**Agenda – Council – May 29, 2013**

**Report – Executive Policy Committee – May 22, 2013**

**Item No. 4 Rezoning – 346-348 Arbuthnot Street**
**(Fort Rouge-East Fort Garry Ward)**
**File DAZ 205/2013 [c/r DAV 107903/2013D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted 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 205/2013 dated May 7, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That the height shall be limited to 45 feet;

        ii. That for the development of any new 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 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/City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

**Agenda – Council – May 29, 2013**

**Report – Executive Policy Committee – May 22, 2013**

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

**Agenda – Council – May 29, 2013**

**Report – Executive Policy Committee – May 22, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2013, 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 – 346-348 Arbuthnot Street**
**File DAZ 205/2013**

**For submission to:** **Executive Policy Committee**

**Prepared by:** **Andrew Poitras, Senior Committee Clerk**
**City Centre Community Committee**

**Report date:** **May 15, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended 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 205/2013 dated May 7, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That the height shall be limited to 45 feet;

        ii. That for the development of any new 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 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.

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

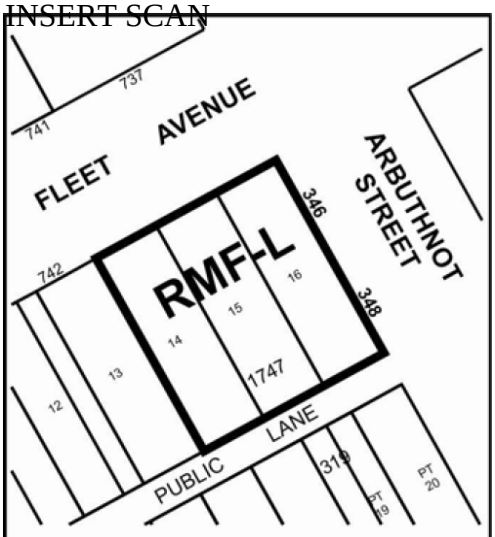
7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. This is simply supporting and legitimizing an existing use.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAZ 205/2013 |
| Before: | City Centre Community Committee<br>Councillor Orlikow, Chairperson<br>Councillor Gerbasi<br>Councillor Smith |
| Public Hearing: | May 14, 2013<br>Council Building, 510 Main Street |
| Applicant: | Winpark Dorchester Properties (Arch Honigman) |
| Subject: | ~~INSERT SCAN~~ |




**APPLICANT :** WINPARK DORCHESTER PROPERTIES
**FILE :** DAZ 205/13
**PROPOSAL :** To rezone the land shown outlined above from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the establishment of an additional dwelling unit within an existing non-conforming multiple family dwelling (24 units in total). **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 346-348 Arbuthnot Street

Exhibits Filed:

1. Application dated March 14, 2013
2. Notification of Public Hearing dated March 21, 2013
3. Manitoba Status of Title 1484322/1
4. Letter of authorization dated February 12, 2013 from Arch Honigman, Dorchester Developments Ltd. to Winpark Dorchester Properties
5. Surveyor's Building Location Certificate and sketch dated January 29, 2013
6. Plans (1 page)
7. Report from the Planning and Land Use Division dated May 7, 2013
8. Inspection Report
9. Audio Recording of representations

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

Arch Honigman

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 205/2013

# ADMINISTRATIVE REPORT

**Title:** DAZ 205/2013 – 346/348 Arbuthnot Street

**Issue:** For consideration at the Public Hearing to rezone the subject property to an "RMF-L" Multiple Family category to permit one additional dwelling unit.

**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 |
|---|---|---|---|
| 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 205/2013 dated May 7, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following conditions:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

      i. That the height shall be limited to 45 feet;
      ii. That for the development of any new 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 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.

