Agenda – Council – October 24, 2012

Report – Standing Policy Committee on Property and Development – October 9, 2012

Item No. 6 Rezoning – Bounded by Scammel Road/Tilstone Bay/north of Frobisher Road (Perimeter Highway) (St. Norbert Ward) File DAZ 228/2012

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, 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 228/2012 dated September 20, 2012 to an "R1-M" Residential Single-Family District.

2. That the land dedication for the planned area shall be calculated as an amendment to Development Agreement AG9/2011.

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 – Standing Policy Committee on Property and Development – October 9, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 2, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete Recommendation 2. in its entirety and replace with the following:

  "2. That the land dedication for the planned area shall be calculated as an amendment to Development Agreement AG9/2011."

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning– Bounded by Scammel Road/Tilstone Bay/north of Frobisher Road (Perimeter Highway) File DAZ 228/2012**

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

Prepared by: **Visa Hutter, Senior Committee Clerk Riel Community Committee**

Report date: **October 3, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended and recommends to the Standing Policy Committee on Property and Development:

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 228/2012 dated September 20, 2012 to an "R1-M" Residential Single-Family District.

2. **That the land dedication for the planned area shall be calculated as an amendment to Development Agreement AG9/2011.**

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason(s) 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 September 20, 2012.

2. Logical for this joint venture to proceed to promote future developments in the St. Vital and St. Norbert Wards.

PUBLIC HEARING SUMMARY

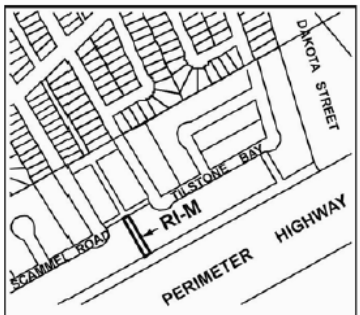
File: DAZ 228/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: October 1, 2012
Council Building, 510 Main Street

Applicant: River Park South Development Inc.
(Jeff Pratte, Qualico Communities)

Subject:



APPLICANT : RIVER PARK SOUTH DEVELOPMENT INC.
FILE: DAZ 228/12
PROPOSAL: To rezone the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : RIVER PARK SOUTH DEVELOPMENT INC.
N° DE RÉFÉRENCE : DAZ 228/12
PROJET : Rezonage des sols délinéés ci-dessus afin de les faire passer de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Bounded by Scammel Road/Tilstone Bay/north of Frobisher Road (Perimeter Highway)

Exhibits Filed:

1. Application dated July 25, 2012
2. Notification of Public Hearing dated August 14, 2012
3. Manitoba Status of Title 2313308/1
4. Letter of authorization dated April 10, 2012 from The City of Winnipeg to Qualico Communities
5. Surveyor's Building Location Certificate and sketch
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated September 20, 2012
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jeff Pratte
Eric Vogan

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Systems, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 228/2012

ADMINISTRATIVE REPORT

Title: DAZ 228/2012 – Property between Scammel Road and Tilstone Bay Public Hearing

Issue: For consideration at the Public Hearing for a rezoning from RR5 to R1-M.

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 228/2012 dated September 20, 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 rear portions of Lots 33 & 34 Block 5 Deposit No. 952-2012 under DASSF 504/12 from RR5 to R1-M in order to have each of these lots entirely zoned R1-M. This will allow for the future development of a detached single-family home on each 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.

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 originally 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
Prepared by:	Robert Kostiuk, MCIP
Date:	September 20, 2012
File No.	DAZ 228/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 228/2012

APPENDIX 'A'

DATE: September 20, 2012

FILE: DAZ 228/2012
RELATED FILES: DASSF 504/12, DASZ 9/2011

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.529

SUBJECT: To rezone the subject land from "RR5" Rural Residential 5 to "R1-M" Residential Single-Family Medium.

LOCATION: North of the Perimeter Hwy, between Scammel Road and Tilstone Bay

LEGAL DESCRIPTION: Rear Part of Lots 33 & 34 Block 5 Deposit No. 952-2012



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 rear portions of Lots 33 & 34 Block 5 Deposit No. 952-2012 under DASSF 504/12 from RR5 to R1-M in order to have each of these lots entirely zoned R1-M. This will allow for the future development of a detached single-family home on each lot.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject property is located north of the Perimeter Highway between Scammel Road and Tilstone Bay 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 the rear portions of Lots 33 & 34 Block 5 Deposit No. 952-2012 under DASSF 504/12.
- In total, the site is **approximately 3,076 square feet in area** with the rear portion of Lot 33 being 1,585 square feet in area and the rear portion of Lot 34 being 1,491 square feet in area. These rear strips of Lots 33 & 34 are about 15 feet wide (see Figure 1 below).

