Minute No. 428
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

Item No. 1 Subdivision and Rezoning – 578 Jessie Avenue
(Fort Rouge – East Fort Garry Ward)
File DASZ 6/2017 [c/r DAV 105729/2017D]

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 plan of subdivision proposed under File No. DASZ 6/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 to an "R2 PDO-1 Corydon- Osborne" Residential Two-Family District.

3. In lieu of the dedication of land, the Developer shall provide 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

COUNCIL DECISION (continued):

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 – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

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 June 14, 2017, 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 June 6, 2017, 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 May 9, 2017, 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 – 578 Jessie Avenue**
File DASZ 6/2017

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

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

Report date: **May 10, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 9, 2017, 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 plan of subdivision proposed under File No. DASZ 6/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 to an "R2 PDO-1 Corydon- Osborne" Residential Two-Family District.

3. In lieu of the dedication of land, the Developer shall provide 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.

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

1. There was very significant and extensive public consultation on this project. We've been through a lot of different hearings and different proposals over the years and this is a very high level of community engagement and I think that should be appreciated. It certainly is a better way of working than some of the previous experiences we've had with other developers and I think that this is commendable that there was such an openness to work so closely with the community.

2. Also, I think that a lot of the specific concerns have been addressed with the front yard setbacks and things like that.

3. The impact of these buildings, I think, is that it's going to be a positive impact on the street when they're in place. They look very nice and there's a lot of consideration to the concerns that have been raised by the community.

4. It's very moderate density increase that is in line with neighbourhood plan that we've adopted.

PUBLIC HEARING SUMMARY

File:	DASZ 6/2017
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	May 9, 2017 Council Building, 510 Main Street
Applicant:	2Architecture Inc. (Chris Burke)
Subject:	



APPLICANT : 2 ARCHITECTURE INC.

FILE : DASZ 6/17

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 PDO-1 CORYDON-OSBORNE" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2 PDO-1 CORYDON-OSBORNE" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the creation of two (2) lots for future residential development. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 578 Jessie Avenue

Exhibits Filed:

1. Application dated February 16, 2017
2. Notification of Public Hearing dated March 16, 2017
3. Manitoba Status of Title 2813909/1
4. Letter of authorization dated October 5, 2016 from Navdeep Tangri, 8341443 Canada Inc. to 2 Architecture Inc.
5. Plans (10 pages)
6. Report from the Urban Planning Division dated April 27, 2017
7. Inspection Report
8. Communication dated May 9, 2017, from Cheryl Hobbs in opposition to the application
9. Recording of Representations

REPRESENTATIONS:

In Support:

Chris Burke
Chris Gilmour
Jay Hingwala
Stephen Maruschak
Navdeep Tangri

In Opposition

Cheryl Hobbs
Neil Schau
Jennifer Toner

For Information:

Nil

For the City:

A. Ross, Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department

Exhibit " 6 " referred to in File DASZ 6/2017

ADMINISTRATIVE REPORT

Title: DASZ 6/2017 – 578 Jessie Ave

Issue: For consideration at the public hearing for a subdivision and rezoning for DASZ 6/2017 – 578 Jessie Ave

Critical Path: City Centre Committee as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Andrew Ross, RPP	B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File No. DASZ 6/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 6/2017 dated May 9, 2017 to an "R2 PDO-1 Corydon- Osborne" Residential Two-Family District.
3. In lieu of the dedication of land, the Developer shall provide 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.
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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.
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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

- 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 may be rezoned and subdivided.

CONSULTATION

In preparing this Report there was consultation with:

N/A

HISTORY

A subdivision and rezoning to “R2” on the subject property was approved by City Centre Community Committee in 2013. Similar variances to those applied for in this application were also approved by City Centre at that time.

Zoning and Permits Division indicates that the 2013 subdivision and rezoning was never enacted. It therefore lapsed and the associated 2013 variances expired.

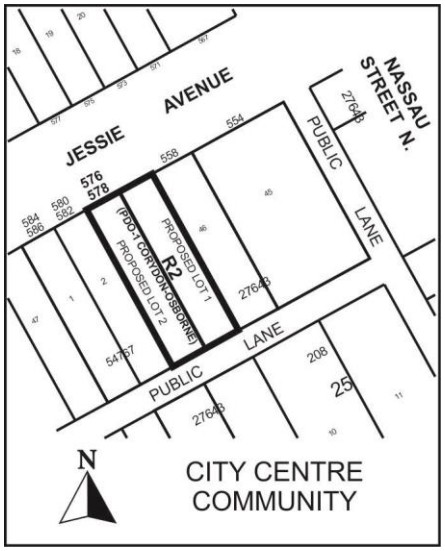
Consequently, a new application is required for the present subdivision and rezoning, and its associated variances (see Associated File No. DAV 105729/2017/D).

