Agenda - Council - April 27, 2005

Report - Standing Policy Committee on Property and Development - April 5, 2005

Item No. 5 Rezoning - 855 Elizabeth Road
File DAZ 205/2005

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel 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 outlined on Schedule "A" for File DAZ 205/2005 dated March 4, 2005, to a "R2-T" 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 the development be constructed generally in accordance with the plan submitted and identified as Exhibit 5 for File DAZ 205/2005

2. 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.

3. 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.

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 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 - April 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 855 Elizabeth Road**
File DAZ 205/2005 [c/r DAV 110028/2005D, DCU 110039/2005D]

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

Prepared by: **Marc A. Pittet, Clerk,**
Riel Community Committee

Report date: **March 23, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2005, the Riel 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 outlined on Schedule "A" for File DAZ 205/2005 dated March 4, 2005, to a "R2-T" 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 the development be constructed generally in accordance with the plan submitted and identified as Exhibit 5 for File DAZ 205/2005

2. 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.

3. 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.

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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 do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated March 4, 2005.

PUBLIC HEARING SUMMARY

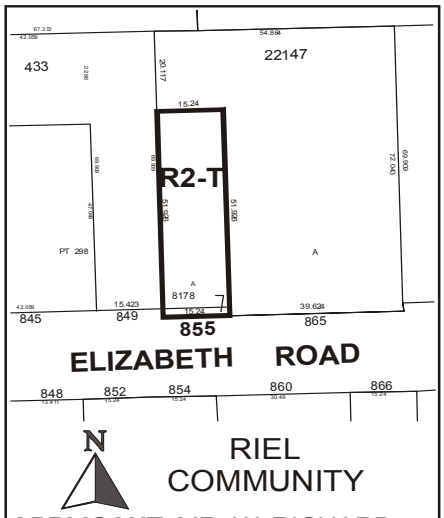
File: DAZ 205/2005 [c/r DAV 110028/2005D, DCU 110039/2005D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: March 15, 2005
Community Committee Chamber, 604 St. Mary's Road

Applicant: Will Richard, Architect

Subject:



APPLICANT: MR. W. RICHARD
FILE: DAZ 205/05
PROPOSAL: To rezone the land shown outlined above from a "PR1" PARKS AND RECREATION DISTRICT to an "R2-T" TRANSITIONAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: MR. W. RICHARD
N° DE RÉFÉRENCE : DAZ 205/05
PROJET : Rezonage des sols délinées ci-dessus de sorte qu'ils passent de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie R2-T (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 855 Elizabeth Road

3068

Exhibits Filed:

1. Application dated January 27, 2005
2. Notification of Public Hearing dated February 3, 2005
3. Manitoba Status of Titles 2011588, 2011600
4. Letter of authorization dated January 24, 2005 from John Evanuik to Will Richard
5. Plan, Sheet 1 of 1, dated March 8, 2005
6. Report from the Manager of Planning and Land Use dated March 4, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

David Blais
Will Richard

In Opposition

Louise Betto
Shane T. Clifford

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Will Richard, appeared in support of the application and gave a brief overview of the proposal.

David Blais, the owner of the property, appeared in support of the application. Mr. Blais stated a four-plex, at a minimum, would have to be constructed to make the project economically viable. Mr. Blais stated that he had asked the owner of the apartment block to the east if he was interested in purchasing a portion of his property for parking, to no avail.

Shane T. Clifford appeared in opposition to the application and expressed concerns relative to:

- Inadequate parking in the area;
- Some area residents not aware of the application and public hearing;

- Development could adversely affect drainage
- Snow removal;
- Proposed building is too large for the lot;
- Proposed building would adversely affect his privacy.

In response to a question from Councillor Magnifico, Mr. Clifford stated that the project in question would negatively impact him more than anyone else.

Louise Betto appeared in opposition to the application and reiterated concerns raised by Mr. Clifford regarding the size of the proposed building and lack of parking in the area.

In rebuttal, Mr. Richard stated that the parking for the proposed development would meet the zoning requirements for the land. Mr. Richard also stated that the lot would drain properly as the City of Winnipeg would be required to inspect the property. Mr. Richard explained that, when required, snow would be trucked offsite. Mr. Richard stated that the main windows for the development would face the street and backyard. Mr. Richards further stated that he could build virtually the same size duplex or single family residence under the current zoning.

Exhibit "6" referred to in File DAZ 205/2005 [c/r DAV 110028/2005D, DCU 110039/2005D]

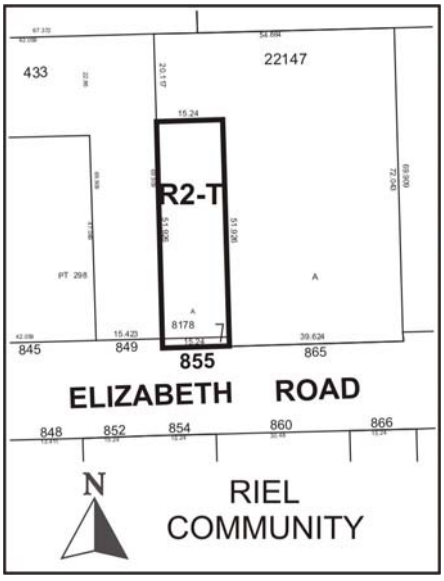
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **March 4, 2005**
File: **DAZ 205/05**
Related Files: **DAV 05-110028/D & DCU 05-110039/D**
Subject: **Application to rezone land from a "PR1" Parks and Recreation District to a "R2-T" Residential District to permit the construction of a 4 unit multiple-family dwelling.**

