Agenda – Council – October 23, 2013

Report – Standing Policy Committee on Property and Development – October 8, 2013

Item No. 4 Rezoning – 232 Academy Road
(River Heights-Fort Garry Ward)
File DAZ 211/2013 [c/r DCU 117053/2013D and DAV 117058/2013D]

STANDING COMMITTEE RECOMMENDATION:

On October 16, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and 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 211/2013 dated July 2, 2013 to an "R2" Residential Two-Family District, subject to the following:

    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 condition:

        i. That for the development of any building or structure, plans shall be submitted 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.

Agenda – Council – October 23, 2013

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5. 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.

Agenda – Council – October 23, 2013

Report – Standing Policy Committee on Property and Development – October 8, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2013, 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 9, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Add the following to Recommendation 1 after the words "Residential Two-Family District":

  ", subject to the following:

  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 condition:

     i. That for the development of any building or structure, plans shall be submitted 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."

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 232 Academy Road**
File DAZ 211/2013

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

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

Report date: **July 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended 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 211/2013 dated July 2, 2013 to an "R2" Residential Two-Family District***, subject to the following:***

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 condition:***

i. ***That for the development of any building or structure, plans shall be submitted 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 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.

Note: ***The wording in bold and italics denotes amendments made by the Community Committee.***

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

1. There is general support in neighbourhood.
2. It will fit in with the Academy Neighbourhood.
3. It does allow a little bit more density.
4. It's a unique spot with a backyard park.

PUBLIC HEARING SUMMARY

File:	DAZ 211/2013
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	July 9, 2013 Council Building, 510 Main Street
File:	DAZ 211/2013
Applicant:	Robert Clement
Subject:	 **APPLICANT :** ROBERT CLEMENT **FILE :** DAZ 211/13 **PROPOSAL :** To rezone the land shown outlined above from an "R1-L PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "R2 PDO AIRPORT VICINITY" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multiple family dwelling. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 232 Academy Road

Exhibits Filed:

1. Application dated May 13, 2013
2. Notification of Public Hearing dated May 21, 2013
3. Manitoba Status of Titles 2629577/1, 2641495/1
4. Copy of Caveat 1636124
5. Surveyor's Building Location Certificate and sketch dated September 10, 2002
6. Drawing of subject property (3 pages)
7. Plans (6 pages)
8. Report from the Planning and Land Use Division dated June 26, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Robert and Ellen Clement
Fletcher Noonan

In Opposition

Mike Manning

For Information:

Gerald Alary

For the City:

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

Exhibit “8” referred to in File DAZ 211/2013

ADMINISTRATIVE REPORT

Title: DAZ 211/2013 – 232 Academy Road

Issue: For consideration at the public hearing for a Rezoning for DAZ 211/2013 – 232 Academy Road

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 211/2013 dated July 2, 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 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 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	Michael Robinson, AICP, MCIP
Date:	June 26, 2013
File No.	DAZ 211/2013

APPENDIX 'A'

DATE: June 26, 2013
FILE: DAZ 211/2013
RELATED FILES: DAV 13-117058/D, DCU 13-117053/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.601

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

LOCATION: 232 Academy Road
LEGAL DESCRIPTION: Lot 3 / 4 Plan 26394 43/5 St B



APPLICANT: Robert Clement

OWNER: Same

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "R1-L" Residential Single-Family District, is located on Academy Road, between Harrow and Guelph Streets, in the Crescentwood neighbourhood of the River Height – Fort Garry ward.

North: Residences zoned "R1-L" Residential Single-Family District
South: Residences zoned "R1-L" Residential Single-Family District
East: Residences zoned "R1-L" Residential Single-Family District
West: Residences zoned "R1-L" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject property in order to construct a four-plex.

The existing 1 ½ storey single-family home would be demolished to accommodate the new structure.

The applicant is proposing a two storey home with a raised basement that would have a traditional design matching the aesthetic of the neighbourhood.

Reason for application
In order to construct multiple-family dwellings, the properties must be rezoned from the current "R1-M" Residential Single-Family District to an "R2" Residential Two-Family District.

ANALYSIS AND ISSUES
A. Context
While predominantly single-family residential, Academy Road does have limited multi-family residential development. A few examples in the immediate vicinity are 228 Academy Road (duplex), 207 Academy Road (triplex), 199./201 Academy Road (duplex), and 217/219 Academy Road (duplex),

B. Policies
*O*urWinnipeg and Complete Communities Direction Strategy

This portion of the Crescentwood 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.*

Other
The Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

A key assumption in the Conference Board projections is that, as the 'boomer' generation ages, they will generally leave their single-family homes and move into condos or apartments.

By providing a variety of different housing types in each neighbourhood, people have an opportunity to "age in place" – staying in familiar surroundings and keeping the same networks of friends.

Draft Infill Development Guidelines
Below are the applicable guidelines for this project from the *Draft Infill Guidelines* and a discussion of how they have been addressed by the applicant.

