Minute No. 117
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

Item No. 1 Rezoning – 761 McMillan Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 222/2015 [c/r DCU 158450/2015D and DAV 158454/2015D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 222/2015 dated December 15, 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, fencing and pedestrian connections shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the number of dwelling units on the property shall not exceed four (4).

2. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

COUNCIL DECISION (continued):

5. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 one year period and Council approves the extension.

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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 December 15, 2015, 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, Heritage and Downtown Development.

RE: **Rezoning – 761 McMillan Avenue**
File DAZ 222/2015

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

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 recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 222/2015 dated December 15, 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, fencing and pedestrian connections shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the number of dwelling units on the property shall not exceed four (4).

2. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

5. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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 one year period and Council approves the extension.

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 area is considered medium density in the Corydon-Osborne Area Plan so an "R2" zoning is appropriate and this enables a zoning agreement which ensure that plans for any future development would have to come through a vetting process and a conditional use would be required for anything greater than two, and we're limiting it to no more than four so that would require an additional safeguard if an applicant chose to go beyond what is envisioned in the Corydon-Osborne Plan.

PUBLIC HEARING SUMMARY

File: DAZ 222/2015

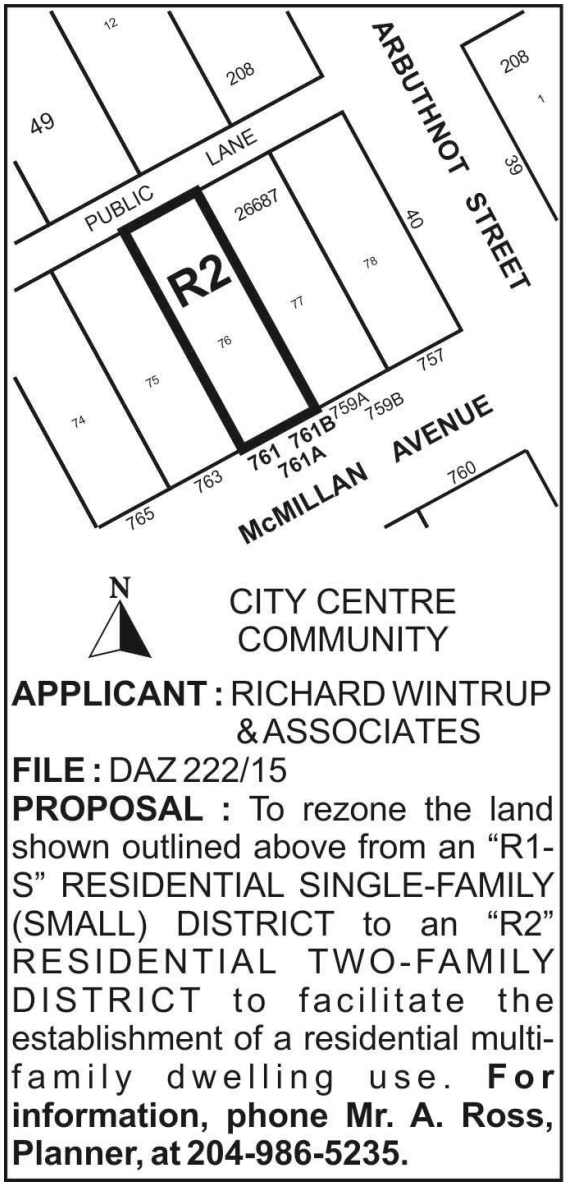
Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi
Councillor Gilroy

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

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:

Premises Affected:



Exhibits Filed:

1. Application dated September 24, 2015
2. Notification of Public Hearing dated October 7, 2015
3. Manitoba Status of Title 2796014/1
4. Letter of authorization dated July 31, 2015 from M. Mark, 6180419 Manitoba Ltd. to Richard Wintrup & Associates

5a. Caveat 4581306/1
5b. Caveat 4581307/1

6. Plans (1 page)
7. Report from the Urban Planning Division dated December 7, 2015
8. Inspection Report
9. Communication dated December 15, 2015, from Zana Marie Lutfiyya in opposition to the application
10. Presentation in support of the application submitted by John Wintrup at the public hearing
11. Recording of Representations

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition

Trevor Joyal
Zana Marie Lutfiyya
Andrew Zielinski

For Information:

Jennifer Altemeyer

For the City:

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

Exhibit "7" referred to in File DAZ 222/2015

ADMINISTRATIVE REPORT

Title: DAZ 222/2015 – 761 McMillan Ave

Issue: For consideration at the public hearing for a rezoning for DAZ 222/2015 – 761 McMillan Ave

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Division Head	CFO	CAO
Andrew Ross	B. Smith	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DAZ 222/2015 dated December 15, 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 final plans, showing the location and details of buildings, elevations, parking, landscaping, signage, fencing and pedestrian connections shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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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

- 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 property will be rezoned.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

