Minute No. 195
Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 7 Rezoning – 772 Jessie Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 227/2013 [c/r DCU 164490/2013D and DAV 164494/2013D]

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 227/2013 dated November 25, 2013 to an "R2" Residential Two-Family District, subject to the following:

   A. 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 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.

      ii. That the subject property shall be limited to a maximum of three (3) dwelling 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.

Report - Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

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.

Report – Standing Policy Committee on Property and Development – January 14, 2014

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 January 22, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

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

RE: **Rezoning – 772 Jessie Avenue**
File DAZ 227/2013

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 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 227/2013 dated November 25, 2013 to an "R2" Residential Two-Family District, subject to the following:

    A. 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 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.

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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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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.

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

1. I believe a triplex is a reasonable density here.
2. The front yard is acceptable.
3. There have been significant improvements to what was initially proposed.

PUBLIC HEARING SUMMARY

File: DAZ 227/2013

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

Public Hearing: December 10, 2013
Council Building, 510 Main Street

Applicant: Daniel MacGibbon (Studio Walter Inc.)

Subject:



Premises Affected: 772 Jessie Avenue

Exhibits Filed:

1. Application dated October 19, 2013
2. Notification of Public Hearing dated October 28, 2013
3. Manitoba Status of Title 2681547/1
4. Letter of authorization dated September 13, 2013 from Yaron Walter, President, 6722548 Manitoba Ltd. to Daniel MacGibbon
5. Plans (11 pages)
6. Report from the Planning and Land Use Division dated November 25, 2013
7. Inspection Report
8. Communication dated December 6, 2013, from Keith Oliver in opposition to the application
9. Plans submitted by the applicant at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Gord Steeves
Yaron Walter

In Opposition

Keith Oliver
Cheryl Hobbs and Riley Barkman

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 DAZ 227/2013

ADMINISTRATIVE REPORT

Title: DAZ 227/2013 – 772 Jessie Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 227/2013 – 772 Jessie 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 227/2013 dated November 25, 2013 to an "R2" Residential Two-Family District, subject to the following:

    A. 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 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.

        ii. That the subject property shall be limited to a maximum of three (3) dwelling 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:	November 25, 2013
File No.	DAZ 227/2013

APPENDIX 'A'

DATE:	November 25, 2013
FILE:	DAZ 227/2013
RELATED FILES:	DAV 13-164494D, DCU 13-164490D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.106
SUBJECT:	To rezone the subject land from a "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District
LOCATION:	772 Jessie Avenue
LEGAL DESCRIPTION:	SP Lot 105 Plan 26772 WLTO in RL 33 and 34 Parish of St. Boniface



APPLICANT: Studio Walter Inc. (Daniel Macgibbon)

OWNER: 6722548 Manitoba Ltd. (Yaron Walter)

RECOMMENDATION: Approval

SITE DESCRIPTION

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

North: Single-family residences zoned "R1-S" Residential Single-Family District
South: Single-family residences zoned "R1-S" Residential Single-Family District
East: Duplex zoned "R1-S" Residential Single-Family District
West: Single-family residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject lot from an "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District in order to construct a triplex.

The existing single-family residence will be demolished to accommodate the new building.

Reason for application
In order to construct a triplex, the property must be rezoned from the current "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District. In addition, a conditional use and variances are required (see associated DCU 13-164490D and DAV 13-164494D).

ANALYSIS AND ISSUES
OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
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) 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

Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The larger multiple-family buildings are typically located on corner sites, which provides a transition in building mass and density between the interior of the block and the corner. Some examples of corner multiple-family buildings in the immediate area include:

277 Arbuthnot (kitty corner)	11 units
768 Jessie (across the street)	duplex
276 Hugo Street	care home
626 Jessie	18 units

635 Mulvey	21 units
554 Jessie	30 units
561 Warsaw	19 units
272 Cockburn	36 units
613 Warsaw	11 units
668 Jessie	triplex
690 Fleet	11 units

Design

iii. Infill Development Guidelines

A checklist provided in Appendix A identifies the applicable guidelines for this project from the *Infill Guidelines* and indicates whether 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

By-law requirement

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 rear yard setback for the principal building is 30 feet, which exceeds the By-law requirement.

Neighbourhood pattern

It should be noted that smaller rear yard setbacks for corner properties is consistent with the pattern of the neighbourhood. The setbacks of the corner properties mentioned above are as follows:

Address	**Rear Yard Setback**
277 Arbuthnot (kitty corner)	±6 feet
768 Jessie (across the street)	±3 feet - from detached garage
276 Hugo Street	±3 feet
626 Jessie	±0 feet
635 Mulvey	±6 feet
554 Jessie	±5 feet
561 Warsaw	±30 feet
272 Cockburn	±9 feet
613 Warsaw	±20 feet
668 Jessie	±20 feet
690 Fleet	±21 feet

Guideline #2

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

The Zoning By-law requires a front yard setback of 20 feet. The proposed front yard setback for the principal building is 23 feet, which exceeds the By-law requirement.

