**Agenda – Council – May 30, 2012**

**Report – Executive Policy Committee – May 16, 2012**

**Item No. 2 Rezoning – 2 – 54 Shady Shores Drive West**
**(St. Boniface Ward)**
**File DAZ 203/2012**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 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 203/2012 dated April 24, 2012 to an "R2" Residential Two-Family District.

2. That Caveat 4021771 be withdrawn as it affects the subject site.

3. 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.

4. 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.

5. 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.

6. 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.

**Agenda – Council – May 30, 2012**

**Report – Executive Policy Committee – May 16, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 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 – 2 – 54 Shady Shores Drive West**
**File DAZ 203/2012**

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

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

**Report date:** **May 8, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 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 203/2012 dated April 24, 2012 to an "R2" Residential Two-Family District.

2. That Caveat 4021771 be withdrawn as it affects the subject site.

3. 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.

4. 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.

5. 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.

6. 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 April 24, 2012.

## PUBLIC HEARING SUMMARY

File: DAZ 203/2012

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

Public Hearing: May 7, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: Terracon Development Ltd. (Chris Thorne-Tjomsland)

Subject:

Premises Affected: 2 – 54 Shady Shores Drive West

Exhibits Filed:

1. Application dated March 13, 2012
2. Notification of Public Hearing dated March 21, 2012
3. Manitoba Status of Titles 2542621, 254625, 2542632, 1542634, 2542636, 2542638, 2542640, 2542645, 2542648, 2542652, 2542653, 2542654, 2542656,
4. Caveat No. 4021769 dated December 7, 2010
5. Letter of authorization dated December 22, 2011 from Bernadette MacKenzie, Waterside Development Corp. to Terracon Development Ltd. (Michael Falk and Chris Thorne-Tjomsland)
6. Surveyor's Building Location Certificate and sketch dated October l7, 2011
7. Plan
8. Report from the Planning and Land Use Division dated April 24, 2012
9. Inspection Report
10. Communication in support of the application submitted by Michael Falk at the Public Hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Falk
Matt Glavin

In Opposition

Nil

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
Robert Kostiuk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 203/2012

# ADMINISTRATIVE REPORT

**Title:** DAZ 203/2012 – 2-54 Shady Shores Drive West Public Hearing

**Issue:** An application for consideration at the Public Hearing for a rezoning from RMU to R2.

**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 203/2012 dated April 24, 2012 to an "R2" Residential Two-Family District.
2. That Caveat 4021771 be withdrawn as it affects the subject site.
3. 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.
4. 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.
5. 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.
6. 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 site from "RMU" Residential Mixed-Use to "R2" Residential Two-Family.

- The applicant has an associated short-form subdivision (DASSF 506/2012) submitted in order to create twenty-six (26) lots that all conform to the R2 standards of the Zoning By-law. A total of thirteen (13) two-family dwellings (twenty-six (26) dwelling units) are proposed on the lots.
- The applicant is proposing to down-zone the land from RMU to R2 because the applicant is not proposing commercial uses on the site, which are permitted in the RMU zone. As such, the R2 zoning offers greater conformity to what is to be built on the site.
- 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 RMU to R2.

## HISTORY

*PW 5/2008*

- On February 18, 2009, Council recommended approval to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 by re-designating lands within the St. Boniface Industrial Park, and generally described as being located west of Plessis Road south of the CNR mainline, from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for second reading.
- On April 29, 2009 Council enacted the Plan Winnipeg Amendment PW 5/2008 under By-Law 149/2008 via third reading.

