Minute No. 594
Report – Standing Policy Committee on Property and Development – September 11, 2012

Item No. 3 Rezoning – 589 Jessie Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 213/2012 [c/r DAV 118963/2012D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development 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 213/2012 dated June 26, 2012 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 a property shall be limited to a maximum of two dwelling units.

      ii. 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, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan 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.

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.

Report – Standing Policy Committee on Property and Development – September 11, 2012

COUNCIL DECISION (continued):

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 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 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 – Standing Policy Committee on Property and Development – September 11, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 11, 2012, the Standing Policy Committee on Property and 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 July 3, 2012, the City Centre Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 589 Jessie Avenue**
File DAZ 213/2012

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

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

Report date: **July 4, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 3, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

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 213/2012 dated June 26, 2012 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 a property shall be limited to a maximum of two dwelling units.

      ii. 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, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan 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.

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 the 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 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 reason(s) for its recommendation:

1. The issues raised were not regarding a duplex, but the size of the development, but even the current zoning by-law permits a single family home to be built to the same size as the proposal.

2. There is plan in place to limit development.

PUBLIC HEARING SUMMARY

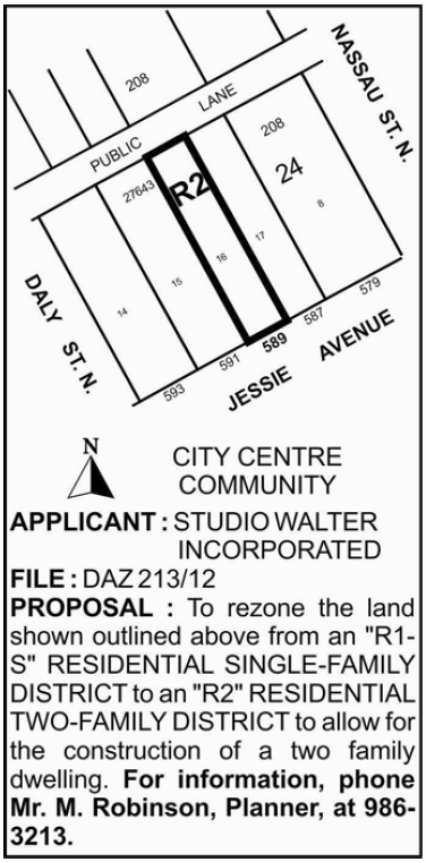
File: DAZ 213/2012

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

Public Hearing: July 3, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Studio Walter Incorporated

Subject:



Premises Affected: 589 Jessie Avenue

Exhibits Filed:
1. Application dated April 26, 2012
2. Notification of Public Hearing dated May 30, 2012
1. Manitoba Status of Title 1416112/1

2. Letter of authorization dated March 28, 2012 from Stephen Swail to Daniel MacGibbon (Studio Walter Inc.)
3. Plans (10 pages)
4. Report from the Urban Planning Division dated June 26, 2012
5. Inspection Report
6. Communication dated July 2, 2012, from Natalie Mulaire in opposition to the application
7. Communication dated July 2, 2012 from Dennis and Janet Swayze in opposition to the application
8. Communication dated July 3, 2012, from Patricia Holbrow in opposition to the application
9. Communication dated July 3, 2012, from Nicole Matiation and Pascal Boutroy in opposition to the application
10. Communication dated July 3, 2012, from Dale Graumann in opposition to the application
11. Communication dated July 3, 2012 from Pattie and Russell Boyes in opposition to the application
12. Communication dated July 3, 2012, from Joel Stelpstra in opposition to the application
13. Communication dated July 3, 2012, from Gary and Dale Graumann in opposition to the application
14. Communication dated July 3, 2012, from Gordon GK Lovatt in opposition to the application
15. Communication dated July 3, 2012, from Chandra Chambers in opposition to the application
16. Communication dated July 2, 2012, from Lisa Barkman-Hobbs in opposition to the application
17. Communication dated July 3, 2012, from Sasha Amaya in opposition to the application
18. Communication dated July 3, 2012, from Nicole Matiation and Pascal Boutroy in opposition to the application
19. Communication dated July 3, 2012, from Anna Grad in opposition to the application
20. Communication dated July 3, 2012, from Burton T. Perry in opposition to the application
21. Communication dated July 3, 2012, from Burton T. Perry in opposition to the application
22. Communication dated June 29, 2012, from Kat Rother in opposition to the application Petition in support of the application purporting to contain the signatures of 14 area residents, submitted by the applicant

23. Presentation submitted by the applicant in support of the application
24. Presentation submitted by Gordon GK Lovatt in opposition to the application
25. Presentation and pictures submitted by Patricia Holbrow in opposition to the application
26. Audio Recording of representations

REPRESENTATIONS:

In Support:

Gord Steeves
Yaron Walter
Zhi Yong Wang

In Opposition

Sasha Amaya
Lisa Barkman-Hobbs
Pattie and Russell Boyes
Aleio Cerasani
Chandra Chambers
Stuart Clark
Donalda Coss
Shirley Forsyth
Mary Godard
Rosalyn Graboweski
Anna Grad
Gary and Dale Graumann
Patricia Holbrow
Devin Latimer
Steve Logozar
Vicky Logozar
Gordon GK Lovatt
Nicole Matiation and Pascal Boutroy
Natalie Mulaire
Patrick and John Murdock
Victoria Murphy and Kyle McAdam
Burton T. Perry
Kat Rother
Linda and Les Stechesen

