Agenda – Council – May 27, 2014

Report – Standing Policy Committee on Property and Development – May 13, 2014

Item No. 6 Rezoning – 165 Montrose Street
(River Heights-Fort Garry Ward)
File DAZ 205/2014 [c/r DCU 107572/2014D, DAV 107573/2014D]

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2014, 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 application for rezoning under File DAZ 205/2014 [c/r DCU 107572/2014D, DAV 107573/2014D] be rejected.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – May 27, 2014

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2014, 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 May 13, 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 April 15, 2014, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and the application for rezoning under File DAZ 205/2014 [c/r DCU 107572/2014D, DAV 107573/2014D] be rejected, and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 165 Montrose Street**
File DAZ 205/2014

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

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

Report date: **April 18, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2014, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 205/2014 [c/r DCU 107572/2014D, DAV 107573/2014D] be rejected.

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

1. I think a 4-plex is a pretty big jump up from a duplex in this area.
2. The lot size is compatible, but to me if they want do this model they need to come back and subdivide the lot and show the neighbourhood what that's like.
3. It's way too dense on that lot. There is too much and there is no green left.
4. I'm concerned with parking and the back garage.
5. With the design presented and with the opposition from the neighbourhood, which is about 35 different people here plus the letters we received today, versus the amount of people who are in support it and versus the PDO and everything else we've done, I'd say this application is not warranted to go forward.

PUBLIC HEARING SUMMARY

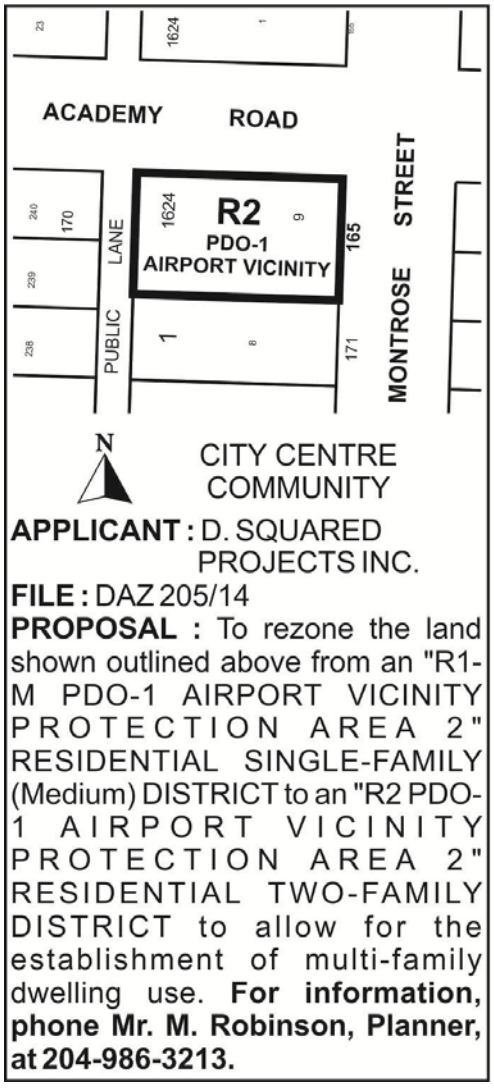
File: DAZ 205/2014

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

Public Hearing: April 15, 2014
Council Building, 510 Main Street

Applicant: d:Squared Projects Ltd. (John D'Ignazio)

Subject:



Premises Affected: 165 Montrose Street

Exhibits Filed:

