Minute No. 825
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 23 Rezoning - 542-544 College Avenue
File DAZ 231/2006

COUNCIL DECISION:

Council concurred in the recommendations 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 231/2006 dated June 26, 2006, to an "R2-T" Residential.

2. That a ten per cent (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 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 – September 5, 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 September 21, 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 September 5, 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 July 25, 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 - 542 - 544 College Avenue**
File DAZ 231/2006 [c/r DCU 138832/2006D, DAV 138833/2006D]

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

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

Report date: **August 9, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 25, 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 231/2006 dated June 26, 2006, to an "R2-T" Residential.

2. That a ten per cent (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.

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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 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 Planning and Land Use Division dated June 26, 2006.

PUBLIC HEARING SUMMARY

File: DAZ 231/2006 [c/r DCU 138832/2006D, DAV 138833/2006D]

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

Public Hearing: July 25, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: Scholfields Renovations (Clive Scholfield)

Subject:



Premises Affected: 542 - 544 College Avenue

Exhibits Filed:
1. Application dated June 22, 2006
2. Notification of Public Hearing dated June 23, 2006
3. Manitoba Status of Title 2055026

4. Letter of authorization dated June 13, 2006 from 5005116 Manitoba Ltd. to Scholfields Renovations
5. Surveyor's Building Location Certificate and sketch dated June 14, 2006
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated June 26, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Clive Scholfield, Scholfields Renovations

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Clive Scholfield, on behalf of the applicant, Scholfields Renovations, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated June 26, 2006.

Exhibit "7" referred to in File DAZ 231/2006

Winnipeg

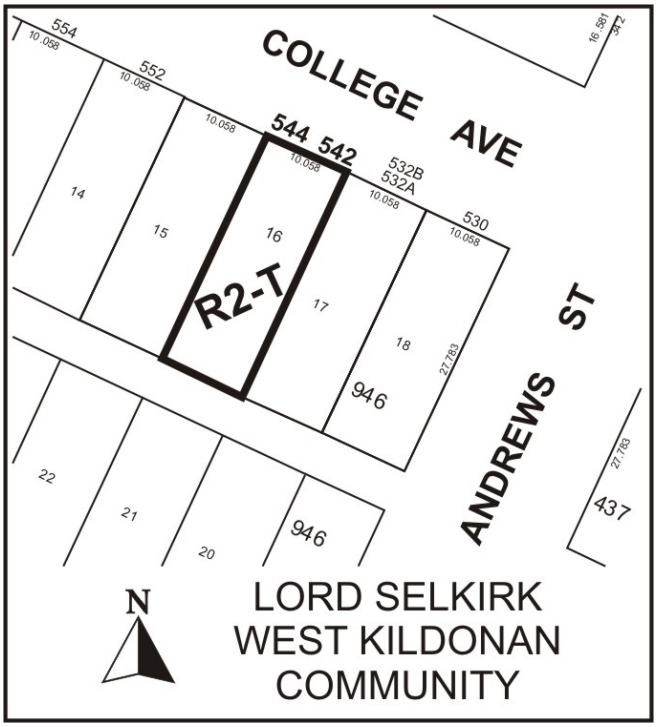
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **June 26, 2006**
File: DAZ 231/06
Related Files: DCU 06-138832/D; DAV 06-138833/D

Subject: Rezone the land to establish the existing 4-unit residential building.

Location: 542 - 544 College Avenue
Legal Description: LOT 16 BLOCK A PLAN 946 40/2W ST J



Applicant: Clive Scholfield Scholfields Renovations

Owner: 5005116 MANITOBA LTD

Recommendation: Approve

Report Summary:

- The applicant is proposing to use the existing structure as a 4-unit residential building, which is a conditional use in R2-T and not permitted in R2.
- According to City of Winnipeg records, the building was a 4-unit rooming house in compliance with the appropriate regulations in 1986 and in 1999.
- In February, 2003 the building was placed on the City of Winnipeg's vacant buildings registry after neighbours complained about the structure's condition.
- In 2005, building renovations began without any permits to renovate the structure.
- The Planning and Land-Use Division supports the rezoning application.

Site Description

The subject property is located on the south side of College Avenue between McGregor and Andrew Street in the St. John's neighbourhood of the Mynarski Ward. The site is zoned **"R2" Residential District** and is occupied by a 2,044 square foot, 2.5 storey, vinyl clad building with 2 parking stalls in the rear of the building. Adjacent lands include a two family dwelling to the east and a vacant lot to the west. Surrounding uses include single and two family dwellings to the north and south zoned "R2".

Background

The building was constructed in 1909 as a side by side duplex.

According to City of Winnipeg records, the building was a 4-unit rooming in compliance with the appropriate regulations in 1986 and in 1999.

