Agenda – Council – July 19, 2017

Report – Executive Policy Committee – July 12, 2017

Item No. 7 Rezoning – 24 Loraine Street
(St. Vital Ward)
File DAZ 202/2017

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 12, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

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 202/2017 dated June 27th, 2017 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following:

        i. That for the development of any building, plans showing the location and design of proposed buildings shall be submitted to 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 to the satisfaction of the Director of Planning, Property and Development.

        ii. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

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

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

Report – Executive Policy Committee – July 12, 2017

4. 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.

5. That the by-law shall come into force and effect 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 (1) 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.

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

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

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.

Report – Executive Policy Committee – July 12, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 12, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 10, 2017, the Riel 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: **Rezoning – 24 Loraine Street**
File DAZ 202/2017

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **July 11, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 1, 2017, the Riel 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 subject land as shown on Schedule "A" for File DAZ 202/2017 dated June 27th, 2017 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following:

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        ii. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

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

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

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

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

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 Riel Community Committee provided the following supporting reason(s) for its recommendation:

1. This is a slightly different zoning than the one further up north.
2. This does seem to fit in since it's not mid-block, but by the lane.
3. This is only a duplex, and not as big as the one on Barrington Avenue.

PUBLIC HEARING SUMMARY

File: DAZ 202/2017

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Lukes
Councillor Mayes

Public Hearing: July 10, 2017
Council Building, 510 Main Street

Applicant: Jaquet Holdings Ltd. (George Daterra)

Subject:



APPLICANT : JAQUET HOLDINGS LTD.
FILE : DAZ 202/17
PROPOSAL : To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a Two-Family Dwelling use. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR : JAQUET HOLDINGS LTD.
N° DE DOSSIER : DAZ 202/17
PROJET : Modifier le zonage du bien-fonds délinéé ci-dessus de sorte qu'il passe de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie R2 (secteur résidentiel bifamilial) en vue de permettre l'aménagement d'une habitation bifamiliale. **Pour plus de renseignements, veuillez communiquer avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 24 Loraine Street

Exhibits Filed:

1. Application dated May 23, 2017
2. Notification of Public Hearing dated May 29, 2017
3. Manitoba Status of Title 2880852/1
4. Letter of authorization dated February 8, 2017 from Jaquet Holdings Ltd.
5. Letter of authorization dated May 10, 2017 from Jaquet Holdings Ltd. to Randall Homes
6. Surveyor's Building Location Certificate and sketch dated January 31, 2017
7. Plans (7 pages)
8. Report from the Urban Planning Division dated June 27, 2017
9. Inspection Report

REPRESENTATIONS:

In Support:

George Daterra

In Opposition

Nil

For Information:

Fausto Pereira
Louis Pereira

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
R.Mahé, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 202/2017

ADMINISTRATIVE REPORT

Title: DAZ 202/2017 – 24 Loraine Street

Issue: An application for consideration at the Public Hearing to rezone to "R2" Residential Two-Family to facilitate the construction of a two-family dwelling.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council 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 202/2017 dated June 27th, 2017 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following:

        i. That for the development of any building, plans showing the location and design of proposed buildings shall be submitted to 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 to the satisfaction of the Director of Planning, Property and Development.

        ii. That there shall be no new garages constructed attached to any principal dwelling on the subject property.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.
3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

4. 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.

5. That the by-law shall come into force and effect 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 (1) 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.

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

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

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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the property from “R1-M” Residential Single-Family Medium to “R2” Residential Two-Family to facilitate the construction of a semi-detached 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“R1-M” Residential Single-Family Medium to “R2” Residential Two-Family.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	June 27th, 2017
File No.	DASZ 202/2017

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DAZ 202/2017 Riel Community Committee, dated June 27th, 2017.

