Agenda – Council – September 30, 2009

Report – Executive Policy Committee – September 16, 2009

Item No. 2 Rezoning – 733 McMillan Avenue
(Fort Rouge – East Fort Garry Ward)
File DAZ 208/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 16, 2009, the Executive Policy Committee concurred in the recommendation of the City Centre 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 208/2009 dated September 1, 2009 to an "R2" Two - Family Residential 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 Acting 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 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.

Report – Executive Policy Committee – September 16, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 16, 2009, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2009, the City Centre 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: **Rezoning – 733 McMillan Avenue**
File DAZ 208/2009 [c/r DCU 133826/2009D, DAV 133831/2009D]

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **September 9, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2009, the City Centre 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 208/2009 dated September 1, 2009 to an "R2" Two - Family Residential 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 Acting 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 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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 1, 2009.

2. There is no public opposition to the application.

PUBLIC HEARING SUMMARY

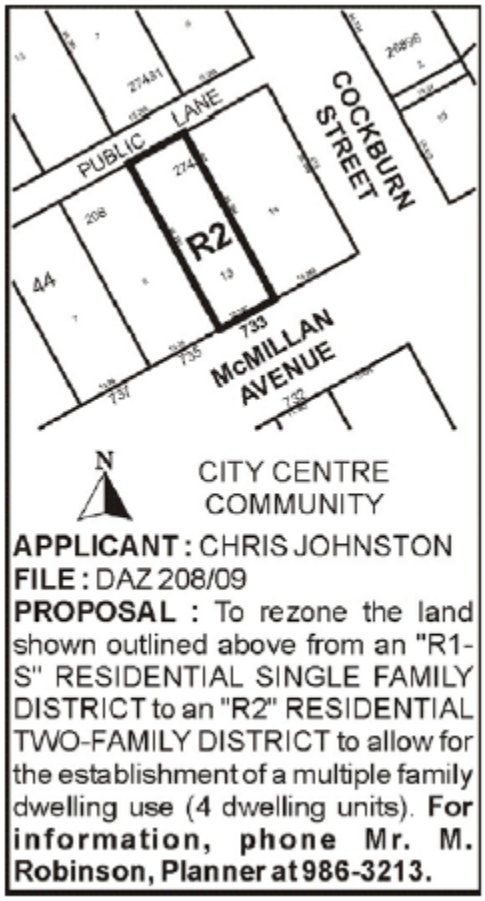
File: DAZ 208/2009 [c/r DCU 133826/2009D, DAV 133831/2009D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Orlikow

Public Hearing: September 8, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Christopher Johnston

Subject:



Premises Affected: 733 McMillan Avenue

Exhibits Filed:

1. Application dated June 29, 2009
2. Notification of Public Hearing dated July 27, 2009
3. Manitoba Status of Title 1615407
4. Surveyor's Building Location Certificate and sketch dated March 18, 2009
5. Photographs (6) of the subject property
6. Plans (4 pages)
7. Petition in support of the application purporting to contain the signatures of seven (7) area residents, submitted by Chris Johnston
8. Report from the Planning and Land Use Division dated September 1, 2009
9. Inspection Report
10. Audio Recording of representations of public hearing held on September 8, 2009

REPRESENTATIONS:

In Support:

Chris Johnston

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DAZ 208/2009 [c/r DCU 133826/2009D, DAV 133831/2009D]

ADMINISTRATIVE REPORT

ISSUE: **DAZ 208/2009 – 733 McMillan Avenue**
Application to rezone the subject property from an "R1-S" Single-Family District to an "R2" Two-Family Residential District

For Submission to: **City Centre Community Committee**

AUTHORIZATION

Author	Department Head	CFO	CAO
Michael Robinson, AICP			

RECOMMENDATIONS

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 208/2009 dated September 1, 2009 to an "R2" Two-Family Residential 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

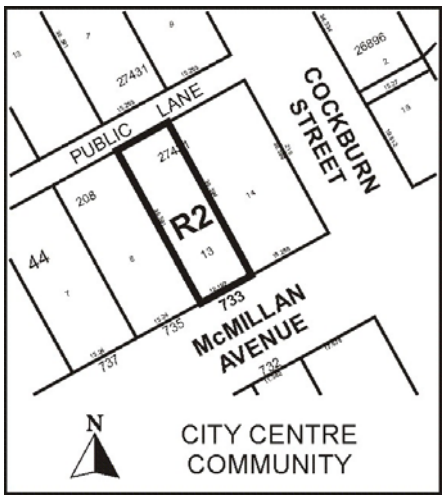
Department	Planning, Property, and Development
Division	Planning and Land Use
Prepared by:	Michael Robinson, AICP
Date:	September 1, 2009
File No.	DAZ 208/2009

Appendix A:	Administrative Report
Appendix B	Schedule “A”
Attachment A:	Aerial Photograph

Appendix A

Date:
Subject: Application to rezone the subject property from an "R1-S" Single-Family Residential District to an "R2" Two-Family Residential District

Location: 733 McMillan Avenue
Legal Description: SP Lot 13 Plan 27431



Applicant: Chris Johnston
Owner: Same

Recommendation: Approval

Site Description
The subject property, which is zoned "R1-S" Single-Family Residential, is located on McMillan Street between Cockburn and Arbuthnot Streets in the McMillan neighbourhood of the Fort Rouge-East Fort Garry ward.

North: Residences zoned "R1-S" Single-Family Residential, "R2" Two-Family Residential, and "RMF-S" Multiple-Family Residential
South: Residences zoned "R1-S" Single-Family Residential
East: Residence zoned "R2" Two-Family Residential
West: Residence zoned "R1-S" Single-Family Residential

1.1 Description of the Proposed Development

In 1955, the subject property received zoning approval to expand from a duplex into a triplex. At this time, the owner seeks approval to expand the triplex into a fourplex.