Neighbourhood Pattern
Corner multiple family buildings generally have reduced front yard setbacks, which provide a transition between the interior of the block and the corner. The front yard setbacks of corner properties mentioned above are as follows:

Address	**Front Yard Setback**
277 Arbuthnot (kitty corner)	±1 foot
768 Jessie (across the street)	±19 feet
276 Hugo Street	±0 feet
626 Jessie	±15 feet
635 Mulvey	± 8 feet
554 Jessie	± 0 feet
561 Warsaw	±14 feet
272 Cockburn	±15 feet (Jessie side) ±2 feet (Cockburn side)
613 Warsaw	±12 feet
668 Jessie	±18 feet
690 Fleet	±7 feet

Guideline #3

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

Height
The subject property will be approximately 35 feet high, to the top of the peak of the roof. The maximum allowable height in the "R2" Residential Two-Family District, as well as the "R1-S" Residential Single-Family District, is 35 feet.

Corner multiple-family buildings are often higher than surrounding properties. For example, the apartment block which is kitty corner to the subject property (277 Arbuthnot) is 44 feet high.

Massing
The building is comprised to two building masses – one to the front and one to the rear. The two, two storey building masses sit atop a single storey first level with a break down the middle.

This design breaks up the side profile of the building, so that it is not viewed as one long, uninterrupted wall on the side elevations.

RECOMMENDATIONS
The Winnipeg Public Service recommends approval of a triplex for the subject property as it 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 slightly higher density than the community norm

- The Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home.

- The proposal is consistent with *Complete Communities* and the draft *Infill Guidelines for Multiple Family Development in Areas of Stability.*

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. It is expected that the final design will be in substantial conformance with the plans that were submitted with the application and shown at the public hearing.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 227/2013

APPENDIX "B"
Schedule "A" for File No. DAZ 227/2013, City Centre Community Committee, dated November 25, 2013

By–Law No. _____

File No. **DAZ 227/13**

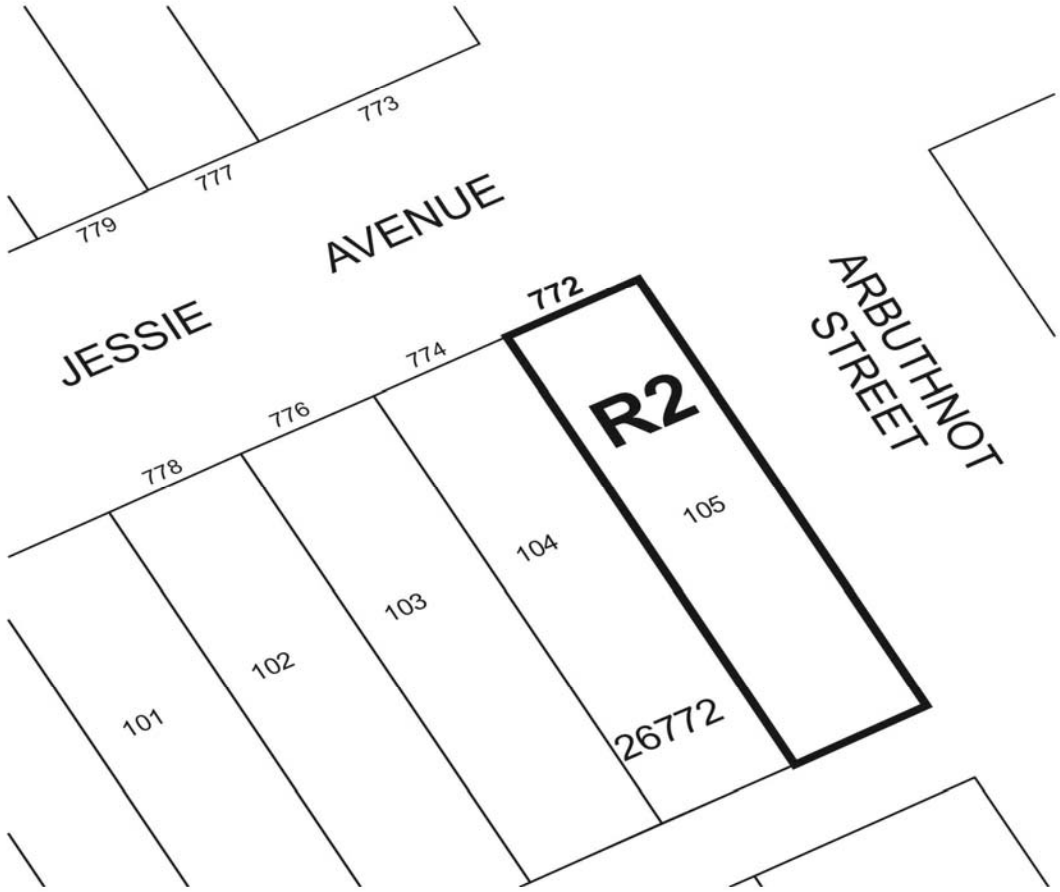
Atlas Sheet No.

