Agenda - Executive Policy Committee - June 10, 2009

Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 11 Rezoning – 14/16 St. Michael Road
(St. Vital Ward)
File DAZ 238/2008

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2009, the Standing Policy Committee on Property and Development 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 238/2008 dated April 29, 2009 to an "RMF-S" Multiple Family District.

2. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

3. 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.

4. That in the event the matter of the rezoning is not proceeded with expeditiously and the by-law is not passed 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.

5. That the Acting 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.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Executive Policy Committee - June 10, 2009

Report - Standing Policy Committee on Property and Development - June 2, 2009

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2009, 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 May 4, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 14/16 St. Michael Road**
File DAZ 238/2008 [DAV 156222/2008D]

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

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

Report date: **May 5, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

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 238/2008 dated April 29, 2009 to an "RMF-S" Multiple Family District.

2. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

3. 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.

4. That in the event the matter of the rezoning is not proceeded with expeditiously and the by-law is not passed 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.

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.

6. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

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 April 29, 2009.

PUBLIC HEARING SUMMARY

File: DAZ 238/2008

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: May 4, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Phil Wright

Subject:



Premises Affected: 14/16 St. Michael Road

5150

Exhibits Filed:

1. Application dated December 11, 2008
2. Notification of Public Hearing dated March 4, 2009
3. Manitoba Status of Titles 1842664
4. Letters of authorization dated December 10, 2008 from Rowland and Dianne Wright
5. Surveyor's Building Location Certificate and sketch dated July 18 and 21, 2008.
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated April 29, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on May 4, 2009

REPRESENTATIONS:

In Support:

Phil and Dianne Wright

In Opposition

Jason Evans and Leslie Deck

For the City:

Mr. K. Kowalke, Planner, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 238/2008 [DAV 156222/2008D]

ADMINISTRATIVE REPORT

RE: **14 St Michael RD – DAZ 238/08 – R1 to RMF-S Multiple Family (St. Vital Ward)**

REPORT DATE: **April 29, 2009**

AUTHORIZATION

Author	Department Head	CAO
Kevin Lalor Senior Planner		

RECOMMENDATION

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 238 /2008 dated April 29, 2009 to a "RMF-S" Multiple Family District.

2. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

3. 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.

4. That in the event the matter of the rezoning is not proceeded with expeditiously and the by-law is not passed 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.

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.

6. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required for the zoning change.

The Development Procedures By-Law (5893/92) specifies that the required public hearings shall be heard by the designated committee, which is the Riel Community Committee

KEY ISSUES

APPLICANT:	Phil Wright 644 RIVER DR LORETTE MB R0A 0Y0
OWNER:	Phil Wright
LOCATION:	14 St Michael RD, south side of St. Michael RD, east of St. Mary's Avenue in the Pulberry neighbourhood (5.521) of the St. Vital Ward.
LEGAL DESCRIPTION:	LOT 87 PLAN 23016 45/6 ST V
SITE DESCRIPTION: Size:	11,792 sq. ft (Planned Area)
Plan Winnipeg:	Neighbourhood Policy Area
Zoning:	"R1-M" Single Family Residential District

CURRENT LAND USE:
The existing property which is approximately a quarter acre in size and rectangular shaped is zoned "R1-M" Single Family Residential. It is currently occupied with a 1188 sq.ft. duplex and two garages

SURROUNDING LAND USES AND ZONING:

North: Directly to the north on the opposite side of St. Michael Road are several medium density and low density apartment complexes which were built in the 1960's. They are zoned " RM-L & RM-M" Multiple Family respectively. (Attachment "2").

South: Directly to the north on the opposite side of St. Michael Road are several medium density and low density apartment complexes which were built in the 1960's. They are zoned " RM-L & RM-M" Multiple Family respectively.

West: To the west along St. Michael Road are several zoned " R2" properties but the neighborhood ,which is a mix of older and newer homes ,is predominantly single family and zoned " R1-M".

East: To the east of the adjoining public lane is a convenience store/ gas kiosk/ car wash with access to both St. Mary's Road and St. Michael's Road. It is zoned " C2" Commercial.

DESCRIPTION OF THE DEVELOPMENT:

- The owners , if successful with their rezoning application, are proposing to add an additional three (two story) units to the existing duplex.
- Each new dwelling unit will be 540 sq. ft. in total area.
- The three new units will be located on the west side of the existing building and will all have 108 sq. ft. porches.
- One of the existing garages will be demolished and be replaced with eight (8) asphalt surfaced parking stalls.
- The new parking stalls will be situated off of the existing lane right-of-way.
- A garbage facility for the new complex will also be situated on the east side of the property

A. DEVELOPMENT CONSIDERATIONS

It is the opinion of the Planning and Land Use Department Division that the proposed rezoning and resulting development can be approved without adversely affecting the surrounding neighborhood. The subject property is somewhat of an anomaly, given that it lies in the midst of an area of relatively high intensity use. There is a multiple family concentration to the north and a high level of commercial activity immediately to the east. There is also a relatively high level of traffic use along St. Michael Road as the street is utilized as a short cut for many commuters travelling between St. Mary's Road and River Road to the west. An additional argument for supporting higher density on the site simply relates to the overall size of the property itself. Because it is over a quarter acre in area, it is felt that the property is large enough to sustain three additional units. The proposed new building footprint will encompass approximately 23% of the total overall area. The owner has indicated that he has canvassed the area; has consulted with approximately forty adjoining property owners and has not met with any discernable opposition to his plans. It is therefore recommended that your Committee endorse the subject proposal and rezoned as submitted.

