Minutes - Executive Policy Committee – March 16, 2005

Minute No. 241
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 13 Rezoning - 880 Scotland Avenue
File DAZ 270/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre 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 270/2004 dated December 16, 2004, to a "RM-5" 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:

        i. That buildings on the site be restricted to a building height of four (4) storeys and a maximum of twenty-four (24) residential units.

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

    B. That the developer be required to enter into a Servicing Agreement, to provide for the following:

        i. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the south side of Scotland Avenue abutting the planned area, as determined by and to the satisfaction of the Director of Public Works.

2. That By-law No. 7902/2001 be repealed.

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 - March 7, 2005

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.

Report - Standing Policy Committee on Property and Development – March 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 7, 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 February 1, 2005, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That the following be added as Recommendation 1B, namely:

    B. That the developer be required to enter into a Servicing Agreement to provide for the following:

        i. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the south side of Scotland Avenue abutting the planned area, as determined by and to the satisfaction of the Director of Public Works.

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

On January 4, 2005, the City Centre Community Committee adjourned the public hearing to its meeting on February 1, 2005.

RE: **Rezoning - 880 Scotland Avenue**
File DAZ 270/2004 [c/r DAV 337587/2004D]

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

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

Report date: **February 4, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, 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 270/04, dated December 16, 2004, to a "RM-5" 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:

        iii. That buildings on the site be restricted to a building height of four (4) storeys and a maximum of twenty-four (24) residential units.

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

    B. That the developer be required to enter into a Servicing Agreement, to provide for the following:

        i. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the south side of Scotland Avenue abutting the planned area, as determined by and to the satisfaction of the Director of Public Works.

2. That By-law No. 7902/2001 be repealed.

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 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.

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.

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

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

1. The proposed development is something that can work in the neighbourhood, it has underground parking and the required parking for development

2. The existing problems with traffic and parking are a result of the current developments on the street.

3. The amendment should alleviate concerns of the neighbourhood.

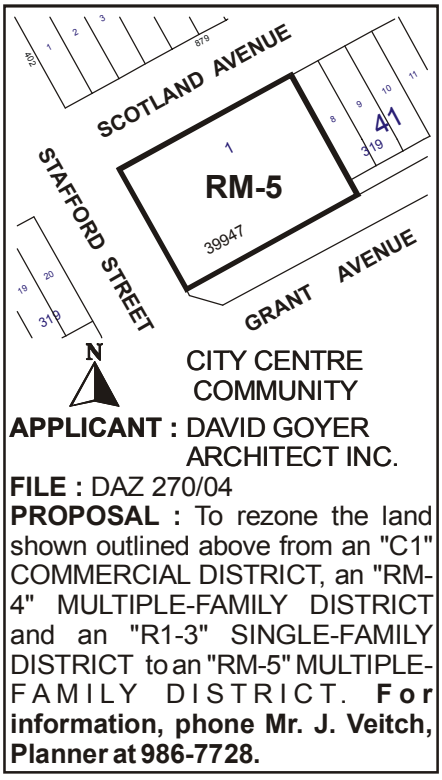
PUBLIC HEARING SUMMARY

File: DAZ 270/2004 [c/r DAV 337587/2004D]
Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: January 4, 2005
February 1, 2005
West Committee Room, Council Building, 510 Main Street

Applicant: David Goyer Architect Inc. (Daniel Serhel)

Subject:



Premises Affected: 880 Scotland Avenue

Exhibits Filed:
1. Application dated November 30, 2004
2. Notification of Public Hearing dated December 14, 2004
3. Manitoba Status of Title 1838520
4. Letter of authorization dated September 15, 2004 from The City of Winnipeg to 4206291 Manitoba Ltd.

