Agenda – Council – October 28, 2015

Report – Executive Policy Committee – October 14, 2015

Item No. 3 Rezoning – 456 Nairn Avenue
(Elmwood-East Kildonan Ward)
File DAZ 213/2015 [c/r DAV 131175/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 14, 2015, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

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 213/2015 dated September 10, 2015, to an "R2" Residential Two-Family District.

2. That, in lieu of the dedication of land, 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 this 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 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 – October 14, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 14, 2015, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 2015, the East Kildonan-Transcona 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 – 456 Nairn Avenue**
File DAZ 213/2015

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **September 24, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 22, 2015, the East Kildonan-Transcona 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213/2015 dated September 10, 2015, to an "R2" Residential Two-Family District.

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

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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 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 East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. I have confidence in the judgement of the administration on the matter.
2. I know the area and that house and don't see a problem with this following through.

PUBLIC HEARING SUMMARY

File: DAZ 213/2015

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Schreyer

Public Hearing: September 22, 2015
Council Building, 510 Main Street

Applicant: Paul Slawinski

Subject:



Premises Affected: 456 Nairn Avenue

Exhibits Filed:

1. Application dated June 15, 2015
2. Notification of Public Hearing dated July 6, 2015
3. Manitoba Status of Title 2717876/1
4. Letter of authorization dated May 25, 2015 from Jan Slawinski and Paul Slawinski to Paul Slawinski
5. Surveyor's Building Location Certificate and sketch dated March 23, 2015
6. Plans (7 pages)
7. Report from the Urban Planning Division dated September 10, 2015
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Paul Slawinski

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 213/2015

ADMINISTRATIVE REPORT

Title: DAZ 213/2015, 456 Nairn Avenue

Issue: An application for approval of a proposed rezoning, from "R1-M" Residential Single-Family Medium to "R2" Residential Two Family, of a property in which a two-family dwelling use was established without permit(s).

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Glen Doney	B. Smith	n/a	n/a	

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 213/2015 dated September 10, 2015, to an "R2" Residential Two-Family District.

2. That, in lieu of the dedication of land, 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 this 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 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

This report provides information and makes recommendations regarding Rezoning Application DAZ 213/2015. Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If DAZ 213/2015 is approved and implemented, the existing two-family dwelling would be in the correct zoning district.

CONSULTATION

Consultation was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	September 10, 2015
File No.	DAZ 213/15

Attachments

Appendix "A," Planning Discussion

Schedule "A" for File No. DAZ 213/2015, East Kidonan - Trancona Community Committee, Dated September 10, 2015

APPENDIX "A," PLANNING DISCUSSION

DATE:	September 10, 2015
FILE:	DAZ 213/2015
RELATED FILES:	DAV 15-131175D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	3.401
SUBJECT:	To rezone the subject land from "R1-M" Residential Single-Family Medium to "R2" Residential Two-Family.



LOCATION:	456 Nairn Avenue
LEGAL DESCRIPTION:	Part Lot 246, Plan 122
APPLICANT:	Paul Slawinski 359 Greene Avenue WPG, MB R2K 0L9
OWNER:	Jan and Paul Slawinski same address as above
RECOMMENDATION:	Approval with Conditions

SUBJECT PROPERTY DESCRIPTION

The subject property, shown on Figure 1, is immediately south of Nairn Avenue and west of Watt Street. It is 3782 square feet and approximately 33.5 feet wide. A two-family dwelling and accessory uses and structures are on the subject property. (The two-family dwelling use was established without permit(s).)

The subject property is in the Chalmers Neighbourhood and the Elmwood – East Kildonan Ward. It is in an "R1-M" Residential Single-Family Medium District, and a Community Mixed Use Corridor and an Area of Stability of *Complete Communities.*

East of the subject property is a public lane. East of that is a motor-vehicle repair and service use in a "C2" Commercial Community District.

All of the properties adjacent or near the subject property, except the aforementioned property, are in an “R1-M” District.

To the northeast, across Nairn Avenue, is a vacant property. To the north and northwest, across Nairn Avenue, to the west, and to the southwest and south across a public lane, are single-family dwellings. To the southeast are public lanes then a four unit multiple-family dwelling.

Nairn Avenue is an arterial road providing pedestrian access to adjacent properties. Motor-vehicle access to those properties is provided from public lanes that are parallel to Nairn.

Figure 1: Subject Property and Context, 2014 Aerial Photography



DESCRIPTION OF THE PROPOSED DEVELOPMENT AND REZONING

The proposal is to amend the zoning by-law to accommodate a two-family dwelling use that was established without permit(s).

An associated variance application – DAV 15-131175D, which would vary lot area and yard depth requirements, also has to be approved for the existing development to comply with the zoning by-law.

Figure 2: Looking South at Subject Property, Other Properties and a Public Lane, Streetview, 2015



ANALYSIS AND ISSUES

Complete Communities Direction Strategy

Complete Communities is a companion document to *OurWinnipeg* that provides the same directions and policies on land use and development as *OurWinnipeg* as well as several other directions and policies, thereby provide a broad framework with which to evaluate land use and development proposals.

The first policy of Direction 1 of the Areas of Stability section of *Complete Communities* is one of several policies *of Complete Communities* that the proposed rezoning complies with. It states: "Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form."

The first policy of Direction 1 of the Community Mixed Use Corridors section *Complete Communities* is another of several policies the proposal complies with. It states: "Promote the enhancement of existing Community Mixed-Use Corridors through moderate intensification."

