Minute No. 236
Report – Standing Policy Committee on Property and Development – February 19, 2013

Item No. 6 Rezoning – 25 Fermor Avenue
(St. Vital Ward)
File DAZ 239/2012 [c/r DEMO 173696/2012D]

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 239/2012 dated January 28, 2013 to an "R2" Residential Two-Family 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 – Standing Policy Committee on Property and Development – February 19, 2013

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 February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 25 Fermor Avenue**
File DAZ 239/2012

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

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

Report date: **February 5, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2013, the Riel 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 239/2012 dated January 28, 2013 to an "R2" Residential Two-Family 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 reasons 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 January 28, 2013.

2. The existing property has been a concern for 38 years and I am pleased to move this application forward. Fermor Avenue is still adapting to the change from when the bridge was built back in 1965, it is different in character than in other parts of the City, I would be happy to work with the residents to address parking issues surrounding the area. The parking issue outlined was addressed by the Applicant in his rebuttal.

PUBLIC HEARING SUMMARY

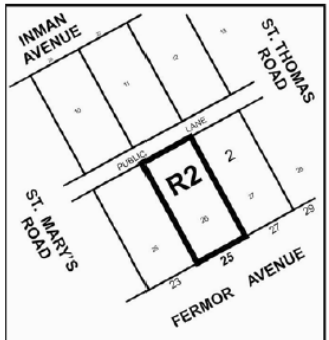
File: DAZ 239/2012

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Mayes

Public Hearing: February 4, 2013
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



RIEL COMMUNITY

APPLICANT: J. WINTRUP CONSULTING LTD.
FILE: DAZ 239/12
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 : J. WINTRUP CONSULTING LTD.
N° DE RÉFÉRENCE : DAZ 239/12
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES) 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: 25 Fermor Avenue

Exhibits Filed:

1. Application dated November 22, 2012
2. Notification of Public Hearing dated December 17, 2012
3. Manitoba Status of Title 1573081/1
4. Letter of authorization dated October 1, 2012, from Bill McGarry to John Wintrup
5. Plan
6. Report from the Planning and Land use Division dated January 28, 2013
7. Inspection Report
8. Petition purporting to contain 11 signatures of area residents, submitted by Eileen Wiens at the public hearing, in opposition to the application
9. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition:

Allan and Eileen Wiens

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 "6" referred to in File DAZ 239/2012 [c/r DEMO 173696/2012D]

ADMINISTRATIVE REPORT

Title: DAZ 239/12 – 25 Fermor Avenue 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
B. Smith	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 239/2012 dated January 28, 2013 to an "R2" Residential Two-Family 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” Residential Single Family - Medium to “R2” Residential Two-Family.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	Devin Clark
Date:	January 28, 2013
File No.	DAZ 239/12

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 239/12

APPENDIX 'A'

DATE: January 28, 2013

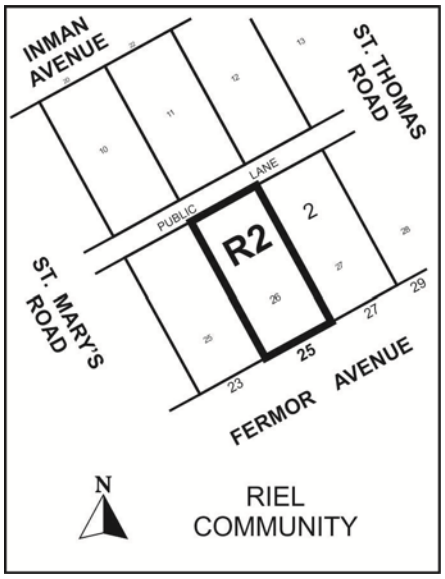
FILE: DAZ 239/12
RELATED FILES: Demo 12-173696

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.516

SUBJECT: To rezone the subject land from "R1-M" Residential Single Family - Medium to "R2" Residential Two-Family

LOCATION: 25 Fermor Avenue

LEGAL DESCRIPTION: LOT 26 BLOCK 2 PLAN 2785 112/113 ST B



APPLICANT: J. Wintrup Consulting Ltd. (John Wintrup)
301 – 139 Roslyn Rd.
WINNIPEG MB R3L 0G7

OWNER: William McGarry
22 Riverside Drive
WINNIPEG MB R3T 0E8

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 existing one-storey home on the property has a living area of 720 square feet and was built in 1924. The existing dwelling is to be demolished for the construction of a new duplex.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located on the north side of Fermor Avenue, eight (8) properties east of the intersection of St. Mary’s Road and Fermor Ave. in the Varennes neighbourhood of the St. Vital Ward.
- The subject property is 5,178 square feet.
- Under the Complete Communities Direction Strategy, the site located along Fermor Ave. which is identified as a Community Mixed Use Corridor. The property is zoned “R1-M” Commercial Neighbourhood.

