Minutes – Executive Policy Committee – October 12, 2011

Minute No. 501
Report – Standing Policy Committee on Property and Development – October 4, 2011

Item No. 10 Rezoning – 705 McMillan Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 213/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and 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 213/2011 dated August 31, 2011 to an "R2" Residential Two-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 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.

Minutes – Executive Policy Committee – October 12, 2011

Report – Standing Policy Committee on Property and Development – October 4, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

Pursuant to The Municipal Conflict of Interest Act, Deputy Mayor Swandel advised that he would refrain from entering the discussion and voting on the following matter, because of a conflict with business interests or a financial interest, and left the meeting.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 705 McMillan Avenue**
File DAZ 213/2011

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

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

Report date: **September 14, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the City Centre 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 213/2011 dated August 31, 2011 to an "R2" Residential Two-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 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The "R2" Residential Two-Family District is more appropriate to character of neighbour where original proposal was out of scale, particularly with its mid-block location.

PUBLIC HEARING SUMMARY

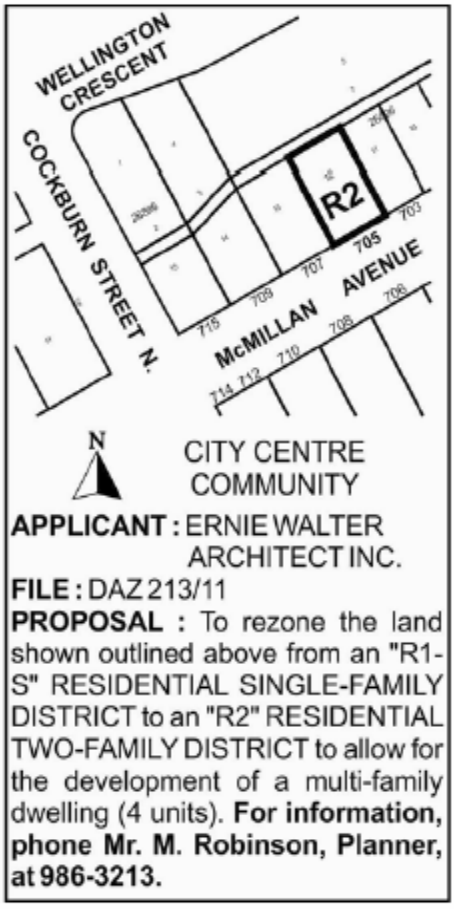
File: DAZ 213/2011

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

Public Hearing: September 13, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Ernie Walter Architect Inc. (Kendra Jonasson)

Subject:



Premises Affected: 705 McMillan Avenue

Exhibits Filed:

1. Application dated May 31, 2011
2. Notification of Public Hearing dated June 13, 2011
3. Manitoba Status of Title 2443526
4. Letter of authorization dated May 24, 2011 from Justin Swandel to Ernie H. A. Walter Architect Inc.
5. Surveyor's Building Location Certificate and sketch dated January 21, 2011
6. Plans (9 pages)
7. Report from the Planning and Land Use Division dated August 31, 2011
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Zhi Yong Wong

In Opposition:

Val and Blair Bingeman
Catherine Flynn

For Information:

Ken and Judy Hildebrand

For the City:

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

Exhibit "7" referred to in File DAZ 213/2011

ADMINISTRATIVE REPORT

Title: DAZ 213/2011 – 705 McMillan

Issue: For consideration at the public hearing for a Rezoning for DAZ 213/2011 – 705 McMillan AVE

Critical Path: City Centre 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 213/2011 dated August 31, 2011 to an "R2" Residential Two-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 the 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.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will not be rezoned.

CONSULTATION

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

SUBMITTED BY

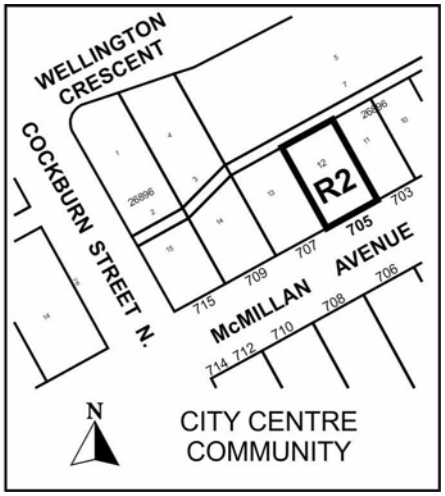
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	August 31, 2011
File No.	DAZ 213/2011

APPENDIX 'A'

DATE: August 31, 2011
FILE: DAZ 213/2011
RELATED FILES: DAV 11-135481/D, DCU 11-135469/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

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

LOCATION: 705 McMillan AVENUE
LEGAL DESCRIPTION: Lot 12 Plan 26896 w/right of way at rear



APPLICANT: Ernie H.A. Walter Architect Inc. (Kendra Johasson)
100-698 Corydon Avenue
WINNIPEG MB R3M 0X9

OWNER: Justin Swandel

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "R1-S" Residential Single-Family District, is located on McMillan Avenue, between Hugo Street North and Cockburn Street North, in the McMillan neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Multi-family residences zoned "R2" Residential Two-Family District
South: Residences zoned "R1-S" Residential Single-Family District
East: Residences zoned "R1-S" Residential Single-Family District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to demolish the existing single-family dwelling and to construct a three-storey, four-unit dwelling on the subject property. The proposed development is ±32 feet in height and provides four accessory parking spaces, with access from the rear of the property.

