Minutes - Executive Policy Committee – March 14, 2007

Minute No. 233
Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 9 Rezoning - 622-626 St. Mary's Road
File DAZ 200/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 shown on Schedule "A" for File DAZ 200/2007 dated February 6, 2007, to an "RM-4" Multiple Family 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 total number of dwelling units permitted on Lots 58, 59 and 60, Plan 1862, (622 and 626 St. Mary's Road) be limited to twenty-two (22).

2. 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.

3. 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.

4. 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.

5. 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.

Report - Standing Policy Committee on Property and Development - February 27, 2007

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 27, 2007, 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 February 13, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 622 - 626 St. Mary's Road**
File DAZ 200/2007 [c/r DAV 109400/2007D]

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

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

Report date: **February 14, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2007, 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 shown on Schedule "A" for File DAZ 200/2007 dated February 6, 2007, to an "RM-4" Multiple Family 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 total number of dwelling units permitted on Lots 58, 59 and 60, Plan 1862, (622 and 626 St. Mary's Road) be limited to twenty two (22).

2. 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.

3. 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.

4. 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.

5. 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 Planning and Land Use Division dated February 6, 2007.

PUBLIC HEARING SUMMARY

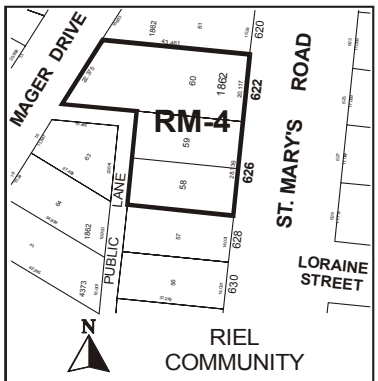
File: DAZ 200/2007 [c/r DAV 109400/2007D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 13, 2007
Council Chamber
Council Building, 510 Main Street

Applicant: Garret Wong

Subject:



APPLICANT : GARRET WONG
FILE: DAZ 200/07
PROPOSAL : To rezone the land shown outlined above from an "RM-2" MULTIPLE-FAMILY DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : GARRET WONG
N° DE RÉFÉRENCE : DAZ 200/07
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 622-626 St. Mary's Road

5102

Exhibits Filed:

1. Application dated January 17, 2007
2. Notification of Public Hearing dated January 17, 2007
3. Manitoba Status of Titles 2187586 and 2187620
4. Letter of authorization dated December 20, 2007 from Marilyn Wong to Garret Wong and Mark Makarovsky
5. Surveyor's Building Location Certificate and sketch dated December 22, 2006
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated February 6, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Garret Wong

In Opposition:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Garret Wong, the applicant, appeared in support of the application.

Exhibit "7" referred to in File DAZ 200/2007 [c/r DAV 109400/2007D]

Winnipeg

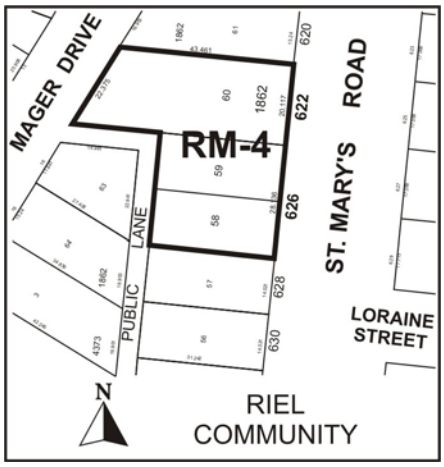
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 6, 2007
File: DAZ 200/07
Related Files: DAV 07 109400 D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-2" Multiple Family District to an "RM-4" Multiple Family District.

Location: 622/626 St. Mary's Road

Legal Description: Lots 58/59/60 Plan 1862



Applicant: Garret Wong

Owner: Marilyn Wong

Recommendation: *Approval*

5104

Site Description:

The subject land is composed of three lots upon which exist two apartment blocks; the building at 622 St. Mary's has eleven units, the building at 626 St. Mary's has ten. The property is zoned RM-2 Multiple Family and has a parking area to the rear of the buildings with direct access to Mager Drive. To the immediate west and north are single family dwellings zoned R1-5 Single Family . To the south along St. Mary's Road is a mix of single family homes zoned R1-5 and apartment buildings zoned RM-2 Multiple Family. To the east along St. Mary's Road is a mix of restricted C2 Commercial uses (usually in older converted dwellings) RM-2 Multiple Family and single family homes zoned R1-5.