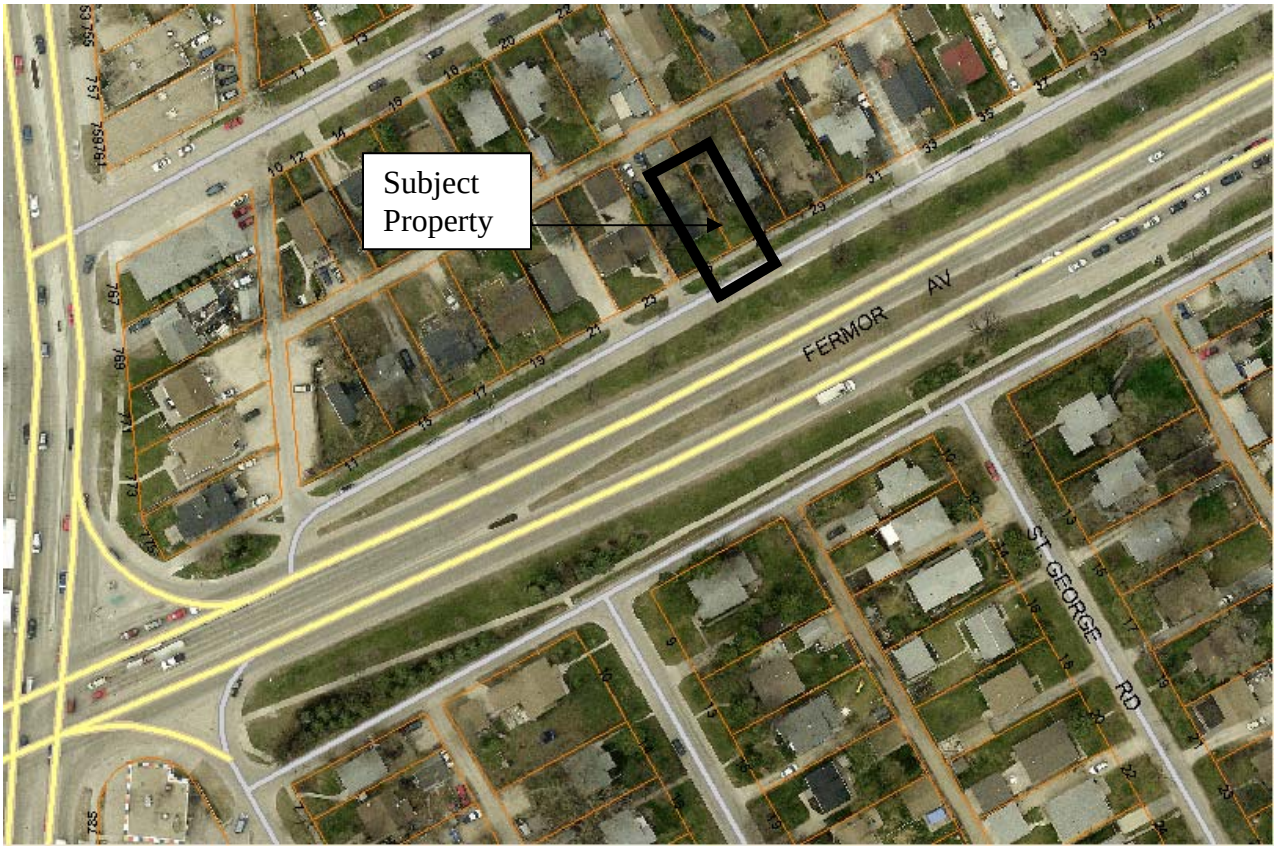


Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned "R1-M" Residential Single-Family Medium.

South: Detached single-family homes zoned "R1-M" Residential Single-Family Medium.

East: Detached single-family homes zoned "R1-M" Residential Single-Family Medium.

West: Detached single-family homes zoned "R1-M" Residential Single-Family Medium and commercial properties zoned "C1" Neighbourhood Commercial.