In 2000, the Arson Inspection Report found the building vacant and secured, and in 2001 the structure was posted as vacant and in-sanitary.

In February, 2003 the building was placed on the City of Winnipeg's vacant buildings registry after neighbours complained about the structure's condition.

In 2005, building renovations began without any permits. New drywall, flooring, cabinets, etc were installed and the work was completed by May, 2006.

Description of the Proposed Development

The applicant is proposing to use the existing structure as a 4-unit residential building.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development constitutes infill development and supports compact urban form. The St. John's Neighbourhood has also been identified as a 'Major Improvement Neighbourhood' targeted by the City of Winnipeg Housing Policy and Plan Winnipeg.

ZONING
- The **"R2" Two Family Residential District** permits two family dwellings to a maximum height of 35 feet with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.
- The **"R2-T" Transitional District** is intended to accommodate single and two family development and, where appropriate, limited multiple family development in lower-density transitional neighbourhoods.

LAND USE BY-LAW ISSUES
A 4-unit multiple family dwelling is considered a 'conditional use' in the **"R2-T"** district (DCU 06-138832/D).

The applicant has applied for a variance to allow a change of use to permit the temporary establishment of the residential building prior to the rezoning change. The use variance will allow the applicant immediate occupancy of the dwellings for up to 5 years while the rezoning application moves onward to Council in the proceeding months (DAV 06-138833/D).

The variance may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

The applicant has applied to allow 2 parking spaces instead of the required 6 spaces.

Recommendation

The Planning and Land-Use Division supports the rezoning application, and associated variances and conditional uses. The zoning will reflect an existing on-ground condition of a residential building that has four units. A mixture of housing types is characteristic of the surrounding neighbourhood. Newly renovated dwellings will diversify the housing stock, and assist in improving the neighbourhood.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ 231/06**, attached hereto and dated, **June 26, 2006**, to a "**R2-T" Residential.**

2. 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.

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.

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5. 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: John S. Wintrup
PPD File # DAZ 231/06

Schedule "A"