*DASZ 33/2008*

- On February 18, 2009, Council recommended approval of the subdivision and rezoning of land south of Dugald Road and West of Plessis Road. This application included the rezoning the subject property from RR5 and M1 to RMU. On March 25, 2009, By-law 41/2009 was passed enacting the subdivision and rezoning.
- A zoning agreement was included as a condition of approval for DASZ 33/2008. The conditions of the zoning agreement, which were registered on the land as caveat 4021771, are as follows:

    i. That for the land zoned "RMU Commercial Mixed Use District"; the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage, to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

ii. That for the land zoned “RMU Commercial Mixed Use District” be restricted as follows;

1. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

2. That no illuminated signage be erected on the south side of any buildings;

iii. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the residential mixed use property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial or residential land use;

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Date: | April 24, 2012 |
| File No. | DAZ 203/2012 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 203/2012

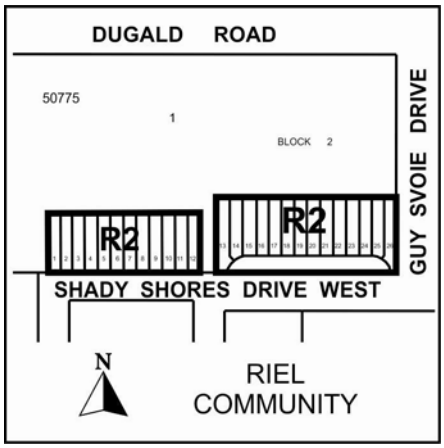
**APPENDIX 'A'**

**DATE:** April 24, 2012
**FILE:** DAZ 203/2012
**RELATED FILES:** DASSF 506/2012, DASSF 521/2011, PW 5/2008, DASZ 33/2008, DASZ 20/2008,

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.537

**SUBJECT:** To rezone the subject land from "RMU" Residential Mixed Use to "R2" Residential Two-Family.

**LOCATION:** 2-54 Shady Shores Drive West
**LEGAL DESCRIPTION:** LOTS 1-13 PLAN 51704




**APPLICANT:** Terracon Development Ltd. (Chris Thorne-Tjomsland)
1 Terracon Place
Winnipeg, MB R2J 4B3

**OWNER:** Waterside Development Corporation (Bernadette Mackenzie)
80 Southmoor Rd.
Winnipeg, MB R2J 2P4

**RECOMMENDATION:** Approval

**REPORT SUMMARY**

- The applicant is proposing to rezone the site from "RMU" Residential Mixed-Use to "R2" Residential Two-Family.
- The applicant has an associated short-form subdivision (DASSF 506/2012) submitted in order to create twenty-six (26) lots that all conform to the R2 standards of the Zoning By-law. A total of thirteen (13) two-family dwellings (twenty-six (26) dwelling units) are proposed on the lots.
- The Urban Planning Division recommends supporting this application.

## SITE DESCRIPTION

- The subject property is located on the northwest corner of the Guy Savoie Drive and Shady Shores Drive West intersection in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward.
- The site is **approximately 70,210 square feet (1.61 acres) in area** and is predominantly vacant.
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "RMU" Residential Mixed Use.

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

## SURROUNDING LAND USES & ZONING (See Figure 2)

**North:** Four-storey multi-family buildings zoned RMU.

**South:** Shady Shores Drive West and detached single-family homes that are currently under construction and zoned R1-M.