Location: **855 Elizabeth Road**



Applicant: **Will Richard**
Owner: **John Evanuik**

Recommendation: Approved, with conditions

Site Description

The subject property is zoned "PR1" Parks and Recreation District. The property, which measures 170 feet x 50 feet (± 8,500 square feet), is occupied by a single-family residence.

Surrounding Land Use
North: Townhomes zoned "PR1" Parks and Recreation
South: Single-family residences zoned "R1-5" Residential
East: Multi-storey apartment building zoned "PR1" Parks and Recreation
West: Immediately to the west is a single-family residence zoned "PR1" Parks and Recreation. Further west is a convenience store zoned "C1" Commercial

Existing Zoning
Under the current "PR1" zoning, multiple-family structures are not permitted. In the "R2-T" Residential District, multiple-family dwellings are allowed as a conditional use.

Background

In 1994, many areas within the City of Winnipeg were rezoned in order to reflect new zoning district classifications which were adopted in conjunction with the Zoning By-law update (6400/94).

Through an administrative oversight, the subject parcel was rezoned to "PR1" Parks and Recreation District. This zoning designation typically applies to parks, schools, and other public facilities and permits certain uses which are not allowed within residential zoning districts.

Description of the Proposed Development
The applicant is proposing to rezone the subject property to "R2-T" in order to construct a four unit multiple-family dwelling. The proposed dwelling would be residentially styled with a pitched roof and doors and windows facing the street.

The building is designed so that residents and visitors enter a courtyard through the front doors or garage door on the street facing side of the building. This leads to the individual unit entrances and to the parking area, which is located in the rear. The parking area is screened by a 6-foot high solid wood fence on the east side and by landscaping on the west side.

Additionally, a variance for substandard side yard setbacks of 4.75 feet (1.45 metres) instead of 19.8 feet (6.04 metres), a substandard front yard setback of 17.75 feet (5.41 metres) instead of 25 feet (7.61 metres), a height of 34 feet (10.36 metres) instead of 30 feet (9.14 metres) (DAV 05-110028/D) and a conditional use to permit a multiple-family building in the property (DCU 05-110039/D) are also being considered in association with this application.

Analysis

Plan Winnipeg Compliance

The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The proposed zoning is "R2-T" Residential, which is a transitional zoning district that is intended to accommodate single and two-family development and where appropriate, limited multiple-family development in lower-density transitional neighbourhoods.

The character of the area, given the variety of uses, is transitional in nature. It serves as a buffer between the single-family residences to the south and both the higher density residential properties and the Stockyards land to the north. In light of this, a rezoning to "R2-T" is compatible with the surrounding area.

Site Design Issues

The applicant is proposing a residentially styled building, with a gabled roof and a street-facing front. The design reflects the overall scale and appearance of other homes in the area. The parking lot will be completely screened from the street and a combination of fencing and landscaping will help buffer the parking lot from the residence to the west.
Overall, the proposed design will be compatible with adjacent single-family areas to the south.

Dedication

Prior to the current zoning by-law, the subject lands were zoned R3, Multiple-family District under the St. Boniface Town Planning Scheme 1957. The purpose of the aforementioned rezoning was to standardize zoning districts and not to change individual zoning, excepting properties along regional streets in older established areas.

Consequently, the subject lands were zoned to PR in error; the property should have been zoned RM-3 to reflect the current lot size and land use. In light of the City's error, the Planning and Land Use Division recommends that conditions with respect to land dedication fees and dedication of property for a future widening of Elizabeth Road be waived:

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The proposed rezoning and site design are compatible with the surrounding properties;
- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- Municipal services for multi-family development are available;
- The administration inadvertently zoned the property "PR1" Parks and Recreation in 1994.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ /04, attached hereto and dated, 2004, to a "R2-T" 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 development be constructed generally in accordance with the plans submitted attached hereto and identified as Sheet No. 1 of 1, Exhibit 1 for File No. DAZ 205/05 dated March 8, 2005;

II. 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.

III. 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.

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/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson PPD File # 5.511

Schedule "A"

By-Law No.