1. Application dated February 14, 2014
2. Notification of Public Hearing dated February 21, 2014
3. Manitoba Status of Title 2667396/1
4. Letter of authorization dated February 11, 2014 from Gianpeiro and Carmela Dignazio to d:Squared Projects Inc.
5. Surveyor's Building Location Certificate and sketch dated August 20, 1974
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated April 1, 2014
8. Communication dated March 27, 2014, from Glenn Nitchie in opposition to the application
9. Communication dated March 27, 2014, from Terry and Orville Speirs in opposition to the application
10. Communication dated April 6, 2014, from Keith Knowles and Yvonne Beaubien in opposition to the application
11. Communication dated April 9, 2014, from Arlene Merrick in opposition to the application
12. Communication dated April 9, 2014, from Jon and Nicole Pedersen in opposition to the application
13. Communication dated April 9, 2014, from George Woods in opposition to the application
14. Communication dated April 7, 2014, from Arlene Hintsa in opposition to the application
15. Communication dated April 10, 2014, from Gina Scaramuzzi in opposition to the application
16. Communication dated April 10, 2014, from Yhetta Gold and Peter Gold in opposition to the application
17. Communication dated April 10, 2014, from Christine and Bryce Hallick in support of the application
18. Communication dated April 11, 2014, from Margaret Tobin in opposition to the application
19. Communication dated April 12, 2014, from Keith Knowles with respect to the application
20. Communication dated April 13, 2014, from Lynn Scruby in opposition to the application
21. Communication dated April 13, 2014, from Harry Havey and Karen Dana in opposition to the application
22. Communication dated April 13, 2014, from Richard Burchill in opposition to the application
23. Communication dated April 13, 2014, from Cynthia McGregor in opposition to the application
24. Communication dated April 13, 2014, from Patricia Nitchie in opposition to the application

25. Communication dated April 13, 2014, from Todd Burrous Boyer and Jacqueline R. Seipp in opposition to the application
26. Communication dated April 11, 2014, from Mark McLellan in opposition to the application
27. Communication dated April 14, 2014, from Martha Helgerson and Donald Houston in opposition to the application
28. Communication dated April 14, 2014, from Terry Miles in opposition to the application
29. Communication dated April 14, 2014, from Elishka Rasmussen in opposition to the application
30. Communication dated April 14, 2014, from Mark McGregor in opposition to the application
31. Communication dated April 14, 2014, from Paul Morris in opposition to the application
32. Communication dated April 14, 2014, from Doug Smee in opposition to the application
33. Communication dated April 14, 2014, from Brenda Catchpole in opposition to the application
34. Communication dated April 14, 2014, from Frances Woolison in opposition to the application
35. Communication dated April 14, 2014, from Jim Woolison in opposition to the application
36. Communication dated April 15, 2014, from Lesley Oswald in opposition to the application
37. Communication dated April 15, 2014, from Roslyn Nugent in opposition to the application
38. Communication dated April 15, 2014, from Jennifer Miles in opposition to the application
39. Communication dated April 15, 2014, from Judy Plotkin in opposition to the application
40. Communication dated April 15, 2014, from Ruth Laveman in opposition to the application
41. Communication dated April 15, 2014, from Richelle Burchill in opposition to the application
42. Communication dated April 15, 2014, from Janet Bailey in opposition to the application
43. Communication dated April 15, 2014, from John Bailey in opposition to the application
44. Inspection Report
45. Petition in support of the application purporting to contain the signatures of 4 area residents, submitted by the Applicant at the public hearing
46. Communication from Chuck Lambert submitted by the Applicant at the public hearing in support of the application

47. Presentation submitted by Richard Burchill at the public hearing
48. Communication dated April 8, 2014, from Arlene Hintsa, on behalf of Lynn Scruby in opposition to the application, submitted at the public hearing
49. Audio Recording of representations

REPRESENTATIONS:

In Support:

John D'Ignazio
Cliff Dyck
Christine and Bryce Hallick
Chuck Lambert

In Opposition:

Glenn Nitchie
Terry and Orville Speirs
Keith Knowles and Yvonne Beaubien
Arlene Merrick
Jon and Nicole Pedersen
George Woods
Arlene Hintsa
Gina Scaramuzzi
Margaret Tobin
Lynn Scruby
Harry Havey and Karen Dana
Richard Burchill and Cynthia McGregor
Patricia and Glenn Nitchie
Todd Burrous Boyer and Jacqueline R. Seipp
Mark McLellan
Martha Helgerson and Donald Houston
Terry Miles
Elishka and Gary Rasmussen
Mark McGregor
Paul Morris
Doug Smee
Brenda Catchpole
Frances and Jim Woolison
Lesley Oswald
Roslyn Nugent

In Opposition (continued):

Jennifer Miles
Judy Plotkin
Ruth Laveman
Richelle Burchill
Janet and John Bailey
Daniel Rosin
Gale Osterman and Fleur McEvoy
Laura Lazo and John Markham
Theresa Hass-Speirs

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 205/2014

ADMINISTRATIVE REPORT

Title: DAZ 205/2014 – 165 Montrose Street

Issue: For consideration at the public hearing for a Rezoning for DAZ 205/2014 – 165 Montrose Street

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 205/2014 dated April 1, 2014 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 four (4) dwelling units
        iii. That no attached garage shall be permitted
        iv. That no front approach shall be permitted

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 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.

