Minutes – Executive Policy Committee – January 22, 2014

Minute No. 116
Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 6 Rezoning – 629 Dudley Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 228/2013 [c/r DAV 167024/2013D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 228/2013 dated December 2, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 22, 2013, with the following amendment:

        i. Condition 1:

        Delete the words "to Garwood Avenue", and replace it with the words "to the public lane immediately north of Dudley Avenue".

    B. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That for the development of any 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.
        ii. That the height of any building shall be limited to forty (40) feet.
        iii. That the subject property shall be limited to a maximum of six (6) units.

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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 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.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 14, 2014, 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 December 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Add the following to Recommendation 1. A., after the words "November 22, 2013":

  ", with the following amendment:

  i. Condition 1:

     Delete the words "to Garwood Avenue", and replace it with the words "to the public lane immediately north of Dudley Avenue"";

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

RE: **Rezoning – 629 Dudley Avenue**
File DAZ 228/2013

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

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

Report date: **December 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 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 228/2013 dated December 2, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 22, 2013***, with the following amendment:***

        i. Condition 1:

        Delete the words "to Garwood Avenue", and replace it with the words "to the public lane immediately north of Dudley Avenue".

    B. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That for the development of any 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.
        ii. That the height of any building shall be limited to forty (40) feet.
        iii. That the subject property shall be limited to a maximum of six (6) units.

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 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.

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. It's an infill development that will have minimal impact on the neighbours.
2. It's close to Pembina Highway and surrounded by commercial properties.
3. It fits with many of the goals of OurWinnipeg.

PUBLIC HEARING SUMMARY

File:	DAZ 228/2013
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	December 10, 2013 Council Building, 510 Main Street
Applicant:	Shannon Wiebe (5468796 Architecture Inc.)
Subject:	

Premises Affected: 629 Dudley Avenue

Exhibits Filed:

1. Application dated October 10, 2013
2. Notification of Public Hearing dated October 17, 2013
3. Revised Notification of Public Hearing dated October 18, 2013
4. Manitoba Status of Titles 1748219/1, 1889673/1, 1889670/1
5. Letter of authorization dated September 19, 2013 from Greogory Chernish, Health Point Clinic to 5468796 Architecture Inc.
6. Surveyor's Building Location Certificate and sketch dated October 18, 1990
7. Plans (5 pages)
8. Report from the Planning and Land Use Division dated December 2, 2013
9. Inspection Report
10. Presentation submitted by the applicant at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Shannon Wiebe and Jordy Craddock
Colin Neufeld

In Opposition

Nil

For Information:

Greg Chernish

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 228/2013

ADMINISTRATIVE REPORT

Title: DAZ 228/2013 – 629 Dudley Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 2286/2013 – 629 Dudley 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 228/2013 dated December 2, 2013 to an "RMF-L" Residential Multi-Family District, subject to the following:

    A. That the Developer be required to enter into a servicing agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated November 22, 2013

    B. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:
        i. That for the development of any 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.
        ii. That the height of any building shall be limited to forty (40) feet
        iii. That the subject property shall be limited to a maximum of six (6) units

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 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

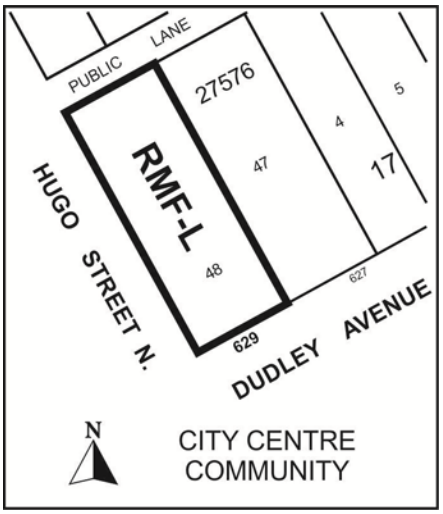
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	December 2, 2013
File No.	DAZ 228/2013

APPENDIX 'A'

DATE: December 2, 2013
FILE: DAZ 228/2013
RELATED FILES: DAV 13-167024/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

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

LOCATION: 629 Dudley Avenue
LEGAL DESCRIPTION: Lot 48 Plan 27576



APPLICANT: 5468796 Architecture Inc. (Shannon Wiebe)

OWNER: Gregory Chernish (Health Point Clinic)

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "R1-S" Residential Single-Family District, is located at the northeast corner of Hugo Street and Dudley Avenue, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District
South: Commercial use zoned "C2" Commercial District
East: Commercial uses zoned "C2" Commercial District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject property and to construct a three storey, six unit multiple-family building.

There will be two units on the ground floor and four units spanning the second and third floors. The building will have its main entrances oriented to Hugo Street.

Reason for application
The "R1-S" Residential Single-Family District limits the density to single-family dwellings only. "RMF-L" Residential Mutli-Family District, however, allows multi-family development. Consequently, to accommodate the proposed density, a rezoning to "RMF-L" is required.

ANALYSIS AND ISSUES
OurWinnipeg/Complete Communities
A. Policies
This portion of the Earl Grey 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) Encourage intensification to occur at centres and along corridors

4) 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.

5) 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.

iii. 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.

It should be stated at the outset that the subject property is on a short block, with only three properties. The adjacent properties, to the east, are commercial, and to the west is Hugo Street. Given the context, the subject property is transitional in nature and this is an important consideration when applying the infill guidelines.

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 provides a rear yard setback of 22 feet. However, this is consistent with the adjacent commercial building to the east.