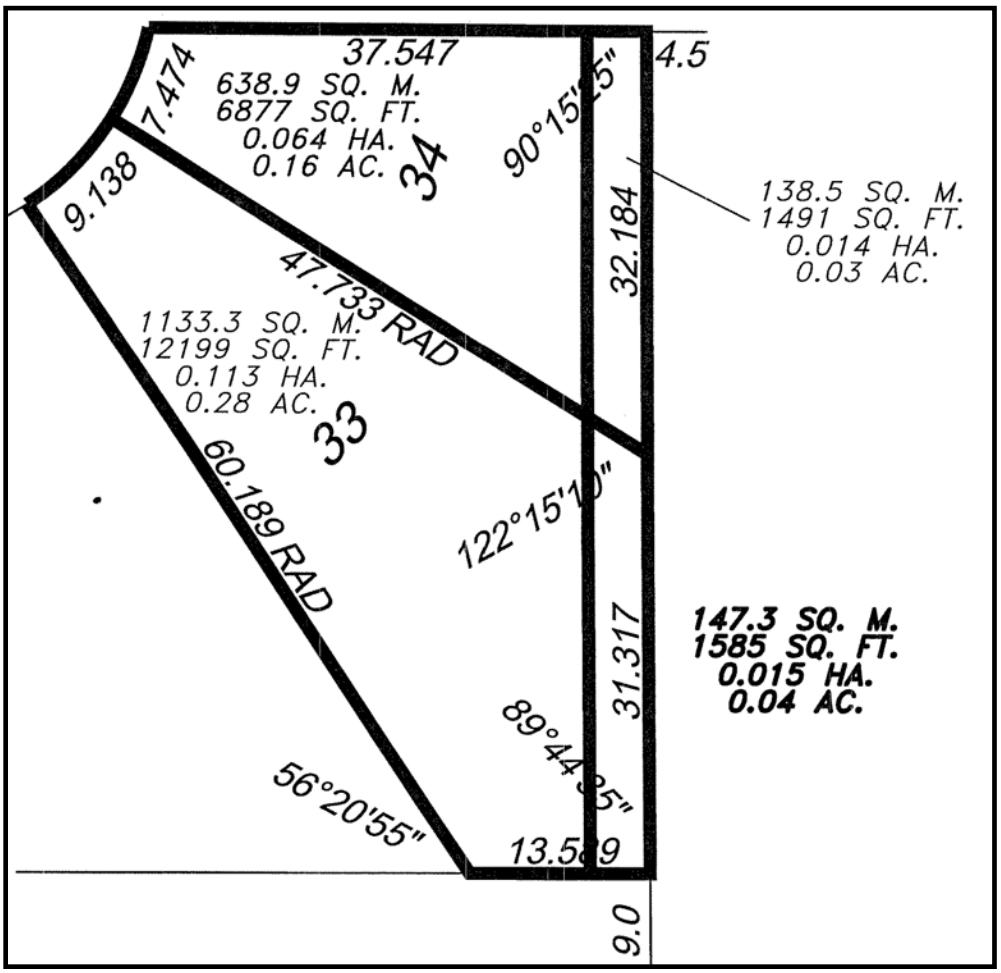


Figure 1: Lots 33 & 34 Block 5 Deposit No. 952-2012 under DASSF 504/12

- The property is zoned RR5 and is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.



Figure 2: 2012 Aerial photograph showing approximate area of subject property and surroundings

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 (see Figure 3 below).
- 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 504/2012.