Variance file DAV 11-135481/D deals with lot area, parking, and setback deficiencies and conditional use file DCU 11-135469/D deals with density.

ANALYSIS AND ISSUES

A. Context

The subject property is located on a block which has a mix of both building types and zoning districts. At the corners of Hugo and McMillan are apartment buildings which are zoned "RMF-L" (220 Hugo Street) and "R2" (230 Hugo Street) respectively. Immediately west of 220 Hugo Street is another apartment building zoned "R2" (260 Wellington Crescent).

The remainder of the block is zoned "R1-S" Residential Single-Family District and includes six duplexes and seven single-family homes.[1] (See zoning map in Appendix A)

B. Policies

ii. OurWinnipeg (Complete Communities Direction Strategy)

This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) In order to meet the full life cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.*

C. Corydon Osborne Neighbourhood Plan

The City is currently developing a Secondary Plan for Corydon Avenue and surrounding neighbourhoods, including the McMillan neighbourhood. The Secondary Plan will provide the opportunity to promote mixed-use redevelopment in a context sensitive manner, to proactively address the pressures for growth and change that will occur in the neighbourhood and additionally due to the presence of the rapid transit corridor, to identify and prioritize appropriate infrastructure upgrades and improvements to facilitate this growth, and to promote more sustainable forms of development and urban form and the concepts of sustainability.

The City has completed initial consultations with the community to determine the plan vision and key issues for the area. The next step in this process will be the development of a plan draft and further public consultation to present the draft plan for public consultation and feedback.

The plan will address issues of appropriate density and built form in Areas of Stability immediately adjacent to the Corydon community mixed use corridor.

[1] According to City of Winnipeg property records

D. Other

It should be noted that the subject property takes access from a narrow (± 10 feet wide) dirt passageway, which is owned by the apartment building to the north.[2] The passageway, in addition to being extremely narrow, is in bad repair.

The addition of more density and accordingly, more traffic on this passageway may worsen its condition and cause difficulties for the residents, as this is their only means of vehicular access to their properties.

D. Summary

The applicant is applying for a rezoning, which would allow a duplex, and for conditional uses and variances, which would allow a fourplex.

The Division supports the rezoning of the subject property to accommodate a duplex. A two-family dwelling will be consistent with many of the other properties on the subject block (there are six other duplexes on the block) and is consistent with Complete Communities, which supports "low to moderate change" in Areas of Stability "through development and redevelopment that is complimentary to the existing scale, character, and built form.

Multiple-family development, on the other hand, such as a triplex or fourplex, has typically been supported only at corners, where the larger building mass has less impact on adjacent properties and the overall character of the street. Multiple-family development have not frequently been supported midblock, on a mature street with single-family zoning.

As previously mentioned, the City of Winnipeg is currently developing a Secondary Plan (Corydon Osborne Neighbourhood Plan) and is consulting with the community to determine how the neighbourhood should evolve over time. This will include specific policy to address development and redevelopment along the mature streets, such as McMillan Avenue, which are adjacent to the Corydon Avenue strip.

These policies may provide support for significant increases in density and much larger buildings on these mature streets. On the other hand, these policies may provide support for more gradual change in these areas in terms of both density and size of building envelope.

E. Conclusion

In light of this, the Winnipeg Public Service recommends rezoning the subject property, which will allow the development of a duplex. However, prior to the completion of the Corydon Osborne Neighbourhood Plan, it would be premature to support a triplex or a fourplex (as discussed in the associated DAV and DCU reports), as it is inconsistent with existing development patterns on the block and requires significant variances, which are not consistent with established setbacks in the neighbourhood.

RECOMMENDATIONS

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

- A duplex is consistent with many of the other properties on the subject block (there are six other duplexes on the block)

[2] There is a cross access agreement in place which give the properties on the north side of McMillan the legal right to use this passageway

- A duplex is consistent with Complete Communities, which supports “low to moderate change” in Areas of Stability “through development and redevelopment that is complimentary to the existing scale, character, and built form.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

APPENDIX "B"
Schedule "A" for File No. DAZ 213/2011, City Centre Community Committee, dated September 1, 2011

By-Law No. _____

File No. **DAZ 213/11**

Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 705 McMillan Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the development of a multi-family dwelling (4 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)



Figure 2: Zoning Map