Guideline #2

2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood

The proposed front yard setback is 12 feet. This is consistent with the front yard setback of other homes on Dudley Street, to the west.

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 Hugo Street.

Guideline #4

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

Height

The subject property is approximately 31 feet, 10 inches to the top of the parapet. This is consistent with the maximum height that is permitted with the current "R1-S" Residential Single-Family District zoning.

Massing

The massing of the proposed building fits its context as a transitional site.

RECOMMENDATIONS

The Urban Planning Division recommends approval for the following reasons:

- The proposal is consistent with *Complete Communities and the draft Infill Guidelines for Multiple-Family Development in Areas of Stability*
- The subject site is an appropriate location for a development with a higher density than the community norm

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 228/2013

APPENDIX "B"
Schedule "A" for File No. DAZ 228/2013, City Centre Community Committee, dated December 2, 2013

By-Law No.

File No. **DAZ 228/13**

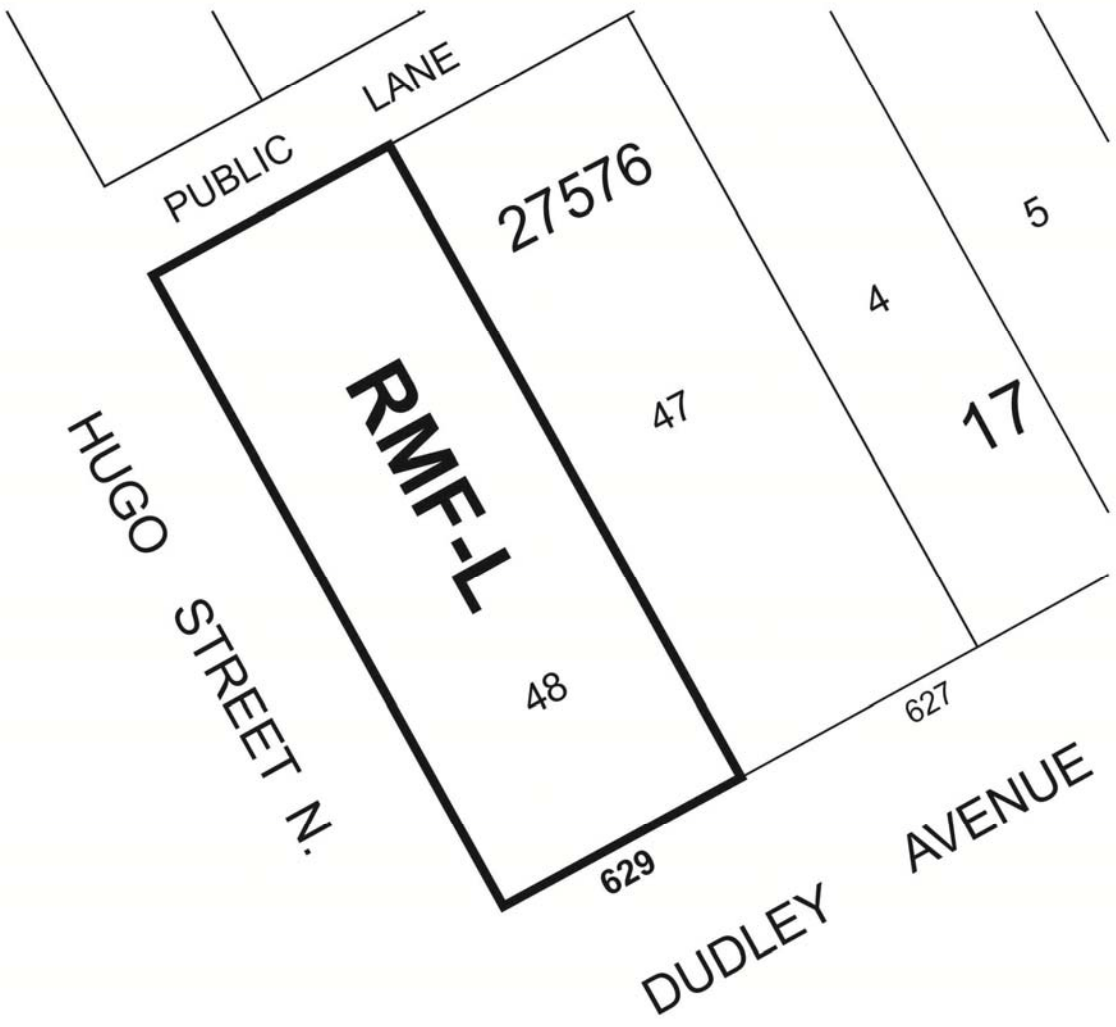
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 629 Dudley Street from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.

Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 22, 2013

RE: PROPOSED REZONING OF LAND LOCATED AT 629 DUDLEY AVENUE - DAZ 228/2013

It is recommended that the approval of DAZ 228/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1. Sidewalks

   The developer shall, at no expense to the City, construct a Portland cement concrete sidewalk to a width of 1.5 m by 100mm in thickness on the east side of Hugo Street North from Dudley Avenue to Garwood Avenue, as determined by and to the satisfaction of the Director of Public works.

2. Professional Fees

   a. The Developer shall pay the full cost of all design services, including construction drawings and specifications, and grading plans and specifications, to be provided by Consultants approved by the City, for the design of the sidewalk and associated works.

   b. The Developer shall pay the full cost of construction and supervision provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of the sidewalk, and all associated works.

3. Administration Fees

   The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 228/2013
November 22, 2013

[Original Signed by; K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.,
Land Development Branch

C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division



Figure 1: Aerial Photo (Flown in 2012)