Guideline #1

2.2.2 iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood
The Zoning By-law requires a 25 foot rear yard setback. The principal reason for the rear yard setback is to allow for privacy and sunlight penetration at the rear of properties.

The proposed development complies with the By-law requirement for a 25 foot rear yard setback.

Guideline #2

2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood
The front yard alignment on this block of Academy Road is 65 feet. The property to the immediate east has a front yard of ± 62 feet and the property to the immediate west has a front yard setback of ± 63 feet. The proposed development will have a front yard setback of 62 feet. This is consistent with the guidelines.

Guideline #3

2.2.3 i) The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street
The proposed development orients its main entrances to Academy Road.

Guideline #4

5.2 i) Massing and height of new buildings should take into consideration the area context

Height
The proposed height is ± 30 feet to the midpoint of the roofline and ± 35 feet to the top of peak. Based on the way height is calculated in the Winnipeg Zoning By-law, it is a 30 foot high structure – which is consistent with both the old Winnipeg Zoning By-law 6400/94 and the new Winnipeg Zoning By-law 200/2006. It is also consistent with other structures in the immediate vicinity (e.g. the house to the immediate east – 228 Academy Road).

Massing
Given the depth and width of the lot, as well as the large setback and size of adjacent properties, the proposed massing is in keeping with the area context.

C. *Summary*
The Urban Planning Division supports the development of a fourplex at the subject location. The overall height, massing, and density are appropriate at this location, such that it is fronting on Academy Road, near Harrow Street, which is a busy intersection.

There are other examples of multi-family development in the immediate vicinity and as stated earlier, this diversity of housing options is valuable to have available in Mature Communities within the City

D. Public Consultation
The applicant indicated that he went door to door and canvassed local residents about his project. He provided them with a letter and copies of drawings and lot plans for the proposed project. He has provided 11 letters of support from local area residents as part of his application.

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

- The subject site is an appropriate location for a development with a higher density than the community norm

- The Crescentwood neighbourhood contains a variety of different housing types and forms

- The proposal is consistent with *OurWinnipeg, Complete Communities*, and *the draft Infill Guidelines*

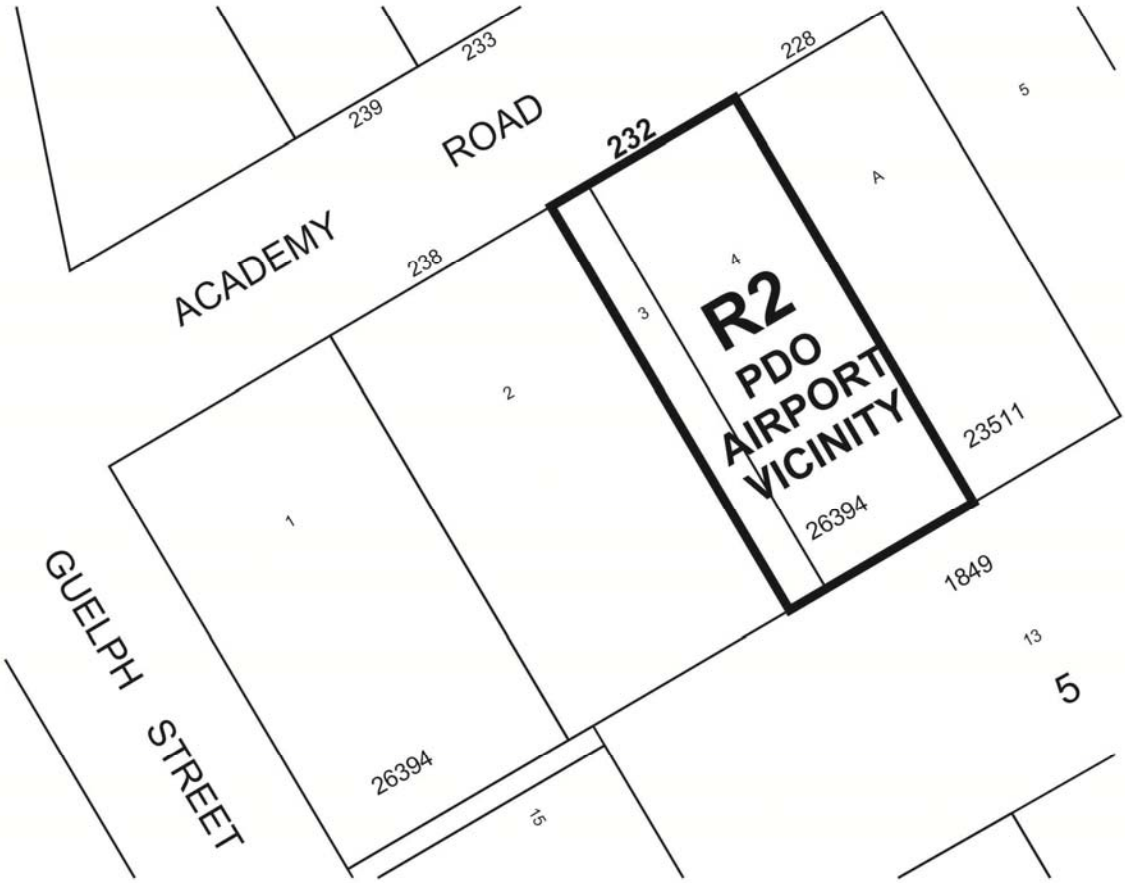
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 211/13