Description of the Proposed Development:

The owners are essentially proposing to do two things : A) create separate titles for each of the two structures instead of having both under a single title as is currently the case and B) add an additional basement unit to the apartment at 626 St. Mary's Road for a total of eleven (11) units instead of the current ten (10) . 626 St. Mary's will then have an equivalent number of units as the adjoining building at 622 St. Mary's. The combination of splitting the title (thereby creating smaller parcels) and adding an additional unit to one building exceeds the maximum density

requirements under the RM-2 zoning and necessitates a rezoning to RM-4 Multiple Family. Other than the need for several accompanying variances, nothing else changes.

Analysis:

As mentioned, nothing essentially changes on site, other than the addition of a new basement unit at 626 St. Mary's. The Neighbourhood Planning Branch therefore does not oppose either the splitting of the titles or the creation of an additional unit. The increase from an overall total of 21 units to 22 is, in our view, marginal. However, to ensure that the current density is maintained in the long term and that the existing buildings are not replaced , at some point , by much higher density structures allowed under the requested RM-4 zoning, the Neighbourhood Planning Branch will recommend , by Zoning Agreement, that the total number of dwelling units on the subject three lots be limited to twenty two (22) .

Recommendation:

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

- With the condition outlined in the zoning agreement, nothing effectively changes or can change on the subject property. Addition of an additional unit in one of the buildings will not adversely affect the adjacent neighbourhood.

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 200/07, attached hereto and dated February 6, 2007, to an "RM-4" Multiple Family 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 total number of dwelling units permitted Lots 58,59 &60 Plan 1862, (622 & 626 St. Mary's Road) be limited to twenty two (22).

II. 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.

III. 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.

IV. 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.

V. 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.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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: Kevin Lalor
PPD File # DAZ 200/07

By-Law No. _____

File No. **DAZ 200/07**

Atlas Sheet No.

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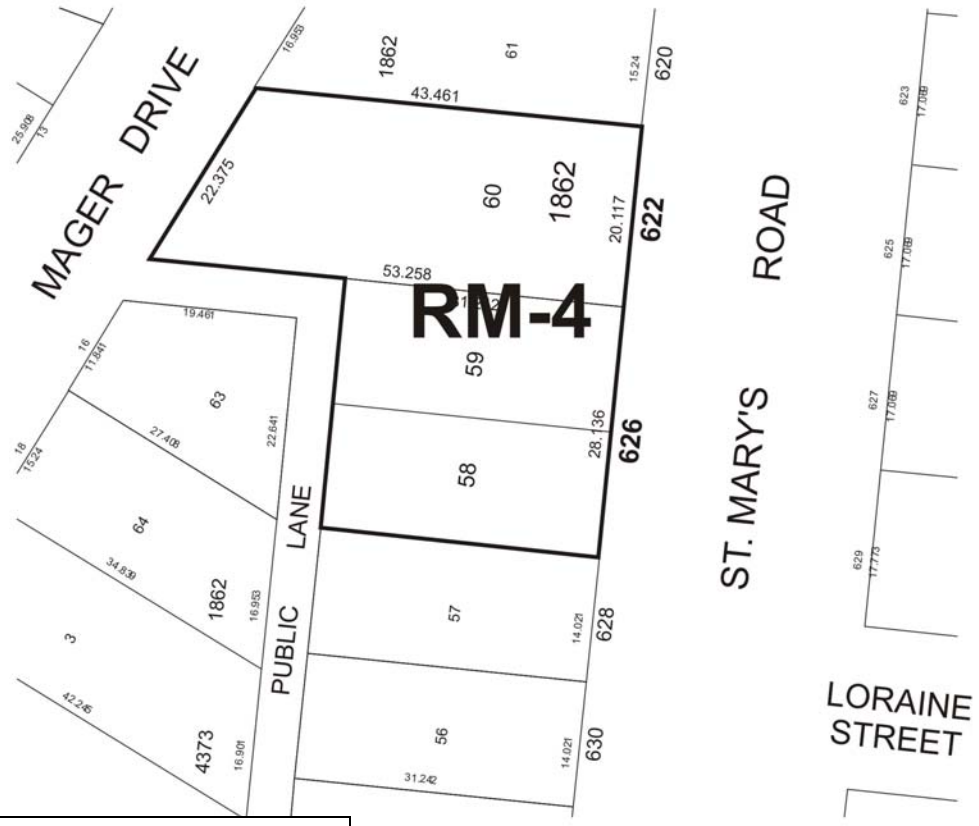
AD26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 622-626 St. Mary's Road from an "RM-2" MULTIPLE-FAMILY DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 200/2007, Riel Community Committee, dated February 6/2007

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____