Agenda – Council – September 28, 2011

Report – Executive Policy Committee – September 21, 2011

Item No. 3 Rezoning – 856 Pritchard Avenue
(Point Douglas Ward)
File DAZ 212/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted 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 212/2011, dated September 6, 2011 to an "R2" Residential Two-Family District.

2. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land, be paid to the City for the purchase of land for purposes of the City other than streets.

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 21, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the Lord Selkirk-West Kildonan 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 – 856 Pritchard Avenue**
(Point Douglas Ward)
File DAZ 212/2011 [c/r DCU 132627/2011D & DAV 132641/2011D]

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **September 14, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the Lord Selkirk - West Kildonan 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 212/2011, dated September 6, 2011 to an "R2" Residential Two-Family District.

2. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land, be paid to the City for the purchase of land for purposes of the City other than streets.

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 of the Planning and Land Use Division dated September 6, 2011.

PUBLIC HEARING SUMMARY

File: DAZ 212/2011 [c/r DCU 132627/2011D & DAV 132641/2011D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: September 13, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: 5416095 Manitoba Ltd. (Sukhjit Bhandal)

Subject:



Premises Affected: 856 Pritchard Avenue

Exhibits Filed:

1. Application dated May 19, 2011
2. Notification of Public Hearing dated June 8, 2011
3. Manitoba Status of Title 2235055
4. Letter of authorization dated May 19, 2011 from 5416095 Manitoba Ltd., to Sukhjit Bhandal
5. Surveyor's Building Location Certificate and sketch dated May 4, 2011
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated September 6, 2011
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sukhjit Bhandal, 5416095 Manitoba Ltd.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 212/2011

ADMINISTRATIVE REPORT

Title: DAZ 212/2011 – 856 Pritchard Avenue

Issue: For consideration at the public hearing for a Rezoning from 'R1-S' Residential Single Family to 'R2' Residential Two-family for 856 Pritchard Avenue

Critical Path: Lord Selkirk/West Kildonan Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

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 212/2011, dated Aug. 31, 2011 to an "R2" Residential Two-Family District.

2. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land, be paid to the City for the purchase of land for purposes of the City other than streets.

3. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant seeks approval to rezone the subject property to accommodate a 4-unit multiple-family housing development. The site is currently zoned "R1-S' Residential Single Family and requires a rezoning to an "R2" Residential Two-Family District.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, permits may be issued to re-establish the previously existing 4-unit multiple family building.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

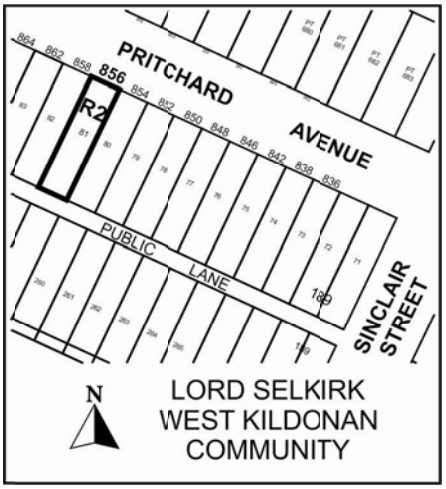
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*James Veitch*
Date:	*September 6, 2011*
File No.	*DAZ 212/2011*

APPENDIX 'A'

DATE: September 6, 2011
FILE: **DAZ 212/2011**
RELATED FILES: DCU 11 132627/D, DAV 11-132641/D
COMMUNITY: Lord Selkirk/ West Kildonan Community Committee
NEIGHBOURHOOD #: 3.308 (Inkster-Faraday)

SUBJECT: To rezone the subject land from a "R1-S' Residential Single Family to an "R2" Residential Two-Family District

LOCATION: 856 Pritchard AVE
LEGAL DESCRIPTION: LOT 81 PLAN 189 36 ST J



APPLICANT: Sukhjit Bhandal 5416095 Manitoba LTD
186 HENDERSON HWY
WINNIPEG MB R2L 1L6

OWNER: 5416095 Manitoba LTD

RECOMMENDATION: Approval

REPORT SUMMARY
The Planning and Land Use Division recommends ***approval*** for the following reasons:

- The proposed zoning district is compatible with the surrounding context which includes many properties having a mix of residential densities,
- The re-establishement of the 4-unit multiple family use is compatible with existing neighbouring uses,
- The proposed development is consistent with OurWinnipeg Policies that encourage infill development and re-investment in Areas of Stability.

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 3,019 square foot subject site is located in the Burrows Central Neighbourhood of the Lord Selkirk / West Kildonan Community. It is currently zoned 'R1-S' Residential Single Family Small and occupied by a vacant 4-unit multiple family dwelling.