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Andrew Ross, RPP, MCIP
Date:	April 27, 2017
File No.	DAZ 6/2017

APPENDIX ‘A’

DATE:	April 27, 2017
FILE:	**DASZ 6/2017**
RELATED FILES:	DAV 17-105729/D, 17 105697 000 00 ZR
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.106
SUBJECT:	To rezone the land from an "R1-S” Residential Single-Family-Small to “R2” Residential Two-Family District.
LOCATION:	578 Jessie Ave
LEGAL DESCRIPTION:	LOT 18 BLOCK 25 PLAN 208 31/5 ST B



APPLICANT: Chris Burke
70 Arthur ST Unit 485
Winnipeg , Manitoba

OWNER: 8341443 CANADA INC.

SITE DESCRIPTION

- The subject property is located on the south side of Jessie Avenue, between Daly and Nassau Streets, in the Earl Grey neighbourhood of the Fort Rouge - East Fort Garry ward.

- The property is currently zoned “R1-S” - Residential Single-family (Small) and contains a single-family dwelling.

- The subject property is 6,021 sq. ft. in size.

- The site is designated as a Mature Community under the Complete Communities Direction Strategy.



Figure 1: Air photo of the location of subject property and surrounding area (2016).

SURROUNDING LAND USE AND ZONING

The immediate area is characterized primarily by single-family development with a mix of two-family and multi-family development. The Corydon Village commercial strip is located one block to the north.

There is regular east/west transit service along Corydon Avenue, high frequency north/south service one block to the east along Pembina Highway, and multiple transit routes two blocks northeast at Confusion Corner. Immediately adjacent land uses include:

North: Single-family residential uses (zoned R1-S – Residential Single Family – Small)

South: Single-family residential uses (zoned R1-S – Residential Single Family – Small)

East: Multi-family residential uses (zoned R1-S – Residential Single Family – Small)

West: Two-family residential uses (zoned R2 – Residential Two Family)

