Agenda – Council – January 30, 2013

Report – Executive Policy Committee – January 16, 2013

Item No. 1 Rezoning – 307 Notre Dame Street
(St. Boniface Ward)
File DAZ 230/2012 [DAV 166218/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

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 230/2012 dated November 23, 2012 to an "R2" Residential Two-Family Mixed Use District.

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 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 16, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 3, 2012, the Riel 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 – 307 Notre Dame Street**
File DAZ 230/2012 [DAV 166218/2012D]

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **December 4, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 3, 2012, the Riel 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/2012 dated November 23, 2012 to an "R2" Residential Two-Family Mixed Use District.

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 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 23, 2012.

PUBLIC HEARING SUMMARY

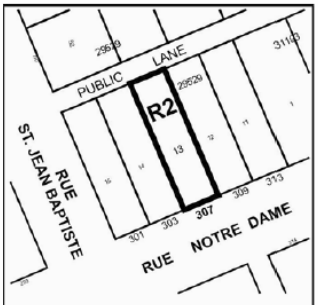
File: DAZ 230/2012

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: December 3, 2012
Council Building, 510 Main Street

Applicant: Sunset Homes Ltd. (Damian Rakowski)

Subject:



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RIEL COMMUNITY

APPLICANT : SUNSET HOMES LTD.
FILE: DAZ 230/12
PROPOSAL: To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a two-family dwelling. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : SUNSET HOMES LTD.
N° DE RÉFÉRENCE : DAZ 230/12
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) à la catégorie R2 (SECTEUR D'HABITATIONS BIFAMILIALES) et de permettre ainsi la construction d'une habitation bifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 307 Notre Dame Street

Exhibits Filed:

1. Application dated August 3, 2012
2. Notification of Public Hearing dated October 17, 2012
3. Manitoba Status of Title 2403767/1
4. Letter of authorization dated July 25, 2012 from Jacques Gagnon to Sunset Homes Ltd.
5. Surveyor's Building Location Certificate and sketch dated August 4, 2011
6. Drawing of subject property
7. Plans (5 pages)
8. Report from the Planning and Land Use Division dated November 23, 2012
9. Inspection Report
10. Audio Recording of representations of public hearing held on December 3, 2012

REPRESENTATIONS:

In Support:

Damian Rakowski, Sunset Homes Ltd.

In Opposition:

Nil

For Information:

Nil

For the City:

R. Kostiuk, Planner, Planning, Property and Development Department
K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 230/2012

ADMINISTRATIVE REPORT

Title: DAZ 230/2012 – 307 Notre Dame Street Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from R1-M to R2 in order to develop a duplex (two-family dwelling) on the subject lot.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council 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 230/2012 dated November 23, 2012 to an "R2" Residential Two-Family Mixed Use District.
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 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 is proposing to rezone the site from "R1-M" Residential Single-Family Medium to "R2" Residential Two-Family in order to develop a duplex on the property.
- 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 land will be rezoned from R1-M to R2.

HISTORY

- N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Robert Kostiuk, MCIP
Date:	November 23, 2012
File No.	DAZ 230/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 230/2012

APPENDIX 'A'

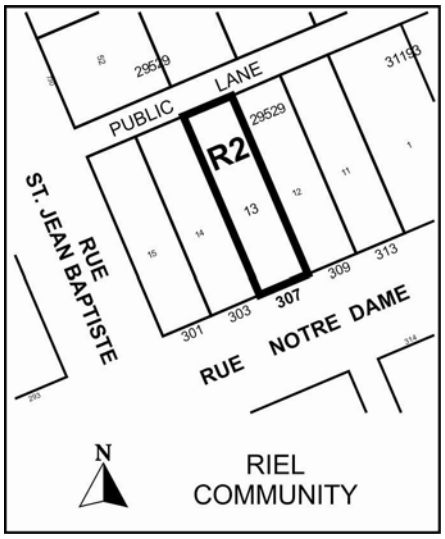
DATE: November 23, 2012

FILE: DAZ 230/2012
RELATED FILES: DAV 12-166218/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.501

SUBJECT: To rezone the subject land from "R1-M" Residential Single-Family Medium to "R2" Residential Two-Family in order to build a duplex on the property.

