Agenda - Council – December 14, 2011

Report - Standing Policy Committee on Property and Development – November 29, 2011

Item No. 5 Subdivision and Rezoning – 108 Scotia Street (Mynarski Ward) File DASZ 32/2011

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, did not concur in the recommendation of the Lord Selkirk - West Kildonan Community Committee, and recommends to Council:

1. That the plan of subdivision proposed under File DASZ 32/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2011 dated November 2, 2011 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. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 32/2011 dated November 2, 2011 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That prior to the issuance of any building or development permits, plans shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk - West Kildonan Community Committee for approval, showing detailed elevations / design and landscaping of the proposed development, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

Report - Standing Policy Committee on Property and Development – November 29, 2011

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

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 planned area, provided that the said effective date occurs within one year of the date by-law is passed.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

9. 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, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. 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.

11. 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.

12. 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 – November 29, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2011, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee, concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 2 by adding the following at the end thereof:

  ", subject to the following:

  A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

     i. That prior to the issuance of any building or development permits, plans shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk - West Kildonan Community Committee for approval, showing detailed elevations / design and landscaping of the proposed development, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property and Development."

- Add the following new Recommendations 6. and 7. and renumber the remaining Recommendations accordingly:

  "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 planned area, provided that the said effective date occurs within one year of the date by-law is passed.

Report - Standing Policy Committee on Property and Development – November 29, 2011

DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION: (continued)

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

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2011, the Lord Selkirk - West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 32/2011 be rejected.

RE: **Subdivision and Rezoning – 108 Scotia Street**
File DASZ 32/2011 [c/r DCU 160617/2011D]

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **November 17, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2011, the Lord Selkirk - West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and that the application for subdivision and rezoning under File DASZ 32/2011 [c/r DCU 160617/2011D] be rejected.

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The proposal to allow for the construction of a multi-family dwelling of four (4) units is massive and does not fit on the subject site.

2. Although it is agreed that density needs to be achieved in this area in accordance with Our Winnipeg, density on the site can be established with two (2) lots without rezoning the property to a "R2" Residential Two-Family District and creating one (1) lot and establishing a multi-family dwelling.

3. Multi-family dwellings can be established on corners or feeder streets and many other locations between the 2 parks on Scotia Street; however, the subject site is not the appropriate place to achieve the density of a four dwelling unit.

PUBLIC HEARING SUMMARY

File: DASZ 32/2011

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: November 15, 2011
West Committee Room
Council Building, 510 Main Street

Applicant: Fairview Custom Homes Ltd. (Paramjit Shahi)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : FAIRVIEW CUSTOM HOMES LTD.
FILE : DASZ 32/11
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-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multiple family dwelling (4 units). **For information, phone Mr. J. Veitch, Planner, at 986-7728.**

Premises Affected: 108 Scotia Street

Exhibits Filed:

1. Application dated September 10, 2011
2. Notification of Public Hearing dated September 30, 2011
3. Manitoba Status of Title 2520885
4. Plans (3 pages)
5. Report from the Planning and Land Use Division dated November 2, 2011
6. Inspection Report

7. Audio Recording of representations of public hearing held on November 15, 2011
8. Plans (2 pages) submitted by Brian Mansky at the public hearing
9. Photograph submitted by Henderikus Pops at the public hearing
10. Petition in opposition to the application purporting to contain the signatures of 24 area residents, submitted by Kory Bodnaryk at the public hearing
11. Petition in opposition to the application purporting to contain the signatures of 86 area residents, submitted by Kory Bodnaryk at the public hearing
12. Photographs (4) submitted by Kaeryn Gregory at the public hearing
13. Drawing of subject property submitted by Kaeryn Gregory at the public hearing
14. Communication dated November 15, 2011 addressed to Kaeryn Gregory, from Crosier Kilgour & Partners Ltd., with respect to snow build up on the roof of 112 Scotia Street, submitted by Kaeryn Gregory at the public hearing

REPRESENTATIONS:

In Support:

Mohammad Farooq
Brian Mansky
Davinder Pal Singh
Sam Sandhu
Harpreet S. Shahi
Paramjit Shahi
Barjinder S. Tuimd