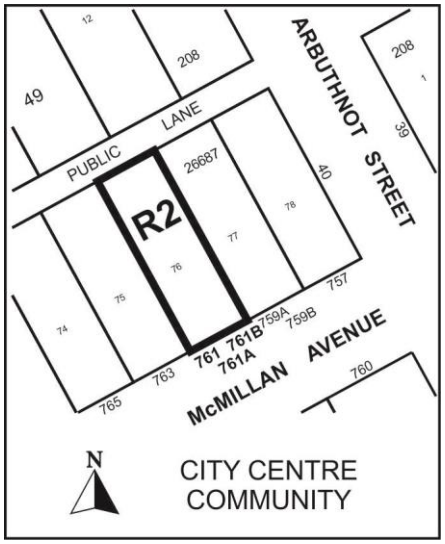
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	December 7, 2015
File No.	DAZ 222/2015

APPENDIX 'A'

DATE: December 7, 2015
FILE: DAZ 222/2015
RELATED FILES: DCU 15-158450/D, DAV 15-158454/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.110

SUBJECT: To rezone the land from an "R1-S" Residential Single Family (Small) District to an "R2" Residential Two-Family District.

LOCATION: 761 McMillan AVE A
LEGAL DESCRIPTION: UNIT 1 CONDO NO 607 PL 48225 INCL 50.00 INT IN COMMON ELEMENTS



APPLICANT: John Wintrup
139 Roslyn RD Unit 301
Winnipeg , Manitoba R3L 0G7

OWNER: ROBERT PAIGE
761 MCMILLAN AVE B
Winnipeg , Manitoba R3M 0S9

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property, currently zoned "R1-S" Residential Single Family (Small), is located on the north side of McMillan Ave, in the McMillan neighbourhood of the Fort Rouge - East Fort Garry ward

- The subject property is 4,800 sq. ft. in size and currently contains a two-family dwelling.



Figure 1: Air photo of the location of subject property and surrounding area (2014).

The immediate area is characterized primarily by single family residential, duplexes, triplexes and some higher-densities primarily on corner lots. There is commercial development one block to the west on Lilac Street and one block to the south on Corydon Avenue. Immediately adjacent land uses include:

North: Multiple family residential uses zoned "R2" Residential Two-Family

South: Single family residential uses zoned “R1-S” – Residential Single-Family (Small)

East: Two-family residential uses zoned “R1-S” – Residential Single-Family (Small)

West: Single family residential uses zoned “R1-S” – Residential Single-Family (Small)

