Minute No. 234
Report - Standing Policy Committee on Property and Development - March 2, 2004

Item No. 5 Zoning Agreement Amendment - 3590 Portage Avenue
File ZAA 2/2004 [c/r DASZ 10/99]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That Clause A of Zoning Agreement DASZ 10/99 be amended to read as follows:

   A. That no building or structure shall be erected or located on the most southerly 24.7 feet of proposed Lot 1 (Deposit Plan 167/2002), it being understood and agreed that the owner shall landscape the said southerly 24.7 feet of the lands and maintain said landscaping in accordance with plans to be approved by the Assiniboia Community Committee.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/1999, as approved in Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

Minutes - Executive Policy Committee - March 17, 2004

Report - Standing Policy Committee on Property and Development - March 2, 2004

DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 3590 Portage Avenue**
File ZAA 2/2004 [c/r DAV 108946/2004D]

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

Prepared by: **Inga Skundberg, Clerk**
Assiniboia Community Committee

Report date: **February 13, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Clause A of Zoning Agreement DASZ 10/1999 be amended to read as follows:

   A. That no building or structure shall be erected or located on the most southerly 24.7 feet of proposed Lot 1 (Deposit Plan 167/2002); it being understood and agreed that the owner shall landscape the said southerly 24.7 feet of the lands and maintain said landscaping in accordance with plans to be approved by the Assiniboia Community Committee.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/1999, as approved in aforesaid Clause 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. The applicant is prepared to consult with the community and has committed to inspect neighbouring houses to ensure there is no structural damage attributed to the subject development.

2. The proposal is consistent with urban planning processes and will provide a needed high quality post 55 residence in the neighbourhood.

PUBLIC HEARING SUMMARY

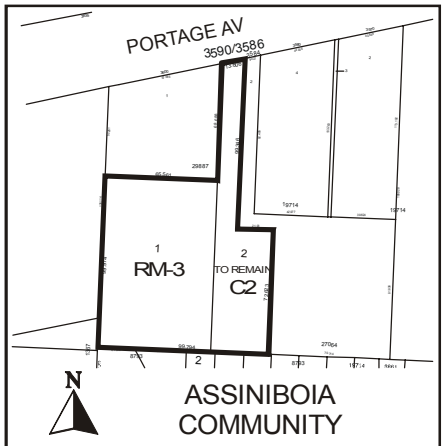
File: File ZAA 2/2004 [c/r DAV 108946/2004D

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Public Hearing: February 10, 2004
West Committee Room
Council Building, 510 Main Street

Applicant: MMP Architects Inc. (Robert Wrublowsky)

Subject:



APPLICANT : MMP ARCHITECTS
FILE : ZAA 2/04
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit a 24.7 foot rear landscaped yard instead of 50 feet as required by the agreement.
For information, phone Mr. R. Mitchell, Planner at 986-5017.

Premises Affected: 3590 Portage Avenue

3052

Exhibits Filed:

1. Application dated January 23, 2004
2. Notification of Public Hearing dated January 22, 2004
3. Manitoba Status of Title1318128
4. Letter of authorization dated January 5, 2004, from Hayden Kent, The Army, Navy and Air Force Veterans in Canada Assiniboia Unit #283, Inc. to MMP Architects
5. Plan
6. Report from the Manager of Planning and Land Use dated February 2, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Oret Sedun

In Opposition:

Richard Dagg
Phil Engel
Brian Guyda
Al McGrath

For Information:

Nil

For the City:

Ross Mitchell, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Orest Sedun appeared in support of the application and advised that the proposal is for a life lease project. He indicated that the building will be skewed at a 45-degree angle on a northeast to southwest alignment so that the majority of the suites will face the golf course and will be

angled away from the single-family housing on Twain Drive, reducing the visual and privacy impact.

Al McGrath appeared in opposition to the application. He expressed concern regarding the following, namely: negative impact on property values, structural damage if piles are used, and impact on the existing sewer system.

Phil Engel appeared in opposition to the application and advised that he resides two houses from the subject site. He expressed concern regarding the following, namely: allowance will be precedent setting, lose of privacy and daylight, impact on property values, and structural damage to his house.

Brian Guyda appeared in opposition to the application and expressed the same concerns as the previous delegations. In addition, he expressed concern regarding increased traffic and parking problems.

Richard Dagg appeared in opposition to the application and advised that he has lived at his residence for 43 years. He expressed his opinion that the proposed project would not be a benefit to the community and reiterated the same concerns as the previous delegations. In addition, he expressed concern regarding the height of the project and requested that the buffer be maintained and not reduced.

Ross Mitchell advised that the height restriction allowed under the "RM-3" zoning regulation is 45 feet.