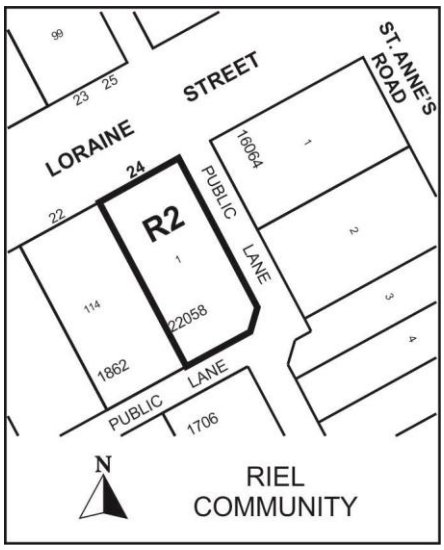
APPENDIX 'A'

DATE: June 27th, 2017

FILE: **DAZ 202/2017**
RELATED FILES:
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.516 - Varennes Neighbourhood

SUBJECT: To rezone to R2 to facilitate the construction of a semi-detached dwelling

LOCATION: 24 Loraine Street (see map below)



APPLICANT: George Daterra
Jaquet Holdings Ltd
80 St. Anne's Road
Winnipeg , Manitoba R2M 2Y7

OWNER: (same as above)

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the south side of Loraine Street between St. Mary's Road and St. Anne's Road in the Varennes neighbourhood of the St Vital ward.
- The site is 5,096 square feet in area and is occupied by a 680 square foot single family dwelling built in 1924.
- The site is located within the Areas of Stability – Mature Communities policy area under the *Complete Communities Direction Strategy*. The property is zoned R1-M.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Loraine Street; then semi-detached dwelling and single-family residential uses zoned "R1-M" Residential Single-Family Medium and "RMF-S" Residential Multi-Family Small.

South: Public lane; then single-family residential uses zoned "R1-M" Residential Single-Family Medium.

East: Office uses and personal service uses zoned "C2" Commercial Community.

West: Single-family residential uses zoned "R1-M" Residential Single-Family Medium.

