Agenda – Council – April 27, 2016

Report – Executive Policy Committee – April 20, 2016

Item No. 3 Subdivision and Rezoning – 360 and 364 Stafford Street and 879 Garwood Avenue (Fort Rouge – East Fort Garry Ward) File DASZ 45/2015 [c/r DAV 173280/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 45/2015 dated April 12, 2016 to a "C1" Commercial Neighbourhood District.

2. That the plan of subdivision proposed under File DASZ 45/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2015 dated April 12, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

Report – Executive Policy Committee – April 20, 2016

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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 – April 20, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2016, 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 – 360 and 364 Stafford Street and 879 Garwood Avenue**
File DASZ 45/2015

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Committee Clerk**
City Centre Community Committee

Report date: **April 14, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2016, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 45/2015 dated April 12, 2016 to a "C1" Commercial Neighbourhood District.

2. That the plan of subdivision proposed under File DASZ 45/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2015 dated April 12, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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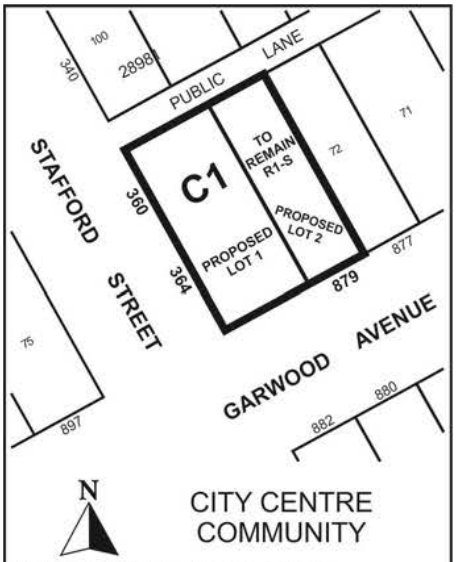
10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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 for its recommendation:

1. It’s really a housekeeping measure to make the zoning fit what’s actually been there for a long period of time.

PUBLIC HEARING SUMMARY

File:	DASZ 45/2015
Before:	City Centre Community Committee Councillor Gilroy, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	April 12, 2016 Council Building, 510 Main Street
Applicant:	Ian Laing
Subject:	 **APPLICANT :** IAN LAING **FILE :** DASZ 45/15 **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-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the maintenance of an existing commercial building for the establishment of a personal service use. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected:	360 and 364 Stafford Street and 879 Garwood Avenue

Exhibits Filed:

1. Application dated January 18, 2016
2. Notification of Public Hearing dated February 2, 2016
3. Manitoba Status of Titles 1662306/1 and 1662315/1
4. Letter of authorization dated December 1, 2015 from Rochelle Laing to Ian Laing
5. Plans (4 pages)
6. Report from the Urban Planning Division dated February 10, 2016
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Ian Laing

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit " 6 " referred to in File DASZ 45/2015

ADMINISTRATIVE REPORT

Title: DASZ 45/2015 – 364 Stafford ST

Issue: For consideration at the public hearing for a Subdivision and Rezoning for DASZ 45/2015 – 364 Stafford ST

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 planned area as shown on Schedule "A" for File DASZ 45/2015 dated April 12, 2016 to a "C1" Commercial Neighbourhood District.
2. That the plan of subdivision proposed under File DASZ 45/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2015 dated April 12, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
3. That in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.
6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
7. 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.
8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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 applicant is proposing to subdivide the land in order to create two lots from two existing lots and to rezone proposed Lot 1 from an "R1-S" Residential Single Family - Small District to a “C1” Commercial Neighbourhood District, in order to allow for the maintenance of an existing commercial building for the establishment of a personal service use.
- 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 property can be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	February 10, 2016
File No.	DASZ 45/2015

APPENDIX 'A'

DATE: February 10, 2015
FILE: DASZ 45/2015
RELATED FILES: N/A
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To subdivide the land in order to create two lots from two existing lots and to rezone proposed Lot 1 from an "R1-S" Residential Single Family - Small District to a "C1" Commercial Neighbourhood District.