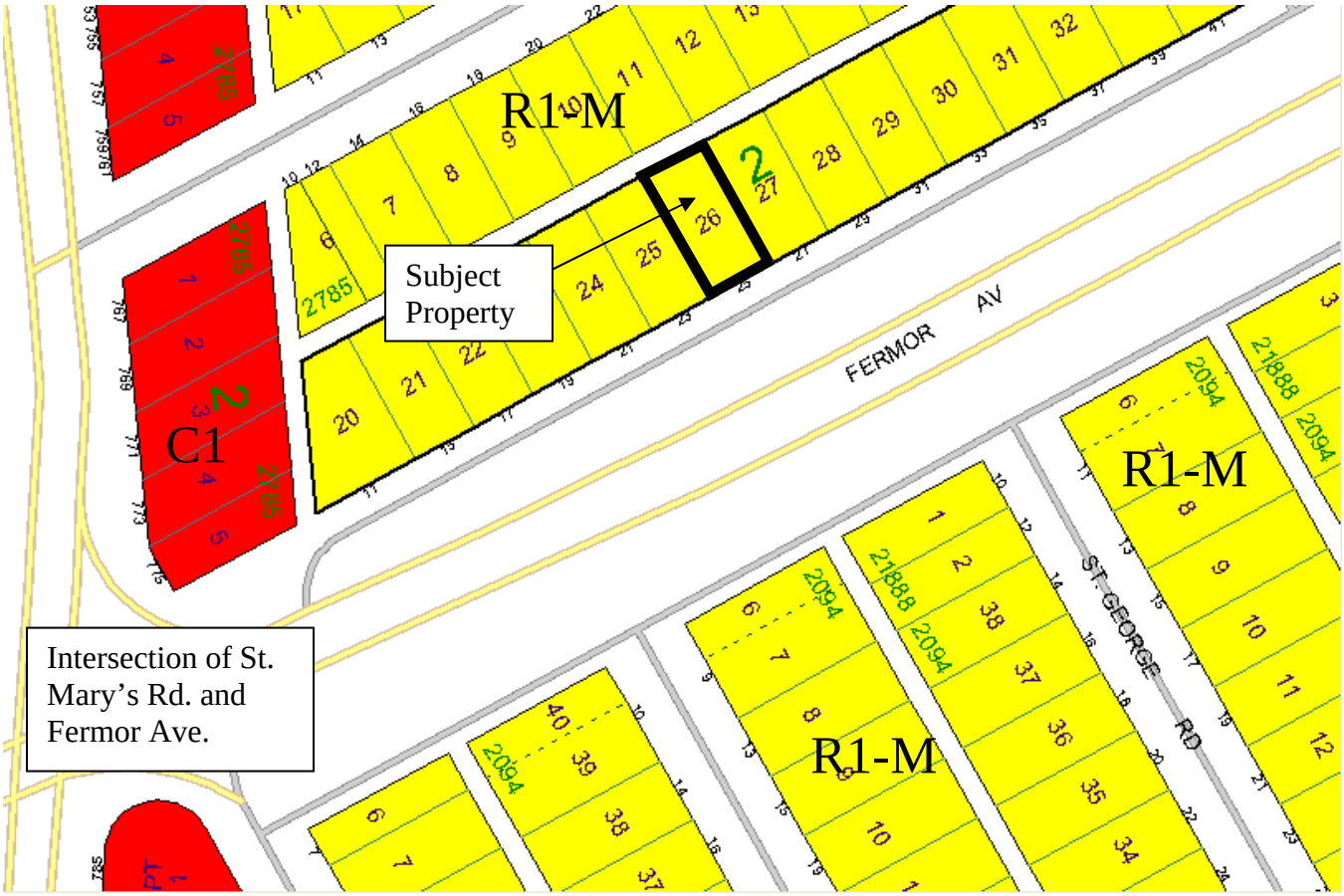


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from "R1-M" Residential Single-Family Medium to "R2" Residential Two-Family in order to develop a duplex on the property.
- Plans for the duplex have not yet been submitted.
- The subject property is 5,178 square feet. As such, variances will not be required for lot area or lot area per dwelling unit to construct a duplex.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located on a Community Mixed Use Corridor (Fermor Ave.). The key relevant policy guiding the development of Community Mixed Use Corridors under the *Complete Communities Direction Strategy* includes:
    - Promote the enhancement of existing Community Mixed Use Corridors through moderate intensification.

ZONING

- *The Residential Single-Family (R1) district*
  The R1 district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. R1-M Residential Single-Family District – Medium requires:
    - Minimum lot width of 25 feet
    - Minimum lot sizes of 3,500 square feet.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

"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:
    - Minimum lot width of 25 feet
    - 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.
    - 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.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located along a Community Mixed-Use Corridor. Policies guiding development along these types of roads encourage modest intensification. The proposed increase in density from a single family dwelling to a duplex is consistent with this policy.