APPENDIX "B"
Schedule "A" for File No. DAZ 211/2013, City Centre Community Committee, dated June 26, 2013

By-Law No.	File No. **DAZ 211/13**
Atlas Sheet No. **AC22 CITY CENTRE COMMUNITY**	Explanation A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 232 Academy Road from an "R1-L PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "R2 PDO AIRPORT VICINITY" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

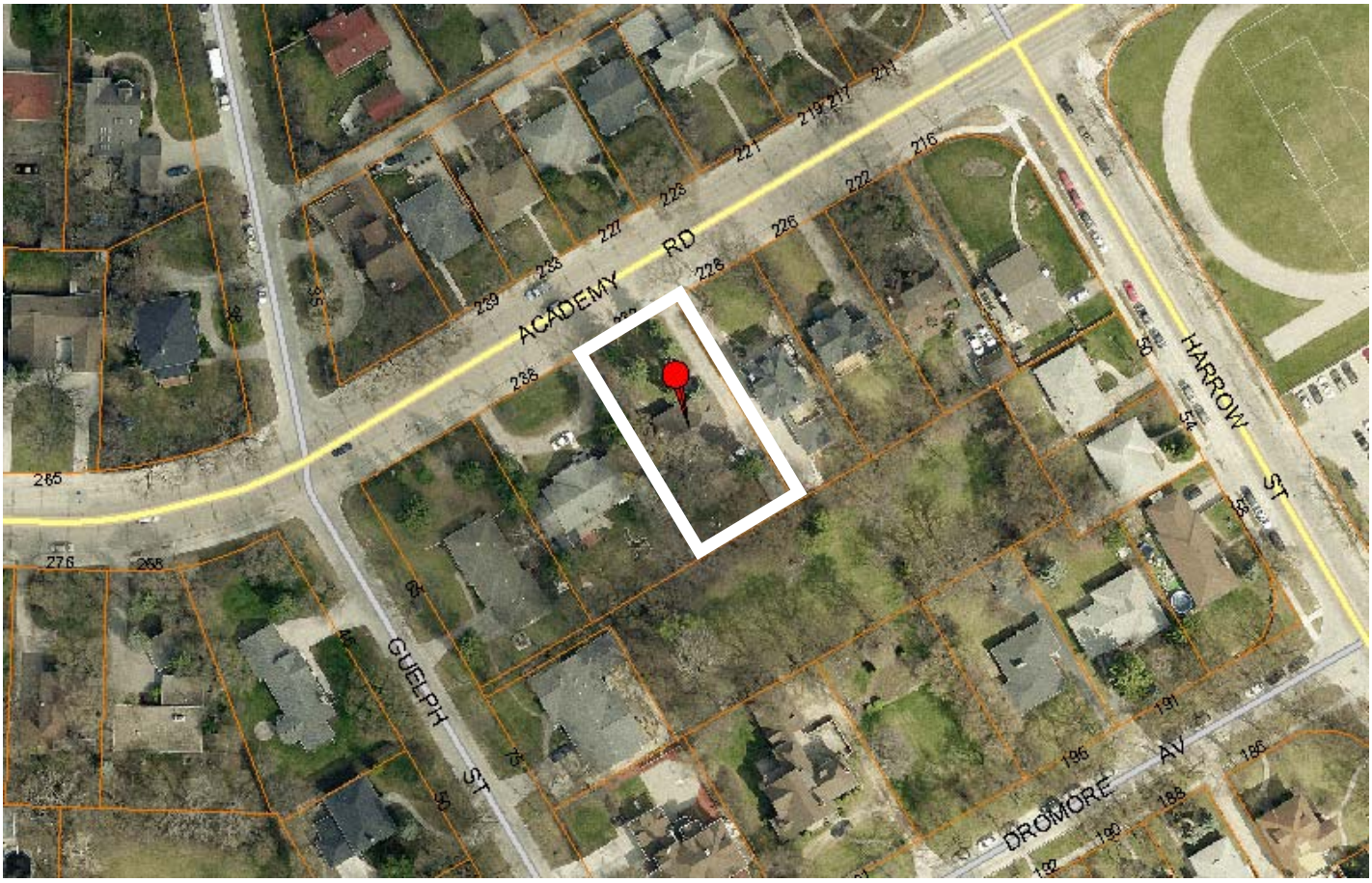


Figure 1: Aerial Photo (Flown in 2012)