In Opposition:

Kory Bodnaryk
Judy Burns
Gary Charlton
Maureen Early
Kaeryn Gregory
Caiti Kopachena
Ricky Kraut
Doug Kuizenga

Joann Leighton
Brent Morden
Carolyn Nance
Jennifer Petrowski
Henderikus Pops
Allison Slessor
Dudley Thompson
Judy Wasylycia-Leis
Mike Wolchock
Peter Woloschiniwsky
Markian Yereniuk
Kathleen Youngson

For Information:

Nil

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 32/2011

ADMINISTRATIVE REPORT

Title: **DASZ 32/2011** – 108 Scotia Street

Issue: For consideration at the Public Hearing for the subdivision / consolidation of two (2) lots into one (1) lot and rezoning from 'R1-M' Residential Single-Family Medium to 'R2' Residential Two-Family

Critical Path: Lord Selkirk / West Kildonan 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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 32/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2011 dated November 2, 2011 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. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 32/2011 dated November 2, 2011 to an "R2" Residential Two-Family District.
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 Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.
7. 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, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. 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.

9. 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.

10. 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 consolidate and rezone the subject lots from to 'R1-M' Residential Single Family to 'R2' Two-Family in order to create one (1) lot for a 4-unit residential development,
- The consolidated subject site will be 6,538 square feet,
- A Conditional Use application is required to allow the establishment of the Multiple Family use in the 'R2' Zone,
- Subdivisions and rezonings 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, with the associated Conditional Use being approved, the two (2) lots will be consolidated into one (1) lot and rezoned from 'R1-M' to 'R2'.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	James Veitch
Date:	November 2, 2011
File No.	DASZ 32/11

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Recommended File No. DASZ 32/11 Lord Selkirk / West Kildonan Community Committee, dated November 2, 2011

APPENDIX 'A'

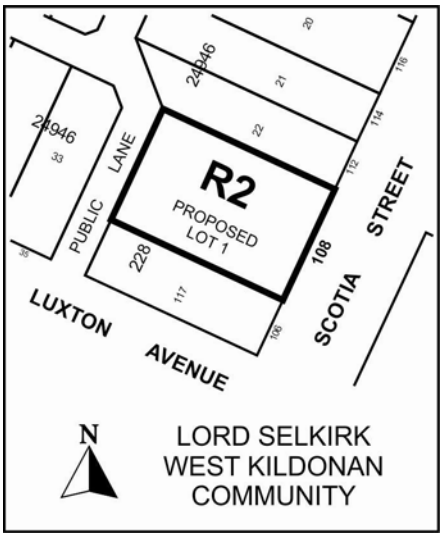
DATE: November 2, 2011

FILE: **DASZ 32/11**
RELATED FILES: DCU 11-160617/D

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.305 (Luxton)

SUBJECT: To subdivide, (consolidate) and rezone 2 lots from 'R1-M' to 'R2' in order to create one (1) two-family residential lot.

LOCATION: 108 Scotia Street
LOTS 115 & 116, BLK 1, Plan 228



APPLICANT: Fairview Custom Homes Ltd. (Mr. Paramjit Shahi)
18 Blackbird Place
Winnipeg, MB. R3T 5X4

OWNERS: Fairview Custom Homes Ltd. (Mr. Paramjit Shahi)
18 Blackbird Place
Winnipeg, MB. R3T 5X4

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The **6,538 square foot subject site** is located on the west side of Scotia Street one lot north of the Luxton Avenue intersection. This area is the Luxton Neighbourhood which is within the Mynarski Ward.
- The site is approximately **66 feet wide by 99 feet in depth**, it is zoned 'R1-M' Residential Single Family Medium and is currently vacant due to a recent house fire.
- The site is within the *OurWinnipeg / Complete Communities* Areas of Stability – Mature Communities Policy Area. The neighbouring properties are zoned 'R1-M' Residential Single-Family Medium and 'R2' Residential Two Family.



