Agenda – Council – January 27, 2010

Report – Executive Policy Committee – January 6, 2010

Item No. 3 Rezoning – 721 and 721½ Lorette Avenue
(Fort Rouge - East Fort Garry Ward)
File DAZ 213/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 6, 2010, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits 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 /2009 dated December 1, 2009, to a "R2" Residential 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 detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, be submitted to and approved by the Director of Planning, Property and Development and the City Centre 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 City Solicitor/Manager of Legal Services 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, 2010 (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 by-law is passed.

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

7. That the City Solicitor/Manager of Legal Services 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, 2010 (continued):

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 6, 2010, 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 8, 2009, 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 - 721 and721½ Lorette Avenue**
File DAZ 213/2009 [c/r DAV 154488/2009D

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **December 9, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 8, 2009, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends 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 /2009 dated December 1, 2009, to a "R2" Residential 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 detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, be submitted to and approved by the Director of Planning, Property and Development and the City Centre 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 City Solicitor/Manager of Legal Services 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 by-law is passed.

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

7. That the City Solicitor/Manager of Legal Services 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 reason(s) for its recommendation:

1. The property was functioning as a duplex.

2. There will be a one front door and therefore single-family in appearance.

PUBLIC HEARING SUMMARY

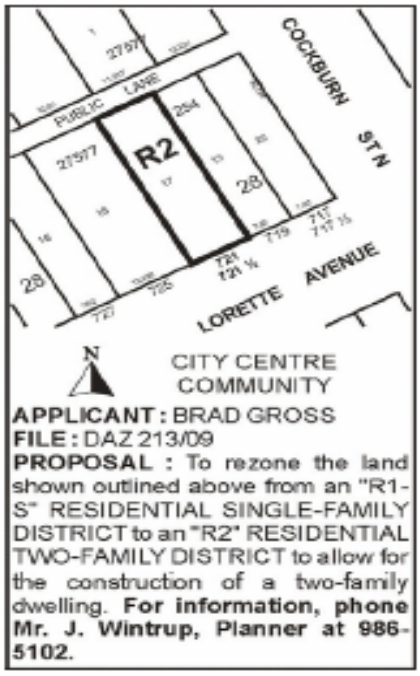
File: DAZ 213/2009 [c/r DAV 154488/2009D]

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

Public Hearing: December 8, 2009
North Committee Room
Council Building, 510 Main Street

Applicant: Brad Gross

Subject:



Premises Affected: 721 and 721½ Lorette Avenue

Exhibits Filed:
1. Application dated October 2, 2009
2. Notification of Public Hearing dated October 7, 2009
3. Manitoba Status of Title 2369263
4. Letter of authorization dated August 26, 2009 from Quan Tran, 4131878 Manitoba Ltd., to Brad Gross
5. Plans (8 pages)
6. Report from the Planning and Land Use Division dated December 1, 2009

7. Inspection Report
8. Audio Recording of representations of public hearing held on December 8, 2009

REPRESENTATIONS:

In Support:

Brad Gross

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 213/2009 [c/r DAV 154488/2009D]

ADMINISTRATIVE REPORT

ISSUE: DAZ 213/2009 721 Lorette Avenue Drive Public Hearing.

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
D. Himbeault	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 /2009 dated December 01, 2009, to a "R2" Residential 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 detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, be submitted to and approved by the Director of Planning, Property and Development and the City Centre 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 City Solicitor/Manager of Legal Services 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 by-law is passed.

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

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will allow a R2 Residential District facilitating the proposed two story duplex to be developed on the property after a site plan has been approved by the City Centre Community Committee.

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	Kevin Lalor
Date:	December 01, 2009
File No.	DAZ 213/2009

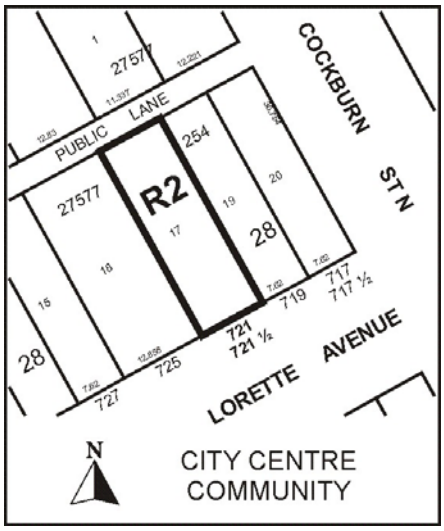
APPENDIX 'A'

Date: December 1/2009
File: DAZ 213/2009
Related Files: DAV 09 154488/D, BP 09 143440 HO

Subject: The purpose of the subject application is to rezone the property at 721 Lorette Avenue from an " R1-5" Single Family category to an" R2" Two Family category in order to allow for the construction of a two story duplex.

Location: 721 Lorette Avenue

Legal Description: Lot 17 Plan 27577



Applicant: Brad Gross

Owner: 4131878 Manitoba Ltd**.**

Recommendation: *Approval*

Report Summary:

- The site is currently occupied with a 1016 sq. ft. one and one half story single family dwelling. Building was constructed in 1912.
- Owner wishes to demolish existing building and construct a new two story duplex.
- A rezoning from " R1-S" Single Family to " R2" Two Family is required.
- If the rezoning is approved, variances for side yards and lot area will also be required.

Site Description;



Existing Land Use & Zoning:

The subject property is occupied with a one and one half story (1016 sq. ft.) dwelling that is boarded up and in a run down condition. The building was constructed in 1912 and is currently zoned " R1-S" Single Family Residential. The lot dimensions are 33'(width) by 100'(depth).

Surrounding Land Use & Zoning:

North: To the north are single family residences, a community centre & school, all zoned " R1-S" Single Family Residential.