LOCATION: 364 Stafford ST
LEGAL DESCRIPTION: PT LOT 73 PLAN 28981 30/31 ST B LYING W OF LINE DRAWN SLY FROM POINT IN N LIMIT SAID LOT DIST ELY 16F FROM E LIMIT LOT 74 ALL LOT 74



APPLICANT: Ian Laing
138 Bard Blvd
Winnipeg , Manitoba R3P 1G5

OWNER: Rochelle Laing
1711 Corydon AVE
Winnipeg , Manitoba R3N 0J9

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property is located at the northeast corner of Stafford Street and Garwood Avenue in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

The property is designated as a Mature Community under the Complete Communities Direction Strategy and is zoned “R1-S” – Residential Single Family (Small).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING

North: Rear lane, then single-family residential development, zoned “R1-S” – Residential Single Family (Small)

South: Garwood Avenue, then single-family residential development, zoned “R1-S” – Residential Single Family (Small)

East: Single-family residential development, zoned “R1-S” – Residential Single Family (Small)

West: Stafford Street, then two-family residential development, zoned “R2” – Residential Two Family

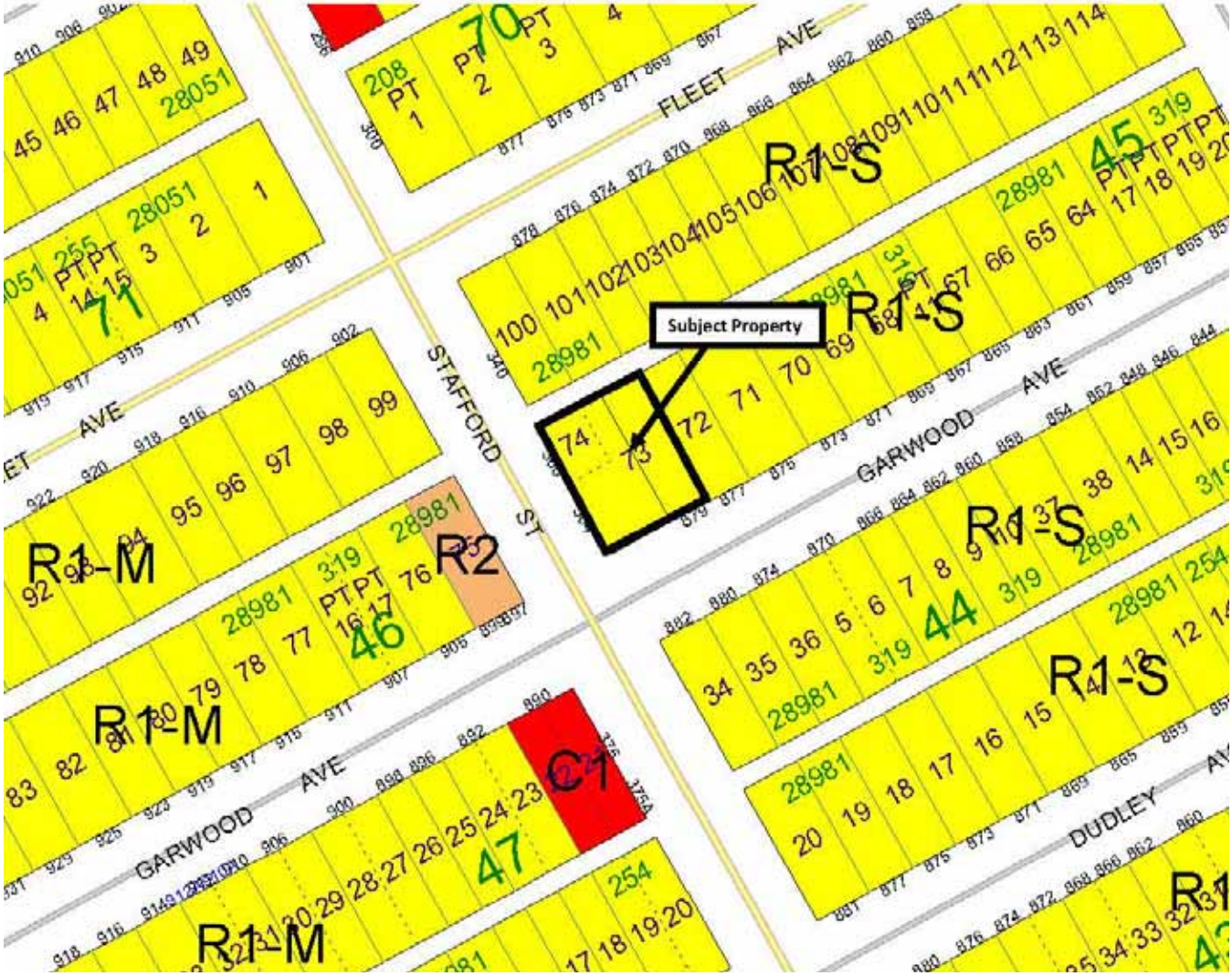


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning and subdivision in order to create two lots from two existing lots and to rezone proposed Lot 1 from an "R1-S" Residential Single Family - Small District to a “C1” Commercial Neighbourhood District.

Reason for application

Proposed Lot 1 (as indicated on Schedule “A”) is currently composed of two lots (Lots 73 and 74 as indicated on Figure 2). A commercial building straddles the lot line between these two existing lots, resulting in a zoning non-compliance.

This situation has been in existence for many years. Now that the applicant is applying to change a land use on one of the lots, it is necessary to bring the lots into compliance with the Zoning By-Law.

Bringing the lots into compliance with the Zoning By-Law entails:

Subdivision