Figure 1: Subject Site (Aerial Flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2 below)

North: 'R1-M' Residential Single Family Medium
South: 'R1-M' Residential Single Family Medium
East: Scotia Street then 'R1-M' Residential Single Family Medium (Single family homes & a 10-unit multiplex)
West: Rear lane then 'R2' Residential Two-Family

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate, subdivide and rezone the site area from 'R1-M' Single Family to 'R2' Residential Two-Family in order to create one (1) lot for 4-unit residential development,
- The drawings submitted illustrate a two-storey multiple family dwelling, with a 22 foot front yard, a 29 foot rear yard and side yards of 6.2 (south) and 6.3 feet (north),
- Cultured stone, siding and stucco are the finishing materials indicated,
- The proposal will also provide a parking area accessed off the rear lane with 7 stalls,
- A Conditional Use application, (DCU 11-160617D) is also required to establish the Multiple Family use in the 'R2' Residential Two-Family zone.

ANALYSIS AND ISSUES

OURWINNIPEG / COMPLETE COMMUNITIES

The Luxton Neighbourhood is identified as a *Mature Community* within an *Area of Stability* in the *Complete Communities Direction Strategy.* The proposal to develop a 4-unit multiple family dwelling on the vacant site within a mixed density residential area aligns with the City's *OurWinnipeg Development Plan.*

- *OurWinnipeg Development Plan*
    - Council's guide to City Building for the next 25 years,
    - The Conference Board of Canada is projecting significant population growth for Winnipeg over the coming years; 10,000 people per year totalling more than 180,000 new Winnipegers by 2031 – requiring 83,000 new dwelling units, (with only a 13 years of residential land supply),
    - Based on our population increases to date, Winnipeg is already outperforming these estimates,
    - *OurWinnipeg* states:
        - ***'Provide Options to Accommodate Growth'***

        'A successful strategy for sustainable city growth needs to be balanced, using a variety of approaches. We need to strike a balance between 'growing out' and 'growing up,' ***offering choices from traditional, single-family neighbourhoods*** *to more dense forms of urban housing…'*
- *Areas of Stability*
    - Support Low to moderate change in low density neighbourhoods through development and redevelopment that is complementary 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,
    - Areas of Stability – areas where moderate change is anticipated that present some of the best opportunities to accommodate infill development and to increase the range of housing for families and individuals within areas that take advantage of existing infrastructure, transit and amenities such as local retail, schools, parks and community services.

- *Mature Communities*
    - *'Mature Communities represent some of the most "complete" existing communities in Winnipeg. They present some of the best opportunities to accommodate infill development, to increase housing choice and maximize the use of existing infrastructure.'* (04-1 Mature Communities, p.82 Complete Communities)
    - *'…expand housing opportunities through infill development.'* (Direction 1, Mature Communities, p.85 Complete Communities)

Compatibility with Existing Neighbourhood and Surrounding Uses
This area of the Luxton Neighbourhood is characterized by a range of residential zones, lot sizes and dwelling densities. The residential blocks of Polson, Luxton and Inkster Avenues are zoned 'R2' Residential Two-Family. Scotia Avenue is zoned 'R1-M' Residential Single Family.

Currently there are 27 multiple family uses; (23 duplexes & 4 multiplexes) within the immediate area. As noted in the chart below, Scotia Street has the majority of the multiplexes with two 5-unit complexes located at 226 Scotia and 236 Scotia as well as a 10-unit complex directly across the street from the subject site at 105 Scotia Street.

Existing Zoning (See Figure 2):

- Scotia Street East & West Sides – 'R1-M' Residential Single Family Medium
- Luxton Avenue North & South Sides – 'R2' Residential Two-Family
- Inkster Avenue North & South Sides - 'R2' Residential Two-Family
- Polson Avenue North Side - 'R2' Residential Two-Family
- Polson Avenue South Side – 'R1-M' Residential Single Family Medium

