Agenda – Council – October 22, 2008

Report - Executive Policy Committee - October 3, 2008

Item No. 2 Rezoning - 420 St. Mary's Road
(St. Vital Ward)
File DAZ 227/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 3, 2008, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 227/2008 dated September 8, 2008, to an "RMF-L" Multiple Family District.

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 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 - Executive Policy Committee - October 3, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 3, 2008, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - 420 St. Mary's Road**
(St. Vital Ward)
File DAZ 227/2008 [c/r DAV 129357/2008D]

For submission to: **Executive Policy Committee**

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

Report date: **September 17, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 15, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 227/2008 dated September 8, 2008, to an "RMF-L" Multiple Family District.

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 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 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 of the Planning and Land Use Division dated September 8, 2008.

PUBLIC HEARING SUMMARY

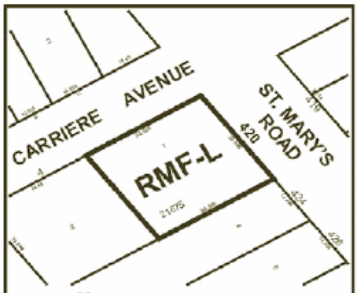
File: DAZ 227/2008 [c/r DAV 129357/2008D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: September 15, 2008
Council Chamber
Council Building, 510 Main Street

Applicant: Michael D. Martel

Subject:



RIEL COMMUNITY

APPLICANT : MICHAEL D. MARTEL
FILE: DAZ 227/08
PROPOSAL: To rezone the land shown outlined above from an "RMF-S" RESIDENTIAL MULTIPLE FAMILY DISTRICT to an "RMF-L" RESIDENTIAL MULTIPLE-FAMILY DISTRICT to allow for the establishment of an additional dwelling unit in the basement . **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : MICHAEL D. MARTEL
N° DE RÉFÉRENCE : DAZ 227/08
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie RMF-S (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie RMF-L (SECTEUR D'HABITATIONS MULTIFAMILIALES) et de permettre ainsi l'aménagement d'un logement supplémentaire au niveau du sous-sol. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 420 St. Mary's Road

Exhibits Filed:

1. Application dated July 14, 2008
2. Notification of Public Hearing dated August 5, 2008
3. Manitoba Status of Title 2278017
4. Letter of authorization dated July 8, 2008 from Jason Allan and Denis Leclair to Michael Martel
5. Surveyor's Building Location Certificate and sketch dated January 30, 2002
6. Plans (7 pages)
7. Report from the Planning and Land Use Division dated September 8, 2008
8. Inspection Report
9. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Denis Leclair
Michael Martel

In Opposition

Nil

For the City:

Shirley Matille, Land Development Engineer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 227/2008 [c/r DAV 129357/2008D]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

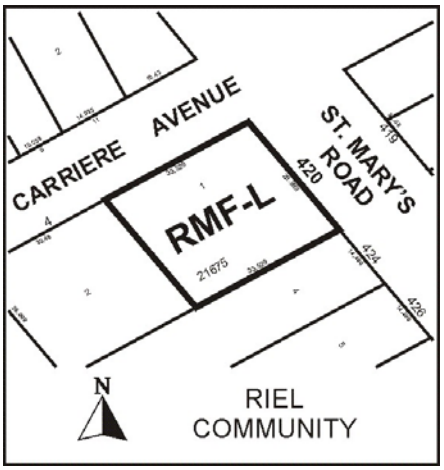
Date: September 8/2008
File: DAZ 227/2008

Related Files: DAV 08 129357/D

Subject: To rezone the subject multiple family property in order to increase the number of dwelling units from thirteen (13) to fourteen (14)

Location: 420 St. Mary's Road

Legal Description: Lot 1, Plan 21675



Applicant: Michael Martel

Owner: Michael Martel, Denis Wilfred Leclair & Jason Edward Allan

Recommendation: *Approval*

Site Description:



The subject property is situated on the west side of St. Mary's Road just south of Carriere Street. The property is occupied with a thirteen suite apartment complex (built in the nineteen sixties) and zoned " RMF-S" Multiple Family. Properties to the immediate west adjoining the Red River are also occupied with Multiple Family apartment complexes and are similarly zoned " RMF-S" Multiple Family. Properties adjoining to the south along St. Mary's Road are similarly zoned but occupied with single family dwellings. To the east of St. Mary's Road, there is a mix of commercial businesses zoned " C2" Commercial. And immediately to the north along the north side of Carriere Street are residential homes zoned " R1-M" Single Family.

Description of the Proposed Development:

The existing building has two floors above ground level, each floor having five (5) suites. The basement level currently has three (3) suites and the owners requesting a fourth unit to be added to the lower level. There are fifteen parking spaces currently in place along the west and north sides of the building. Under the new By-Law, the current zoning does not permit and increase in the density of the building, or an increase in the number of dwelling units. Hence, the requirement procedurally, for an up-zoning to the "RM-L" Multiple Family category.