- The subject site is large enough to accommodate a two-family dwelling without variances for lot area or lot area per dwelling unit; as such, a duplex is deemed to be appropriate for this site.
- The rezoning to "R2" would be the second of its kind on this stretch of Fermor Ave between St. Mary's Rd. and St. Anne's Rd. In 2011 a subdivision and rezoning (DASZ 2/11 79 Fermor Ave.) was approved to permit the establishment of two residential lots zoned R2. The rationale was that the scale and development of two-family dwellings would be consistent with the surrounding "R1" properties.

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:

- 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 minor intensification can be built on the subject site without variances for lot area and lot area per dwelling unit.
- The scale and form of a duplex can be built in a manner that is consistent with the neighbouring R1-zoned properties.

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

Report Prepared By: Devin Clark
PPD File # DAZ 239/12

Schedule "A" for File No. DAZ 239/2012, Riel Community Committee, dated January 28, 2013

By–Law No. _____

File No. **DAZ 239/12**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 25 Fermor Avenue 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.

Atlas Sheet No.

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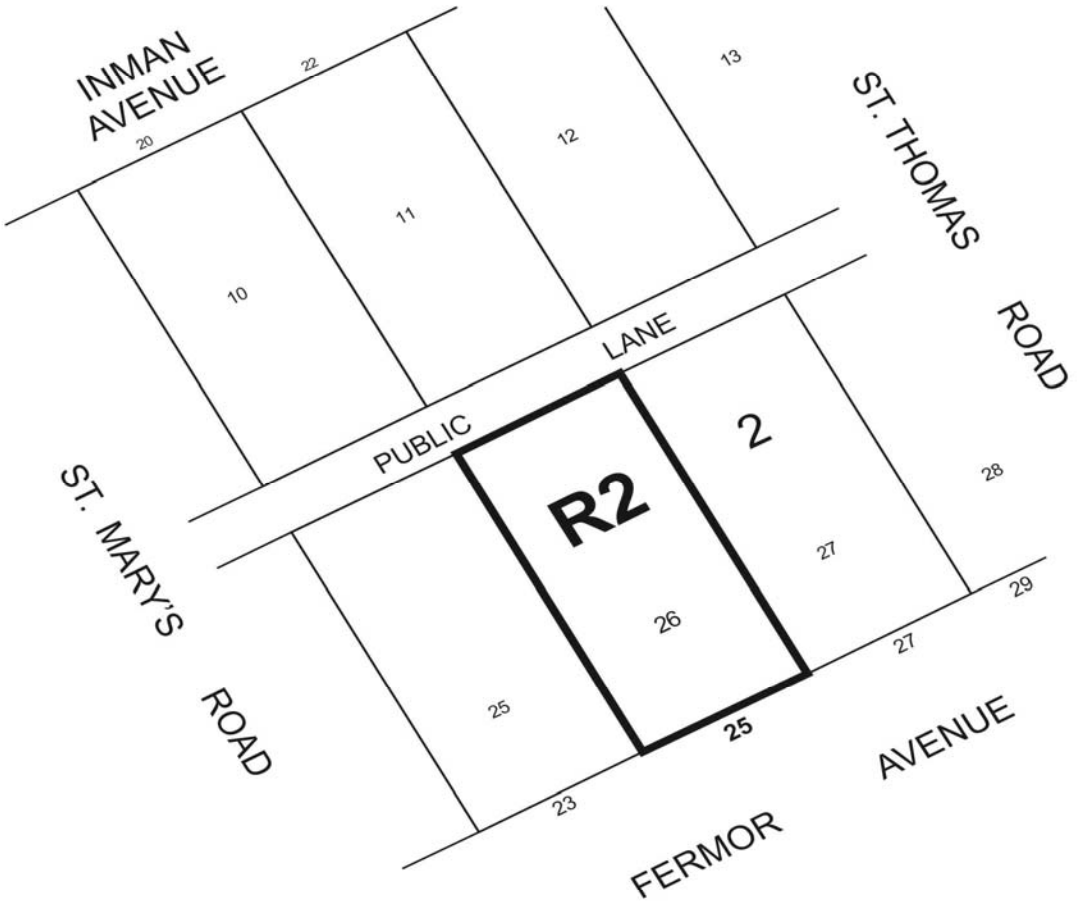
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____