5. Letter of authorization dated November 18, 2004 from Frank Bueti, 420692 Manitoba Ltd., to David Goyer
6. Site Plans (3 pages)
7. Misc. Plan No. 9312/5
8. Report from the Manager of Planning and Land Use dated December 16, 2004
9. Inspection Report (dated January 4, 2005)
10. Inspection Report (dated February 1, 2005)
11. Communication dated January 24, 2005, from the applicant, D. Serhal, to area residents describing development.
12. Communication dated January 31, 2005, from Joseph E. Lavigne, in opposition to the application, submitted by Randie Kushnier at the public hearing on February 1, 2005.
13. Copy of the Report of the Standing Policy Committee on Property and Development dated June 26, 2001, for File DASZ 10/2001, submitted by Randie Kushnier at the public hearing on February 1, 2005.
14. Petition in opposition to the application (8 pages), submitted by Randie Kushnier, at the public hearing on February 1, 2005.
15. Petition in opposition to the application, purporting to contain the signature of 4 areas residents, submitted by James Ivanyshyn, at the public hearing on February 1, 2005.

REPRESENTATIONS:

In Support:

Daniel Serhel and David Goyer
Dale Melanson
Vince Spezzano
Bill Thiessen

In Opposition

Brian Boles
James Ivanyshyn
Randie Kushnier
Joseph E. Lavigne

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

January 4, 2004

The applicant, Daniel Serhel, David Goyer Architect Inc., appeared in support of the application and gave a brief overview of the proposal.

James Ivanyshyn appeared in opposition. Mr. Ivanyshyn stated concerns with parking and traffic and requested that the public hearing be adjourned.

In response to Committee's questions, the Planner stated that the original plans showed six (6) guest parking stalls, but to save existing trees the architect reduced the stalls to four (4). The Planner also stated that the Department was supportive of the development.

Randie Kushnier appeared in opposition to the application. Mr. Kushnier reiterated the concerns of Mr. Ivanyshyn and requested an adjournment of the public hearing.

February 1, 2005

Bill Thiessen appeared in support and gave a brief overview of the development. Mr. Thiessen stated that the current commercial zoning would create more problems for area than the applied for residential zoning.

The applicant, Daniel Serhel accompanied by David Goyer, gave a brief overview of the development and submitted an informational package that had been mailed out to area residents filed as Exhibit 11.

Randie Kushnier appeared in opposition to the application. Mr. Kushnier stated he was representing the immediate neighbours and submitted a petition in opposition to the application, filed as Exhibit 14, and a communication in opposition to the application, filed as Exhibit 12. Mr. Kushnier also stated concerns with traffic, green space, parking, height of the building, and the density of the proposal. Mr. Kushnier submitted a copy of the Report of the Standing Policy Committee on Property and Development dated June 26, 2001, for File DASZ 10/2001 filed as Exhibit 13. Mr. Kushnier further stated that development was not in the best interest of the neighbourhood, and if the City were to rezone the land, the density of the proposal should be restricted.

In response to Committee's questions, the Planner stated that currently there are 3 different zonings on the particular property.

James Ivanyshyn appeared in opposition to the application. Mr. Ivanyshyn stated he was a resident on the street and had concerns with traffic and parking. In response to Committee's questions, Mr. Ivanyshyn suggested that professional 2-storey offices or lower density condos would be a better development. Mr. Ivanyshyn submitted a petition filed as Exhibit 15.

In rebuttal, Mr. Goyer stated that previous condo developments had worked with 100 percent ratio parking. Mr. Goyer also stated that the use of the site is more benign than the current commercial zoning, the development was appropriate, the scale was more modest than what exists on Grant Avenue and the access was limited to Scotland Avenue. Mr. Goyer further stated willingness to move the approach as much away from the existing daycare as possible and to construct a sidewalk abutting the proposal.