Zoning By-Law 200/2006

In the "R2" District two-family dwellings are permitted uses, and live-work dwellings and mulit-family dwellings are conditional uses. However, in the "R1-M" District these uses are not allowed. Non-residential uses are regulated the same way in "R2" as they are in "R1-M." It is also noteworthy that many more types of non-residential uses are allowed in the "C2" District than in the "R2" District.

The "R2" and "R1-M" Districts have similar yard-depth requirements and have the same maximum height requirement (35 feet).

Therefore, the "R2" District is compatible with the "R1-M" District.

The “R2” District is compatible with the “C2” District to the east because a public lane buffers one from the other.

Compatibility with Existing Land Uses

The existing two-family dwelling and the associated rezoning proposal are compatible with existing land uses because:

- the intensity of use of a two-family dwelling is not significantly greater than that of a single-family dwelling; and
- a public lane separates the two-family dwelling (on the subject property) from the motor-vehicle repair and service use to the east.

REASONS FOR RECOMMENDATIONS

The Planning and Land Use Division recommends approval because the proposed rezoning and the existing development:

- are consistent with *Complete Communities* and, therefore, *OurWinnipeg*;
- are compatible with adjacent and nearby zoning districts and developments.

A zoning agreement is not warranted because live-work dwellings and mulit-family dwellings are conditional uses in “R2.” and a public separates the subject land from a “C2” District.

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

Report Prepared by:
Glen Doney

PPD File #:
DAZ 213/2015

Schedule "A" for File No. DAZ 213/2015, East Kidonan - Trancona Community Committee, Dated September 10, 2015

By-Law No. _____

File No. **DAZ 213/15**

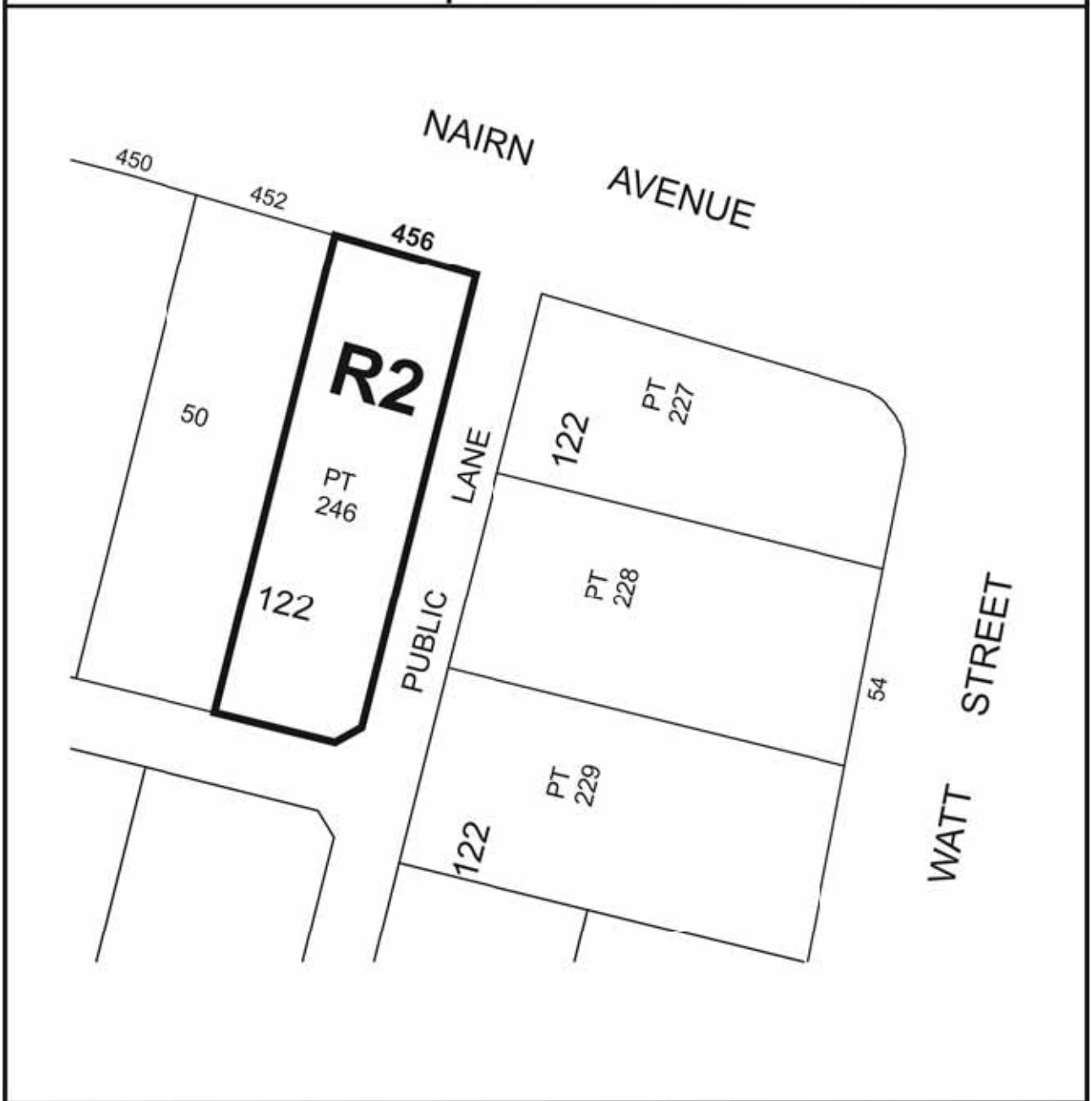
Atlas Sheet No. **Y27**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 456 Nairn Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a two-family dwelling use within an existing dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____