Minute No. 38
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 1 Subdivision and Rezoning – 757-759 Jubilee Avenue
(Fort Rouge – East Fort Garry Ward)
File DASZ 38/2016 [c/r DCU 143318/2016D and DAV 143176/2016D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 38/2016 dated October 13, 2016 to a "R2" Residential Two-Family District.

2. That the plan of subdivision proposed under File No. DASZ 38/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 38/2016 dated October 13, 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

COUNCIL DECISION (continued):

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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 October 13, 2016, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 757-759 Jubilee Avenue**
File DASZ 38/2016

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

Prepared by: **K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **October 17, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 13, 2016, 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, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File No. DASZ 38/2016 dated October 13, 2016 to a "R2" Residential Two-Family District.

2. That the plan of subdivision proposed under File No. DASZ 38/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 38/2016 dated October 13, 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.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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.

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

1. It's a plan that seems to fit in well with the neighbourhood.

2. There's significantly adequate side yards and the massing and most of the issues that were raised of concern can be dealt with in the plan approval process which will come back to this Committee.

PUBLIC HEARING SUMMARY

File: DASZ 38/2016

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

Public Hearing: October 13, 2016
Council Building, 510 Main Street

Applicant: 2Architecture Inc. (Andre Silva)

Subject:



Premises Affected: 757-759 Jubilee Avenue

Exhibits Filed:

1. Application dated July 21, 2016
2. Notification of Public Hearing dated August 10, 2016
3. Manitoba Status of Titles 2800427/1 and 2800428/1
4. Letter of authorization dated March 16, 2016 from Jeff Appelt, 6970029 Manitoba Ltd. to 2Architecture Inc.
5. Surveyor's Building Location Certificate and sketch dated March 1, 2016
6. Plans (5 pages)
7. Report from the Urban Planning Division dated September 23, 2016
8. Communication dated October 3, 2016 from Noel Johnson in opposition to the application
9. Communication dated October 7, 2016 from Tyler Curtis in opposition to the application
10. Communication dated October 7, 2016 from Renee Perron in opposition to the application
11. Inspection Report
12. Communication dated October 7, 2016 from Scott Sutherland in opposition to the application
13. Presentation in support of the application submitted by the Applicant at the public hearing
14. Recording of Representations

REPRESENTATIONS:

In Support:

Andre Silva, 2Architecture Inc.
Justin Hansen
Jeff Appelt

In Opposition

Noel Johnson
Tyler Curtis
Renee Perron
Scott Sutherland
Steven Ulrich

For Information:

Nil

For the City:

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

Exhibit " 7 " referred to in File DASZ 38/2016

ADMINISTRATIVE REPORT

Title: DASZ 38/2016 – 757 Jubilee AVE

Issue: For consideration at the public hearing for a Subdivision and Rezoning for DASZ 38/2016 – 757 Jubilee AVE

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 No. DASZ 38/2016 dated October 13, 2016 to a "R2" Residential Two-Family District.
2. That the plan of subdivision proposed under File No. DASZ 38/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 38/2016 dated October 13, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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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 consolidate two existing lots into one lot; and to rezone the new consolidated lot from an "R1-M" Residential Single Family - Medium district to an “R2” Residential Two-Family District, in order to allow for the development of a two-storey residential building with four units on the subject property.
- 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

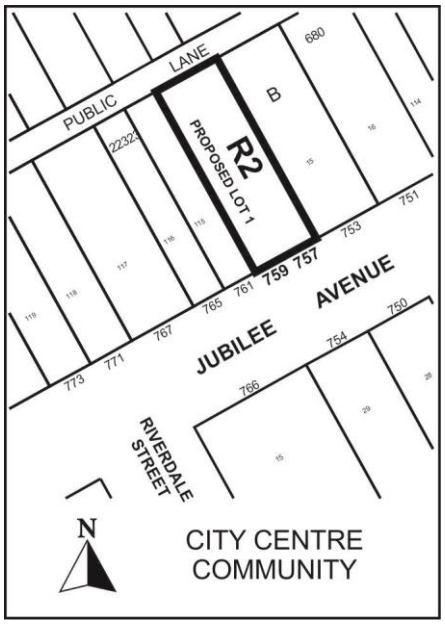
Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, MCP, MCIP
Date:	September 23, 2016
File No.	DASZ 38/2016

APPENDIX 'A'

FILE: DASZ 38/16
RELATED FILES: DCU 16-143318\D, DAV 16-143176/D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.665

SUBJECT: To subdivide the land in order to create one lot from two existing lots; and to rezone the consolidated lot from an "R1-M" Residential Single Family - Medium district to an "R2" Residential Two-Family District.

