**Agenda – Council – February 22, 2012**

**Report – Executive Policy Committee – February 15, 2012**

**Item No. 3 Rezoning – Parcels "A" and "B", Plan 47654, River Park South (St. Norbert Ward) File DAZ 229/2011**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits 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 229/2011 dated January 26, 2012 to an "R1-M" Residential Single-Family District.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. 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 – February 15, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 6, 2012, 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– Parcels "A" and "B", Plan 47654, River Park South**
**File DAZ 229/2011**

**For submission to:** **Executive Policy Committee**

**Prepared by:** **Marc Pittet, Senior Committee Clerk**
**Riel Community Committee**

**Report date:** **February 7, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 6, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends 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 229/2011 dated January 26, 2012 to an "R1-M" Residential Single-Family District.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. 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 for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 26, 2012.

**PUBLIC HEARING SUMMARY**

File: DAZ 229/2011

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: February 6, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: River Park South Development Inc.

Subject:




Premises Affected: Parcels “A” and “B”, Plan 47654, River Park South

Exhibits Filed:

1. Application dated December 13, 2011
2. Notification of Public Hearing dated January 13, 2012
3. Manitoba Status of Title 2313308
4. Letter of authorization dated March 18, 2011 from The City of Winnipeg to Qualico Development (Winnipeg) Ltd.
5. Surveyor's Building Location Certificate and sketch dated August 30, 2011
6. Report from the Planning and Land Use Division dated January 26, 2012
7. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

Nil

For Information:

Jim Kulik
Rapesh Patel
Sarjaykumar Patel

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. B. Ward, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 229/2011

# ADMINISTRATIVE REPORT

**Title:** DAZ 229/2011 – Lot South of Aldgate Road, Between St. Mary's and St. Anne's Road (Lot 2 Block 1 Deposit Number 1265-2011) Public Hearing

**Issue:** For consideration at the Public Hearing for a rezoning from RR5 to R1-M to create one single-family lot.

**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 |
|---|---|---|---|
| P. Regan | 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 229/2011 dated January 26, 2012 to an "R1-M" Residential Single-Family District.
2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.
3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.
4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
5. 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 7,500 square foot lot from RR5 to R1-M to allow for the future development of a detached single-family home on the lot.

- 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 RR5 to R1-M allowing for the construction of a detached single-family home on the property.

## HISTORY

*DASZ 9/2011 (By-Law 89/2011)*

- On June 22, 2011, Council approved the subdivision and rezoning of approximately 138 acres of land north of the Perimeter Highway in between St. Mary's Road and St. Anne's Road.
- Under this application, 3 parcels of land that were original applied to be rezoned to PR1 were approved by Council to remain zoned RR5:
    - *That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 9/2011 dated May 9, 2011 to "R1-S" and "R1-M" Single Family Districts and a "PR1" Parks and Recreational District, with the exception of the slivers of land located directly south of both Elsey Road and Twickenham and the most southerly 50m of the sliver between Scammel and Tilstone, which shall remain RR5 Rural Residential 5 District.*
- The subject property is one of these parcels that the applicant is now proposing to rezone from RR5 to R1-M.

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Date: | January 26, 2012 |
| File No. | DAZ 229/11 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 229/11

**APPENDIX 'A'**

**DATE:** January 26, 2012

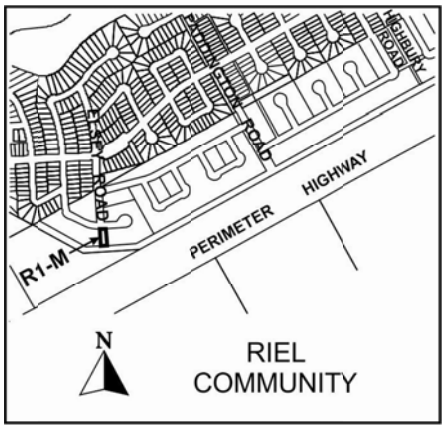
**FILE:** DAZ 229/11
**RELATED FILES:** DASZ 9/2011, DASSF 566/11

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.529

**SUBJECT:** To rezone the subject land from "RR5" Rural Residential 5 to "R1-M" Residential Single-Family Medium in order to allow for the future development of one detached single-family home on the lot.

**LOCATION:** South of Aldgate Road, between St. Mary's and St. Anne's Road

**LEGAL DESCRIPTION:** Lot 2 Block 1 Deposit No. 1265-2011




**APPLICANT:** River Park South Developments Inc.
1 David Friesen Drive
WINNIPEG MB R3X 0G8

**OWNER:** City of Winnipeg

**RECOMMENDATION:** Approval

## REPORT SUMMARY

- The applicant is proposing to rezone the 7,500 square foot lot from RR5 to R1-M to allow for the future development of a detached single-family home on the lot.
- The Urban Planning Division recommends supporting this application.

