Minute No. 654
Report – Executive Policy Committee – October 9, 2013

Item No. 1 Subdivision and Rezoning – 828 Weatherdon Avenue (Fort Rouge-East Fort Garry Ward) File DASZ 37/2013 [c/r DCU 148285/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2013 dated September 23, 2013, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2013 dated September 23, 2013 to a "R2" Residential Two-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 subject property shall be limited to a maximum of two (2) dwelling units.

        ii. That final plans showing the location and design of proposed building, the location and design of accessory parking area, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee 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.

3. 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.

Report – Executive Policy Committee – October 9, 2013

COUNCIL DECISION (continued):

4. 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.

5. 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.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. 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 – October 9, 2013

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 9, 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 October 1, 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: **Subdivision and Rezoning – 828 Weatherdon Avenue**
File DASZ 37/2013

For submission to: **Executive Policy Committee**

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

Report date: **October 2, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 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 plan of subdivision under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2013 dated September 23, 2013, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2013 dated September 23, 2013 to a "R2" Residential Two-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 subject property shall be limited to a maximum of two (2) dwelling units.

        ii. That final plans showing the location and design of proposed building, the location and design of accessory parking area, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee 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.

3. 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.

4. 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.

5. 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.

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. 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. This is an area of stability that is different than the area around Corydon Avenue.
2. In this case we are increasing density from single family to a duplex.
3. The change needs to be slower here and this change is appropriate.

PUBLIC HEARING SUMMARY

File: DASZ 37/2013

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

Public Hearing: October 1, 2013
Council Building, 510 Main Street

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

Subject:



APPLICANT : J. WINTRUP CONSULTING LTD.
FILE : DASZ 37/13
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the future development of a multiple family dwelling. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 828 Weatherdon Avenue

Exhibits Filed:

1. Application dated July 24, 2013
2. Notification of Public Hearing dated August 14, 2013
3. Manitoba Status of Title 1971294/1
4. Letter of authorization dated June 30, 2013 from Terry Sokolyk and Shirley Sokolyk to John Wintrup
5. Plans (1 pages)
6. Report from the Planning and Land Use Division dated September 23, 2013
7. Inspection Report
8. Submission submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DASZ 37/2013

ADMINISTRATIVE REPORT

Title: DASZ 37/2013 – 828 Weatherdon Avenue

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 37/2013 – 828 Weatherdon 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2013 dated September 23, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2013 dated September 23, 2013 to an "R2" Residential Two-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 subject property shall be limited to a maximum of two (2) dwelling units.
      ii. That final plans showing the location and design of proposed building, the location and design of accessory parking area, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee 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.

3. 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.

4. 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.

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8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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

11. 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 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 and permits may be issued.

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:	September 23, 2013
File No.	DASZ 37/2013

APPENDIX 'A'

DATE: September 23, 2013
FILE: DASZ 37/2013
RELATED FILES: DCU 13-148285/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.107

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

LOCATION: 828 Weatherdon Avenue
LEGAL DESCRIPTION: Lot 1 and 2 Block 24 Plan 1606 WLTO in RL 25 to 27 Parish of St. Boniface



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

OWNER: Terry and Shirley Sokolyk

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is currently zoned "R1-M" Residential Single-Family District, is located at the southwest corner of Weatherdon Avenue and Wentworth Street, in the Ebby-Wentworth neighbourhood of the Fort Rouge – East Fort Garry ward.

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

West: Residences zoned "R1-M" Residential Single-Family District

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

Reason for application
In order to construct a fourplex, the properties must be rezoned from the current "R1-M" Residential Single-Family District to an "R2" Residential Two-Family District. In addition, a conditional use is required to allow more than two units.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
The Ebby-Wentworth 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
Existing lot
The subject property is 50 feet wide, and is comprised of two 25' wide lots joined together under the same ownership. It could legally be split into two separate lots (with separate titles), without municipal approval.

With a minor variance, each lot would be allowed to have one house.

Surrounding lots
Several adjacent lots are 25' wide. These include:
830 Weatherdon

832 Weatherdon
834 Weatherdon
836 Weatherdon
850 Weatherdon
852 Weatherdon

Consequently, given that the subject lot could conceivably be split and two houses constructed, the Division supports the construction of one duplex on a 50' wide lot – as the overall density will remain the same.

Furthermore, given that the subject lot is a corner lot and recognizing that there are many duplexes located on corner lots throughout Areas of Stability, a duplex is not a radical departure from the area context and will be compatible with the neighbourhood.

