Minute No. 73
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 3 Rezoning – 337 Rutland Street
(St. James – Brooklands Ward)
File DAZ 230/2014

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 230/2014 dated November 10, 2014 to an "R1-M" Residential Single-Family District.

2. That the existing zoning agreement on the property be discharged.

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 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

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COUNCIL DECISION (continued):

8. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 337 Rutland Street**
File DAZ 230/2014

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

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **November 18, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 2014, the Assiniboia 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 230/2014 dated November 10, 2014 to an "R1-M" Residential Single-Family District.

2. That the existing zoning agreement on the property be discharged.

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 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

8. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The subject property was previously a residence which fits within the character of the neighbourhood.

PUBLIC HEARING SUMMARY

File: DAZ 230/2014

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson
Councillor Morantz

Public Hearing: November 17, 2014
Council Building, 510 Main Street

Applicant: Lori Skinner

Subject:



Premises Affected: 337 Rutland Street

Exhibits Filed: 1. Application dated September 3, 2014

2. Notification of Public Hearing dated September 17, 2014
3. Manitoba Status of Title 1094704/1
4. Letter of authorization dated August 25, 2014 from Fred King and Carly Skinner, to Lori Skinner
5. Surveyor's Building Location Certificate and sketch dated January 7, 1977
6. Caveat 80-6177
7. Copy of Photograph of the subject property
8. Plan
9. Report from the Urban Planning Division dated November 10, 2014
10. Inspection Report
11. Communication dated November 17, 2014, from the Winnipeg Airports Authority in opposition to the application
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Lori Skinner
Dave Skinner
Fred King and Carly Skinner

In Opposition

Tara Hull on behalf of Winnipeg Airports Authority

For Information:

Nil

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development

Exhibit "9" referred to in File DAZ 230/2014

ADMINISTRATIVE REPORT

Title: DAZ 230/2014 – 337 Rutland Street

Issue: An application for consideration at the public hearing to rezone the property from a "C1-PDO Airport Vicinity" to an "R1-M-PDO Airport Vicinity" to allow the conversion of the existing building to a single-family dwelling.

Critical Path: Assiniboia 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 230/2014 dated November 10, 2014 to an "R1-M" Residential Single-Family District.
2. That, the existing zoning agreement on the property be discharged.
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 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 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

7. That, the Proper Officers of the City are hereby authorized to execute said Zoning Agreement
8. 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 applicant is proposing to rezone the site from "C1" Commercial Neighborhood district to "R1-M" Residential Single-Family District in order to convert the existing building to a single-family dwelling.
- Rezoning applications require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be rezoned from "C1" Commercial Neighborhood District to "R1-M" Residential Single-Family District.

HISTORY

February 20, 1989 – Under file **DAZ 274/79**, the St. James-Assiniboia Community committee approved the subject site to be rezoned from "R1" Single-Family District to a "C1" Commercial Neighborhood. In conjunction with the rezoning, the owners entered into a zoning agreement with the City of Winnipeg with the following conditions:
"The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for any use except:

a) Upholstery shop utilizing the main floor and basement areas only;
b) Dwelling units on the upper floor;
c) Accessory uses.

January 12, 1989 – Under file **ZAA 33/88**. The St. James Assiniboia Community Committee approved a Zoning Agreement Amendment affecting 337 Rutland Street to permit the establishment of a Locksmith shop utilizing the main floor and basement areas only; said use was not permitted under the initial agreement.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

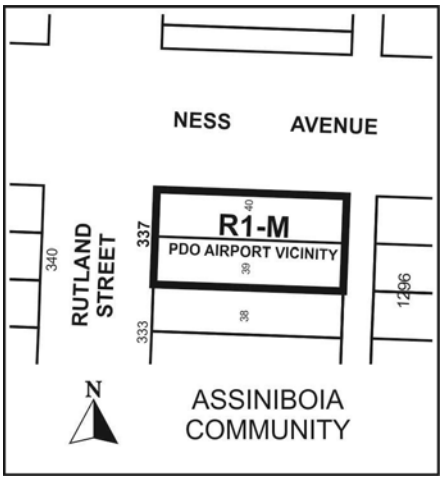
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo
Date:	November 10, 2014
File No.	DAZ 230/2014

APPENDIX 'A'

DATE: November 10, 2014
FILE: **DAZ 230/2014**
RELATED FILES:
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.203

SUBJECT: To rezone the subject land from "C1" Commercial Neighborhood District to an "R1-M" Residential Single-Family District.

LOCATION: 337 Rutland Street
LEGAL DESCRIPTION: LOT 39/40 BLOCK 5 PLAN 1296 30/1 ST JA



APPLICANT: LORI SKINNER
137 Glendale Blvd, Winnipeg MB R3J 3H8
OWNER: Same As Above

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to rezone the site from "C1" Commercial Neighborhood District to "R1-M" Residential Single-Family district in order to convert the entire building on site to a single-family dwelling.
- The Urban Planning Division recommends approval of this application.

SITE DESCRIPTION

- The subject property is located on the south east intersection of Rutland Street and Ness Avenue in the King Edward neighbourhood of the St. James-Brooklands ward.