1) Bringing Lot 73 (indicated on Figure 2) into alignment with typically-sized lots on Garwood (approximately 30 feet x 100 feet). The new proposed lot is Lot 2 as indicated on Schedule "A".
2) Consolidating the remainder of Lot 73 with Lot 74, creating a standard 45x100 foot commercial lot (Lot 1 as indicated on Schedule "A").

Rezoning

3) Changing the zoning of proposed Lot 1 to "C1" – Commercial Neighbourhood, in order to align it with its context on a street with some small scale commercial and "C1" zoning (Stafford).
4) Maintaining the existing zoning of proposed Lot 2 as "R1-S" – Residential Single Family (Small), in order to align it with its context on a residential street with "R1-S" zoning (Garwood).

This application is essentially a 'clean-up' of underlying zoning lots and zoning districts, in order to create appropriate lots sizes and support appropriate land uses for this context.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- 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.

The proposal maintains existing small-scale commercial in an area in which small scale commercial is supported. The proposal also maintains the residential lot immediately east of the commercial lot. The lot sizes and zoning districts proposed are appropriate for the context.

The proposal is reflective of goals for Mature Communities as outlined in Complete Communities.

SUMMARY

The Urban Planning Division supports the rezoning and subdivision for the following key reasons:

- The subdivision and rezoning presents lot sizes and zoning districts that are appropriate for the context.
- The subdivision and rezoning brings site layouts that are appropriate and have been in existence for many years into compliance.
- The proposal maintains existing small-scale commercial development in an area in which such development is supported.

RECOMMENDATIONS
The Urban Planning Division recommends that the application be approved and that the subject property be rezoned and subdivided.

