Minute No. 85
Report – Executive Policy Committee – January 6, 2016

Item No. 1 Rezoning – 885 McMillan Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 227/2015 [c/r DCU 161791/2015D and DAV 161792/2015D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

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 227/2015 dated October 13, 2015, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 same to Council for all three (3) readings.

Report – Executive Policy Committee – January 6, 2016

COUNCIL DECISION (continued):

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 – January 6, 2016

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 January 6, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2015, the City Centre 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 – 885 McMillan Avenue**
File DAZ 227/2015

For submission to: **Executive Policy Committee**

Prepared by: **Ms K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **December 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2015, the City Centre 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 227/2015 dated October 13, 2015, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 reasons for its recommendation:

1. This is simply adding one extra unit on a corner lot in keeping with the area plan.

2. There will be no visible change to the structure or massing so it seems like a positive development.

PUBLIC HEARING SUMMARY

File: DAZ 227/2015

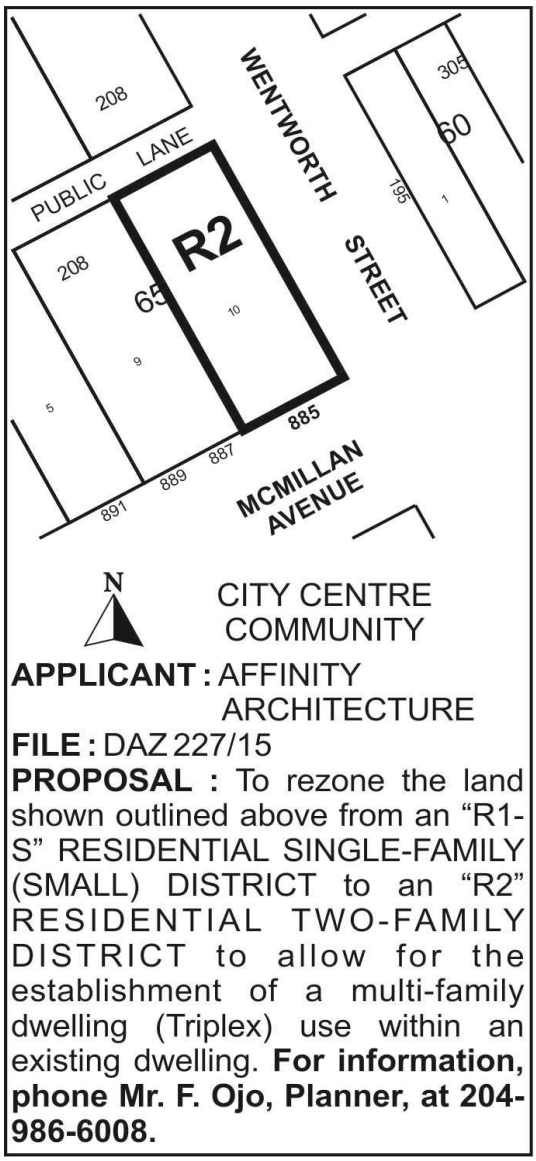
Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi
Councillor Gilroy

Public Hearing: December 15, 2015
Council Building, 510 Main Street

Applicant: Affinity Architecture (Andrew Skelton)

Subject:

Premises Affected:



Exhibits Filed:

1. Application dated October 13, 2015
2. Notification of Public Hearing dated October 21, 2015
3. Manitoba Status of Title 2782717/1
4. Letter of authorization dated September 15, 2015 from 7078855 Manitoba Ltd. to Affinity Architecture Inc.
5. Surveyor's Building Location Certificate and sketch dated June 11, 2009
6. Drawing of subject property
7. Photos of property (6 pages)
8. Plans (1 page)
9. Report from the Urban Planning Division received on November 20, 2015
10. Inspection Report
11. Recording of Representations

REPRESENTATIONS:

In Support:

Andrew Skelton, Affinity Architecture

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DAZ 227/2015

ADMINISTRATIVE REPORT

Title: DAZ 227/15 – 885 McMillan Avenue

Issue: An application for consideration at the public hearing to rezone the property from an "R1-S" Residential Single-Family Small District to an "R2" Residential Two-Family District for the purpose of converting an existing duplex into a Multi-Family (Triplex) with one additional suite in the basement.