Orest Sedun indicated that the applicant would like to provide the opportunity to the neighbouring homeowners of residences to view and discuss the plans of the proposed project in an effort to enhance and not adversely affect their properties. He advised that with respect to the privacy concerns, the proposed project would be skewed to face onto the golf course to limit the view from the balconies looking down into residential backyards. In response to the concern regarding the lose of daylight, he expressed his opinion that the building would not affect the sun pattern. In addition, he advised that the applicant would be prepared to correct any structural damage, if it were to occur, to the neighbouring residential homes.

Councillor De Smedt indicated that the subject application is an improvement to a previous application on the subject site undertaken in 1999, and expressed his opinion that it will enhance the community. He advised that if the project were to proceed, the landscaping plans would be forwarded to the Assiniboia Community Committee for approval.

Exhibit "6" referred to in File ZAA 2/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. ZAA 2/04 February 2, 2004
Our c/f CP 500 (.224)

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

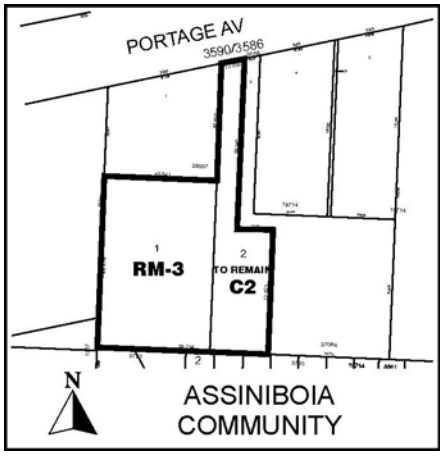
Dear: Ms. Marques:

ZONING AGREEMENT AMENDMENT
Location: 3590 Portage Avenue
Assiniboia Community

File No. ZAA 2/04

An application has been received from MMP Architects (Robert Wrublowsky) to amend the Zoning Agreement affecting the property as shown to permit a 24.7 foot rear landscaped yard instead of 50 feet as required by the agreement.

Related Application: DAV 04-108946/D



SITE DESCRIPTION:

Dimensions: - 215 feet east to west; 328 feet north to south.

Site Area: - 1.62 acres.

Existing Land Use and Zoning: Vacant land zoned "RM-3" Multiple-family Residential District

Surrounding Land Use and Zoning:

North: Vacant commercial land zoned "C4" Commercial District (previous gas bar, car wash, convenience store).
East: Army, Navy, and Airforce Veterans' Hall and Portage Avenue driveway zoned "C2" Commercial District.
South: Single-Family Housing zoned "R1-5.5".
West: Cam Clark Ford auto dealership zoned "C2" Commercial District.

DEVELOPMENT DESCRIPTION:

The proposal is to construct a 7-storey, 60 unit seniors' apartment building with underground parking for 61 vehicles and surface parking for 14 vehicles. Access to Portage Avenue is provided through the Anavets' property to the east.

ADMINISTRATIVE COMMENTS:

The property was subdivided from the adjacent Anavet's site and rezoned from "C2" Commercial District to "RM-3" Multiple-family Residential District under DASZ 10/99. The building proposed at the time was to be 6-storeys in height with 59 life-lease units and surface parking for 86 vehicles. The building was L-shaped, abutting the west and south property lines, with the longest side running along the 50-foot setback line. The balconies were allowed to project into the setback area, leaving an unobstructed yard of 45.8 feet. The current proposal would see the building angled on a northeast to southwest alignment. This siting causes the southeast corner of the building to encroach into the 50-foot setback area by a distance of about 25.3 feet, leaving an unobstructed yard of about 24.7 feet in this location.

The related zoning variance application would permit the following:

1a) a height of 72 feet instead of 45 feet;
1b) no north side yard to parking instead of 8 feet;
2) 75 parking spaces instead of 90 spaces.

The Division is prepared to support the zoning agreement amendment and the related variances for the following reasons:

- The Division supports the concept of aging-in-place, wherein seniors' housing is provided for people wishing to remain living in neighbourhoods where they possibly raised families.
- Because it is angled away from the single-family housing to the south on Twain Drive, the visual and privacy impact of the proposed building is reduced from the building originally approved under DASZ 10/99.
- The Division is of the opinion that the impact of the height variance on the affected properties to the south is not so severe as to call into question the overall merits of the project and its benefit to the neighbourhood.
- The greater building height and underground parking combine to reduce the built area of the site, allowing for increased landscaped yard space.
- The Zoning Agreement will ensure that the reduced setback will only apply to Proposed Lot One, and only to the building and site plan proposed under this application.

RECOMMENDATION:

I. That Clause A of Zoning Agreement DASZ 10/99 be amended to read as follows:

A. That no building or structure shall be erected or located on the most southerly 24.7 feet of proposed Lot 1 (Deposit Plan 167/2002); it being understood and agreed that the owner shall landscape the said southerly 24.7 feet of the lands and maintain said landscaping in accordance with plans to be approved by the Assiniboia Community Committee.

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/99, as approved in aforesaid Clause 1.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,
C. Knoll
Manager of Planning and Land Use

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Per: Ross Mitchell, Senior Planner
City Centre and Assiniboia Communities
986-5017