Agenda – Council – October 19, 2011

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

Item No. 5 Rezoning – 530 Polson Avenue
(Mynarski Ward)
File DAZ 214/2011

STANDING COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan 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 214/2011, dated August 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 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 – Standing Policy Committee on Property and Development – October 4, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and 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 forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning– 530 Polson Avenue**
File DAZ 214/2011 [c/r DCU 142175/2011D & DAV 142176/2011D]

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

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

Report date: **September 15, 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 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 214/2011, dated August 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.

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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 reasons for its recommendation:

1. Building density is important, and the application for a residential district to permit a multiple family dwelling at the subject location is the appropriate zoning for the neighbourhood where this is already a number of multiple family dwellings.

2. The subject proposal is a much better usage of space than what currently exists at the location.

PUBLIC HEARING SUMMARY

File:	File DAZ 214/2011
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:	Mistecture Architecture & Interiors (Hijab Mitra)
Subject:	
Premises Affected:	530 Polson Avenue
Exhibits Filed:	1. Application dated June 27, 2011 2. Notification of Public Hearing dated July 6, 2011 3. Manitoba Status of Title 2420773 4. Letter of authorization dated June 16, 2011 from 5965021 Manitoba Ltd., to Hijab Mitra of Mistecture Architecture & Interiors 5. Surveyor's Building Location Certificate and sketch dated January 10 and 12, 2007 6. Plans (8 pages)

7. Report from the Planning and Land Use Division dated August 31, 2011
8. Inspection Report
9. Communication dated September 13, 2011 from Monica Czezowski in opposition to the application
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Hijab Mitra

In Opposition:

John and Monica Czezowski
Carol Flis
Todd Grant

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 214/2011

ADMINISTRATIVE REPORT

Title: DAZ 214/2011 – 530 Polson Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 214/2011 530 Polson 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 214/2011, 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 "C1" Commercial District and requires a rezoning to an "R2" Residential Multi-Family District.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, permits may be issued to construct a 92 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	*Noah Yauk*
Date:	*August 31, 2011*
File No.	*DAZ 209/2011*

APPENDIX 'A'
DATE:
FILE: DAZ 214/2011
RELATED FILES: DCU 11-142175/D, DAV 11- 142176/D
COMMUNITY: Lord Selkirk/ West Kildonan Community Committee
NEIGHBOURHOOD #: 3.308 (Inkster-Faraday)

SUBJECT: To rezone the subject land from a "C1" Commercial District to an "R2" Residential Two-Family District

LOCATION: 530 Polson Avenue
LEGAL DESCRIPTION: Lot 45, Plan 30879



APPLICANT: Hijab Mitra (Mistecture Architecture & Interiors)
184 POINT WEST DR
WINNIPEG MB R3T 5H7

OWNER: 5965021 MANITOBA LTD.
2890 MCPHILLIPS ST
WINNIPEG MB R2P 0H2

RECOMMENDATION: Approval

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

- The proposed zoning district is compatible with the established context which includes many properties that are the same district as that being proposed.
- 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 along neighbourhood corridors.

SITE DESCRIPTION
The subject property is located on the southwest corner of Polson Avenue and McGregor Street, in the Inkster - Faraday neighbourhood of the Mynarski ward.

North: Residences zoned “R2” Single-Family Residential and “C1” Commercial District
South: A public lane, then residences zoned “R2” Single-Family Residential
East: McGregor Street, then residences zoned “”R2” Single-Family Residential and a used car sales lot zoned “C2” Commercial District
West: An apartment building with 17 suites zoned **“**R2” Residential District