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
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 227/2015 dated October 13, 2015, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 same to Council for all three (3) readings.

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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 intends to rezone the subject property from “R1-S” Residential Single Family Small district to “R2” Residential Two Family district by adding one additional suite in the basement of an existing two family dwelling

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned.

CONSULTATION

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

SUBMITTED BY

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Femi Ojo, MCIP
PPD File # DAZ 227/2015

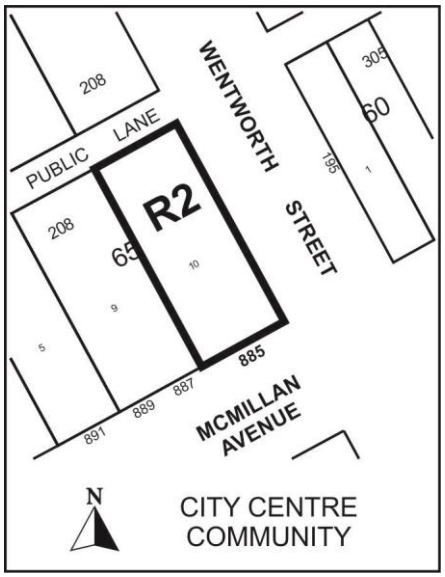
APPENDIX 'A'

DATE: November 20, 2015
FILE: **DAZ 227/15**
RELATED FILES: DCU 15-161791D, DAV 15-161792D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

SUBJECT: To rezone the subject property from "R1-S" Residential Single Family Small district to "R2" Residential Two-Family district to allow one additional suite in the basement of a multi-family building.

LOCATION: 885 McMillan Avenue

LEGAL DESCRIPTION: LOT 10 BLOCK 65 PLAN 208 31/5 ST B



APPLICANT: Andrew Skelton
4 Fort Street, Unit 200
Winnipeg, Manitoba R3C 1C4

OWNER: 323 LUXIANA DR.
GRANDE POINTE
MANITOBA, R5A 1E1

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the north side of Mcmillan Avenue in the McMillan neighbourhood of the Fort Rouge – East Fort Garry ward.
- The subject property is 50 ft. wide, 120 ft. deep, and 6,023 sq. ft. in area. It is currently occupied by a two storey; 2,040 sq. ft. two-family dwelling built in 1950.
- Under the Complete Communities Direction Strategy, the site is located within Areas of Stability – Mature Communities. The property is zoned “R1-S” Residential Single Family Small district.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Backlane, then multi-family apartment zoned “R2” Residential Two-Family.

South: McMillan Avenue, then multi-family apartment zoned “R2” Residential Two-Family.

East: Residences zoned “R1-S” Residential Single-Family.

West: Wentworth Street, then multi-family apartment zoned “R2” Residential Two-Family.