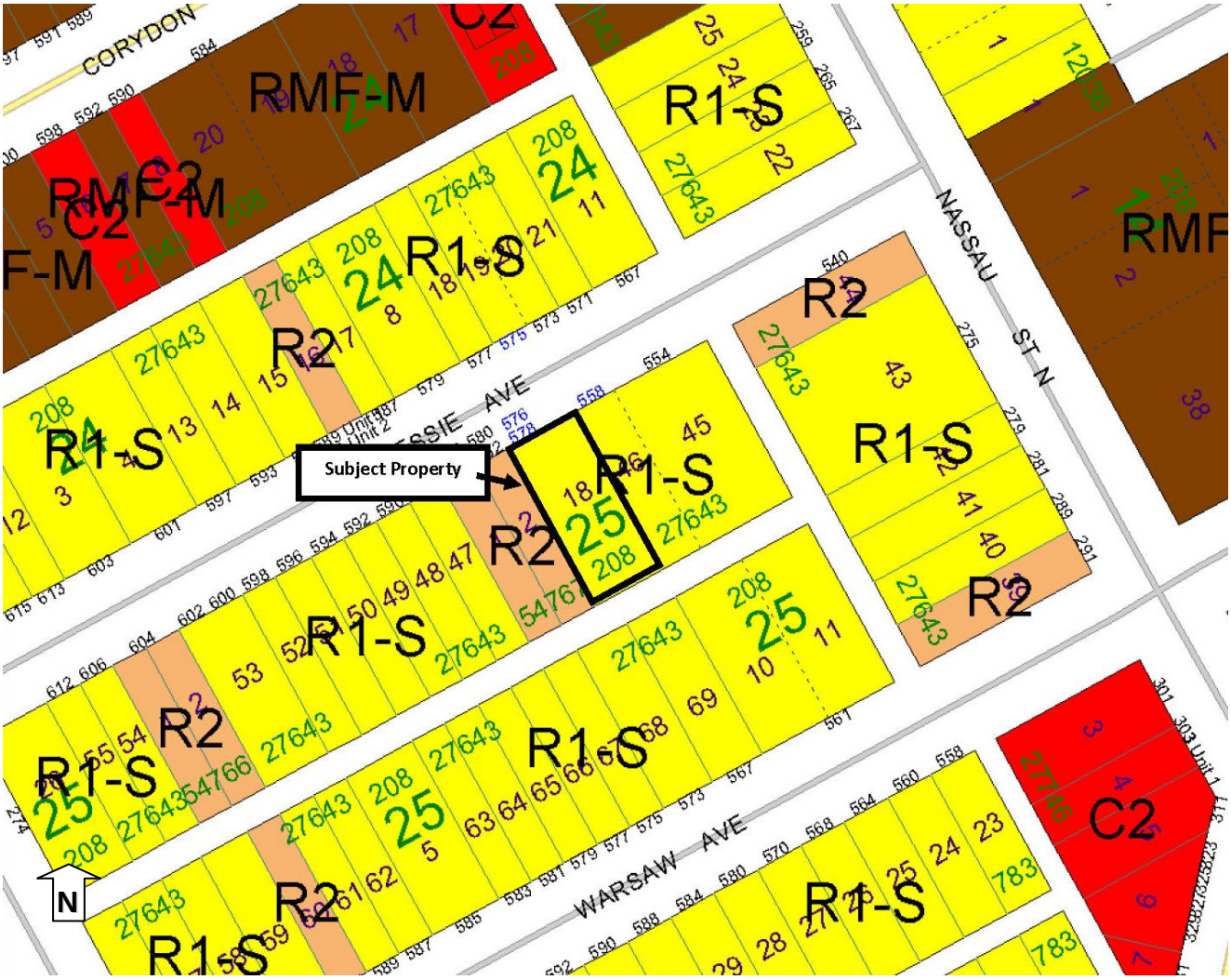


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks a rezoning from "R1-S" Residential Single-Family-Small to "R2" Residential Two-Family in order to develop two residential dwellings with two units each (two duplexes) at 576 and 578 Jessie Avenue.

A subdivision is required in order to create two lots from one existing lot.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

As per the *Complete Communities Direction Strategy,* the proposed development falls within the 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.*

  By providing a minor increase in density from one unit to two units per building while maintaining a form and scale that is consistent with the context, this development complies with this policy intent of Complete Communities.

- *Support Complete Communities by ensuring diverse and high quality housing stock.*

  This two-family proposal adds to the diversity of new housing options in the area.

- *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 two-family proposal helps enhance the diversity of housing options in the area.

Corydon-Osborne Area Plan

The subject property is located within the Lower Density Residential Area of the Corydon-Osborne Area Plan. The following are the applicable policies that apply to this development:

- *3.5.23. Lower Density Residential Areas*
  Up to two-unit development will be permitted, subject to design guidelines / controls. The maximum building height in these areas shall be 3 storeys.

These duplexes align with this policy which supports zoning for two-family dwellings. The dwellings are two-storeys in height, also in compliance with this policy.

The proposal also complies with zoning standards articulated in the Corydon-Osborne Planned Development Overlay (see below); and with the applicable design guidelines identified in the Plan for the Lower Density Residential Area (see Appendix A).

Zoning

Corydon-Osborne Planned Development Overlay (PDO)

For the Lower Density Residential Area, the PDO contains the following regulations governing dimensional and design standards:

- *Maximum lot coverage: 45%* (provided 44.5%)
- *Minimum lot area: 2,500 sq. ft.* (lot area 3,010 sq. ft.)
- *Maximum density of 1,250 sq. ft. of lot area per dwelling unit = 2 units* (provided 2 units)
- *All buildings must provide a main entrance facing a street* (provided)
- *Parking must be located behind buildings* (provided)

This development complies with all of the PDO standards.

OTHER CONSIDERATIONS

Trees
Protection of trees is a consideration within the Corydon-Osborne Area Plan. The Plan identifies that residential development should encourage preservation of mature canopy shade trees and natural areas through good design. The applicant has indicated that:

> *All efforts will be made to protect both the ground near/around mature trees on site and the trees themselves, and only trees that obstruct or hinder the construction of the proposed buildings will be trimmed or removed. No trees on City of Winnipeg property will be removed or modified. If trees are removed, they will be replaced with new trees in areas that would facilitate successful growth.*

Public Engagement
The applicant held the following community engagements:

- November 18, 2016: Pre-consultation meeting with 8 representatives of the Jessie Neighborhood / Corydon-Osborne Voice

- January 4, 2017: Presentation and discussion of plans at meeting of Corydon-Osborne Voice

- February 8, 2017: Public open house at Earl Grey Community Centre. Presentation and discussion of revised plans based on previous feedback. 14 people attended

SUMMARY

The Urban Planning Division supports the subdivision and rezoning, because the development:

- Meets Complete Communities policies by providing a slight increase density in a manner that is complimentary to the existing scale, character and built form
- Meets policies of the Corydon-Osborne Area Plan by maintaining the prescribed maximum of 3 storeys and two dwellings per lot; and meets the applicable Design Guidelines identified for the Lower Density Residential Area
- Complies with all of the regulations of the Corydon-Osborne Planned Development Overlay (PDO)
- Adds to the mix of housing types in the neighbourhood, providing options for Winnipeggers

RECOMMENDATIONS

The Urban Planning Division recommends that the application be approved and that the subject property be subdivided and rezoned to an “R2” Residential Two-Family District.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross, MCIP, RPP
DASZ 6/2017 – 578 Jessie Ave

Schedule “A” for File No. DASZ 6/2017, City Centre Community Committee, May 9, 2017

By-Law No. _____

File No. **DASZ 6/17**

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 578 Jessie Avenue from an “R1-S PDO-1 CORYDON-OSBORNE” RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an “R2 PDO-1 CORYDON-OSBORNE” RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the creation of two (2) lots for future residential development as shown outlined below.

Atlas Sheet No.

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AC24
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____