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

Report Prepared by: Andrew Ross, MCP. MCIP
PPD File # DASZ 45/2015 – 364 Stafford ST

Schedule “A” for File No. DASZ 45/2015, City Centre Community Committee, April 12, 2016

By-Law No. _____

File No. **DASZ 45/15**

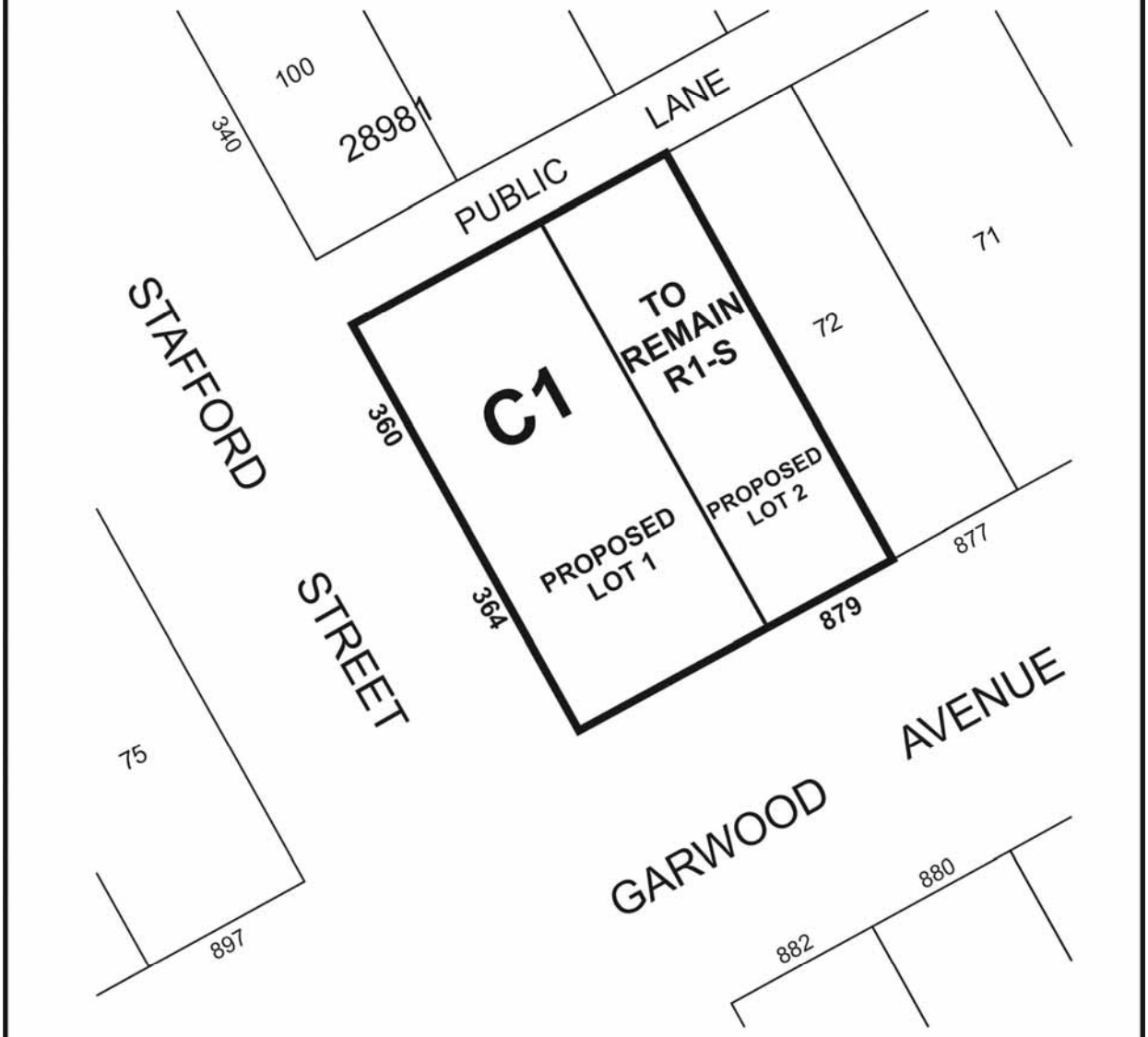
Atlas Sheet No.

N

AD23
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 360 & 364 Stafford Street & 879 Garwood Avenue from an “R1-S” RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to a “C1” COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the maintenance of an existing commercial building for the establishment of a personal service use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____