East: To the east is a predominantly single family residential neighborhood zoned "R1-S" Single Family Residential.

South: To the south is a mix of single family housing and several multiple family complexes , all zoned " R1-S" Single Family Residential.

West: To the west are single family dwellings and public open space, all zoned " R1-S" Single Family Residential.

Description of Proposed Development:

If the requested rezoning is successful, the applicant is proposing to demolish the ninety seven year old dwelling currently on site and replace it with a new two family housing unit. The new duplex will be approximately 34' in height at the front and approximately 25' in height at the rear. The roof will be sloped (shanty style) from front to back and the length of the building will be 56' , according to the plans submitted. The extra height is intended to allow for loft ceilings in both proposed dwelling units. There will be no windows on either side wall. There are also accompanying variances for 1) reduced lot area under the proposed new zoning 2) reduced minimum lot area per dwelling unit under the new zoning and 3) marginally reduced west and east side yards for a two family dwelling unit under the zoning by-law.

Analysis:

The Planning Department generally does not , as a rule , support spot re-zonings from single family to a two family classification; particularly when the subject property lies mid block in a predominantly single family residential neighborhood. However, there have been occasional exceptions made to this rule -usually in older neighborhoods - when the introduction of new (including higher density) housing is regarded as a priority. The subject application, in our view, meets the aforementioned criteria, of an aging dwelling that should be demolished and replaced with either a new duplex or a new single family residence. The developer , in this case, is prepared to construct a new two family dwelling on the site, subject of course, to obtaining the necessary rezoning and accompanying variances. After reviewing the proposal, the Planning Department , is of the view, that, in this instance, a rezoning to a two family category can be supported. However, the proposed preliminary building plan as submitted, is not , in our view, deemed to be acceptable . Specifically, the proposed duplex is a sloped roof shanty style building; approximately 34' high at the front sloping to a 25' height at the rear . In marked contrast, the adjoining dwellings are a one story 840 sq. ft. structure at 725 Lorette Avenue and a one and a half story 816 sq. ft. structure at 719 Lorette Avenue. Even with the sloping roof, the proposed duplex will be well out of scale with adjacent homes and most residences on the street. Therefore, while we are able to support a two family dwelling on the site in question (and we recognize that under the Zoning By-Law, a new single family dwelling could be constructed to a height of 35' as of right) we would recommend that the applicant endeavor to modify his design to the extent that the building height is reduced by at least 6-7 feet. Hopefully, a marginal reduction (as suggested) in the height of the building will help minimize the impact on the adjoining residences while still permitting the floor area per dwelling unit requested by the applicant. It is our recommendation that prior to the issuance of building permits, final building plans be submitted for approval by the Planning Department and the City Centre Community Committee and that those plans reflect the aforementioned changes in building height.

Recommendation:

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

- *New replacement or infill housing (single family and two family) should be promoted in older neighborhoods provided that what is being constructed is deemed to be compatible with existing housing.*

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 213/2009

<u>Schedule "A"</u> for File DAZ 213/2009, City Centre Community Committee dated December 01/09.

By-Law No. _____

File No. **DAZ 213/09**

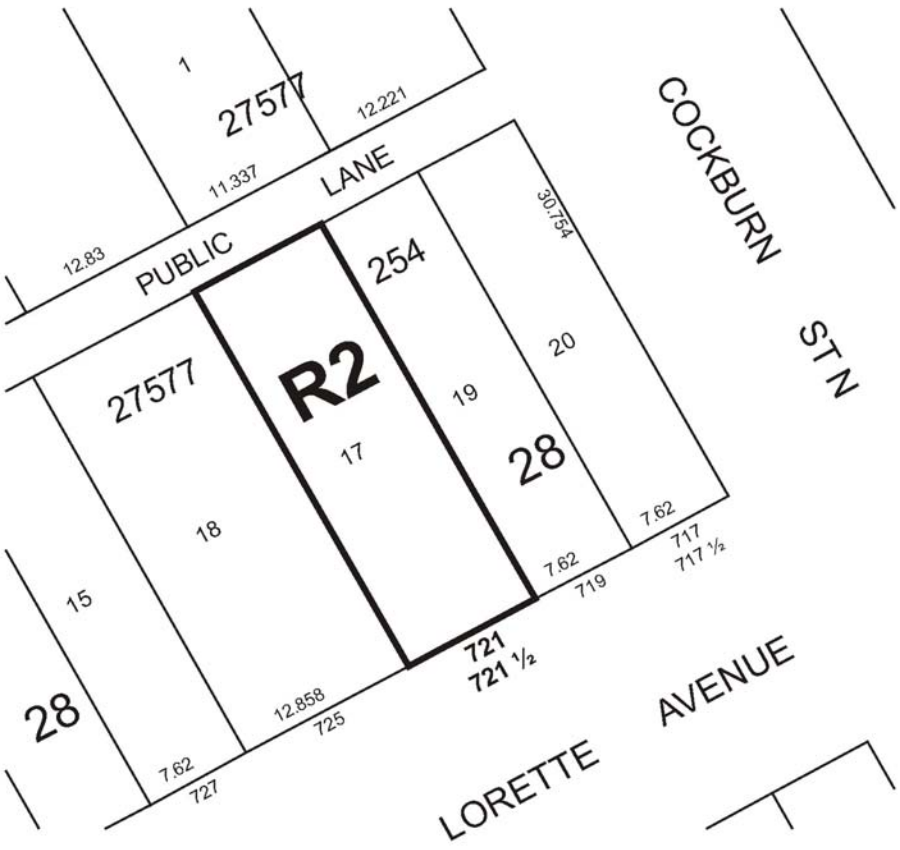
Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 721 & 721 1/2 Lorette Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a two-family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____