## SITE DESCRIPTION

- The subject property is located near Elsey Road, south of Aldgate Road in the River Park South neighbourhood of the St. Norbert Ward.
- The property is undeveloped and is currently in the process of being registered at Land Titles as Lot 2 Block 1 Deposit No. 1265-2011 (under DASZ 9/2011), and will eventually be registered under a different lot, block, and plan number once DASSF 566/11 comes into force and effect. The current description on deposit at Land Titles for the property under DASSF 566/11 is Lot 12 Block 1 Deposit No. 1321-2011.
- The site is **approximately 7,500 square feet in area.**
- The property is zoned RR5 and is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.




**Figure 1: Aerial photograph showing approximate area of subject property and surrounding area (2009)**

**SURROUNDING LAND USES & ZONING**

- The site is surrounded by undeveloped land that is currently zoned RR5, but in the process of being rezoned to R1-M under DASZ 9/2011.
- It should be noted that the actual rezoning of the surrounding properties will occur in phases when a plan of subdivision which defines blocks and lots for that phase (which is typically done through a DASSF or short-form subdivision) is registered in the Winnipeg Land Titles Office and a Zoning Agreement for that phase is registered. The associated DASSF for the subject property is DASSF 566/2011.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to rezone the 7,500 square foot lot from RR5 to R1-M to allow for the future development of a detached single-family home on the lot.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is within the Areas of Stability – Recent Communities policy area. Key relevant 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.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.

ZONING

*"RR5" Rural Residential 5 District*

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

*"R1-M" Residential Single-Family Medium District*

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

*Rezoning*

- The subject lot is zoned RR5. As the lot is less than 5 acres in area, the lot is unbuildable under the Zoning By-Law. The lot meets the dimensional standards of the R1-M zone. As such, the applicant would like to rezone the lot to R1-M in order to create a buildable single-family lot.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject property was proposed as a PR1-zoned connection under the original application DASZ 9/2011. However, it was determined by the Riel Community Committee and ultimately Council that this connection was not required. As such, the property was not rezoned and the underlying zoning – RR5 – remained in place.
- The applicant is now proposing to rezone the lot to R1-M in order to create a buildable lot for a single-family home.
- All of the lots surrounding the subject property are zoned R1-M.

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 reason:

- All of the lots surrounding the subject property are zoned R1-M.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 229/11

**Schedule "A" for File No. DAZ 229/2011, Riel Community Committee, dated January 26, 2012**

By-Law No. _____

File No. **DAZ 229/11**

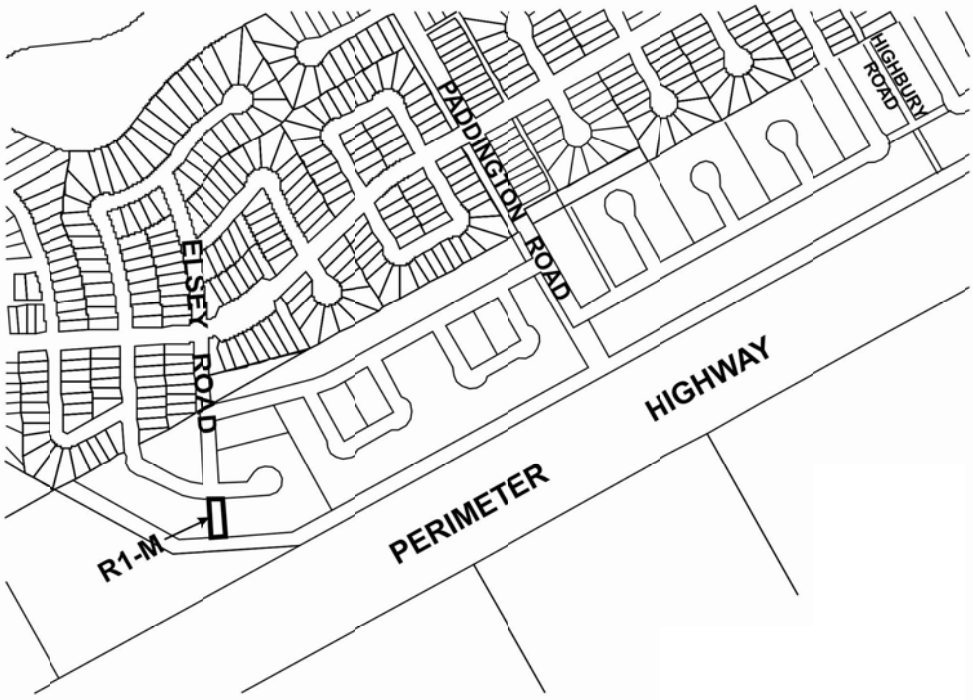
Atlas Sheet No.

N

**AL27**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located in River Park South, adjacent Perimeter Highway from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____