LOCATION: 757 Jubilee AVE
LEGAL DESCRIPTION: LOT 1 PLAN 54406 17 ST B



APPLICANT: ANDRE SILVA
70 Arthur ST Unit 485
Winnipeg , Manitoba R3B 1G7

OWNER: 1090 MCDERMOT AVE 5
Winnipeg , Manitoba R3E 3S6

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property is located on the north side of Jubilee Avenue, in the Lord Roberts neighbourhood of the Fort Rouge - East Fort Garry ward.

The site is identified as a Mature Community under the Complete Communities Direction Strategy. The property is currently zoned “R1-M”. A rezoning to “R2” is being applied for as part of Associated File No. DASZ 38/16.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single family dwellings (zoned “R1-M” – Residential Single-Family – Medium)

South: Two-family dwellings and restaurant/ice cream shop (zoned “R1-M” – Residential Single-Family – Medium)

East: Single family dwellings (zoned “R1-M” – Residential Single-Family – Medium)

West: Single family dwellings (zoned “R1-M” – Residential Single-Family – Medium)

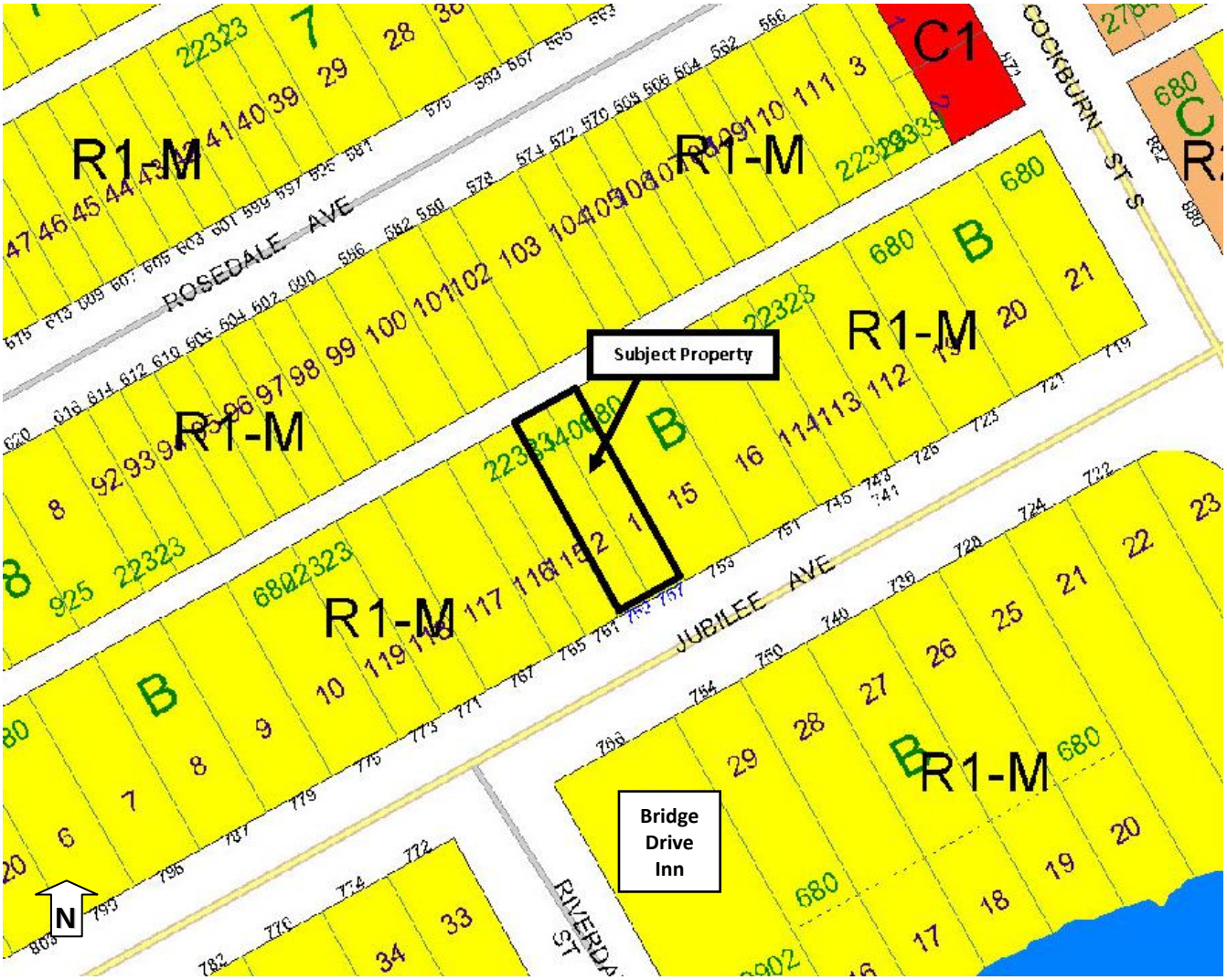


Figure 2: Zoning context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a conditional use in order to establish a two-storey dwelling with 4 units on the subject property. As per of Associated File No. DASZ 38/16, the applicant seeks to consolidate two existing 25-foot wide lots into one 50-foot wide lot, in order to accommodate four units on one lot rather than two units on two abutting lots.

Reason for application

An option would have been to apply for RMF zoning on this lot in order to provide for the four units as sought – however multifamily zoning in this location is not ideal due to the predominance of single family zoning. To support the proposed development, the Urban Planning Division believes the most appropriate zoning in the context would be “R2” – Residential Two-family. “R2” is less of a departure from “R1” and, compared with “RMF” poses greater limitations on development, which is more appropriate in this lower-density residential context.

ANALYSIS AND ISSUES

Context
The immediate area is characterized primarily by single family housing, as well as a small amount of two-family housing. There is commercial (Bridge Drive-Inn) located across the street from the subject property. There is "R2" and "C1" zoning on the end of the block at Cockburn Street, between Jubilee and Rosedale Avenues.

Policies
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.