Figure 1: 856 Pritchard Ave. (Aerial Flown 2009)

Surrounding Land Use and Zoning

North: Pritchard Avenue then 'R1-S' Single Family
South: Back Lane then 'R1-S' Single Family
East: 'R1-S' Single Family
West: 'R1-S' Single Family

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to re-establish the 4-unit multiple family dwelling that previously existed on the subject site, 856 Pritchard Avenue. As the use has remained inactive for over 12 months, the property has lost the non-conforming rights to the 4-unit multiple family use in the Zoning By-law. Therefore the re-establishment of the multiple family use requires 3 applications:

- DAZ 212/11 – Rezoning the property from single family to two-family,
- DCU 11-132627D – Conditional Use to allow the Multiple Family use on a two-family lot,
- DAV 11-132641D – Variances to allow a reduced lot area in a two-family zone and a reduced lot area per dwelling unit in a two-family zone.

There are three planning reports associated with the above listed applications that will be heard at the Lord Selkirk / west Kildonan Community Committee; this report will deal specifically with the Rezoning application.

ANALYSIS AND ISSUES

OurWinnipeg

OurWinnipeg supports infill development for the purpose of promoting compact urban form. The subject property is located within an area of Stability. Our Winnipeg, Complete Communities states that:

- *Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure and services as well as enhance housing choice and affordability.*
- *Infill in areas of stability will be supported with the intent of creating more complete communities.*

Zoning By-Law 200/2006

The subject property is currently zoned 'R1-S' Residential Single Family under zoning by-law 200/2006. An "R2" zoning district is being proposed as the applicant wishes to re-establish the previously existing 4-unit multiple family use on the subject site.

Figure 2, below, illustrates the zoning designations of the immediate neighbourhood which includes a variety of Single-Family and Two-Family zoning districts.