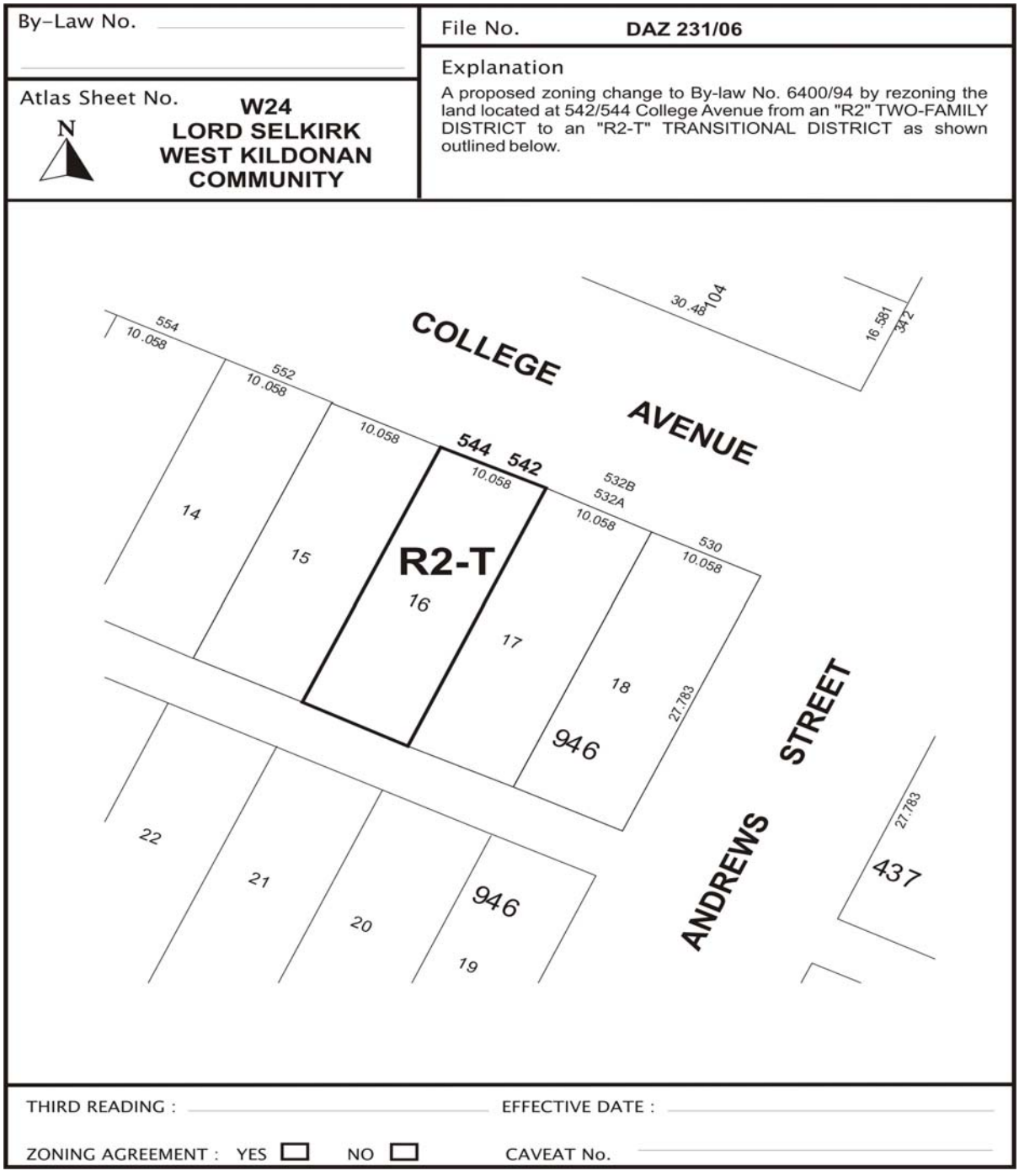


Figure 1: Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File No. DAZ 231/06, dated June 26, 2006.

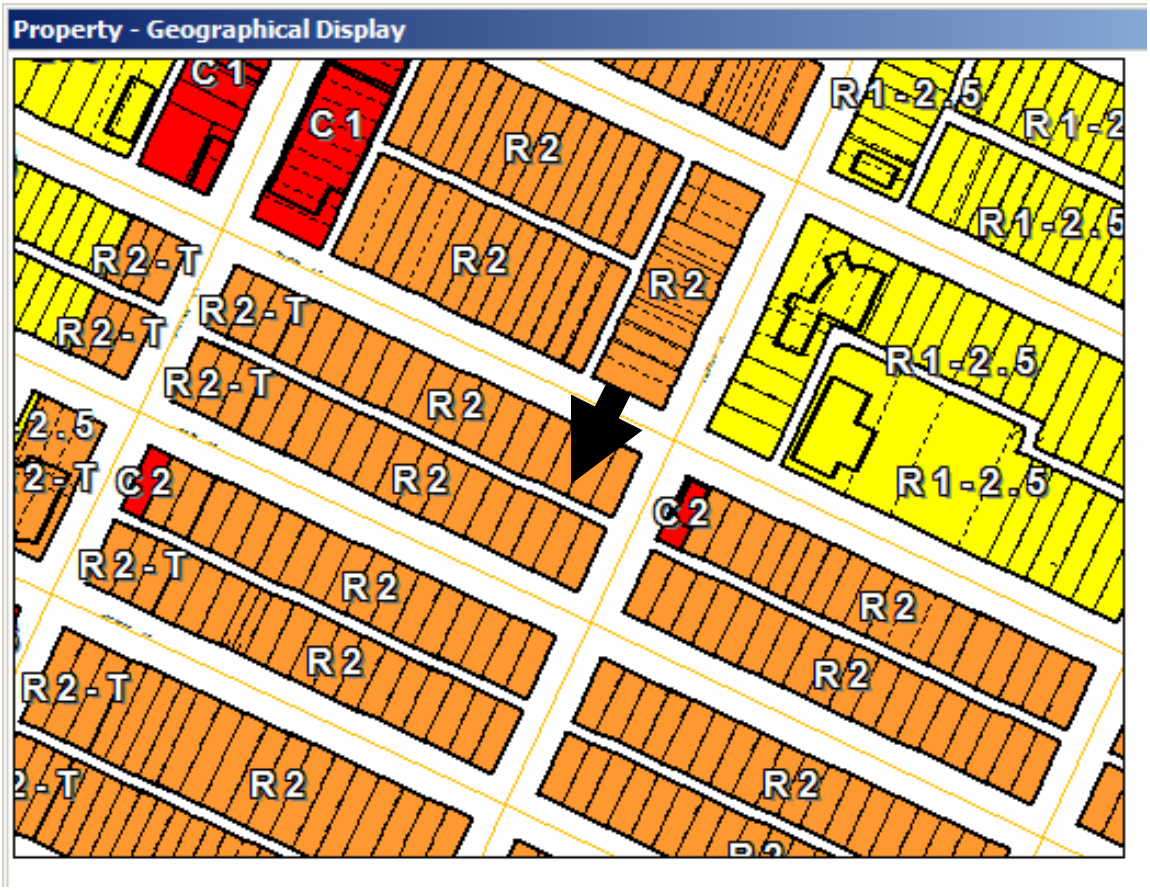


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.