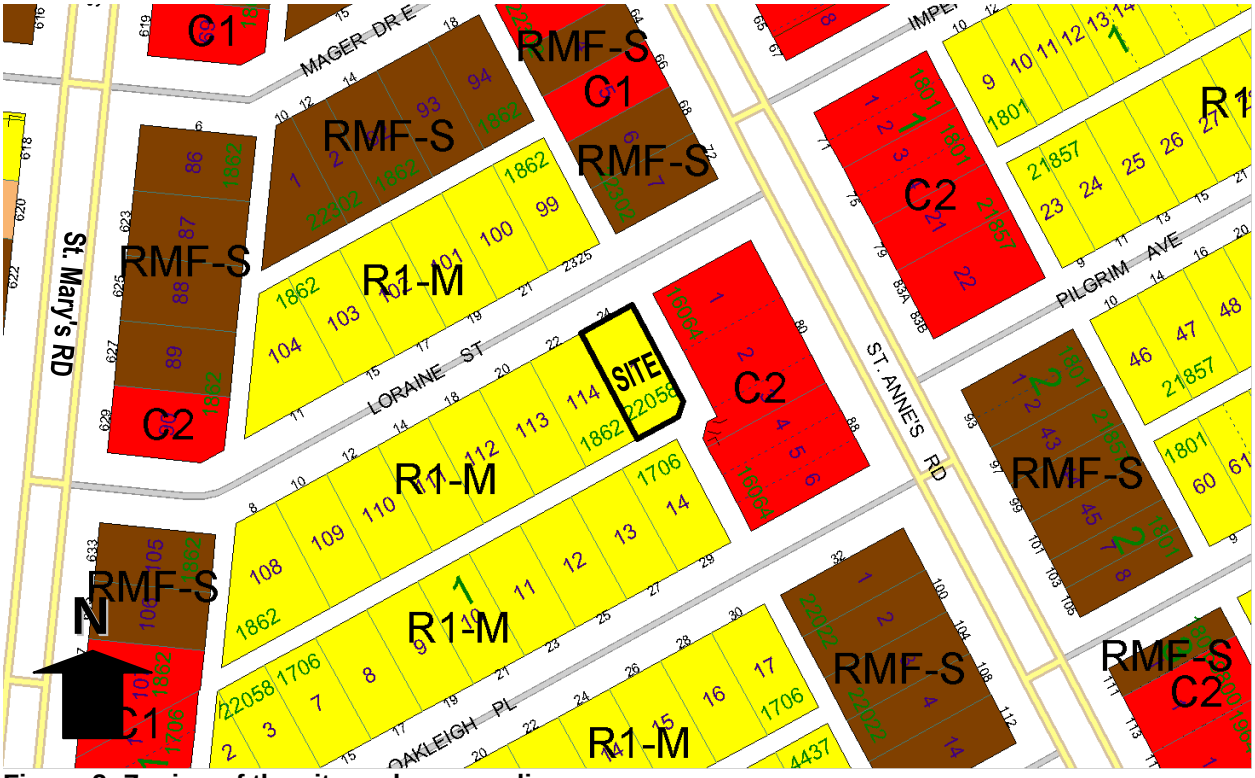


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone to "R2" Residential Two-Family to accommodate the construction of a semi-detached dwelling.
- The applicant is proposing to subdivide the lot into two lots in the future once the dwelling has been built and the party wall has been established in order to locate the new property line along the exact line of the new party wall. Section 141 of the Winnipeg Zoning By-law prescribes specific requirements for the splitting of two-family lots. The proposed future subdivision proposal will comply with these requirements.
- Each semi-detached unit will be approximately 1,326 square feet in area and two (2) storeys tall. An attached garage is proposed for the unit to the west and a parking pad is proposed for the unit to the east.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY:

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an "Area of Stability – Mature Community" in *Complete Communities'* Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.

- With regard to this proposal, the key policies guiding the development of 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and that address the transition between new and existing development.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - 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.

CURRENT ZONING DISTRICT:

"R1-M" Residential Single-Family Medium

- The R1-M zone is intended to accommodate primarily single-family development in lower-density areas. The dimensional standards in the R1-M zone are: a minimum front yard of 15 feet (except where a new residential structure is constructed on a block where at least 80 percent of the lots are developed then the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block); a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 3,500 square feet.

PROPOSED ZONING DISTRICT:

"R2" Residential Two-Family

- The R2 zone is intended to accommodate the development of single- and two- family units and where appropriate limited multi-family units in lower density areas. The dimensional standards in the R2 zone are: a minimum front yard of 20 feet (except where a new residential structure is constructed on a block where at least 80 percent of the lots are developed then the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block); a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 5,000 square feet and the minimum lot area per dwelling unit for a two-family dwelling is 2,500 square feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- As noted above, the Areas of Stability – Mature Communities policy area under the *Complete Communities Direction Strategy* supports infill development that is context sensitive and complementary to the existing scale, character, and built form of the neighbourhood. Loraine Street is primarily characterized by single-family residential dwellings along with an existing semi-detached dwelling on the property across the street at 23 and 25 Loraine Street which, like the subject property, flanks the public lane. As such,

the proposal to develop a semi-detached dwelling on the subject property is consistent with existing development in the area.

- The subject property is in close proximity to two *Regional Mixed-Use Corridors* (St. Anne's Road and St. Mary's Road) where commercial uses and higher density residential are encouraged. It is also located within close proximity to two high frequency public transit routes (i.e., Routes #14 and #55).
- The Urban Planning Division supports this type of moderate infill within mature communities for a number of reasons:
    - It has minimal impact on the existing form and adds a moderate increase in density.
    - It helps support local amenities like community clubs, schools, parks, libraries, etc.
    - It accommodates Winnipeg's projected growth in a sustainable way utilizing existing infrastructure.

COMMUNITY CONSULTATION

- During the week of May 31st to June 2nd, 2017 the applicant went door-to-door to consult with residents living on the subject block of Loraine Street.

RECOMMENDED ZONING AGREEMENT

No attached garages

- On the west side of the subject lot, the applicant is proposing to construct a two storey semi-detached dwelling unit with an attached garage. This proposal would result in a building form and massing that is inconsistent with the existing houses on the block creating a long wall which could affect the neighbouring property to the west. Loraine Street is primarily characterized by small scale single-family houses with detached garages. The Public Service is recommending that attached garages not be permitted on the lot in order to maintain the character of the existing built form on the block and to minimize any potential impact on the neighbouring property to the west.

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the lots. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before development takes place on the site.

