Minutes – Executive Policy Committee – November 7, 2012

Minute No. 28
Report – Standing Policy Committee on Planning, Property and Development – November 6, 2012

Item No. 5 Rezoning – 440 Collegiate Street
(St. James-Brooklands Ward)
File DAZ 226/2012 [c/r DCU 149329/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, 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 226/2012 dated October 5, 2012 to an "R1-S" Residential Single-Family District Small, subject to the following;

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated September 28, 2012.

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 – Standing Policy Committee on Planning, Property and Development – November 6, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 6, 2012, the Standing Policy Committee on Planning, Property and Development concurred in the recommendation of the Assiniboia Community Committee with the following amendment:

- Delete recommendation 1. A. i. in its entirety.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On October 9, 2012, the Assiniboia Community Committee concurred in the recommendation the Winnipeg Public Service with the following amendment:

Report of the Administrative Coordinating Group

- Amend Condition No. 7 by deleting the words “prior to the release of the subdivision mylars for registration in the Land Titles Office” after the words “The Developer shall pay to the City,” and substituting the words “upon demand,” ,

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

RE: **Rezoning – 440 Collegiate Street**
File DAZ 226/2012

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

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **October 11, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 9, 2012, the Assiniboia 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 226/2012 dated October 5, 2012 to an "R1-S" Residential Single-Family District Small, subject to the following;

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated September 28, 2012, ***subject to the following amendment:***

        i. Amend Condition No. 7 by deleting the words "prior to the release of the subdivision mylars for registration in the Land Titles Office" after the words "The Developer shall pay to the City," and substituting the words "upon demand,".

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.

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

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated October 5, 2012.
2. This is an excellent infill project and will be a benefit to the community.
3. Support will be provided by the Ward Councillor towards the upgrade of the neighbourhood tennis courts.

PUBLIC HEARING SUMMARY

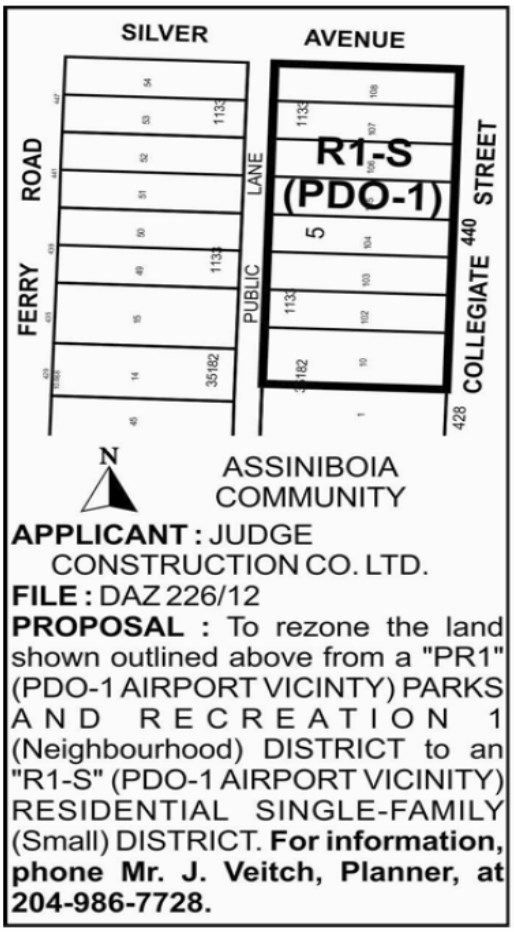
File: DAZ 226/2012

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: October 9, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Judge Construction Co. Ltd.

Subject:



Premises Affected: 440 Collegiate Street

Exhibits Filed:

1. Application dated August 3, 2012
2. Notification of Public Hearing dated September 14, 2012
3a. Manitoba Status of Title 1531917/1
3b. Manitoba Certificate of Title(s) 413016, 493680 and 514950
4a. Letter of authorization dated July 12, 2012 from The City of Winnipeg (Real Estate Division) to 6048839 Manitoba Ltd.
4b. Letter of authorization dated July 18, 2012 from 6048839 Manitoba Ltd. to Judge Construction Co. Limited
5. Surveyor's Building Location Certificate and sketch dated July 17, 2012
6. Plan
7. Report from the Planning and Land Use Division dated October 2, 2012
8. Revised Report from the Planning and Land Use Division dated October 5, 2012
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Rohit Arora
Sunil Arora
Mary Vi Castillo
Michelle Gazze
Marivic Gumpac
Gary Judge, Judge Construction Co. Ltd.
Robert Ignacio
Sarah Pao
Maireen Perez De Tagle
Eduardo Sundiang
Apolinaria Tugade
Jennet Vergara
Ranjit S. and Paramjit Walia
Rupinder Walia

In Opposition:

Doug Hutsel
Tanya Pertson

For Information:

Kathy Ringland

For the City:

Mr. K. