Minute No. 158
Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 8 Subdivision and Rezoning - 1108 / 1110 Ingersoll Street
File DASZ 35/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 35/2004 not be proceeded with.

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development, that the application for subdivision and rezoning under File DASZ 35/2004 not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, the City Centre Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 35/2004 not be proceeded with.

On November 16, 2004, the City Centre Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on December 14, 2004.

RE: **Subdivision and Rezoning - 1108 / 1110 Ingersoll Street**
File DASZ 35/2004 [c/r DCU 327962/2004D, DAV 327966/2004D, DEMO 328606/2004, DEMO 328608/2004]

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

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

Report date: **December 17, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2004, The City Centre Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 35/2004 not be proceeded with.

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

1. That the residential street consists of single-family dwellings.

PUBLIC HEARING SUMMARY

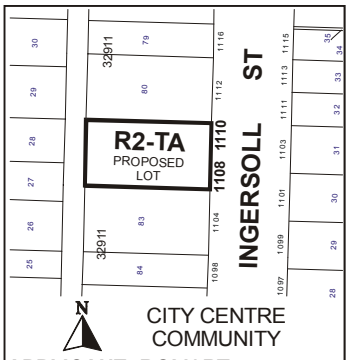
File: DASZ 35/2004 [c/r DCU 327962/2004D, DAV327966/2004D, DEMO 328606/2004, DEMO 328608/2004]

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

Public Hearing: December 14, 2004
Council Chamber, 510 Main Street
November 16, 2004
Council Building, 510 Main Street

Applicant: Romart Construction Ltd. (Rolly Martesano)

Subject:



APPLICANT :ROMART CONSTRUCTION LTD.
FILE : DASZ 35/04
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R2A" RESIDENTIAL DISTRICT to an "R2-TA" TRANSITIONAL DISTRICT. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 1108 / 1110 Ingersoll Street

Exhibits Filed:

1. Application dated September 27, 2004
2. Notification of Public Hearing dated October 4, 2004
3. Manitoba Status of Titles 1415660, 2014918
4. Surveyor's Building Location Certificate and sketch dated October 3, 1984
5. Letter of authorization dated September 22, 2004 from Erlinda Navarro, Estela Navarro and Rosita Capiendo to Romart Construction
6. Extract of Atlas Sheet Y22
7. Plans (5 pages)
8. Report from the Manager of Planning and Land Use dated November 8, 2004
9. Inspection Report
10. Petition in opposition to the application, purporting to contain the signatures of 25 area residents, submitted by Greg Synenko.

REPRESENTATIONS:

In Support:

Rory Martesano
Estela A. Wavarro

In Opposition

Gerald Bork
Theresa Bromwell
Tom Fitzpatrick
George LeFleche
Wendy Mackenzie
Shanleigh Mackenzie-Jones
Steve Mason
Casimiro Marques
Fernando and Elizabeth Rodrigues
Roger Strong
Greg Synenko

For Information:

Rosita Capiendo

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Rory Martesano, appeared in support of the applicant gave a brief overview of the proposal.

Estela A. Wavarro appeared in support of the application. Ms Wavarro stated that she owned one of the properties. She also stated that the application was to make the area look better and provide housing for the community.

Theresa Bromwell appeared in opposition to the application. Ms Bromwell stated concerns with the current neighbourhood being single family homes, that the existing dwellings should be demolished, that there were enough rental properties in the area, and that two-family dwellings suited the area better.

Greg Synenko appeared in opposition to application. Mr. Synenko stated concerns that the current houses on the site in question were an eyesore, that this application created a lost opportunity to build affordable single family housing, and that a four-suite development was going to be an eyesore.

In rebuttal, Mr. Martesano, stated that there had been no problems with previous similar developments. Mr. Martesano also stated that single-family dwellings could not be placed on the properties because of the lot sizes.

Exhibit "8" referred to in File DASZ 35/2004 [c/r DCU 327962/2004D, DAV 327966/2004D, DEMO 328606/2004, DEMO 328608/2004]

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

File No. DASZ 35/04 November 8, 2004
Our c/f CP 500 (.118)

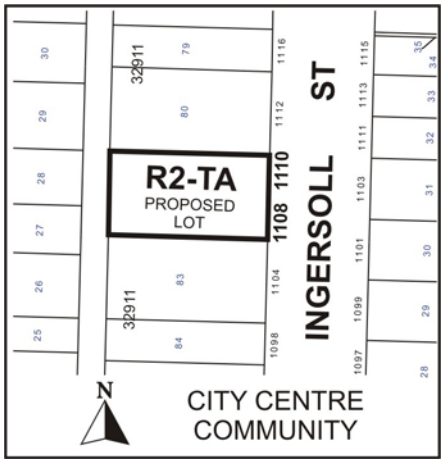
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located on the west side of Ingersol, west side between Yarwood and Grundy
City Centre Community
File No. DASZ 35/04

An application has been received from Romart Construction Ltd. (Rolly Martesano) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "R2A" Two-family Residential District to a "R2-TA" Two-family Transitional Residential District to permit the construction of an 8-unit apartment building.

RELATED FILES: DCU04-327962D; DAV04-327966D; DEMO 04-328608D; DEMO 04-328606D



SITE DESCRIPTION:

Site Area: 49.5 feet by 94 feet; 4,653 square feet.

Existing Land Use and Zoning: Two single-family dwellings zoned "R2A" Two-family Residential District Airport Area.

Surrounding Land Use and Zoning: The surrounding properties contain one-family dwellings and are zoned "R2A" Two-family Residential District Airport Area.

DEVELOPMENT DESCRIPTION:

The proposal is to demolish the existing shed-roof dwellings and construct a 2-storey, 8-unit apartment building. The building would contain 4 basement units with 4 two-storey units above. The main entrances to the main-floor (2-storey) units would be at the front and rear of the building. The main entrances to the basement units and the secondary entrances to the main-floor units would be off the sides of the building. The site is wide enough to provide parking for 5 vehicles, although the site plan shows 4 spaces. The related variance application deals with substandard lot area, lot width, yards, step and landing projections into yards, lot area per unit, and parking.

The proposed "R2-T" zoning district permits 2-family dwellings by right, and multiple-family dwellings by Conditional Use approval. The Division is prepared to support the rezoning to permit a multiple-family dwelling, but is not prepared to support the related Conditional Use application for 8 dwelling units, as discussed in the following sections of the report.

PLAN WINNIPEG:

The application complies with Plan Winnipeg in that rezonings to a higher residential density are permitted in Neighbourhood Policy Areas. However, the rezoning can only be recommended for approval if it can be determined that the proposed development is suited to the site and will not have a detrimental impact on the adjoining properties and surrounding area.

ADMINISTRATIVE COMMENTS:

When the applicant first approached the Division for a preliminary assessment and approval-in-principle, he was told that the Division would support a 4-plex on the property, with 2 units on the main floor and 2 units on the second floor. The proposed 8-unit building was not discussed and would not have been supported. The Division has a number of concerns regarding the proposal to construct an 8-unit apartment building on the site. As indicated by the number of zoning variances required, the proposed building represents overdevelopment of the site. The basement units are small, at about 230 square feet per unit, and the windows provided do not

meet the building code requirements for emergency access. An 8-unit apartment building in a mid-block location is not compatible with the surrounding single-family neighbourhood. The closest apartment buildings to the subject site are on corner sites including a 4-plex at Ingersol and Grundy one-half block to the north and a 4-plex at Ingersol and Yarwood one-half block to the south.

It is therefore recommended that the rezoning be approved, but that the Conditional Use application, if approved, contain a condition in the Order limiting the site to a maximum of 4 dwelling units.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 35/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 35/04, attached hereto and dated November 8, 2004, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 35/04, attached hereto and dated November 8, 2004, to a "R2-TA" Two-Family Transitional (Airport Area) Residential District.

IV. That a 10 percent 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 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 by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in 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.**

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

Figure 1: Air photo of site and area.



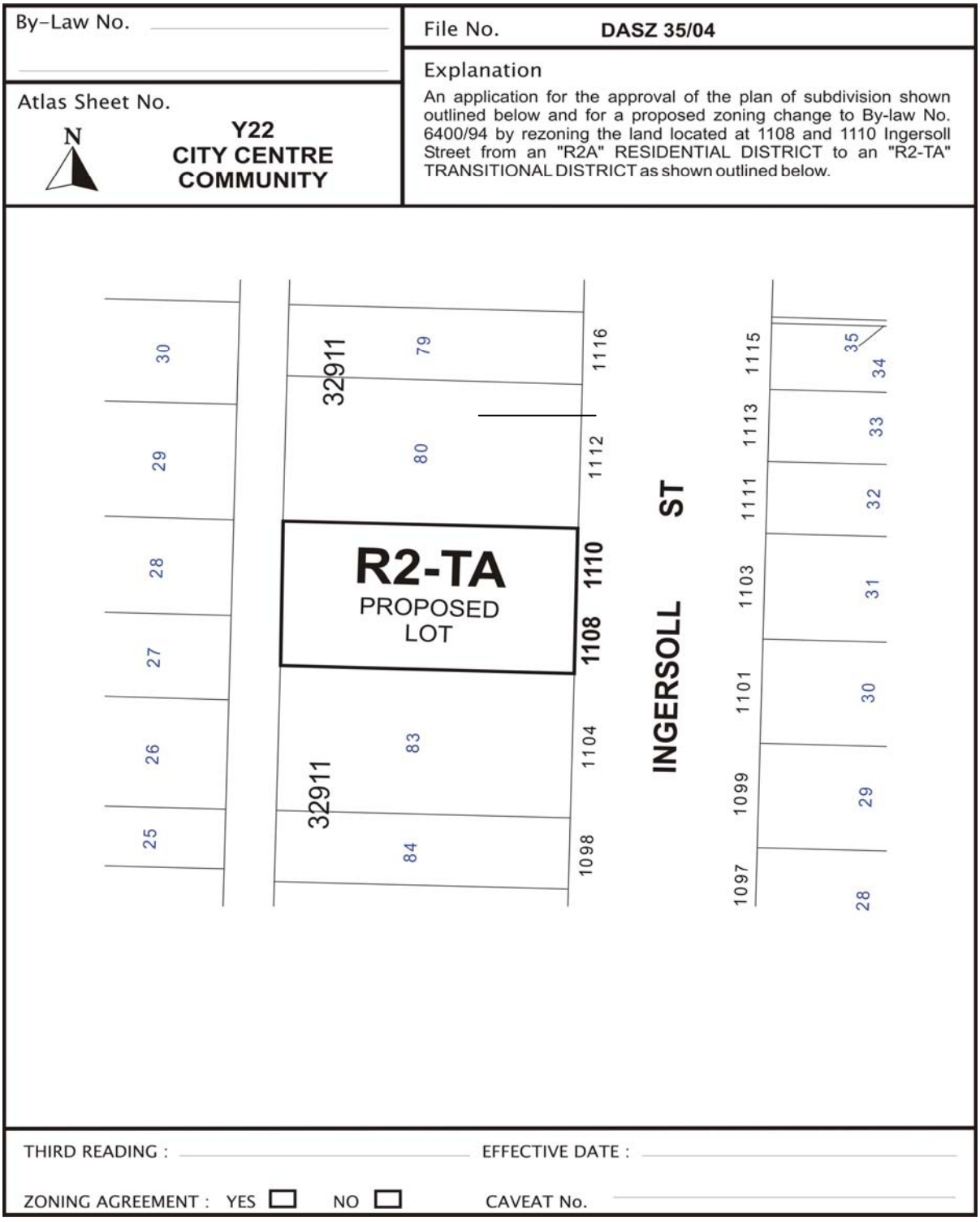


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 35/04, dated November 5, 2004.