C. Conditions
While the subject property is appropriate for a duplex, the subject block is zoned single-family residential. Consequently, it is recommended that the lot 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
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.

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

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- The density will be the same as if the lot were split into two single-family homes
- A duplex will be compatible with the neighbourhood

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 9/2013

APPENDIX "A"

Schedule "A" for File No. DASZ 37/2013, City Centre Community Committee, dated September 23, 2013

By-Law No. _____

File No. **DASZ 37/13**

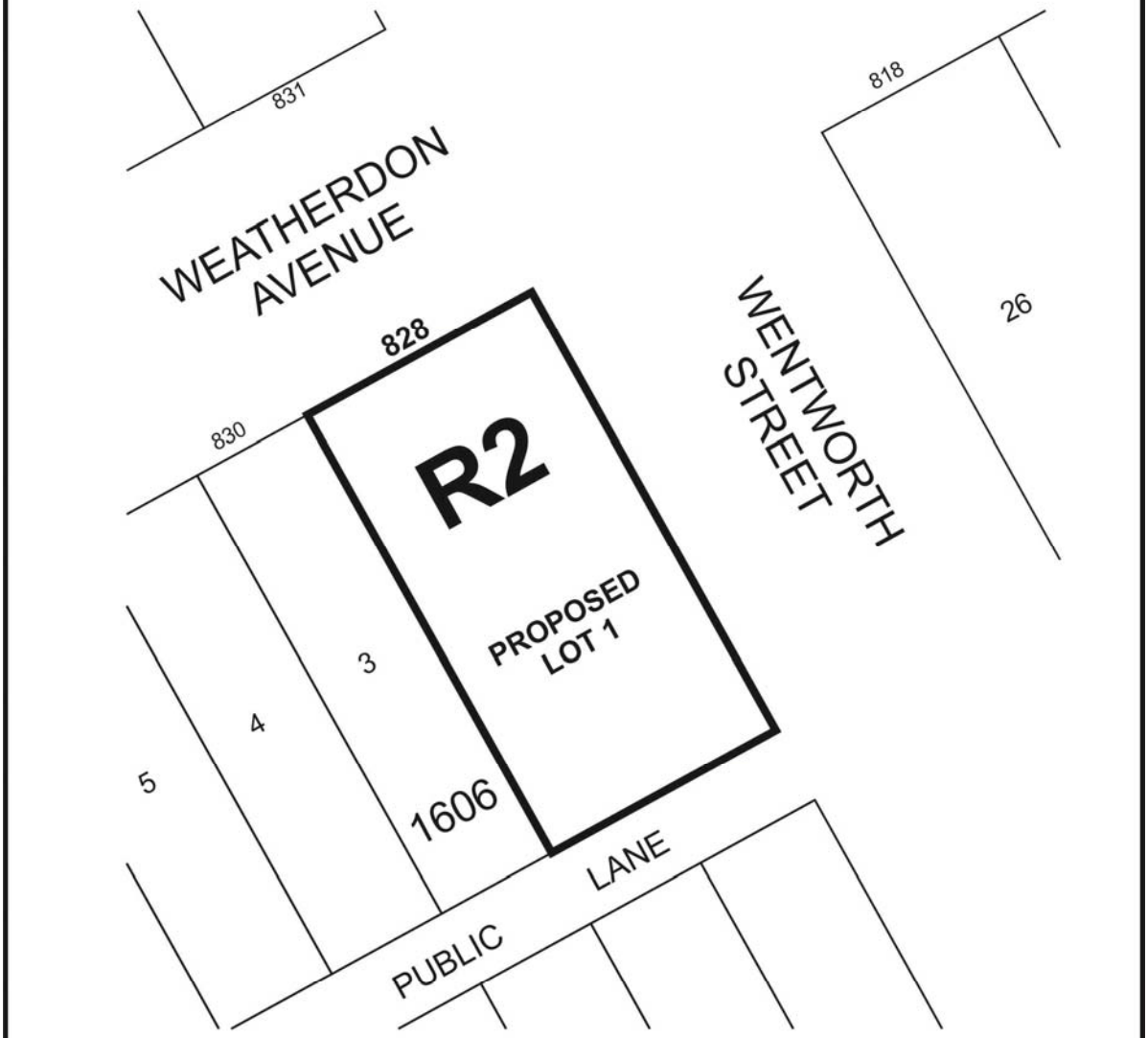
Atlas Sheet No.

N

AD24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 828 Weatherdon Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the future development 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)