The house currently has one suite on the first floor (±1,200 sq ft) and two suites on the second floor (±700 sq ft and ± 500 sq ft). The proposed fourth suite would measure ± 500 sq ft and would be located in the basement.

In light of the fact that a fourplex is not permitted in the "R1-S" Single-Family District, the applicant has applied to rezone the property. In addition, a conditional use and two variances are required.

1.2 Analysis

Compatibility with existing neighbourhood and surrounding uses
The subject block contains a variety of different housing types with varying densities, including two apartment buildings and several converted houses. A list of the existing multiple-family dwellings on the block is as follows:

39 Arbuthnot	8 units
51 Arbuthnot	26 units
751 McMillan	9 units
747 McMillan	8 units
744 McMillan	2 units
739 McMillan	10 bed neighbourhood rehabilitation home
733 McMillan	3 units
216 Cockburn	5 units

Consequently, the Planning and Land Use Division believes that the addition of one suite in this dwelling is not out of step with the overall development and density pattern of the area.

Further to that, the Planning and Land Use Division has attended the property and believes that the condition of the property and the quality of the living spaces is satisfactory.

Public Input
The applicant submitted a petition signed by some of the immediate neighbours supporting the addition of one rental suite.

1.3 Recommendation

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

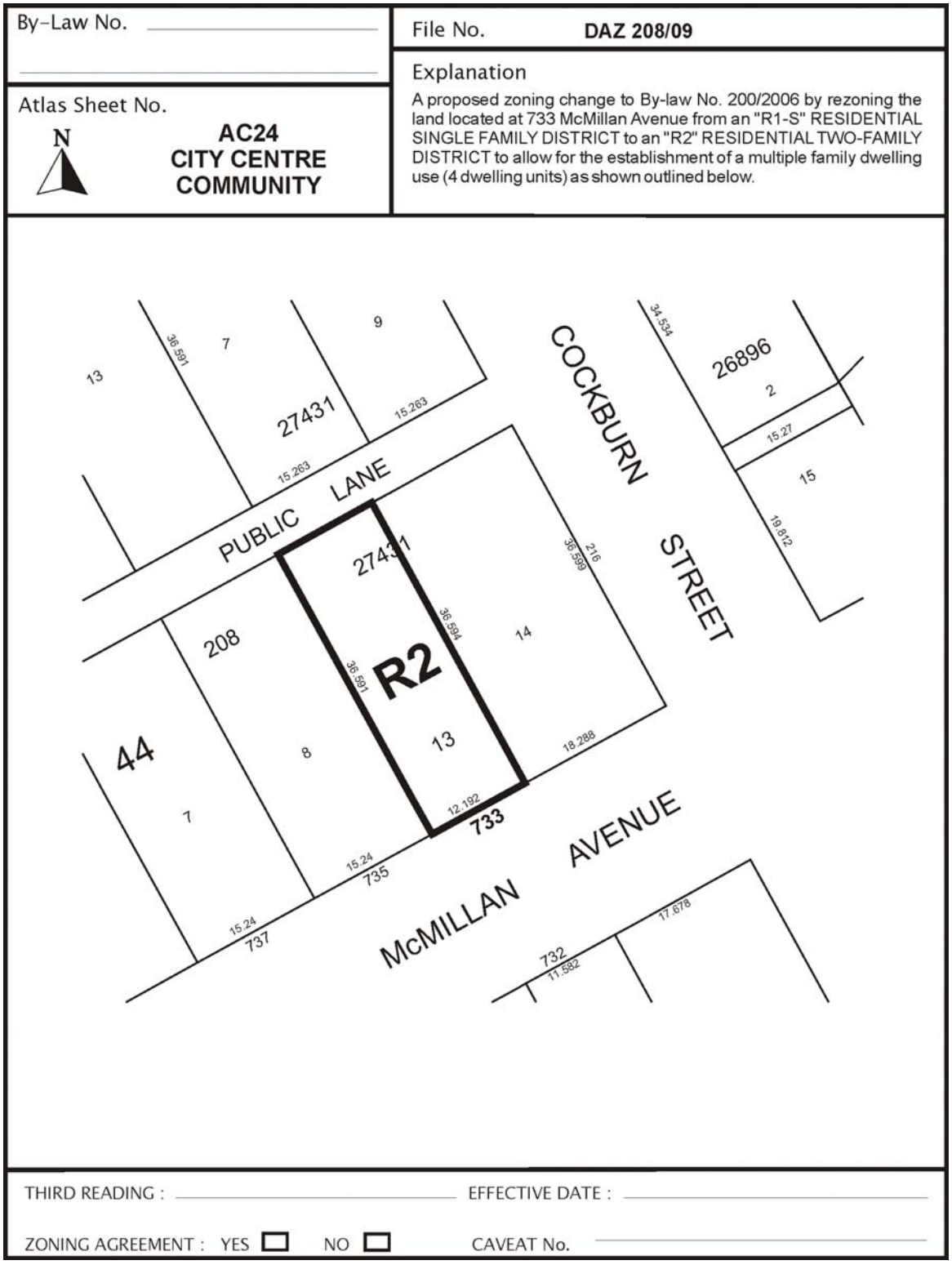
- The subject block contains a variety of different housing types with varying densities, including two apartment buildings and several converted houses.

- The addition of one suite in this dwelling is not out of step with the overall development and density pattern of the area.

Appendix B

Schedule “A”

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 208/2009 dated September 1, 2009



Attachment A



Figure 1: Aerial Photo (Flown in 2005)