- The subject site is 5,050 square feet. Existing on the property is a two-storey building built in 1949 that has a living area of 1,350 square feet.
- The subject property was originally built as a single-family dwelling, but was rezoned to "C1" in 1979 to accommodate an upholstery shop, then a locksmith shop in 1989.
- The site is within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned "C1" Commercial Neighborhood.



Figure 1: Air photo of the subject property and surrounding area (2014)

Existing Land Use and Zoning

North: Ness Avenue, then residences zoned "R1-M" Residential Single-Family District.

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

East: Backlane, then residences zoned "R1-M" Residential Single-Family District.

West: Rutland Street, then residences zoned "R1-M" Residential Single-Family District.

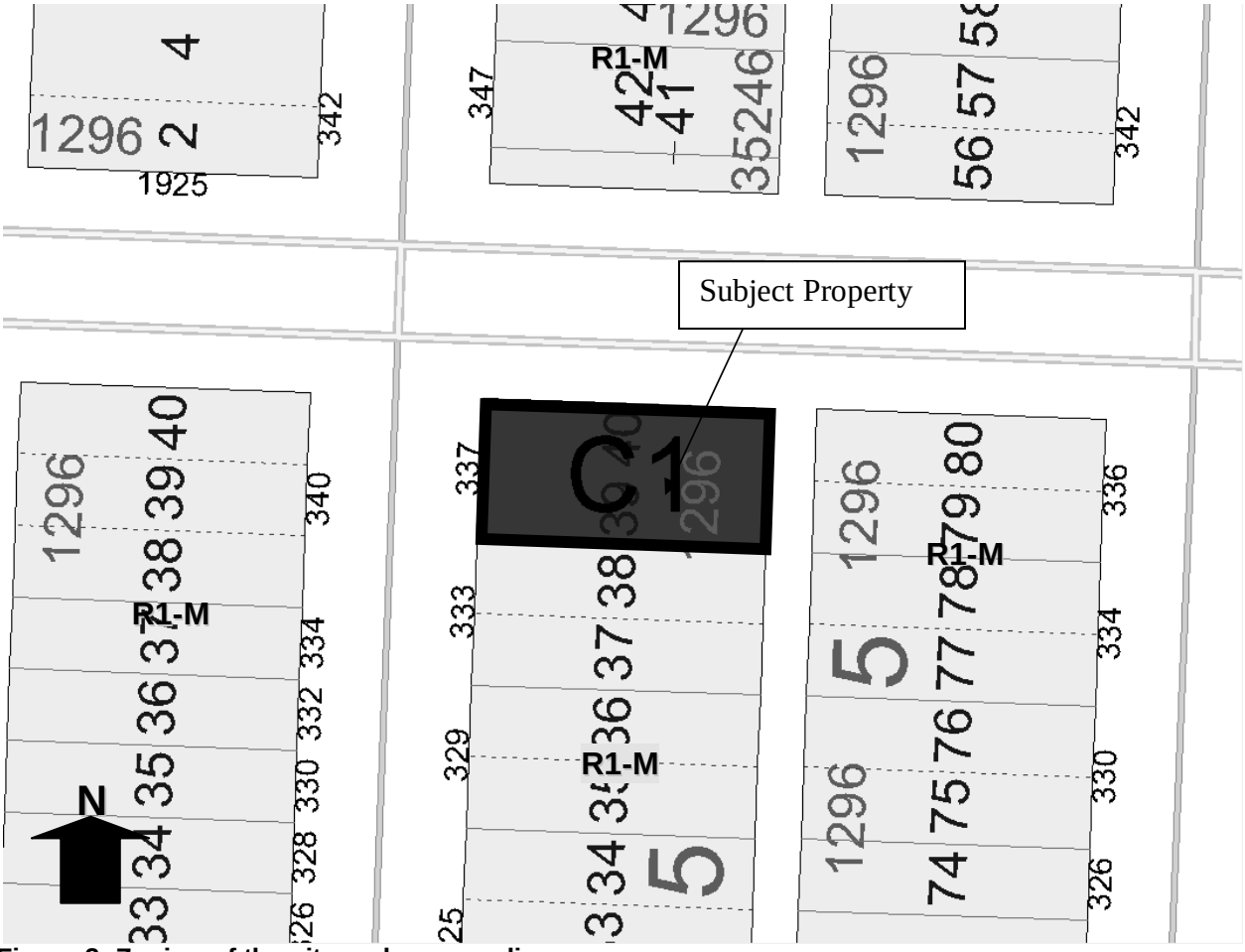


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from “C1” Commercial neighborhood District to “R1-M” Residential Single-Family – Medium.
- The applicant intends to use the entire building for residential use. To achieve this, the applicant wants the zoning agreement in place that restricts the use of the basement and the main floor to “C1” to be removed.
- After the rezoning process, the applicant intends to renovate the entire building for residential use.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policy guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* includes:

- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- 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, townhouses.