**East:** Guy Savoie Drive and vacant land zoned CMU (proposed as R2 and R1-M under DASZ 3/2012).

**West:** A four-storey multi-family buildings zoned RMU that is part of the same complex north of the site.

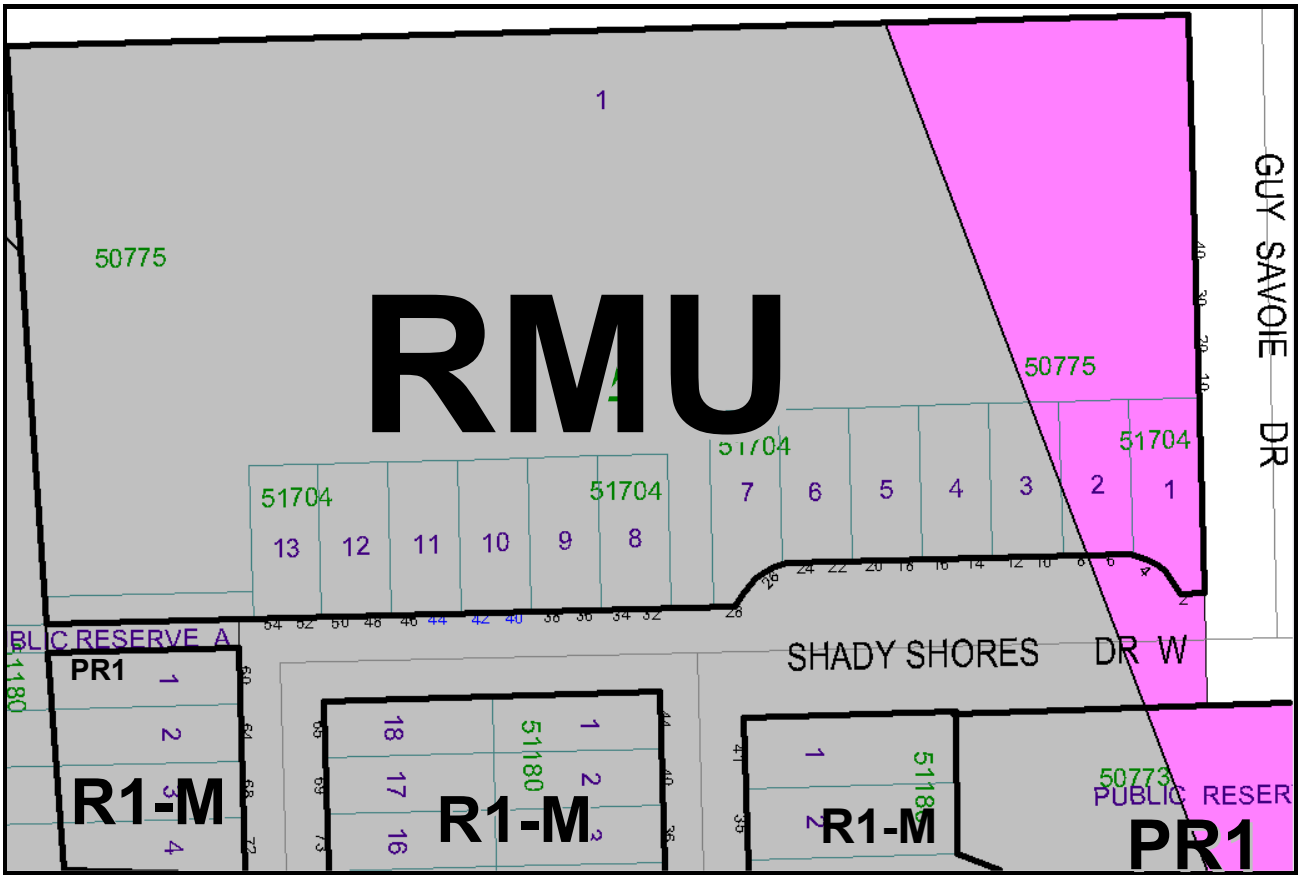



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “RMU” Residential Mixed-Use to “R2” Residential Two-Family.
- The applicant has an associated short-form subdivision (DASSF 506/2012) submitted in order to create twenty-six (26) lots that all conform to the R2 standards of the Zoning By-law. A total of thirteen (13) two-family dwellings (twenty-six (26) dwelling units) are proposed on the lots.
- Two-family dwellings are a permitted use under the existing RMU zoning for the site. Any two-family dwelling lot and/or structure proposed in the RMU zone must meet the dimensional standards of the R2 zoning district.

## ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. 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 address the transition between new and existing developments.
- 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.

ZONING

*"RMU" Residential Mixed-Use*

- The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum lot area of 9,000 square feet; minimum front yard of 20 feet; a minimum rear yard of 25 feet; minimum side yard of 5 feet; and, a maximum building height of 100 feet, and a maximum lot area per dwelling unit of 500 square feet.