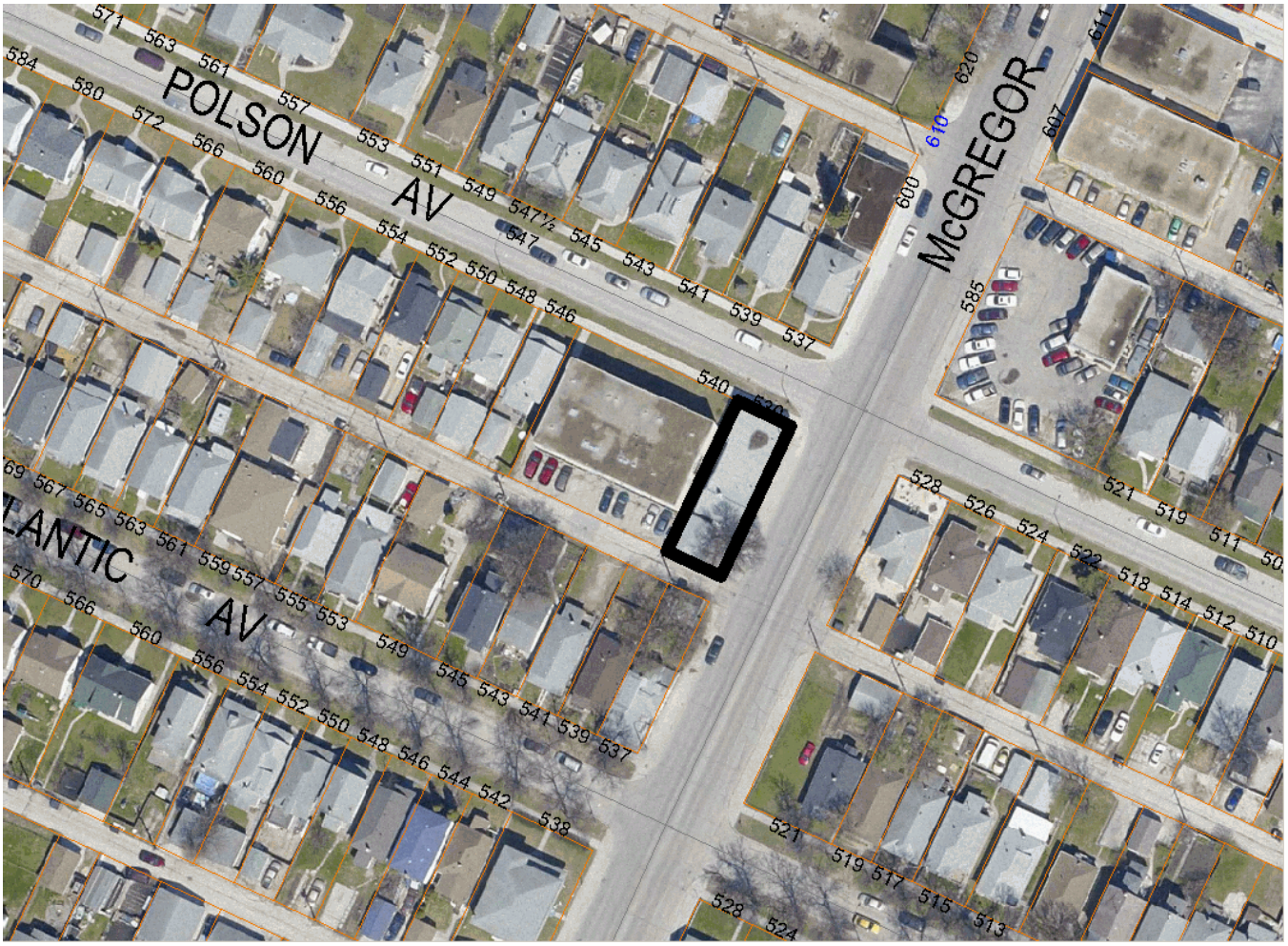


Figure 1: Subject Site and Surrounding Land Uses

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to replace the existing commercial building and construct a 4-unit multiple-family residence. The application at hand is to rezone the subject property to an “R2” Residential Two-Family District. Two other zoning applications run concurrent with subject application. One is to vary the proposed “R2” district (File # DAV 11-142176D) and the other is for a conditional use to allow multiple-family development within this proposed “R2” district (File # DCU 11-142175D).

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 as a commercial property, "C1", under zoning by-law 200/2006. An "R2" zoning district is being proposed as the property's current zoning does not allow for multiple-family development. It is noted there are other zoning districts that could also accommodate the proposed development, such as the "C2" Commercial District or the "RMF-S" Multi-Family District. However, the "R2" district appears to fit the site best given that abutting properties are zoned "R2" already and because a "C2" district may welcome uses more intense than the proposed development. Figure 2, below, illustrates the zoning designations of neighbouring properties which includes many already zoned "R2" residential Two-Family District.

