Minute No. 364
Report – Executive Policy Committee – May 6, 2015

Item No. 3 Rezoning – 1427 Magnus Avenue
(Point Douglas Ward)
File DAZ 200/2015 [c/r DCU 105268/2015D and DAV 106631/2015D]

COUNCIL DECISION

Council concurred in the recommendation of the Executive Policy 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 200/2015 dated Jan. 28, 2015 to an "R2" Residential Two-Family District.

2. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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.

Report – Executive Policy Committee – May 6, 2015

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 6, 2015, 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 April 21, 2015, 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 – 1427 Magnus Avenue**
File DAZ 200/2015

For submission to: **Executive Policy Committee**

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

Report date: **April 25, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended 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 200/2015 dated Jan. 28, 2015 to an "R2" Residential Two-Family District.

2. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The subject application is in keeping with the current use of the property.

PUBLIC HEARING SUMMARY

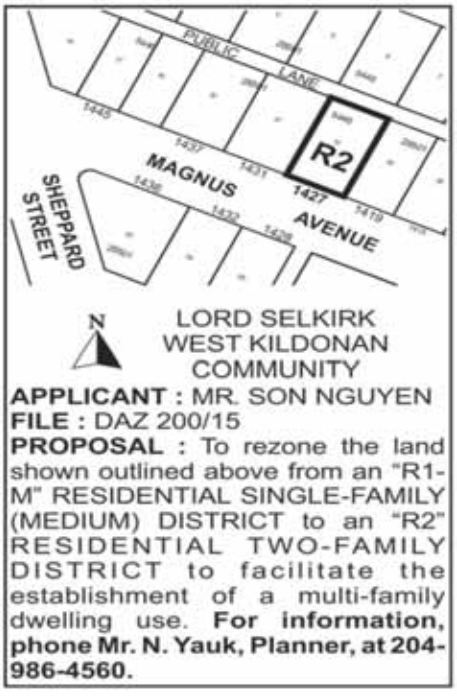
File: DAZ 200/2015

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

Public Hearing: April 21, 2015
Council Building, 510 Main Street

Applicant: Son Nguyen

Subject:



Premises Affected: 1427 Magnus Avenue

Exhibits Filed:

1. (Application dated January 27, 2015
2. Notification of Public Hearing dated January 30, 2015
3. Manitoba Status of Title 1893916/1
4. Surveyor's Building Location Certificate and sketch dated March 21, 1991
5. Plan
6. Report from the Urban Planning Division dated April 10, 2015
7. Communication dated January 26, 2015, from Eugene Baraniuk in support of the application
8. Communication dated January 26, 2015, from Hermin and Nancy Lysack in support of the application
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Eugene Baraniuk
Hermin and Nancy Lysack
Son Nguyen

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Acting Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Senior Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 200/2015

ADMINISTRATIVE REPORT

Title: DAZ 200/2015 – 1427 Magnus Avenue

Issue: For consideration at the public hearing for a rezoning from “R1-M” Residential Single-Family (Medium) to “R2” Residential Two-Family.

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	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 200/2015 dated Jan. 28, 2015 to an “R2” Residential Two-Family District.
2. That The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family (Medium) to “R2” Residential Two-Family.
- The “R2” Residential Two-Family District allows for two-family development as well as multi-family development by way of Conditional Use.
- The proposed development will consist of 3 dwellings unit in the existing building which already legally contains 2 and at one time included 3. The third unit will be redeveloped in the basement and will require conditional use approval (see file # DCU 15-105268D).
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be rezoned from “R1-M” Residential Single-Family (Medium) to “R2” Residential Two-Family.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	April 10, 2015
File No.	DAZ 200/15

Attachments:

- **APPENDIX ‘A’: PLANNER’S REPORT**
- **SCHEDULE “A” FOR FILE NO. DAZ 200/2015, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED JAN 28, 2015**

APPENDIX 'A': PLANNER'S REPORT

DATE: April 10, 2015
FILE: DAZ 200/2015
RELATED FILES: DCU 15-105268D & DAV 15-106631D
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.315 (Shaughnessy Park)

SUBJECT: To rezone the subject land from "R1-M" Residential Single-Family (Medium) to "R2" Residential Two-Family.