LOCATION: 307 Notre Dame ST
LEGAL DESCRIPTION: LOT 13 PLAN 29529 76 ST B



APPLICANT: Damian Rakowski Sunset Homes Ltd.
775 PLINGUET ST
WINNIPEG MB

OWNER: JACQUES GAGNON
307 NOTRE DAME ST
WINNIPEG MB R2H 0C7

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family Medium to “R2” Residential Two-Family in order to develop a duplex on the property.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the north side of Notre Dame Street, between Rue St. Jean Baptiste and Rue Thibault in the North St. Boniface neighbourhood of the St. Boniface Ward.
- The lot is **4,036 square feet in area** and contains a one storey home with a living area of 590 square feet.
- The property is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy and is also within the Lower Density Residential area under the North St. Boniface Secondary Plan.
- The site is zoned “R1-M” Residential Single-Family.

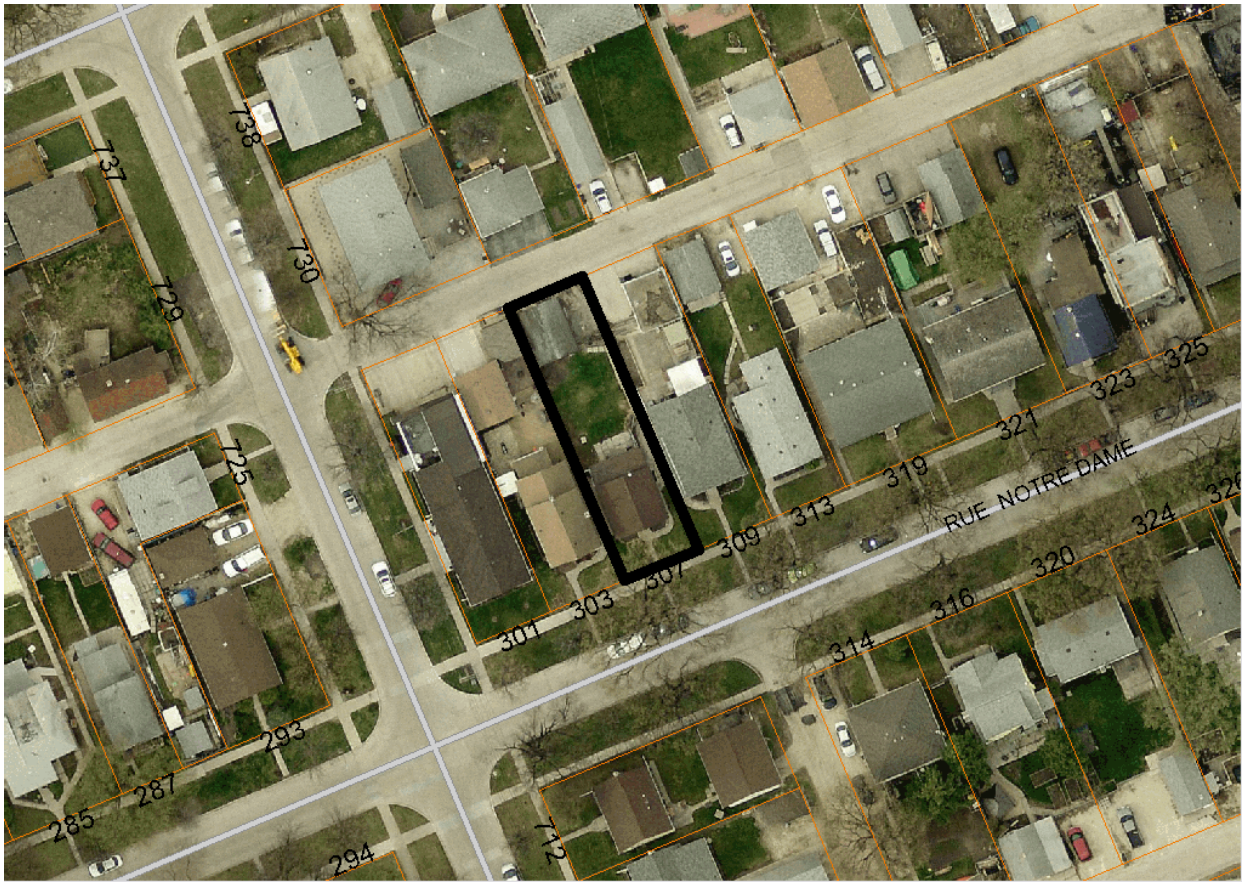


Figure 1: Aerial photograph of subject property and surrounding area (2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home zoned R1-M and a duplex zoned R2.

South: Detached single-family homes zoned R1-M and a duplex zoned R2.

East: Detached single-family homes zoned R1-M.

West: Detached single-family homes zoned R1-M.