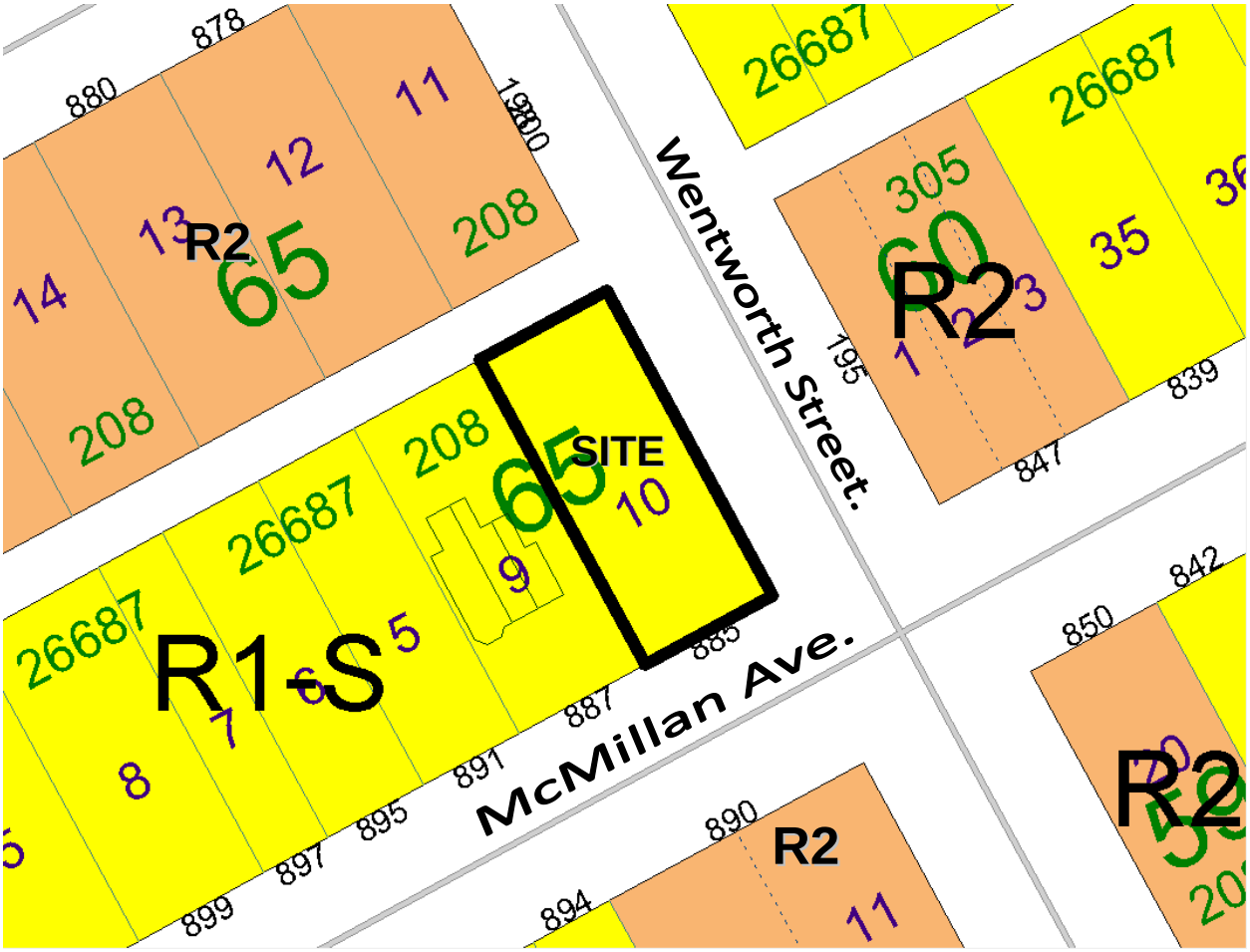


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from “R1-S” Residential Single Family Small district to “R2” Residential Two Family district in order to establish a Triplex.
- The proposed additional suite will be located in the basement of the existing building.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city’s new long-range development plan, and has statutory

authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg.

- The subject property is classified as an "Area of Stability" Mature Communities Complete Communities. Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring a diverse and high quality housing stock.
    - 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.

Zoning

- The "R1" Residential Single Family district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Residential Two-Family (R2) district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods.
- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional uses in each zoning district. In the "R2" district, a "Dwelling, multi-family" use is conditional.
- Section 137 of the zoning by-law prescribes the following dimensional standards for the "R2" district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
2,500 per unit for two-family; 800 per unit for multi-family	25	20	25	4	10	35	NA

Figure 3: Dimensional standards for the "R2" district

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.

- It is advantageous to locate the higher densities of a neighbourhood at street corners as opposed to mid-block for a number of reasons:
    - Any potential negative impacts of larger massing on single family dwellings are reduced.
    - It helps limit additional vehicular traffic on existing back lanes.
    - It is consistent with traditional patterns of urban form, and is therefore more compatible with the surrounding neighbourhood.
- The proposed development is a corner lot and on a node adjacent to some other multi-family development zoned “R2” Residential Two-Family.
- It is recommended that the development of the site be limited to a maximum number of three units. This is to ensure that one parking space can be provided per unit.