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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

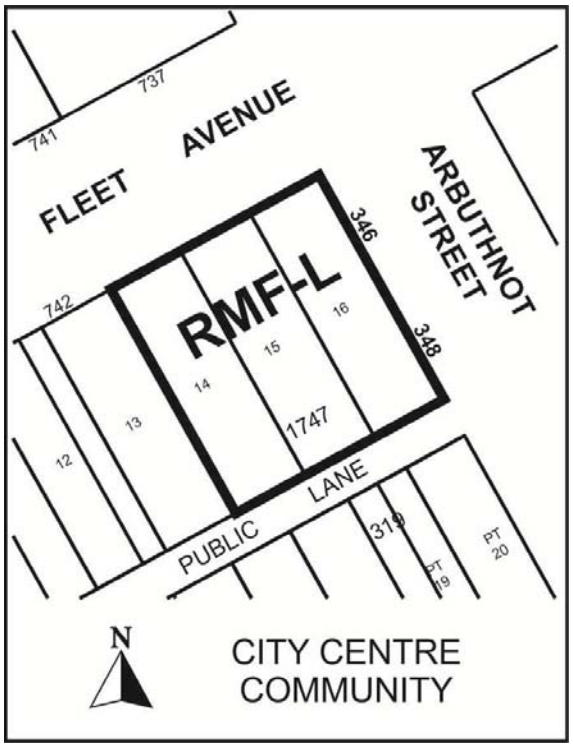
*Department:* Planning, Property and Development
*Division:* Planning and Land Use
*Prepared by:* Kevin Lalor
*Date:* May 7, 2013
*File No:* DAZ 205/2013

**APPENDIX 'A'**

**DATE:** May 07, 2013
**FILE:** DAZ 205/2013
**RELATED FILES:** DAV 13-107903/D
**COMMUNITY:** City Centre Community
**NEIGHBOURHOOD #:** 1.106

**SUBJECT:** To rezone the subject land from a "R1-S" Residential Single Family District to a "RMF-L" Residential Multi-Family District.

**LOCATION:** 346/348 Arbuthnot Street
**LEGAL DESCRIPTION:** Lots 14, 15, 16 Plan 1747




**APPLICANT:** Winpark Dorchester Properties

**OWNER:** Dorchester Developments

**RECOMMENDATION:** Approval

**SITE DESCRIPTION:**

- The subject apartment building is situated at the southwest corner of Fleet Avenue and Arbuthnot Street in the Earl Grey Neighborhood.
- It is a 23 unit, four story complex in a predominantly single family residential neighborhood. Most of the homes in the area were built in the immediate pre-First World War period.
- There is a large school and playground lying immediately to the east.
- The site itself encompasses a total area of 8754 sq. ft.

Surrounding Land Use**:**

**North:** Predominantly single family homes zoned “R1-S” Residential**.**
**South:** Predominantly single family residential area zoned “R1-S” Residential.
**East:** Winnipeg School Division lands zoned “R1-S” Residential Single Family.
**West:** Single Family housing neighborhood zoned “R1-S” Residential.



**Figure 1: Subject Site and Surrounding Area**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicants are proposing to add an additional suite to a non conforming residential apartment structure for a total overall of twenty four dwelling units. The additional suite is to be located in the basement. There is provision for ten (10) parking stalls on the west side of the building.

*Reason for Application*

The proposed density exceeds the allowable density in the “R1-S” Single Family District. Consequently, a rezoning to “RMF-L” Residential Multiple-Family, which allows for a higher density, is required.

## ANALYSIS AND ISSUES

### *A. Policies:*

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 of 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

## RECOMMENDATIONS

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

1. The proposed addition of an additional housing unit is in keeping with Complete Communities housing strategy and will not have any discernable impact on the surrounding neighborhood.

