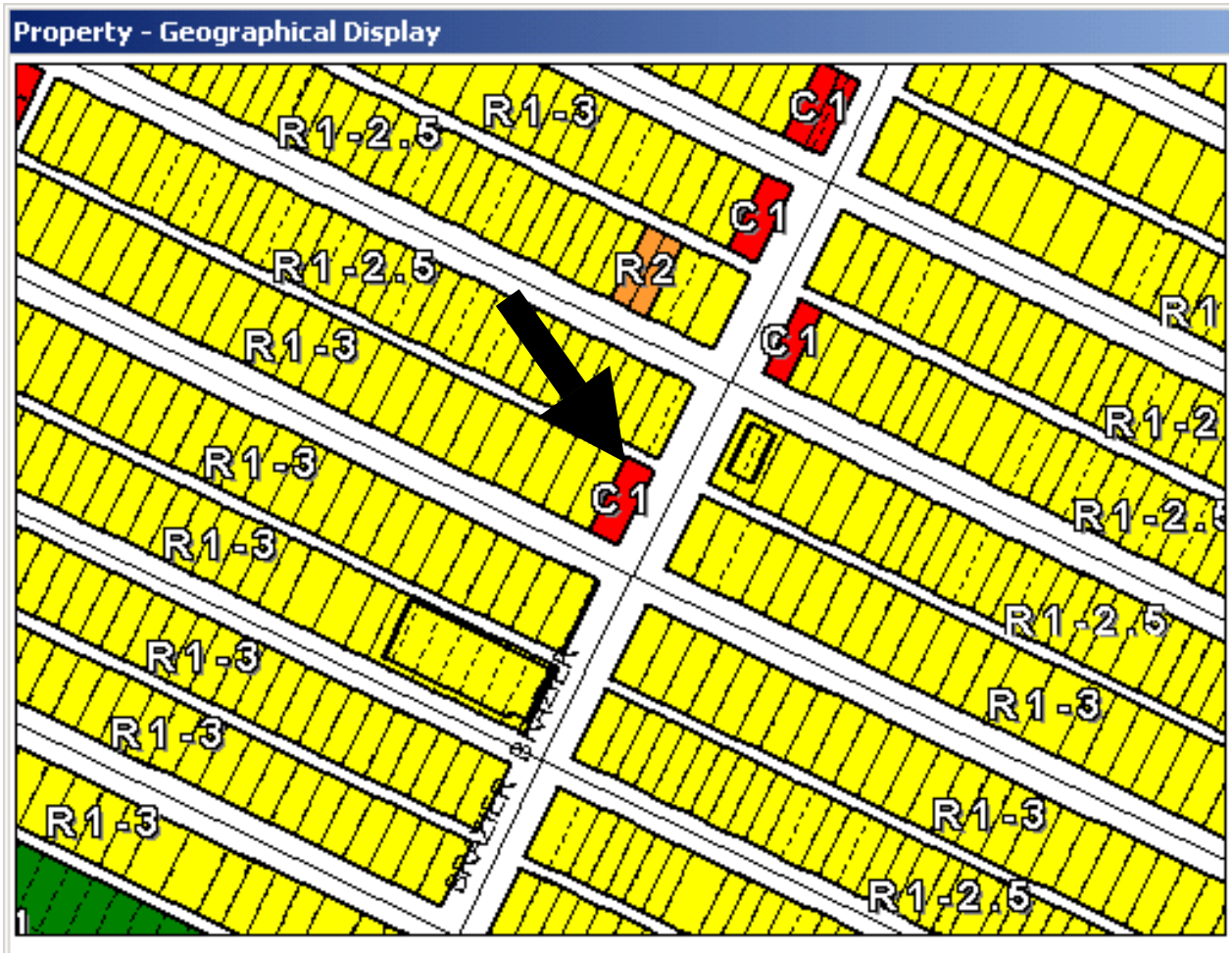


Figure 2: Existing Zoning for subject property and Surrounding Area.



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