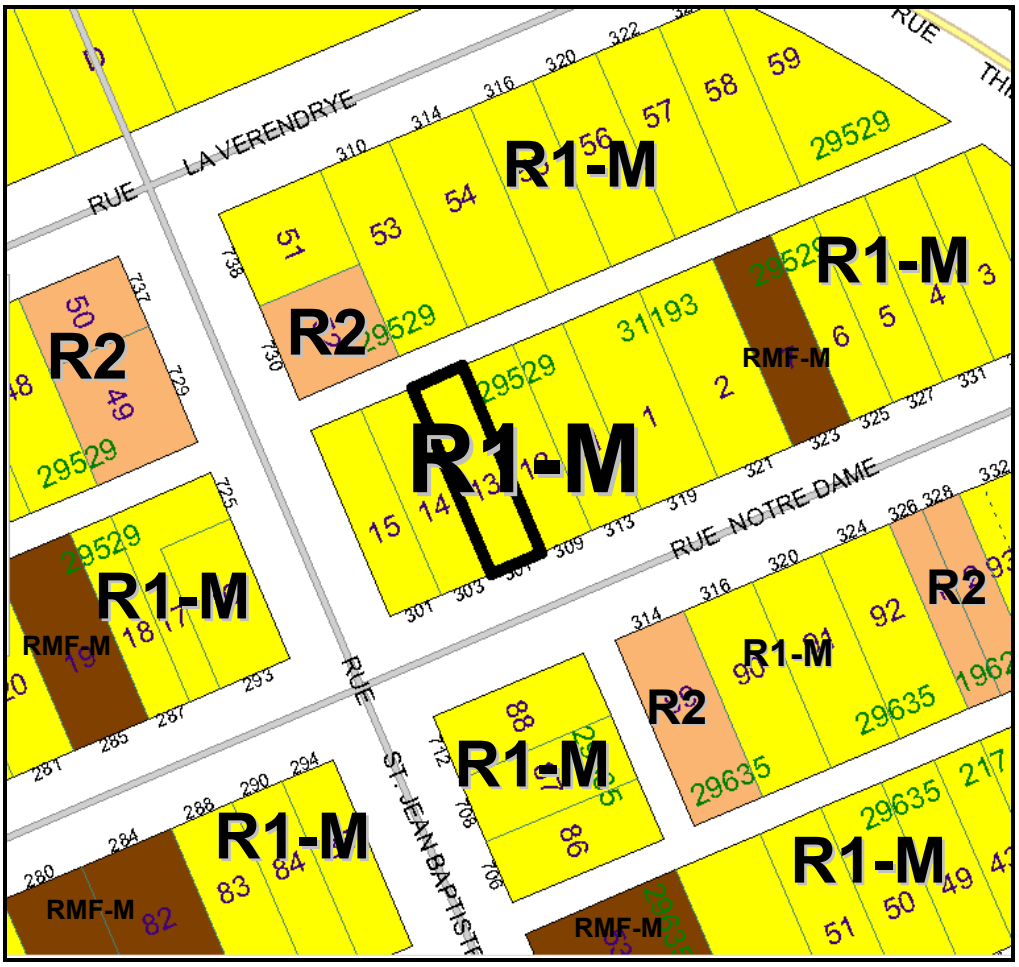


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family Medium to “R2” Residential Two-Family in order to develop a duplex on the property.
- The proposed duplex will be two storeys tall with entrances to the building from the front.
- An associated variance application (DAV 12-166218/D) is required for lot area and lot area per dwelling unit.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the key policies guiding the development in 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - 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.
    - Support a mix of commercial services and employment uses that serve the local community.

NORTH ST. BONIFACE SECONDARY PLAN

- The subject site is located within the Lower Density Residential policy area under the North St. Boniface Secondary Plan. The following policies guide development in the Lower Density Residential area:

    1.A.(i) Encourage retention and enhancement of existing residential development and establishment of new residential development, up to a maximum of 25 units per acre net (62 units per hectare).

    1.A.(ii) Accommodate community services – including schools, parks, daycares, healthcare facilities – provided they are primarily intended to serve North St. Boniface residents.

ZONING

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"R2" Residential Two-Family Large District

- The 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. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from R1-M to R2 to accommodate the development of a duplex (two-family dwelling) on the lot. Two-family dwellings are not permitted in the R1 zones, but are permitted in the R2 zone.