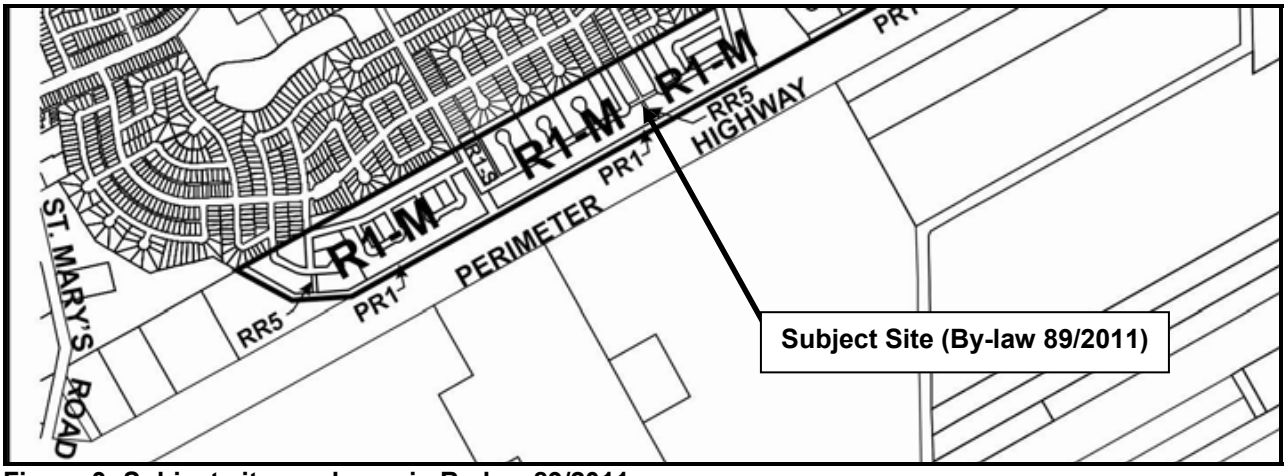


Figure 3: Subject site as shown in By-law 89/2011.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the rear portions of Lots 33 & 34 Block 5 Deposit No. 952-2012 under DASSF 504/12 from RR5 to R1-M in order to have each of these lots entirely zoned R1-M. This will allow for the future development of a detached single-family home on each lot.
- The front portions of Lots 33 & 34 Block 5 Deposit No. 952-2012 will be rezoned to R1-M when DASSF 504/2012 is registered in the Winnipeg Land Titles Office and a Zoning Agreement for that phase is registered.

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%.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site 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 (refer to Figure 3).
- The applicant is now proposing to rezone the rear portion of Lots 33 & 34 to R1-M in order to get rid of the split zoning of RR5 and R1-M on these lots in order to develop detached homes on each lot.

- All of the lots surrounding the subject property will be zoned R1-M, as shown in Figure 3 above.
- Lots 33 & 34 will be 13,784 square feet and 8,368 square feet in area respectively.
- Eighty-six (86) percent of Lots 33 & 34 will be zoned R1-M. By rezoning the combined rear 14% of Lots 33 & 34, the applicant is effectively getting rid of the split zoning on these lots, which is preferred by the Public Service.

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.
- Eighty-six (86) percent of Lots 33 & 34 will be zoned R1-M; rezoning the combined rear 14% of Lots 33 & 34 effectively gets rid of the split zoning on these lots.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 228/2012

Schedule "A" for File No. DAZ 228/2012, Riel Community Committee, dated September 20, 2012

By-Law No. _____

File No. **DAZ 228/12**

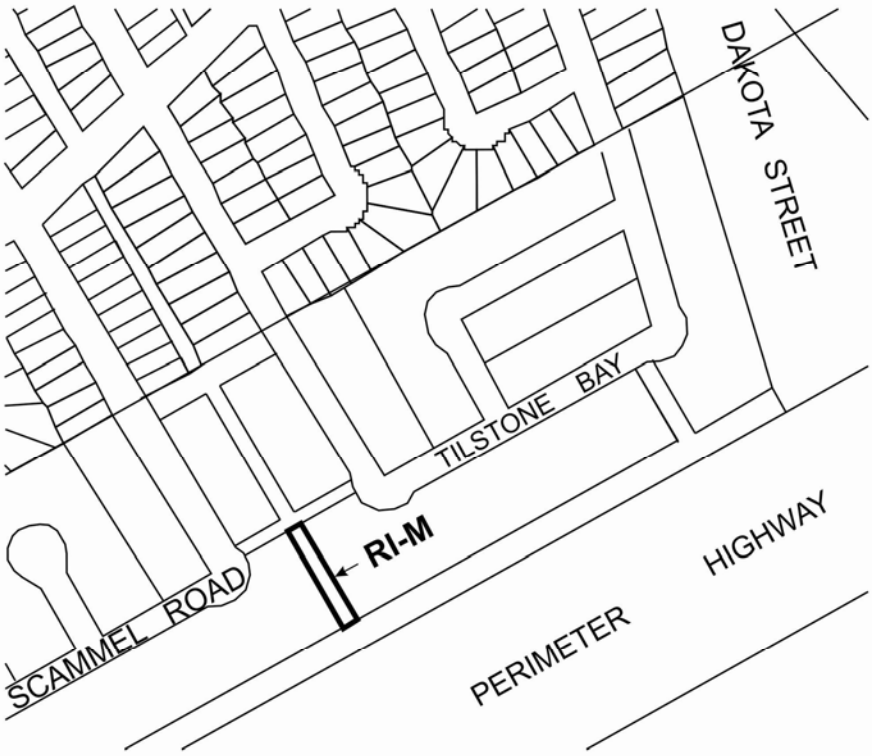
Atlas Sheet No.

N

AK29
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located in River Park South, Bounded by Scammel Road, Tilstone Bay, North of Perimeter 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. _____