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.*

RECOMMENDATION

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

- The subject property is in close proximity to two *Regional Mixed-Use Corridors* (St. Anne's Road and St. Mary's Road) and across the street from an existing semi-detached two family dwelling.
- The proposal is consistent with the policies guiding development in the *Areas of Stability – Mature Communities policy area* in the *Complete Communities Direction Strategy* which supports context sensitive infill development.

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

Report Prepared By: Elise Finnigan
PPD File # DAZ 202/2017

Schedule "A" for File No. DAZ 202/2017, Riel Committee, dated June 27th, 2017

By-Law No. _____

File No. **DAZ 202/17**

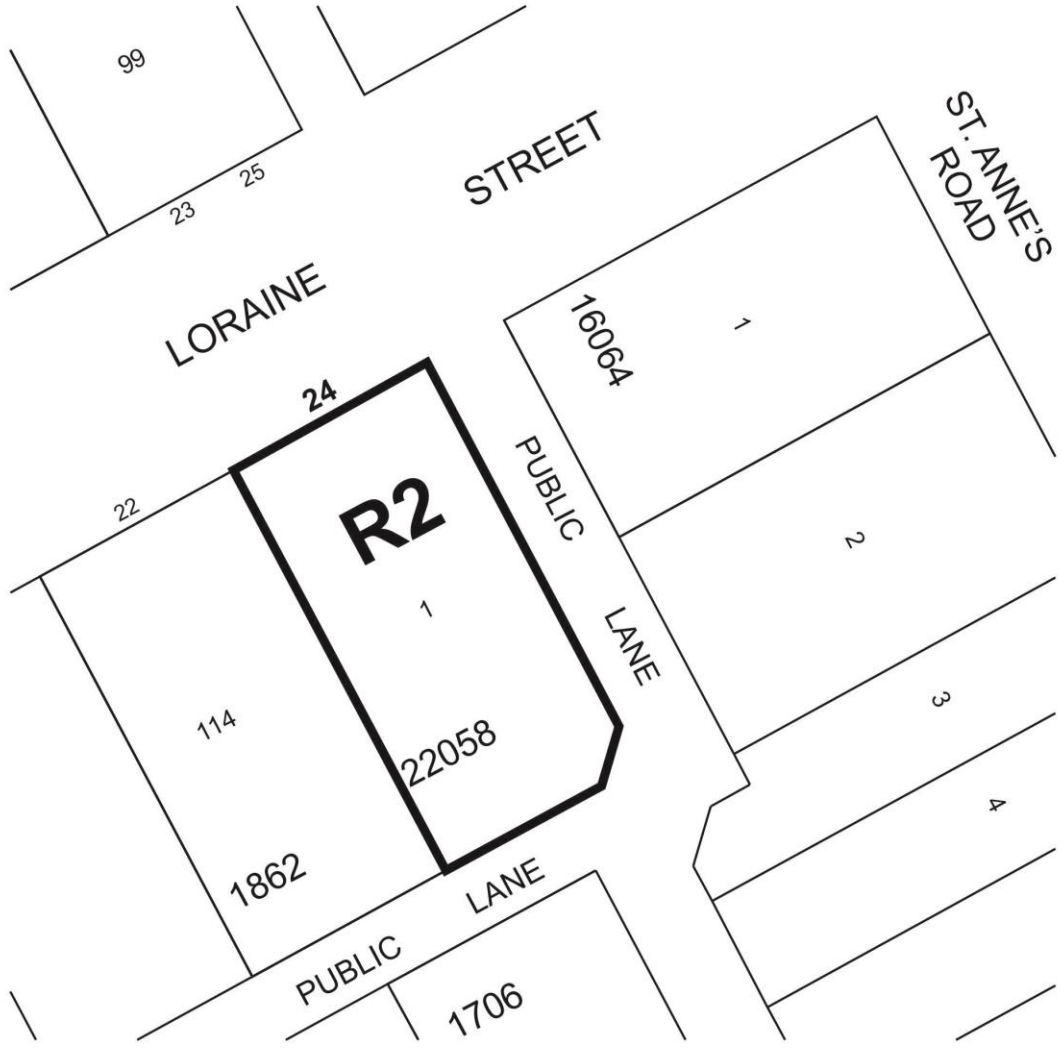
Atlas Sheet No.

N

AD27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 24 Loraine Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a Two-Family Dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____