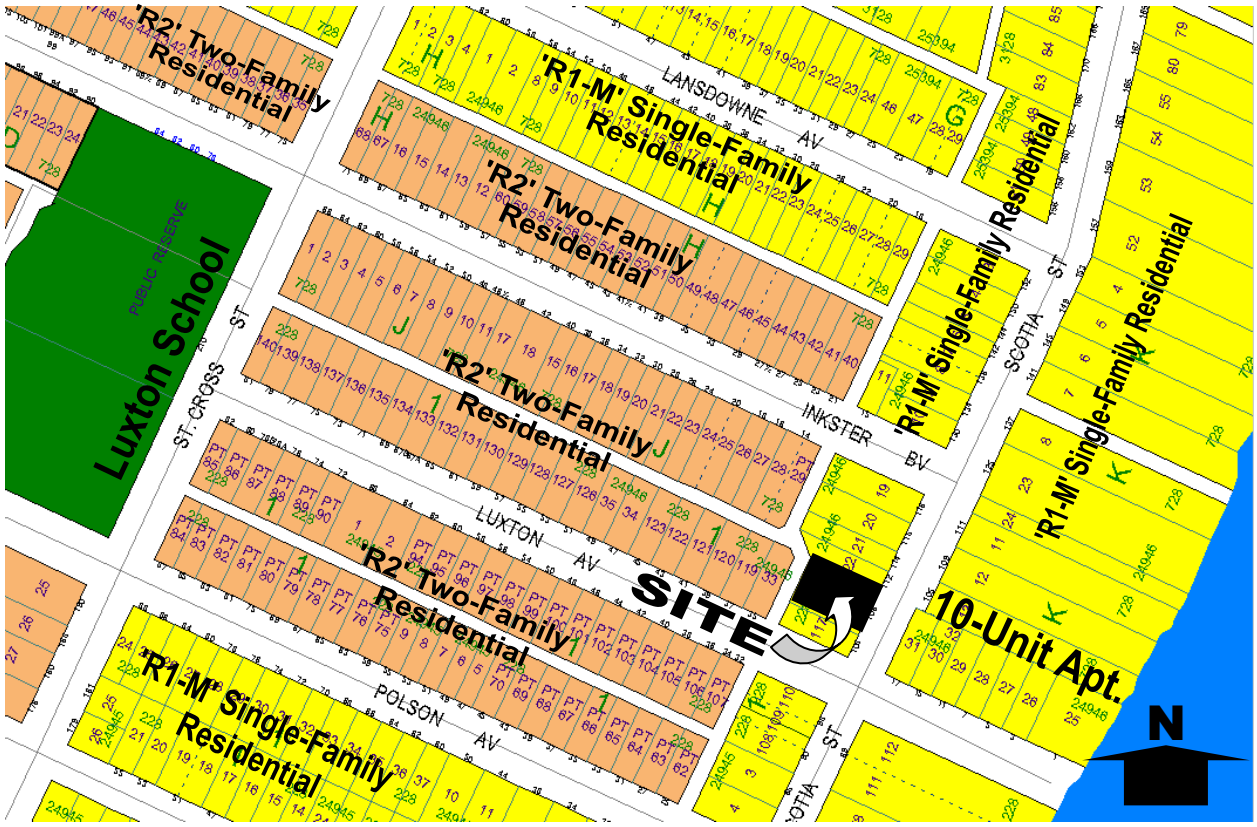


Figure 2: Zoning of the Site and Surrounding Area

Existing Multi-family:

STREET NAME	BLOCK	ZONE	DUPLEX	MULTI-PLEX
Scotia Street	Cathedral Ave. to Forrest Ave.	'R1-M' Residential Single Family	7 Duplexes	3 Multiplexes (21 Suites)
Luxton Avenue	St. Cross St. to Scotia Street	'R2' Residential Two Family	9 Duplexes	1 Multiplex (3 Suites)
Inkster Avenue	St. Cross St. to Scotia Street	'R2' Residential Two Family	1 Duplex	N/A
Polson Avenue	St. Cross St. to Scotia Street	'R2' Residential Tow Family	6 Duplexes	N/A
TOTALS			**23 Duplexes**	**4 Multiplexes (24 suites)**

Site Design
The applicant intends to build a two-storey, side by side style 4-unit multiplex with two units on the main floor and two on the second floor. The construction will meet or exceed all of the bulk requirements in the 'R2' Two Family Residential zone as no variances are being contemplated. The building will be set back 22 feet from the front property line, with a 29 foot rear yard which will include 7 parking stalls accessed off the rear lane. The south side yard will be 6.2 feet while the north side yard will be 6.3 feet. It should be noted that this is an additional 2.3 and 2.2 feet greater than the 4 foot side yard requirement in the Zoning by-law for 'R2' and 'R1-M'.