Variances

- The minimum required lot area in the R2 zone is 5,000 square feet. The subject lot is 4,036 square feet in area.
- The minimum required lot area per dwelling unit in the R2 zone is 2,500 square feet. A two-unit dwelling on the subject lot results in a lot area per dwelling unit of 2,018 square feet instead of the required 2,500 square feet.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. Policies guiding development in Mature Communities encourages a mix of housing types.
- Finer detailed planning guidance – that is more specific to the North St. Boniface neighbourhood – is provided in the North St. Boniface Secondary Plan. The Plan encourages a wide variety of housing types, and under the North St. Boniface Secondary Plan the subject site is located in the Lower Density Residential policy area where new residential development is encouraged to a maximum of 25 units per acre. With a lot area of 4,036 the maximum permitted density for the subject lot in the Lower Density Residential policy area is 2 units. As such, the proposed development is consistent with the density policies of the North St. Boniface Secondary Plan.
- There are other properties on the same block that are built as duplexes, notably 314 Notre Dame Street, which is across the street from the subject lot, and 326/328 Notre Dame Street, which is 75 metres to the east of the subject lot. It should also be noted that 323 Notre Dame Street is zoned for multi-family development even though it currently exists as a single-family home.

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.

RECOMMENDATION

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

- The proposed rezoning of the site to R2 is consistent with the Mature Communities policies under the Complete Communities Direction Strategy, which encourages a mix of housing types.
- The proposed development is consistent with the policies of the North St. Boniface Secondary Plan.
- There are other R2 properties developed as duplexes within the same block as the subject lot.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 230/2012

Schedule "A" for File No. DAZ 230/2012, Riel Community Committee, dated November 23, 2012

By-Law No. _____

File No. **DAZ 230/12**

Atlas Sheet No.

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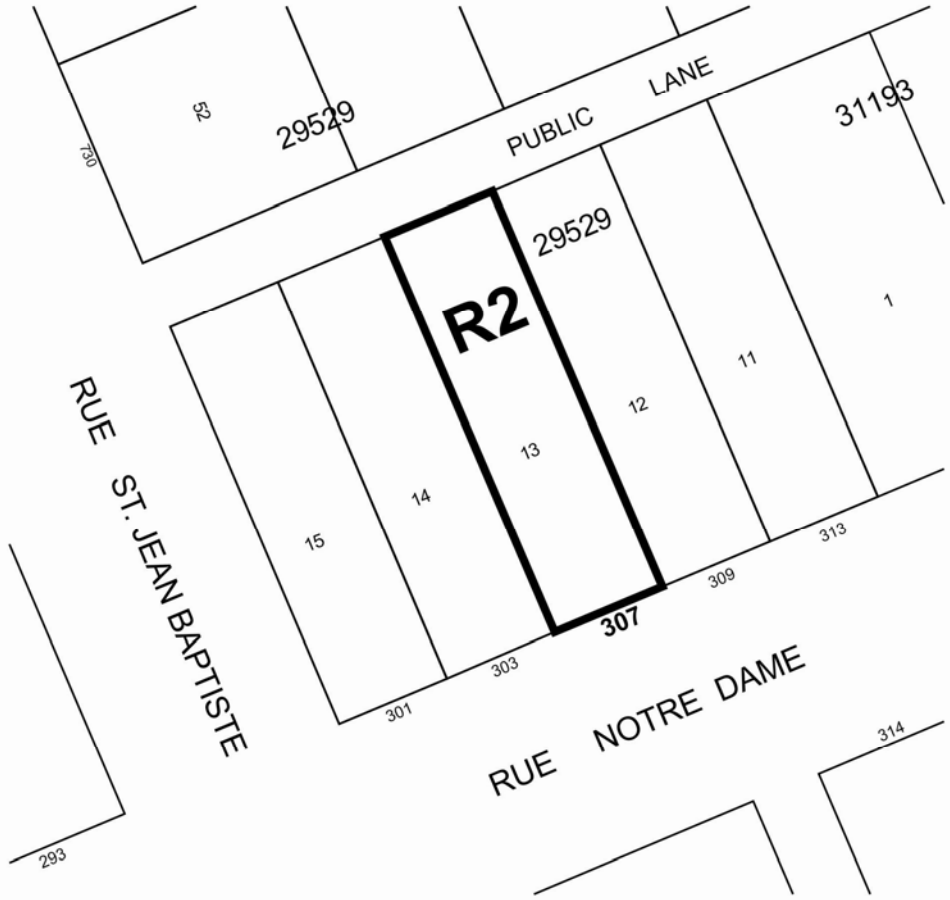
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 307 Notre Dame Street from an "R1-M" 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. _____