*"R2" Residential Two-Family Large District*

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

LAND USE BY-LAW

*Rezoning*

- The applicant is proposing to down-zone the land from RMU to R2 because the applicant is not proposing commercial uses on the site, which are permitted in the RMU zone. As such, the R2 zoning offers greater conformity to what is to be built on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed rezoning is consistent with the Complete Communities Direction Strategy, which promotes a mix of housing types and tenure in the Recent Communities Policy Area.
- The R2 zoning provides a good transition in terms of built form and density between the four storey multi-family development (zoned RMU) to the north and single-family homes (zoned R1-M) located south of the subject property and Shady Shores Drive West.
- The proposed two-family use for the site is permitted under the existing RMU zone. However, rezoning the subject site to R2 provides greater conformity between the zoning and what is actually going to be built on the site.

REMOVAL OF ZONING AGREEMENT CAVEAT 4021771

- A zoning agreement was included as a condition of approval for DASZ 33/2008, which rezoned the subject property to RMU.
- The conditions of the zoning agreement were registered on the land as caveat 4021771 and pertained to higher-intensity development that is permitted in the RMU zone.
- These conditions are no longer relevant to the land if it is rezoned to R2. As such, the Urban Planning Division recommends withdrawing caveat 4021771 as a condition of approval for the subject application.

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 proposed rezoning is consistent with the Complete Communities Direction Strategy.
- The R2 zoning provides a good transition in terms of built form and density between the developments located north and south of the site.
- The proposed two-family use for the site is permitted under the existing RMU zone.
- Rezoning the subject site to R2 provides greater conformity between the zoning and what is actually going to be built on the site.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 203/2012

**Schedule "A" for File No. DAZ 203/2012, Riel Community Committee, dated April 24, 2012**

By-Law No. _____

File No. **DAZ 203/12**

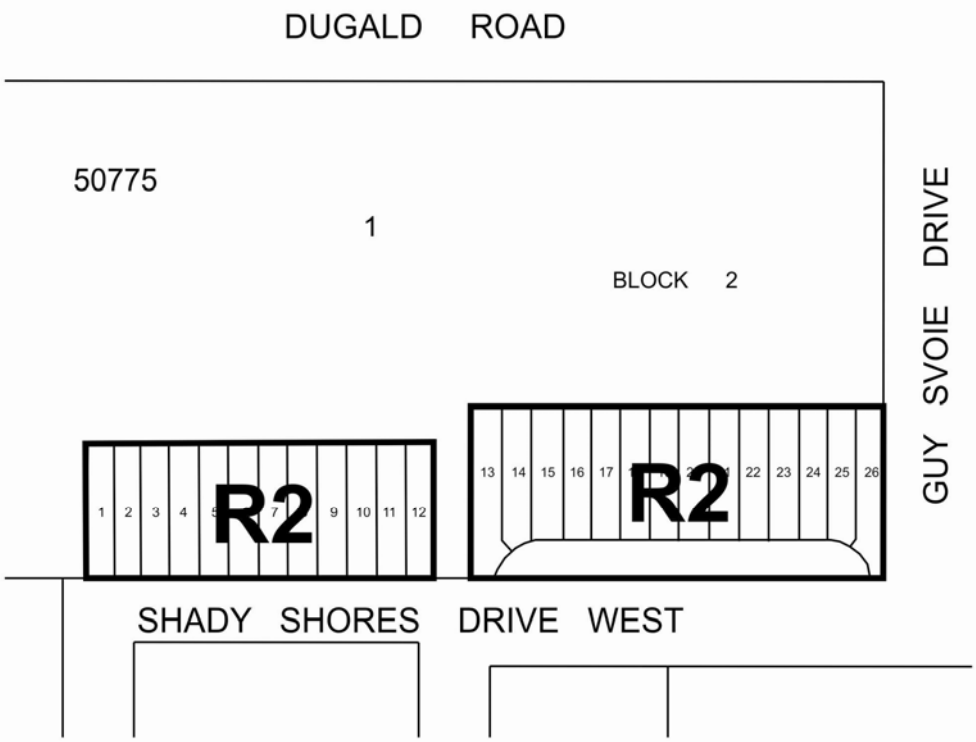
Atlas Sheet No.

N

**AA32**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2-54 Shady Shores Drive West from an "RMU" RESIDENTIAL MIXED USE DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT for the establishment of two-family dwellings (26 dwelling units) as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____