ZONING

"C1" Commercial Neighborhood

- The "C1" commercial neighborhood district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighborhood.
- R1-M Residential Single-Family District – Medium minimum lot sizes of 3,500 square feet are required.
  - Side yards of 4 feet are required.
  - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
  - Maximum building height is 35 feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from "C1" Commercial Neighborhood District to "R1-M" Residential Single-Family Medium district.
- Residential Single-Family (R1) districts are intended to accommodate primarily single-family residential development in low-density areas.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages development within the mature neighborhood when done in a context-sensitive manner.
- It must be noted that this site was originally zoned "R1-M" before being rezoned to "C1". This proposal to redesignate the parcel back to R1-M residential single-family is consistent with the immediate zoning and single-family dwellings in the area.
- The applicant is maintaining the existing structure which was built as a single-family dwelling. Thus, the existing structure fits the existing form and character found within the neighborhood.
- With the rezoning, the existing zoning agreement on the property will be removed as it will no longer be applicable to the new zoning designation.

- The Urban Planning Division does not foresee any negative impact in the surrounding properties.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATIONS

The Urban Planning Division recommends **approval** for the following reasons:

- The proposal is consistent with the policies of the Complete Communities Direction Strategy and is generally consistent with the "R1-M" single-family district in the area.
- The rezoning to "R1-M" is repurposing the building to be used according to the underlying zoning classification which is consistent and compatible with the surrounding properties.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Femi Ojo
PPD File # DAZ 230/2014

APPENDIX "B"
Schedule "A" for File No. DAZ 230/2014, Assiniboia Community Committee, dated November 10, 2014

By–Law No.

File No. **DAZ 230/14**

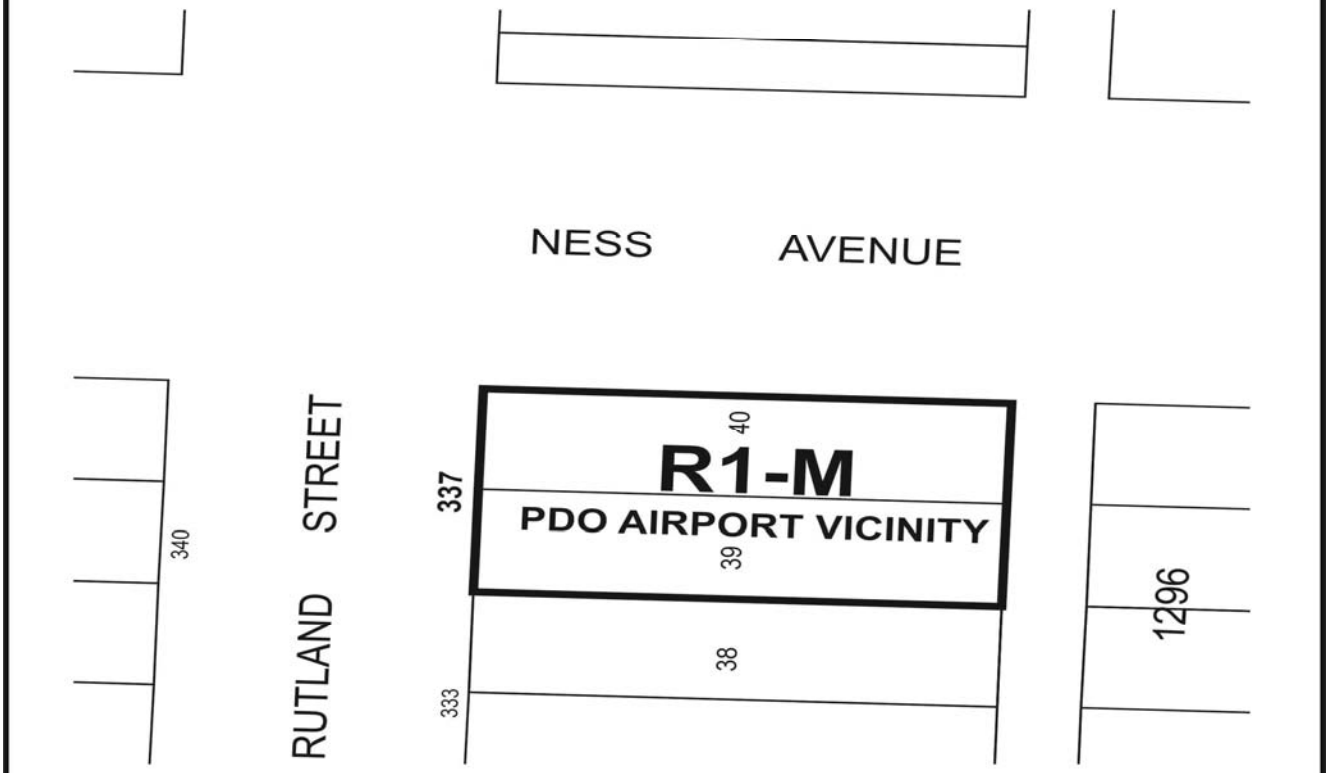
Atlas Sheet No.

N

AA19 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 337 Rutland Street from a "C1 PDO AIRPORT VICINITY" COMMERCIAL NEIGHBOURHOOD DISTRICT to an "R1-M PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to facilitate the establishment of a proposed single family dwelling use as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.