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AC23 CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 772 Jessie Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to an "R2" 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. _____

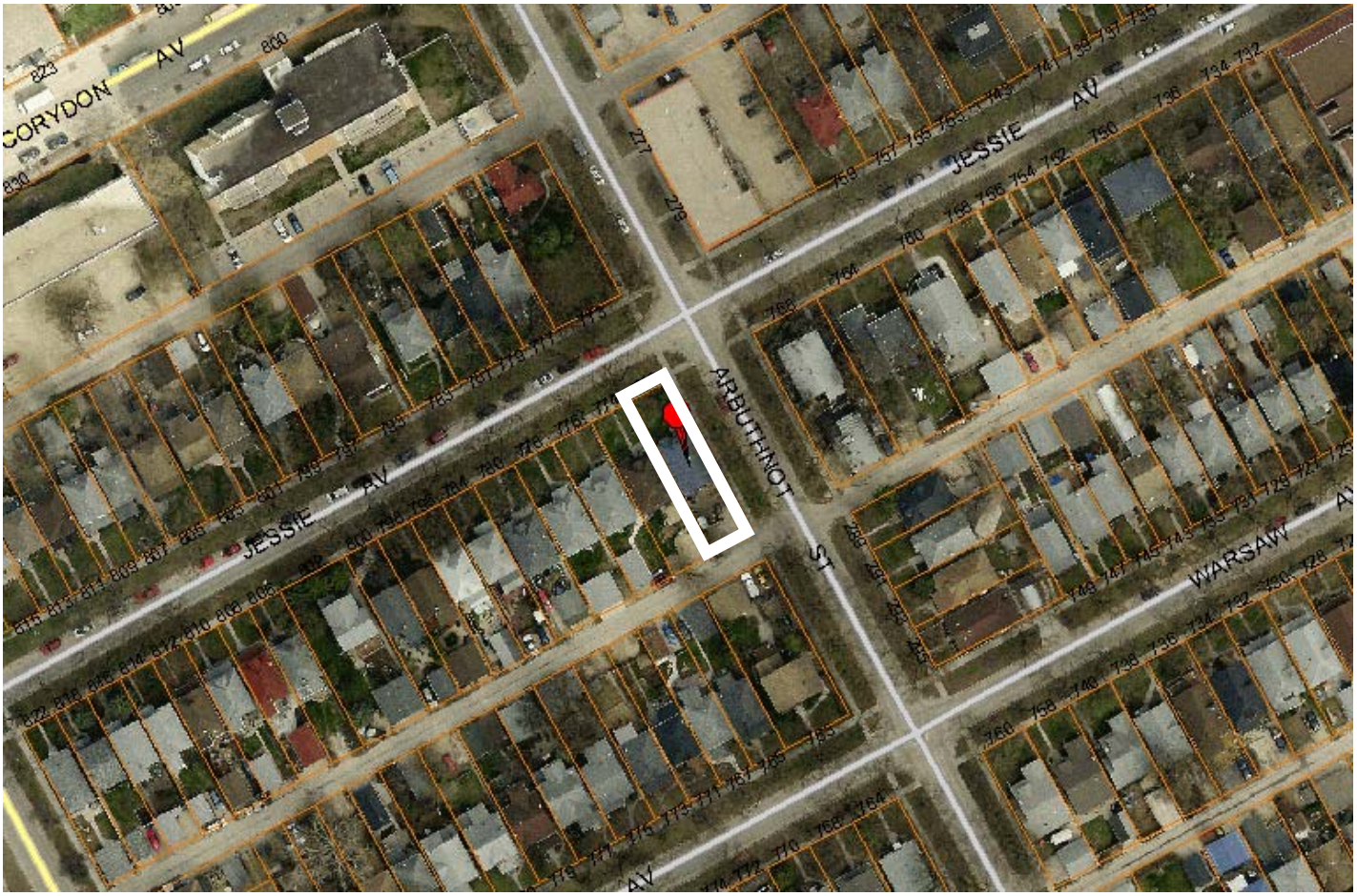


Figure 1: Aerial Photo (Flown in 2012)