Exhibit "7" referred to in File DAZ 270/2004 [c/r DAV 337587/2004D]

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

File No. DAZ 270/04 (c/r DAV 04-337587D) December 16, 2004
Our c/f CP 500 (.106)

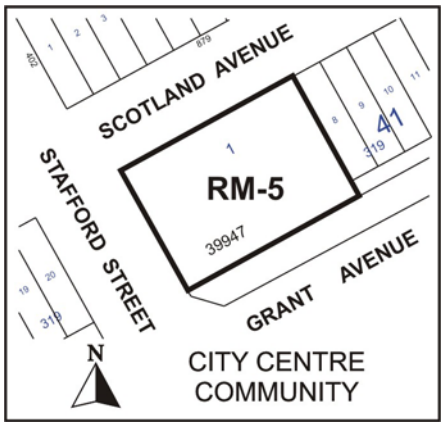
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
Location: 880 Scotland, SW corner at Stafford
City Centre Community Committee
File No. DAZ 270/04

An application has been received from David Goyer Architect Inc. (Daniel Serhal), to amend By-Law No. 6400/94 by rezoning the land shown below from a C1" Commercial District, "RM-4" Multiple-Family Residential District, and "R1-3" Single-Family Residential District to a "RM-5" Multiple-Family Residential District to allow for the construction of an apartment building.

RELATED FILES: DAV 04-337587D



SITE DESCRIPTION:

Site Area: 112.6 feet along Stafford, 161.5 feet along Scotland; 18,185 square feet approx.

Existing Land Use and Zoning: Vacant land under option from the City of Winnipeg. The westerly 86.3 feet of the land measured along Scotland is zoned "C1". The easterly 75.2 feet of the land measured along Scotland is zoned "RM-4". The southerly 14 feet in perpendicular width along Grant is zoned "R1-3".

Surrounding Land Use and Zoning:

North: Across Scotland, auto repair shop zoned "C1" and single-family houses zoned "R1-3".
South: Grant Avenue and single-family houses beyond zoned "R1-3.5"
East: Day care centre zoned "RM-4".
West: Across Stafford, Hydro substation zoned "R1-3.5A".

DEVELOPMENT DESCRIPTION:

The proposal is to construct a 4-storey, 24 unit condominium apartment building with underground parking for 24 cars and surface visitor parking for 4 cars. The suites are all two-bedroom with balconies. The main building entrance is off Scotland, as are the driveway approaches to the visitor parking area and the underground resident parking. The related variance application deals with substandard yards and parking. The Division is recommending approval of the variances.

PLAN WINNIPEG:

The proposed development complies with Plan Winnipeg, which supports higher density infill development along major arterials and transit routes.

ADMINISTRATIVE COMMENTS:

The Division supports the application and proposed development. The Division is of the opinion that the use is appropriate for the site and will not have a detrimental impact on the surrounding neighbourhood and adjacent properties. Previous development inquiries on the site have involved commercial development. The Division believes that the use of the land for housing at an appropriate scale and density is of greater benefit to the neighbourhood.

The proposed zoning permits a building height of 70 feet (7 storeys) and a density of 1 unit per 600 square feet of lot area. The proposed building is 4 storeys in height and represents a density of 1 unit per 800 (approx.) square feet of lot area.

The initial site plan showed the visitor parking accessing directly onto Scotland, requiring cars to back onto the street across the sidewalk. The Division does not typically support this arrangement due to concerns over traffic and pedestrian safety. The applicant agreed to revise

the layout of the visitor parking area to eliminate this concern. The applicant also located the boulevard trees and altered the site plan so as to avoid their removal.

RECOMMENDATION:

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 270/04, attached hereto and dated, December 16,2004, to a "RM-5" 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:

v. That buildings on the site be restricted to a building height of 4 storeys and a maximum of 24 residential units.