This development adds to the mix of housing options in the Lord Roberts neighbourhood and provides a minor increase in density through a design that is sensitive to the scale and massing of the context.

Zoning
The "R2"- Residential Two-Family district allows for multifamily units where appropriate.

The Urban Planning Division takes a number of factors into account when considering proposals to rezone property from "R1" to "R2" in Mature Communities, including the presence of rear lane access and compatibility with the built form of the neighbourhood. When the property is situated mid-block, the Division will consider support for such rezonings where there is already a mix of mid-block dwellings with two or more units on the same block.

In this case, there are (2) existing two-family dwellings located mid-block on the same block. These properties, located at 754 and 741Jubillee, are indicated on Figure 2.

It is noted that if each property were to retain their existing zoning of "R1-M", the property owner could apply for a dwelling on each 25-foot lot with a secondary suite in each dwelling. This would work out to the same number of dwelling units as are being proposed (four).

As a follow-up point in terms of suitability, this lot is unique in that it is located across the street from a commercial establishment that has been in the area for several decades (Bridge Drive-Inn). This does not wholly change the context, but lends added rationale for supporting a minor increase in density in a context-sensitive manner for this particular lot.



Figure 2: Dwelling counts of properties in close proximity to the subject property.

SUMMARY

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

- Complete Communities supports low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- The subdivision provides a lot size that is compatible with the context.
- The rezoning and conditional use for four units on the consolidated lot is the same number of units as would be allowed if a single family dwelling and secondary suite were built on each of the two existing lots.

- The development is located across the street from a long-standing commercial establishment.

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 38/2016 – 757 Jubilee AVE

Schedule “A” for File No. DASZ 38/2016, City Centre Community Committee, October 13, 2016

By-Law No. _____

File No. **DASZ 38/16**

Atlas Sheet No.

N

AE24
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 757-759 Jubilee Avenue from an “R1-M” RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____