File No. **DAZ 205/05**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 855 Elizabeth Road from a "PR1" PARKS AND RECREATION DISTRICT to an "R2-T" TRANSITIONAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

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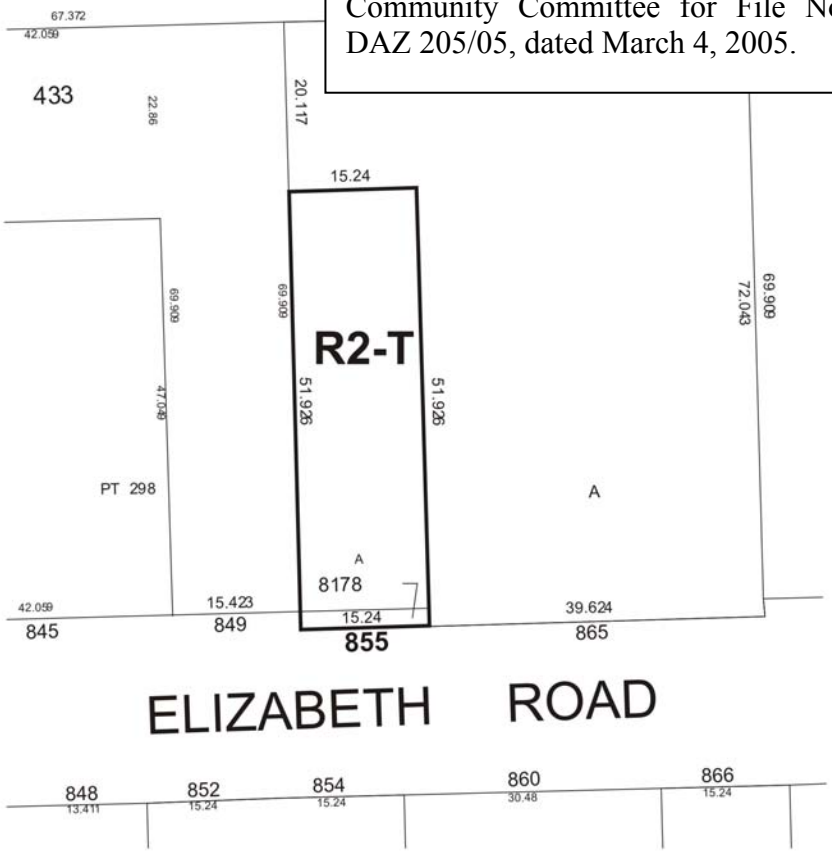
RIEL
COMMUNITY

Schedule "A" to the report of the Riel Community Committee for File No. DAZ 205/05, dated March 4, 2005.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.



Figure 1: Aerial Photograph (Flown in 2002)

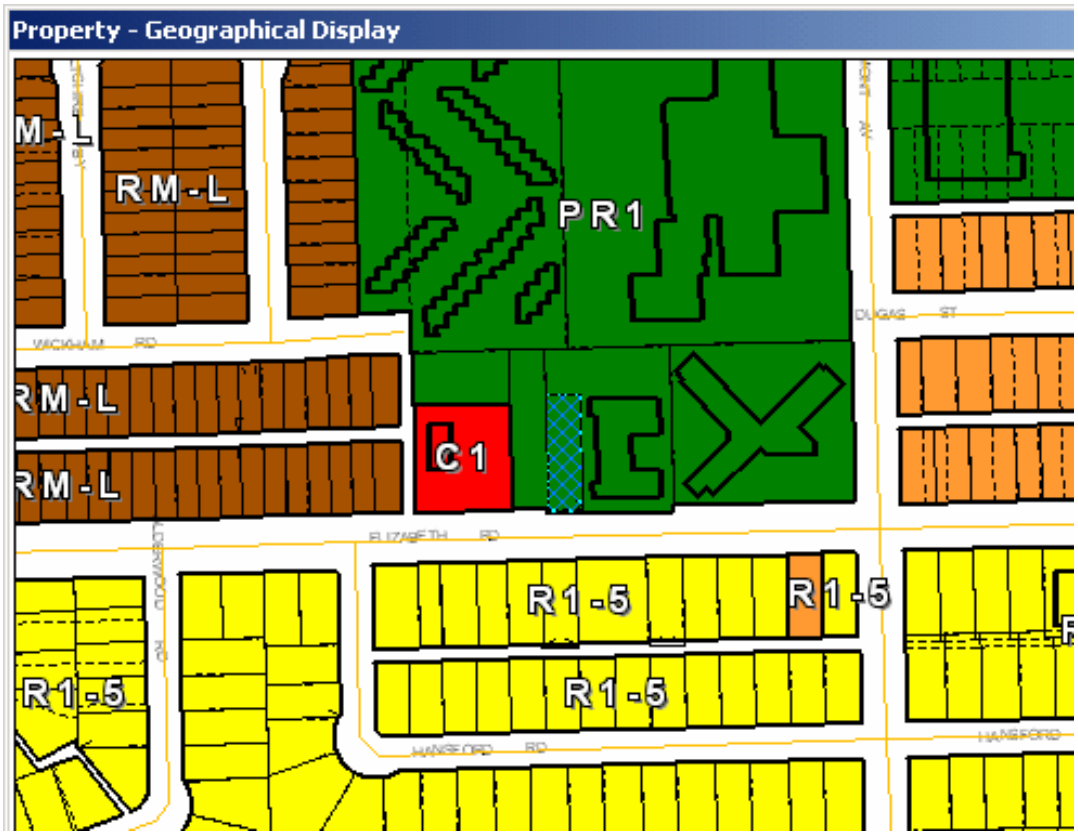


Figure 2: Zoning Map