Joel Stelpstra
Dennis and Janet Swayze
Gerhard W. and Elizabeth Temkies
Deirdre Tomkins
Dan Trupp and Neil Schan
Doug Wikander and Stephanie Rankin

For Information:

Philip Koch

For the City:

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

Exhibit "5" referred to in File DAZ 213/2012

ADMINISTRATIVE REPORT

Title: DAZ 213/2012 – 589 Jessie Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 213/2012 – 589 Jessie Avenue

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
P. Regan	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 213/2012 dated June 26, 2012 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 a property shall be limited to a maximum of two dwelling units.

        ii. 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, fencing, and landscaping to the City Centre Community Committee and the Director of Planning, Property and Development for plan 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.

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 the 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.

REASON FOR THE REPORT

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 Planning and Land Use Division are concurred in, the property will be rezoned.

CONSULTATION

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

SUBMITTED BY

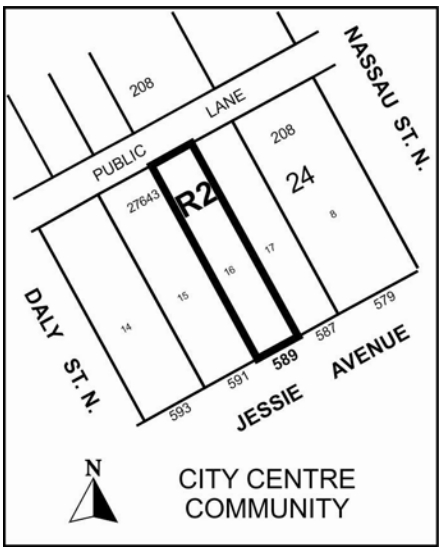
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Michael Robinson, AICP, MCIP
Date:	June 26, 2012
File No.	DAZ 213/2012

APPENDIX 'A'

DATE: June 26, 2012
FILE: DAZ 213/2012
RELATED FILES:
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from an "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

LOCATION: 589 Jessie Avenue
LEGAL DESCRIPTION: LOT 16 PLAN 27643 33/34 ST B



APPLICANT: Daniel MacGibbon (Studio Walter Incorporated)

OWNER: Stephen Swail

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is zoned "R1-S" Residential Single-Family District, is located on Jessie Avenue, between Daly Street North and Nassau Street North, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Multi-family residences zoned "RMF-M" Residential Multi-Family District
South: Residences zoned "R1-S" Residential Single-Family District
East: Residences zoned "R1-S" Residential Single-Family District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject property to an "R2" Residential Two-Family District in order to construct a duplex.

Reason for application
In order to construct a duplex, the property must be rezoned from the current "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District

ANALYSIS AND ISSUES
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

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

B. Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The subject block of Jessie Avenue, between Daly and Nassau Streets, currently has five (5) duplexes, according to City records:

588 Jessie
593 Jessie
596 Jessie
600-602 Jessie
612 Jessie

C. Urban Design
As a result of a neighbourhood consultation/open house which occurred on Wednesday, June 20th, the applicant has indicated that there are several changes to the proposed design – compared to the plans

which were submitted with the application. (See Appendix A for a rendering of the modified development proposal). The changes are as follows:

1. They have lowered the roof on the front portion of the building to 31 feet and the rest of the roof to 33 feet.
2. They have added a peak to both roofs, which is more consistent with the neighbourhood built form.
3. They have rounded the roof and deck details to pick up on the aesthetics of neighbourhing homes.
4. They have added a projecting roof to the first level; similar to the more traditional front porch/vestibule look of other homes in the neighbourhood
5. They have changed the colour scheme from green and black to a dark grey (wood) lap siding with white panel on the centre mass, and wood accents on the roof soffits and deck.

Building setbacks are being addressed through the associated variance report (DAV 12-118963/D).

D. Conditions
While the subject property is appropriate for a duplex, the subject block is primarily zoned single-family residential and a multi-family dwelling (3 units and up) would be inconsistent with the current zoning and density that exists mid-block on the subject block. Consequently, it is recommended that the property be limited to a two-family dwelling through a zoning agreement.

Accordingly, if a future property owner was to seek approval for a multi-family dwelling, it would require a zoning amendment agreement and a public hearing at City Centre Community Committee rather than a conditional use and public hearing at the Board of Adjustment.

Plan Approval
Given that the development plans have changed and that new plans have not been submitted to the City at the time of this writing, it is recommended that final plans be approved by City Centre Community Committee and the Director of PP&D, prior to the issuance of permits. It is expected that the final design will be in substantial conformance with the revised plans that were shown to the community.

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

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- There are currently five duplexes on the subject block

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 213/2012

APPENDIX 'B'

Schedule "A" for File No. DAZ 213/2012, City Centre Community Committee, dated June 26, 2012

By-Law No. _____

File No. **DAZ 213/12**

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 589 Jessie 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. _____



Figure 1: Aerial Photo (Flown in 2009)

Appendix "A"
Rendering of Modified Building Proposal