5. 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.

6. 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

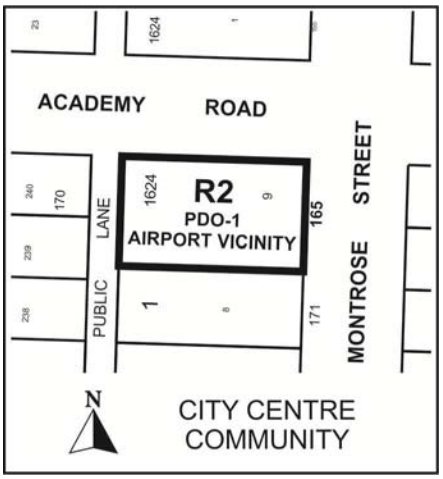
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	April 1, 2014
File No.	DAZ 205/2014

APPENDIX 'A'

DATE: April 1, 2014
FILE: DAZ 205/2014
RELATED FILES: DAV 14-107573/2014D, DCU 107572/2014D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.62

SUBJECT: To rezone the subject land from an "R1-M" Residential Single-Family PDO Airport Vicinity Protection Area District to an "R2" Residential Two-Family PDO Airport Vicinity Protection Area District

LOCATION: 165 Montrose Street
LEGAL DESCRIPTION: Lot 9 Block 1 Plan 1624 WLTO in RL47 Parish of St. Boniface



APPLICANT: D Squared Projects Ltd – John D'Ignazio

OWNER: Carmela and Gianpiero D'Ignazio

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is currently zoned "R1-M" Residential Single-Family District, is located on the southwest corner of Montrose Street and Academy Road in the North River Heights neighbourhood of the River Heights – Fort Garry ward.

North: Academy Road
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 from an "R1-M" Residential Single-Family District to an "R2" Residential Two-Family District in order to construct two duplexes on the lot, for a total of 4 residential units.

The existing residence will be demolished in order to construct the new structure

Some of the key aspects of the proposal are as follows:

- Two separate structures separated by a common internal walkway
- The units will be 2 storeys in height on a raised undeveloped lower level
- Each unit will have a detached enclosed garage accessed from the back lane and a backyard, matching the pattern of the neighbourhood
- The front yard setbacks will match the setback on the existing house on the lot
- The materials and design of the buildings will be consistent with those found in the neigbourhood

Reason for application
In order to construct two duplexes on one lot, 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
All of the residences on the block are zoned "R1-M" Residential Single-Family District.

OurWinnipeg/Complete Communities
B. Policies
This portion of the North River Heights 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.

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 28 feet.

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 30 feet, to the living room. The front door is setback approximately 36 feet. This is consistent with the front yard setback of other homes on the street.

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 Montrose Street.

Guideline #4

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

Height

The Zoning By-law allows a maximum height of 35 feet, which is measured from the mid-point of a sloped roof. Consequently, the actual height may be several feet higher than this, depending on the slope of the roof.

With that said, the subject property is approximately 28 feet, 8 inches to the midpoint of the roof slope, which is well below the maximum allowable height.

This is comparable to some of the existing properties on the subject block. For example, the block has number of properties that are 2.5 storeys with pitched roofs, which are similar to the proposed height.

Massing
The subject building is being massed to fit the area context. The image in Appendix 'C' illustrates how the proposed building is in step with the massing of the adjacent properties.

C. *Summary*
The Division supports the development of the proposed four-plex on the subject property. Increasing the density moderately on corner sites abutting major corridors, with appropriately designed infill projects, such as this one, provides a mix of housing type and tenure– to meet the future needs of the community. It is a subtle transition in building typology which is sensitive to the existing character of the neighbourhood.

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 moderately higher density than the community norm

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. With that said, it is recommended that the final design be modified slightly to provide some variation in the façade of each building.