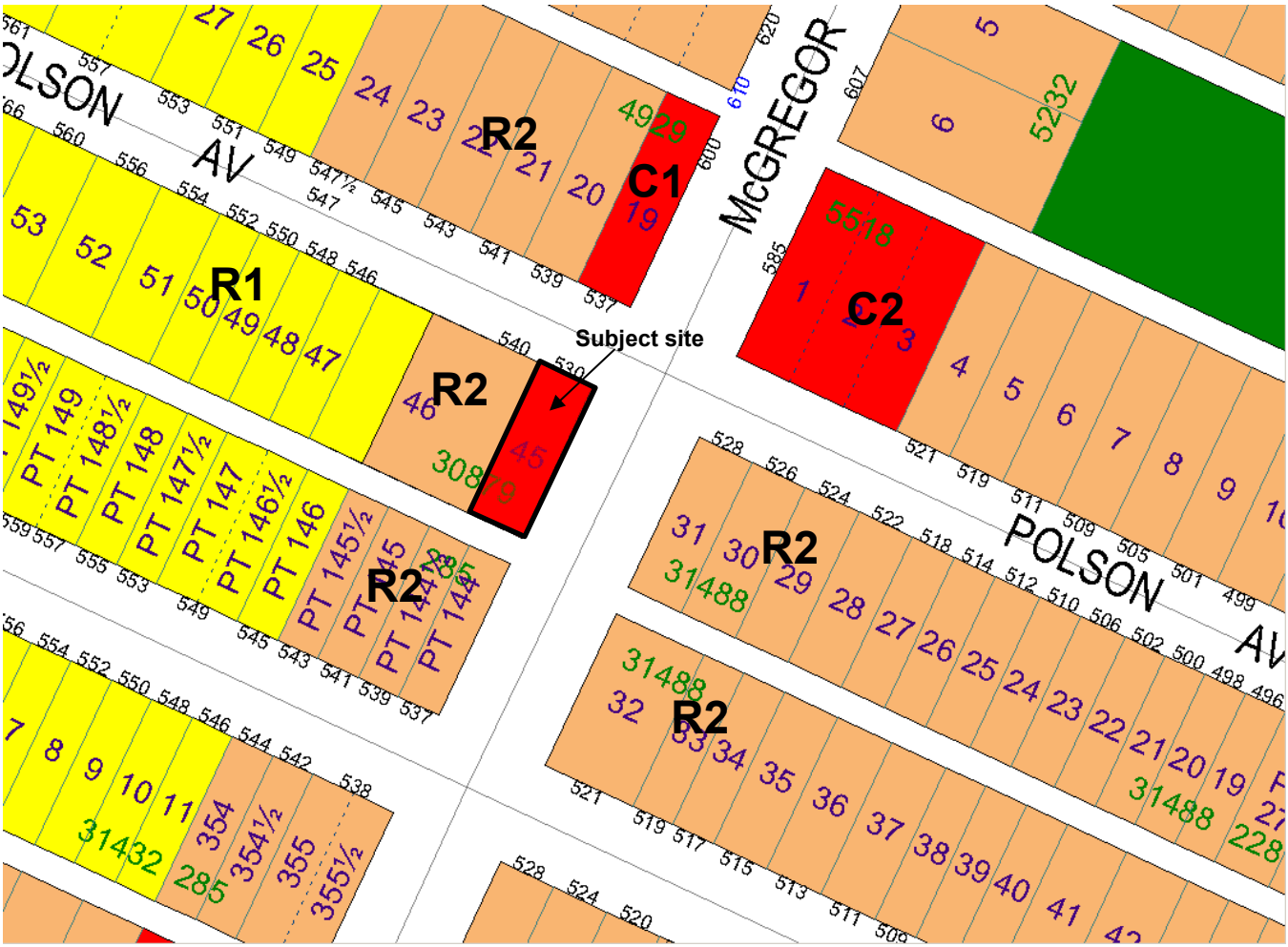


Figure 2: Zoning Map

It is noted that the variances being applied for are handled in the concurrent report under File # DAV 11- 142176D. It is important to point out here that the proposed zoning district is seen as ideal at this location for the following reasons:

- The City's development plan OurWinnipeg, Complete Communities suggests the proposed density is appropriate given the site's location on a neighbourhood Corridor (McGregor Street).
- The existing zoning ("C1") allows for an array of commercial uses that could bring a lot more traffic to the site than by the use proposed.
- Many abutting properties are already zoned "R2"
- The proposed development will provide more greenspace and setbacks than the existing building which covers most of the lot.
- The proposed development is situated beside an existing apartment block with 17 suites.
- The development offers a good transition of land use to McGregor as it is situated next to a 17 unit apartment building.
- The site's exposure on McGregor Street will provide more "eyes on the street" from residences which helps the casual monitoring of social space.
- The site is located on a Winnipeg Transit route and thereby promotes the use of existing services.