- In lieu of dedication of 10% of the land within the Planned Area being set aside as Public Open Space as per Section 259(1) of the *City of Winnipeg Charter*, the Developer will be paying cash.

B. REASONS FOR RECOMMENDATION

The Public Service supports this development and the associated applications for the following reasons:

- The property in question is located in area of high intensity use, both residential and commercial.

- The property is several times larger than most adjoining residential properties and can accommodate the addition of three extra units with an additional parking component.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**X**	
Regulatory	**X**		**Allows development permits to be issued.**
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	
Legal (Contracts)		**X**	
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by

Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
File No.	DAZ 238/08

Appendix:
1. Schedule “A” for File No. DAZ 238/08, Riel Community Committee, dated April 29, 2009.
2. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.
3. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

Schedule “A” for File No. DAZ 238/08, Riel Community Committee, dated April 29, 2009.

By-Law No. _____

File No. **DAZ 238/08**

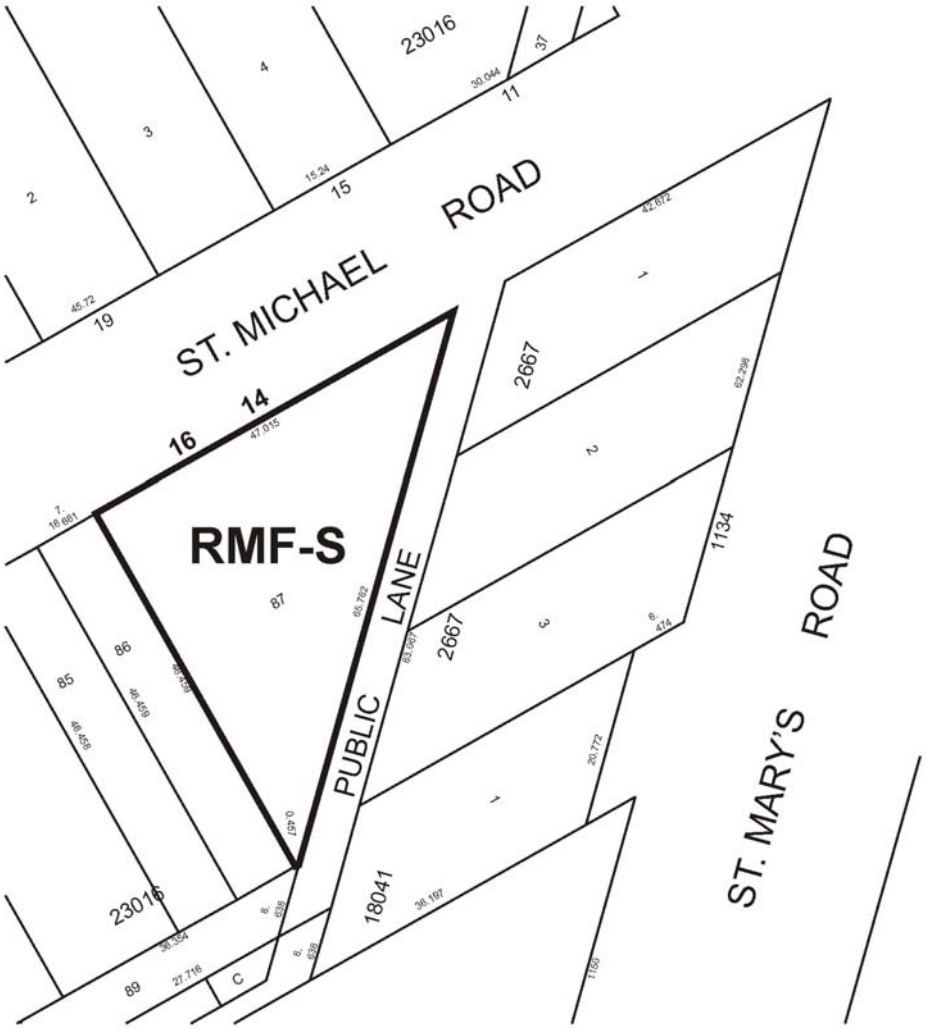
Atlas Sheet No.

N

AG26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 14/16 St. Michael Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling (5 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