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

II. That By-law No. 7902/01 be repealed.

III. That a ten (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/Manager of Legal Services 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/Manager of Legal Services 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 Community)
986-5017

/jc



Figure 1: Air Photo of Site and Area

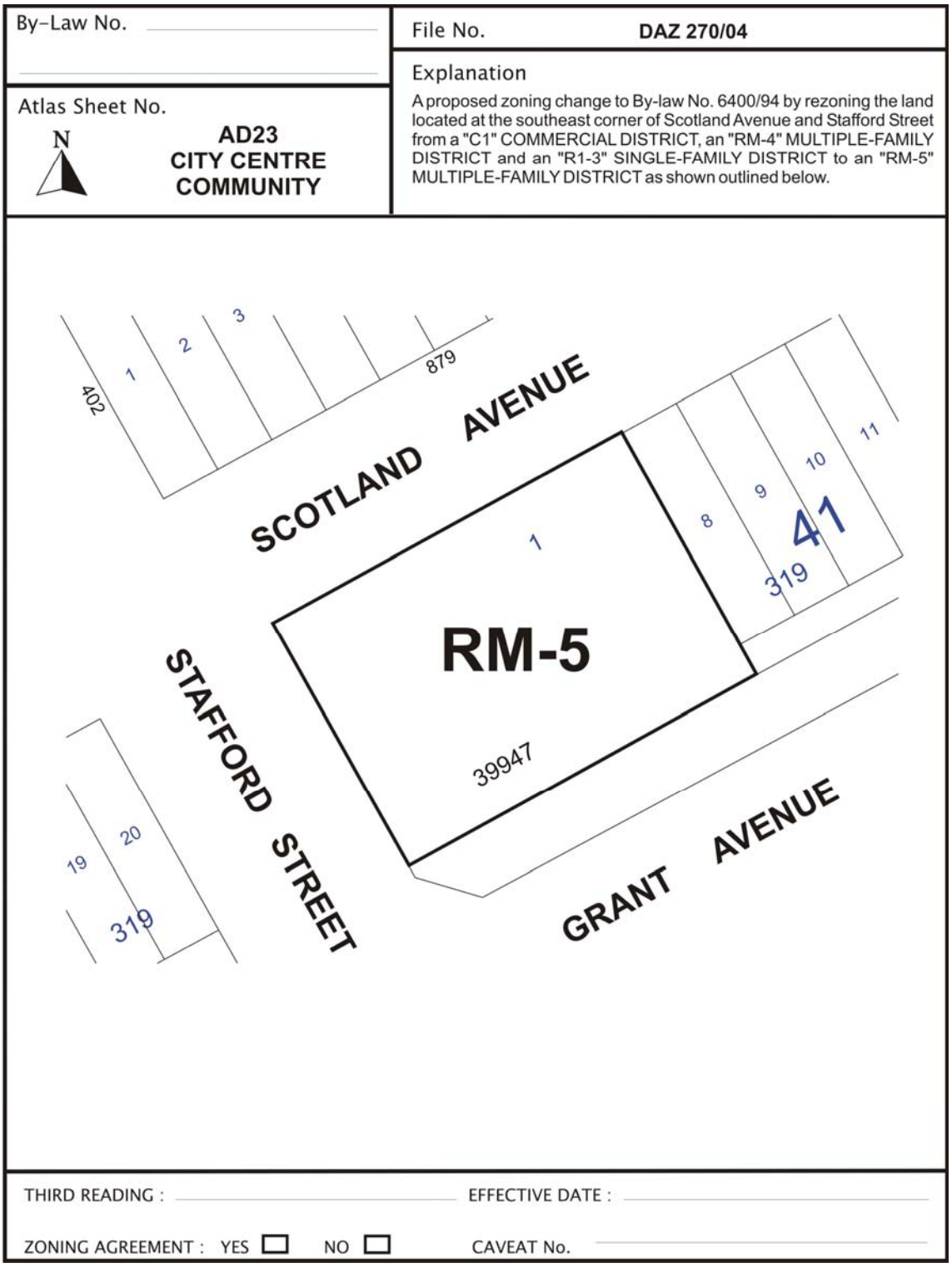

Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 270/04, dated December 16, 2004.