Analysis:

The Planning, Property & Development Department supports the proposed rezoning for several reasons: i) The increase in density is marginal and will not, in our view, have any effect on the adjoining properties , ii) There is adequate on-site parking to meet the requirements of the building , and iii) all building code issues relative to safety have apparently been met by the applicants. It should be noted that there is an accompanying maintenance variance to permit insufficient yard separations created by the new zoning category. However, nothing effectively changes; the building footprint remains the same.

Recommendation

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

- The increase in the number of dwelling units by one , will not , in our view, have any discernable adverse impact on the surrounding neighbourhood. The building has been in place for some time and parking is not deemed to be an issue.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 227 /2008 dated September 8, 2008, to a "RMF-L " Multiple Family District.

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 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: Kevin Lalor
PPD File # DAZ 227 /2008

Schedule "A"

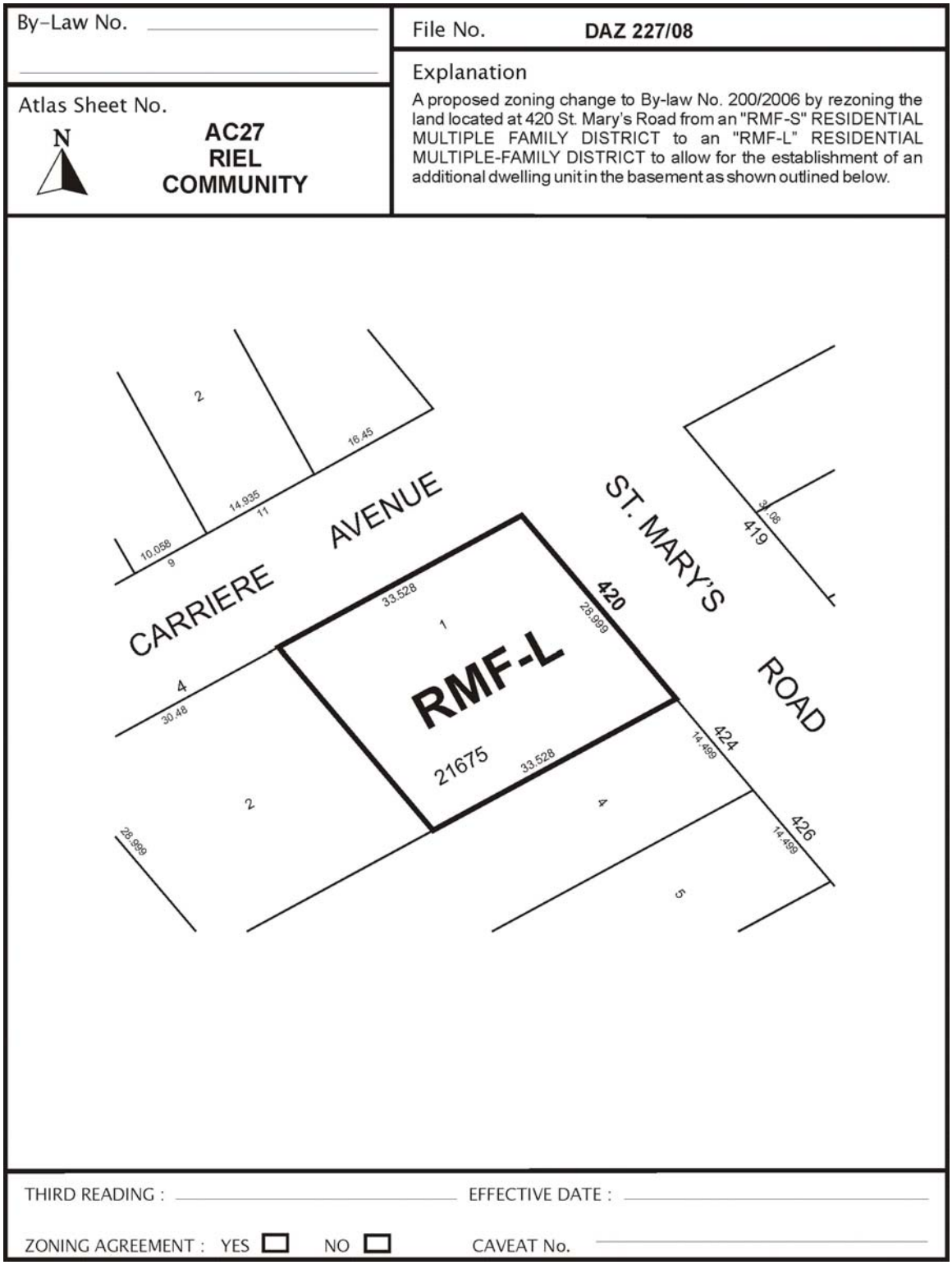


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 227/2008, dated September 8, 2008.