LOCATION: 1427 Magnus Ave

LEGAL DESCRIPTION: Lot 12, Plan 5446, 39 St. J OTM



APPLICANT: Son Ngyuen
1427 Magnus Avenue
WPG, MB R2S 0P3

OWNER: Same as above

RECOMMENDATION: Approval with conditions

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

SITE DESCRIPTION
The subject property, which is zoned “R1-M” Residential District, is located on the north side of Magnus Avenue between Sheppard Street and Laurence Street in the Shaughnessy Park neighbourhood of the Point Douglas ward.

Existing Land Use and Zoning
North: A public lane then a two-family dwelling zoned “R1-M” Residential District.
South: Magnus Avenue, then single-family dwellings and a place of worship zoned “R1-M” Residential District.
East: Single-family dwelling zoned “R1-M” Residential District.
West: Two single-family dwellings zoned “R1-M” Residential District, and then an apartment zoned “RMF-S” Residential Multi-Family District.



Figure 1: Subject Site and Surrounding Land uses

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to rezone the subject property to “R2” Residential Two-Family District to better reflect the two-family development that legally exists on the subject site as a nonconforming right and also to re-establish a third suite in the basement by way of Conditional Use approval (see file # DCU 15-105268D).It is noted that the subject had contained three units at one time but the legal right to the third unit was lost through a period of disuse.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

With respect the City of Winnipeg's adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within the Areas of Stability Policy Area (Mature Community). A key directions within this policy area are to:

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*

The proposed rezoning is consistent with OurWinnipeg and The Complete Communities Direction Strategy

Zoning By-Law 200/2006

The applicant is applying to rezone the property to an "R2" Residential Two Family District. The proposed "R2" District is a flexible residential zoning district in that it allows for single-family dwellings, two-family dwellings and even multi-family dwellings through Conditional Use approval. Multi-family development requires a minimum lot area of 800 sq ft per each unit proposed. The subject site being 4,987 sq ft in size is well within this density requirement.

It is noted that while the property is currently zoned "R1-M", a residential single-family zoning district, the building contains two dwelling units that were legally established. In fact, the subject building had three units at one time, but was lost through a period of disuse. The effect of the "R1" zoning is that the two-family dwelling use is considered a non-conforming right. Rezoning to "R2" will fully restore the rights to have a two family dwelling on the property and is therefore a more appropriate zoning district as it better reflects the development that exists here. The zoning district also allows for the proposed 3rd dwelling in the basement if the associated Conditional Use application is approved. Should the rezoning application not be approved, the property owner would be entitled to keep the existing two-family dwelling as a non-conforming right.

Compatibility with Existing Land Uses
While the Shaughnessy neighbourhood has a fair mix of residential housing types, forms and densities, the predominant land use consists mostly of single-family residential dwellings. Most of the higher density developments are located on corner lots that intersect with collector and major collector streets such as Sheppard. A good example is the property three doors west of the subject site (1445 Magnus) located at the intersection of Magnus and Sheppard. This building contains a total of 19 suites. This established density in very close proximity to the subject site suggests that the proposed "R2" Zoning District and the proposed development are compatible with neighbouring land uses. It is also noted that a place of worship exists just across the street from the subject site to the southeast which adds to the variety of land uses in the area. When considering that three units existed on the site previously and two exist now, the proposed development is very minor. In fact the addition of the third suite will not change the buildings footprint and therefore would be imperceptible from the street whether there are two or three units inside. Furthermore, the property has ample room to provide sufficient parking for all three suites.

Based on neighbouring land uses, the history of the subject property and Council's direction to moderately increase density in Areas of Stability – the proposed rezoning and additional suite that will result from the application is supportable. Allowing moderate, sensitive infill into existing established neighbourhoods can help to return these neighbourhoods to the populations they once were when average family sizes were larger.

Conditions of Approval
It is noted that the Public Service is not recommending a Zoning Agreement on the subject site. This is because multi-family development requires Conditional Use approval (and an associated review process) and so any conditions of approval can be attached to that Conditional Use Order.

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 200/2015

Schedule "A" for File No. DAZ 200/2015, Lord Selkirk / West Kildonan Community Committee, dated Jan 28, 2015.

By-Law No. _____

File No. **DAZ 200/15**

Atlas Sheet No. **V22**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1427 Magnus Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____