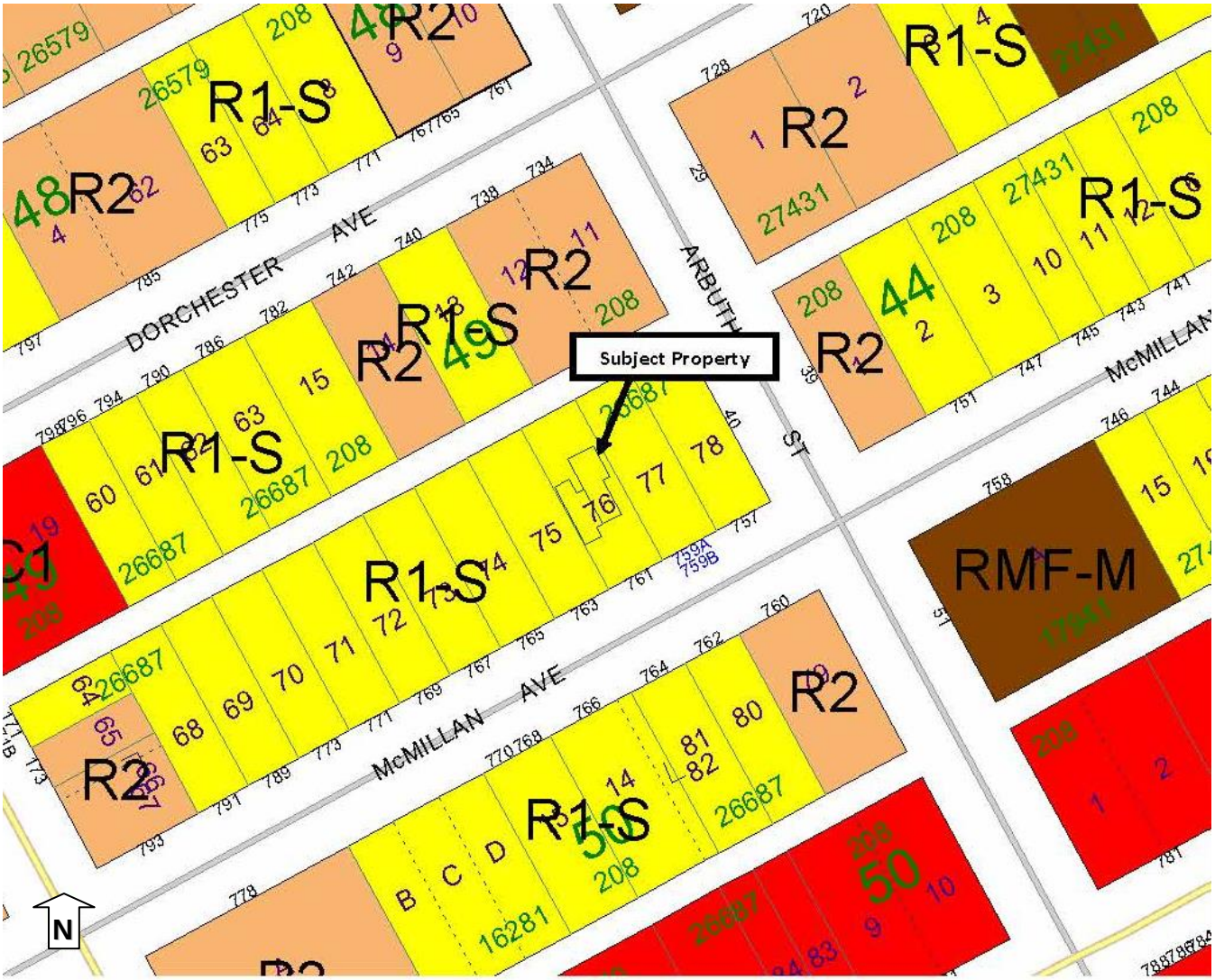


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning from "R1-S" Residential Single Family (Small) to “R2” Residential Two-Family in order to develop a three storey multi-family building with six units on the subject property.

Reason for application

Only one dwelling unit is allowed on an “R1” zoned lot. A rezoning to “R2”, with a conditional use for multiple family (see Associated File DCU15-158450D), is being sought in order to accommodate six units on the lot.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy
As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Support Complete Communities by ensuring 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, townhouses.

As per the *Complete Communities Direction Strategy,* the proposed development is also designated a Community Mixed Use Centre. Key policies for Centres include:

- Centres will function as key strategic areas that provide a mix of uses, allowing for further intensification of these uses over time, while serving as vibrant gathering spaces that support the daily activities of local residents.

- Encourage moderate to high density housing and higher intensity commercial and mixed use development focused on sustainable transportation.

The proposal to rezone this property to “R2” supports some added density to a Mature Community and a Community Mixed Use Centre, and adds to the mix of housing types in the neighbourhood in alignment with goals of Complete Communities.

Direction 2 of Section 03-2e, however, also identifies that development in Community Mixed Use Centres should be guided through planning, and this neighbourhood has an established plan. The neighbourhood plan (the Corydon-Osborne Area Plan) is described below along with its policies applying to this property.

Corydon-Osborne Area Plan
The Medium Density Residential policies of the Corydon-Osborne Area Plan apply to this property. Policies for mid-block development in the Medium Density Residential policy area include:

- Up to two unit development will be permitted, subject to design guidelines / controls.
- The maximum building height in these areas should be 3 storeys.
- Small multi-family development may be accommodated subject to design guidelines / controls and the discretionary review process.

In the Process for Development section, the Corydon-Osborne Area Plan defines small multi-family development as being equivalent to 1,250 sq. ft. per unit.

Based on the size of this property, this allows for a maximum of 3.85 units. The Urban Planning Division recommends rounding this up to four units.

The proposed development, at six units, is not in keeping with the density policies of the Corydon-Osborne Plan which, at 1,250 sq. ft. per unit, attempts to maintain mid-block development at density standards equivalent to “RMF-S” – Multiple Family (Small).

Figure 3 shows the dwelling unit counts for this block. Four units, which is supported by the Urban Planning Division, already represents an increase above what any other mid-block lot on this block has. The Corydon Plan does not pose injurious effect on the applicant’s intention to develop at a medium density on this site.



Figure 3: Dwelling unit counts on McMillan Avenue between Lilac and Arbuthnot Streets.

In accordance with the Corydon Plan, the Urban Planning Division believes that four units represents the maximum appropriate density on this lot while maintaining sensitivity to the context. The Division supports the rezoning to "R2", with a limit of four units.

Other

Zoning Agreement

The Urban Planning Division recommends a zoning agreement be established, in order to limit the number of onsite dwelling units to four (4) in keeping with the Corydon-Osborne Area Plan.

Plan Approval

The Corydon-Osborne Area Plan requires plan approval for all development other than single family housing. For this reason, plan approval is recommended.

SUMMARY

With a limit of four dwelling units, the Urban Planning Division supports the rezoning, because the proposal adds density to a Mature Community and adds to the mix of housing types in the neighbourhood.

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be rezoned to a “R2” Residential Two-Family District.

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

Report Prepared by: Andrew Ross, MCP, MCIP
DAZ 222/2015 – 761 McMillan Ave

Schedule “A” for File No. DAZ 222/2015, City Centre Community Committee, December 15, 2015

By-Law No. _____

File No. **DAZ 222/15**

Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 761 McMillan Avenue from an “R1-S” RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of a residential multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____