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 moderately 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 205/2014



Figure 1: Aerial Photo (Flown in 2012)

APPENDIX 'B'
Schedule "A" for File No. DAZ 205/2014, City Centre Community Committee, dated April 1, 2014

By-Law No. _____

File No. **DAZ 205/14**

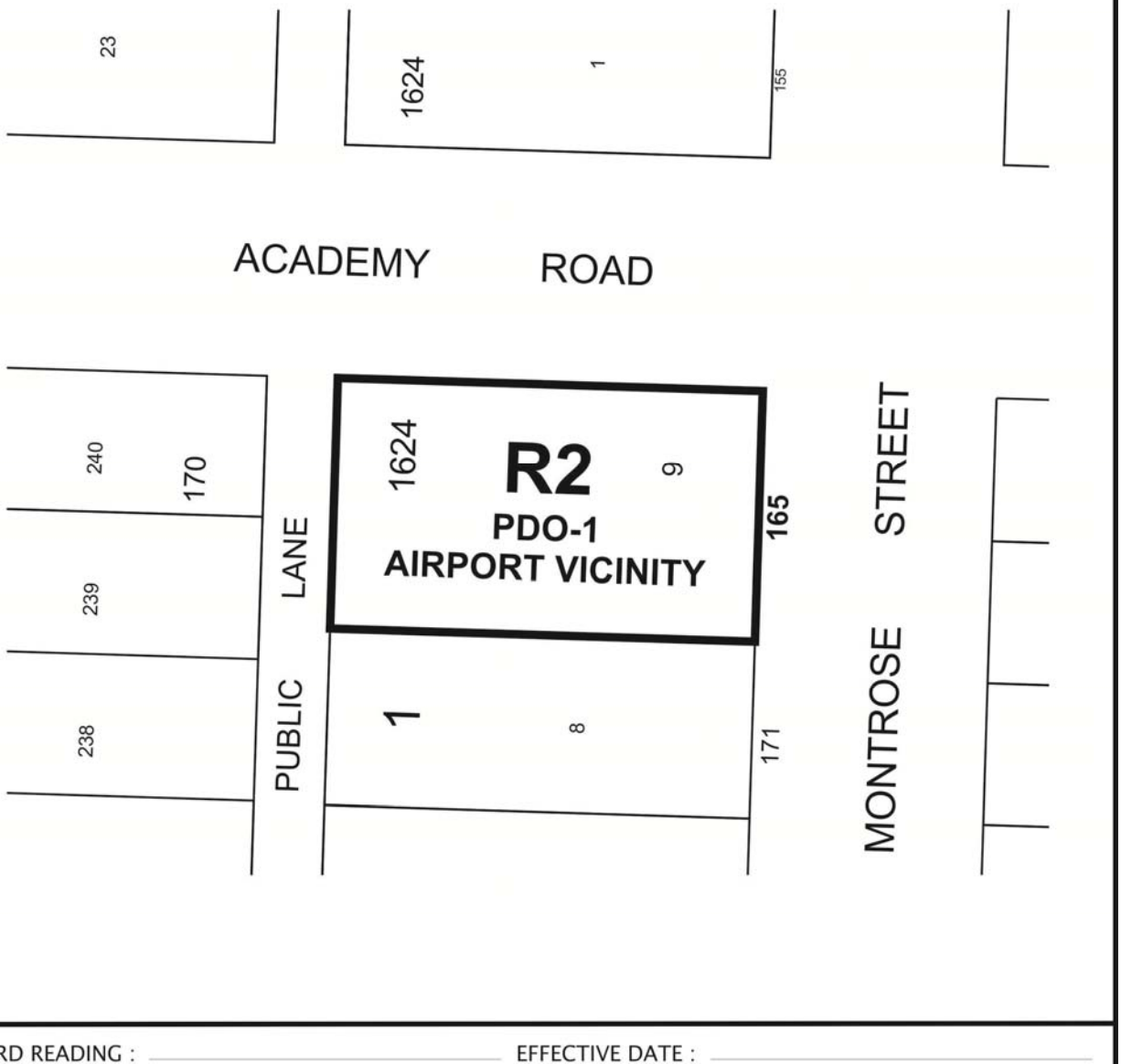
Atlas Sheet No.

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AC22
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 165 Montrose Street from an "R1-M PDO-1 AIRPORT VICINITY PROTECTION AREA 2" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "R2 PDO-1 AIRPORT VICINITY PROTECTION AREA 2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'C'
Rendering of proposed development



View from Academy Road towards Montrose Street

d:squared² Projects Inc.