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

Report Prepared by: Kevin Lalor
PPD File No. DAZ 205/2013

**APPENDIX 'B'**
Schedule "A" for File No. DAZ 205/2013, City Centre Community Committee, dated May 7, 2013

By-Law No. _____

File No. **DAZ 205/13**

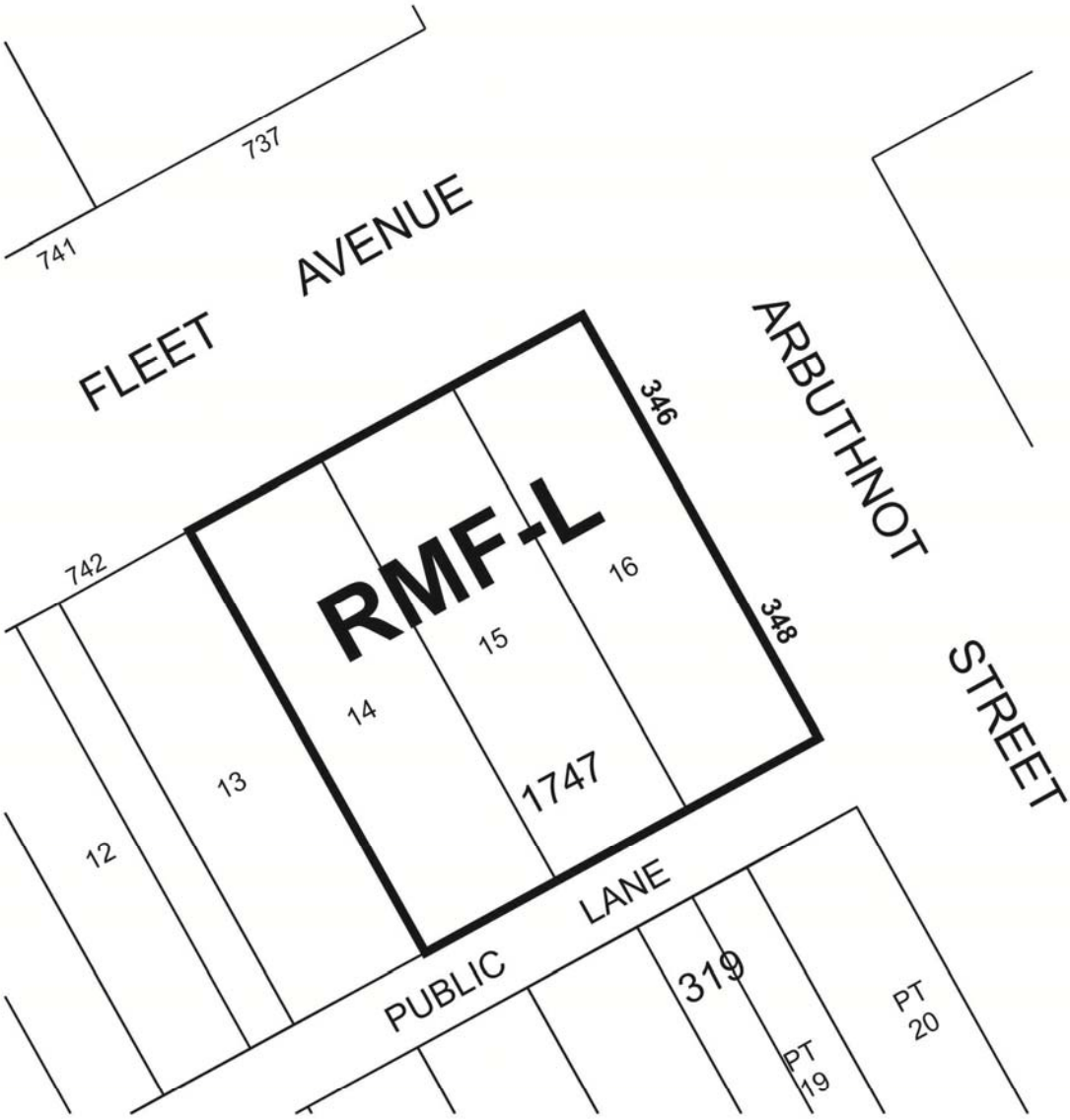
Atlas Sheet No.

N

**AC24**
**CITY CENTRE**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 346 & 348 Arbuthnot Street from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the establishment of an additional dwelling unit within an existing non-conforming multiple family dwelling (24 units in total) as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____