Minute No. 454
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 7 Rezoning - Southwest corner of Murray Avenue and Frog Plain Way (Lot 1, Block 2, Plan 40762) File DAZ 264/2005

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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 264/2005 dated February 6, 2006, to an "R2" Two-Family Residential District.

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 (3) readings.

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.

Report - Standing Policy Committee on Property and Development - April 4, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Southwest corner of Murray Avenue and Frog Plain Way (Lot 1, Block 2, Plan 40762)**
File DAZ 264/2005

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **February 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2006, the Lord Selkirk-West Kildonan 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 264/2005 dated February 6, 2006, to an "R2" Two-Family Residential District.

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 (3) readings.

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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated February 6, 2006.

PUBLIC HEARING SUMMARY

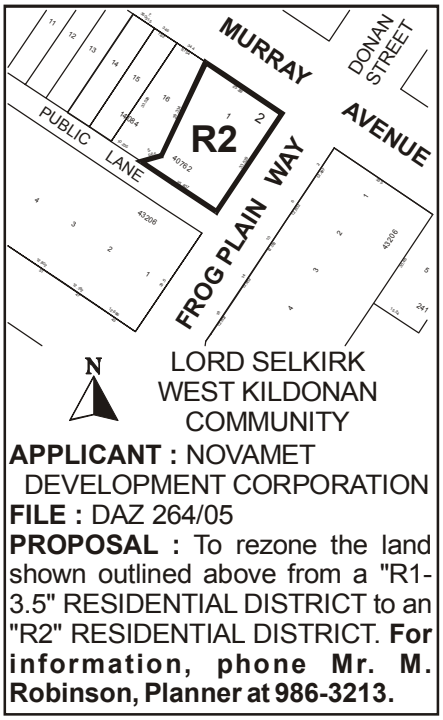
File: DAZ 264/2005

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Pagtakhan

Public Hearing: February 21, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Novamet Development Corporation (Lynne Jones)

Subject:



Premises Affected: Southwest corner of Murray Avenue and Frog Plain Way
(Lot 1, Block 2, Plan 40762)

Exhibits Filed:
1. Application dated December 22, 2005
2. Notification of Public Hearing dated January 5, 2006
3. Manitoba Status of Title1887197
4. Plans (3 pages)

5. Communication dated February 6, 2006, from the Land Development Manager, Novamet Development Corporation to residents on Murray Avenue, Frog Plain Way, and Donan Street advising of the proposed rezoning
6. Report from the Manager of Planning and Land Use dated February 6, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

Jose Raulino

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Eric Vogan, appeared on behalf of the applicant in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated February 6, 2006 (Exhibit 6). Mr. Vogan circulated a floor plan showing the design and layout of the proposed two-family dwelling, and estimated that each side would sell for approximately $150,000.00.

Jose Raulino appeared in opposition to the application and stated that he lives on Frog Plain Way across the street from the subject property. He advised Committee that when he purchased his home, he was informed by the real estate agent the subject property would be a park. Mr. Raulino indicated he was not aware there could be a duplex constructed on the subject property. He also stated he paid a lot of money for his home and expressed concern that if the proposed development is approved, he will be looking at a fence from his front window.

In rebuttal, Mr. Vogan indicated that when the proposed two-family dwelling is completed, it will face Murray Avenue and not Frog Plain Way. However, Mr. Vogan did confirm that Mr. Raulino would be looking at a fence from his front window.

Exhibit "6" referred to in File DAZ 264/2005

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **February 6, 2006**
File: **DAZ 264/05**
Related Files: **DAZ 215/04 & DASZ 20/98**
Subject: **To amend By-Law No. 6400/94 by rezoning the land shown below from an "R1-3.5" Residential District to an "R2" Two-Family Residential District.**



Location: **Southwest corner of Murray Avenue and Frog Plain Way**

Applicant: **Novamet Development Corporation**
Owner: **Same as above**

Recommendation: ***Approval***

Site Description

The subject property, which is currently zoned "R1-3.5" Residential, is located at the southwest corner of Murray Avenue and Frog Plain Way in the Riverbend neighbourhood of the Old Kildonan Ward.
North: Murray Avenue, then residences zoned "R1-5" Residential
South: Frog Plain Way, then residences zoned "R1-3.5" Residential
East: Frog Plain Way, then residences zoned "R1-3.5" Residential
West: Condominiums zoned "RM-1" Multiple-Family Residential

Background

DASZ 20/98
The subject property was part of a larger application approved by City Council to subdivide and rezone lands from "R1-20" Residential to "R1-4" Residential to allow for residential development.

DAZ 215/04
The subject property was part of a larger application approved by City Council to rezone lands from "R1-4" Residential to "R1-3.5" Residential to allow for residential development.

Description of the Proposed Development
The applicant is requesting a rezoning of the subject property from "R1-3.5" Single-Family Residential to "R2" Two-Family Residential for the purpose of constructing a two-family dwelling.

Analysis

Plan Winnipeg
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 requested change in zoning will allow for a change in housing type – from single family detached to two family – but will not increase the overall density of the property.

Site Design Issues
The applicant is proposing a residentially styled building, with a gabled roof and a street-facing front. Overall, the proposed design will be compatible with adjacent single-family areas to the north, south, and east.

In light of the above, a rezoning to "R2" is compatible with the surrounding area.

Other
It should be noted that land dedication was fully satisfied under File No. DASZ 20/98, thus will not be charged under this application.

Recommendation

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

- The proposed rezoning is compliant with Plan Winnipeg and its policies;
- The proposed rezoning and site design are compatible with the surrounding properties;
- There will be no increase in overall density
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;

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 264/05, attached hereto and dated February 6, 2006, to an "R2" Two-Family Residential District.

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 (3) readings.

IV. 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, AICP
PPD File # DAZ 264/05



Figure 1: Aerial Photo (Flown in 2005)

Schedule "A"

By-Law No. _____

File No. **DAZ 264/05**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the southwest corner of Murray Avenue and Frog Plain Way from a "R1-3.5" RESIDENTIAL DISTRICT to an "R2" RESIDENTIAL DISTRICT as shown outlined below.

Atlas Sheet No. **S27**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for file # DAZ 264/05 dated February 6, 2006.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____