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 properties that are the same district as that being proposed.
- 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 along neighbourhood corridors.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 214/2011

Schedule “A” for File No. DAZ 214/2011, Lord Selkirk/ West Kildonan Community Committee, dated Aug. 31, 2011

By-Law No. _____

File No. **DAZ 214/11**

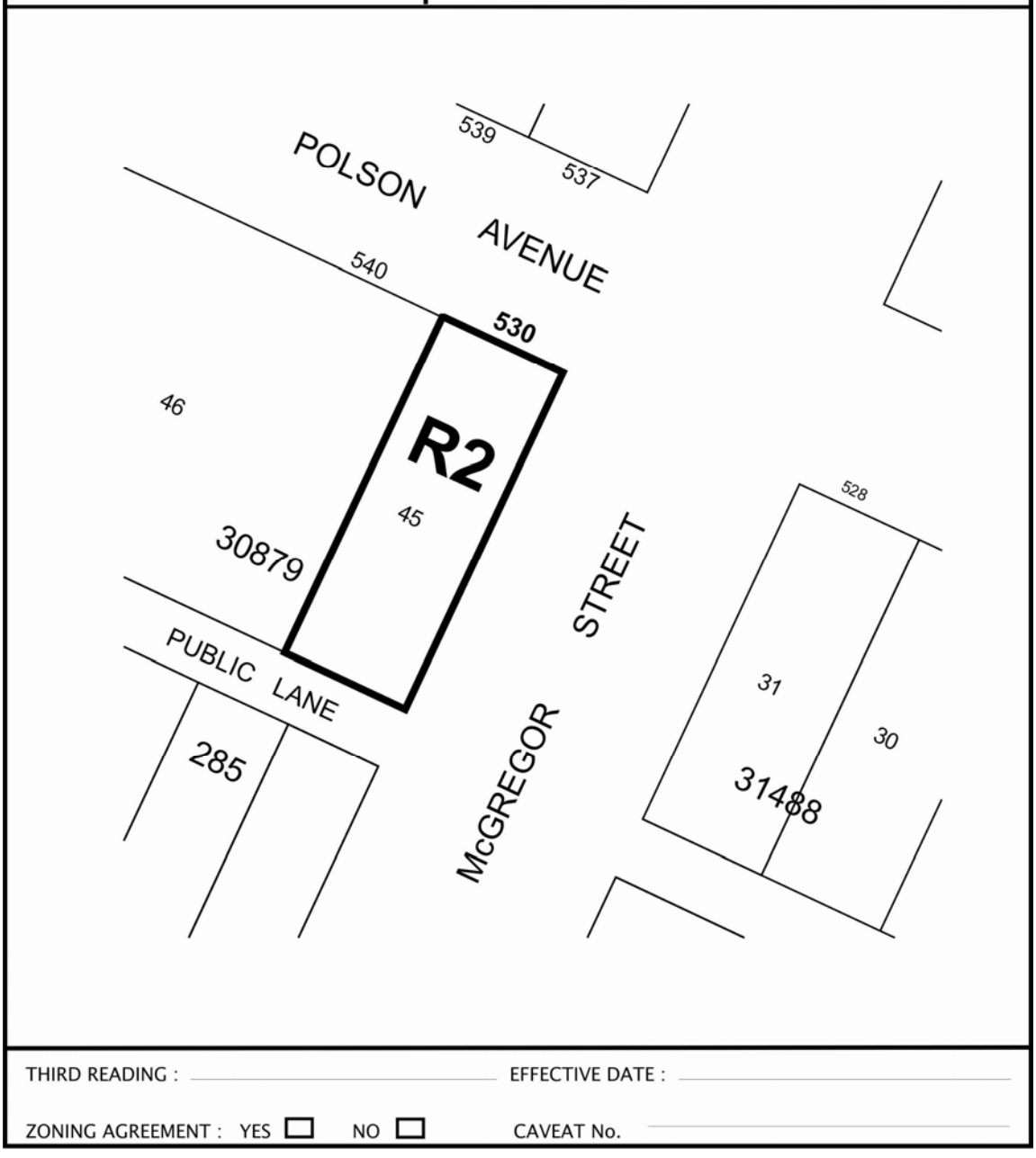
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 530 Polson Avenue from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a 4 unit multiple family dwelling as shown outlined below.

Atlas Sheet No. **V25**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____