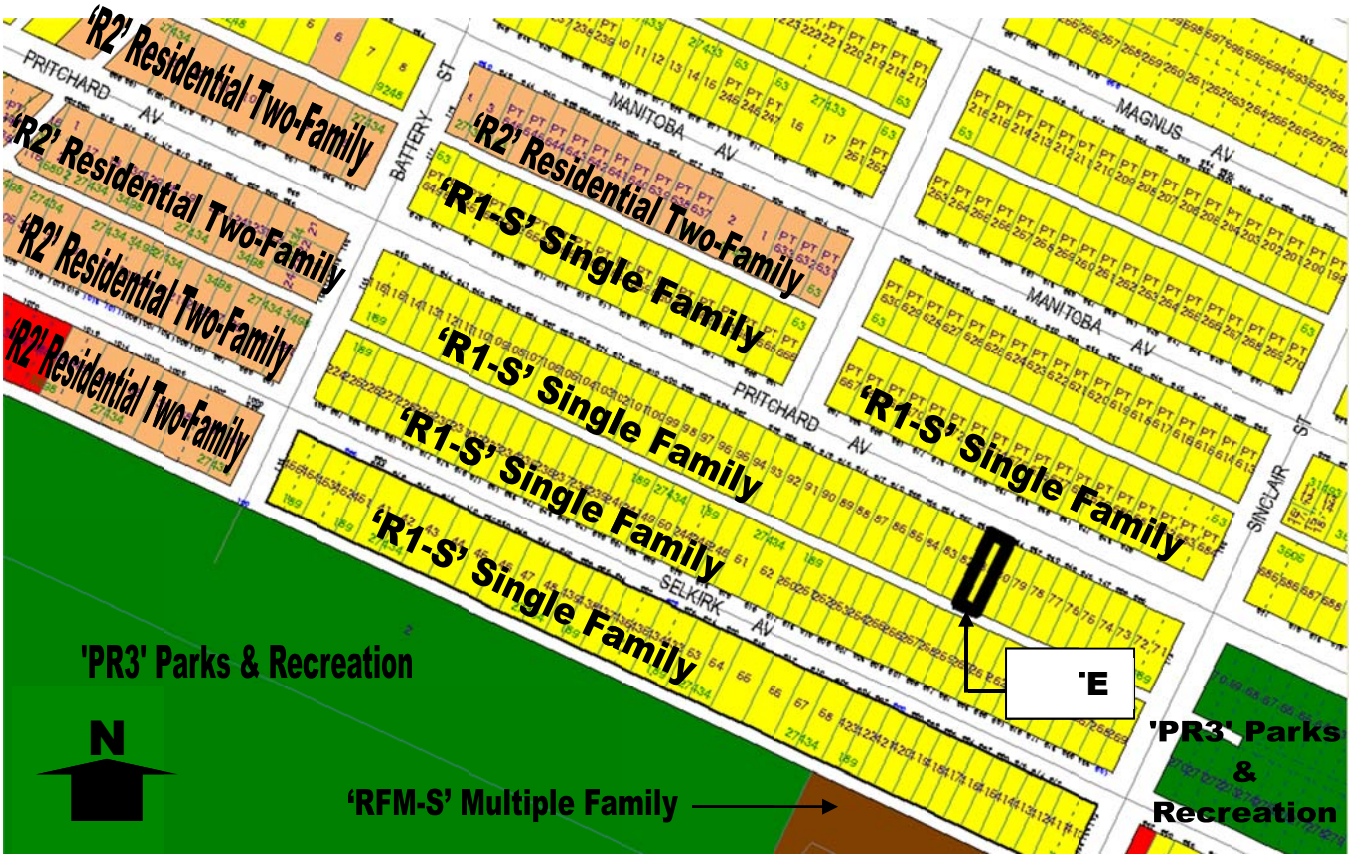


Figure 2: Zoning of Subject Site and Immediate Context

The Planning and Land Use Division supports the proposed rezoning the 'R2' Residential Two-Family for the following reasons:

- The multiple family use has existed on the site for a decade or more,
- The City's development plan *OurWinnipeg, Complete Communities* suggests the proposed density is appropriate and consistent with the context,
- Several blocks within the neighbourhood are zoned "R2" Residential Two-Family.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** with conditions for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

- The proposed zoning district is compatible with the established context which includes many multiple family properties and 'R2' Residential Two-Family zoned blocks,
- The proposed development is compatible with existing neighbouring uses,
- The proposed development is consistent with OurWinnipeg Policies that encourage infill development and intensification of residential land uses in Areas of Stability.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # DAZ 212/2011

Schedule “A” for File No. DAZ 212/2011, Lord Selkirk/ West Kildonan Community Committee, dated September 6, 2011

By-Law No. _____

File No. **DAZ 212/11**

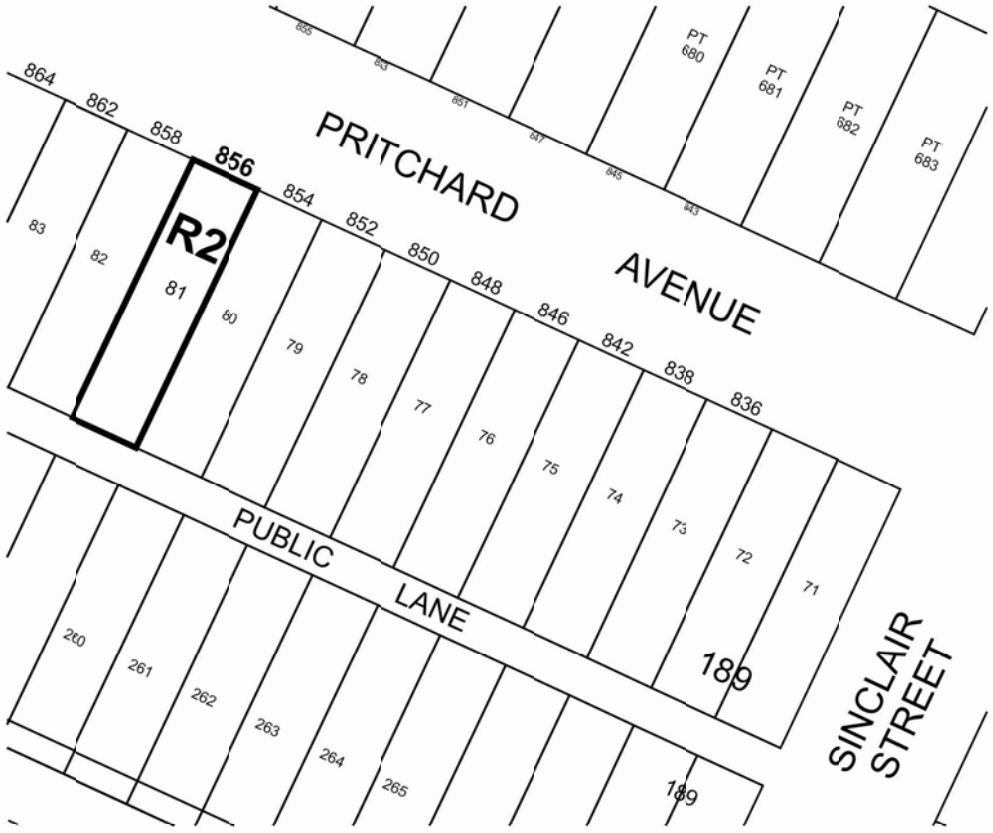
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 856 Pritchard Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the maintenance of an existing multiple family dwelling as shown outlined below.

Atlas Sheet No. **W23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____