The height of the building, (to the middle of the roof) is 30 feet +/-; the Zoning by-law allows a maximum height measured to the middle of the roof pitch of 35 feet. The construction materials will be a combination of Cultured Stone, siding, wood and stucco. Significant landscaping will be provided as well as a potential wood privacy fence if required by Community Committee.

The Urban Planning Division will be recommending a 'Plan Approval' clause be included with the Conditional use application that will allow the Lord Selkirk / West Kildonan Community Committee final approval of all site and building design elements prior to any development permits being issued.

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

- The project is supported by the City's Development Plan and the Complete Communities Direction Strategy,
- The rezoning, construction and density fits with the form and character of the immediate neighbourhood,
- The proposed infill development providing additional much needed housing stock at a minimal density increase is in line with the policies of the City's Development Plan *OurWinnipeg* and our *Complete Communities Direction Strategy*.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: James Veitch
PPD File # DASZ 32/11

Schedule "A" for File No. DASZ 32/2011, Lord Selkirk / West Kildonan Community Committee, dated November 2, 2011

By-Law No. _____

File No. **DASZ 32/11**

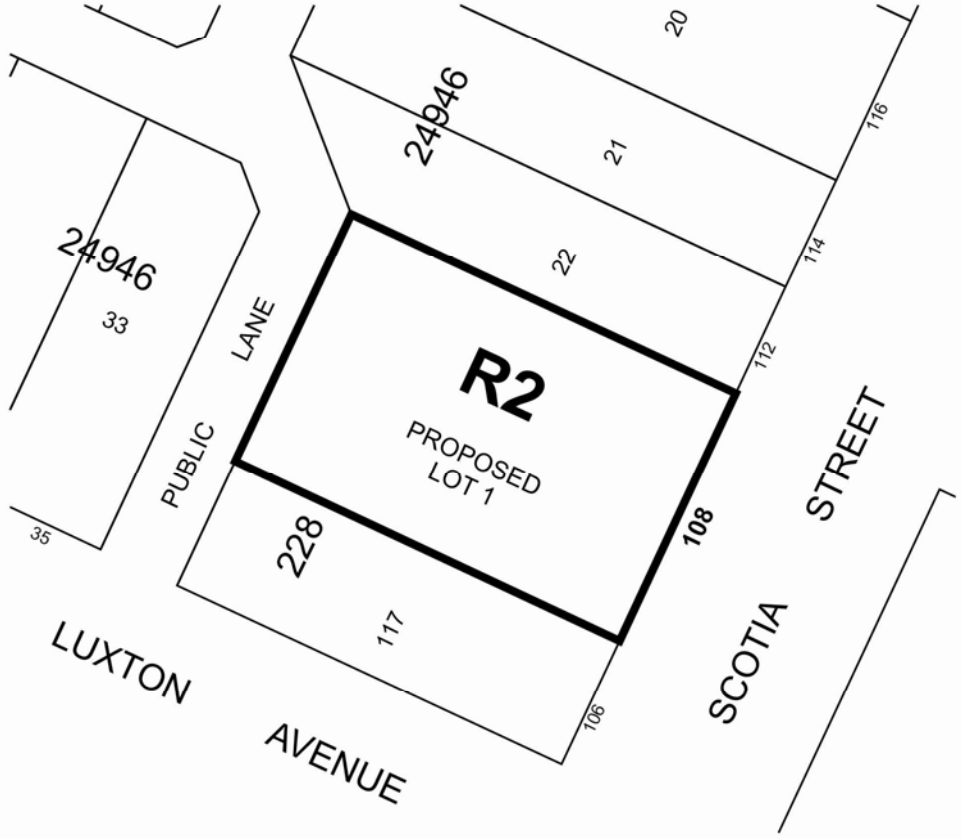
Atlas Sheet No. **W26**

N

LORD SELKIRK WEST KILDONAN 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 108 Scotia Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multiple family dwelling (4 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____