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and the City Centre Community Committee should there be a redevelopment of the site, for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the City Centre Community Committee to review final plans before development takes place for any future developments on the site.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATIONS

The Urban Planning Division recommends **approval, with conditions** for the following reasons:

- Increasing residential density and helping to achieve a compact urban form are key policies of Our Winnipeg and Complete Communities Direction Strategy that are fulfilled by this application.
- The proposed addition is possible on the subject site with associated variances without having any adverse effect on surrounding properties.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Femi Ojo, MCIP
PPD File # DAZ 227/2015

APPENDIX 'B'

Schedule "A" for File No. DAZ 227/15, City Centre Community Committee, dated November 20, 2015.

By–Law No.

File No. **DAZ 227/15**

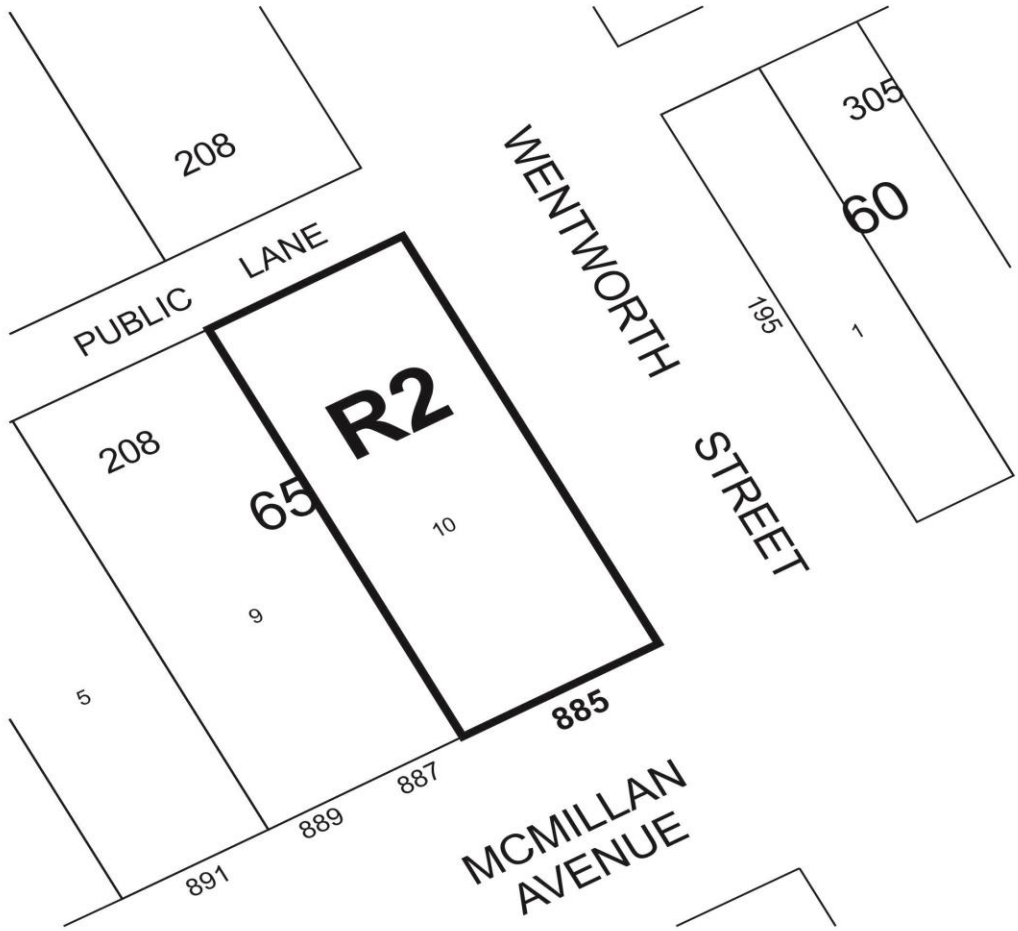
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AC23 CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 885 McMillan Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a multi-family dwelling (Triplex) use within an existing dwelling as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.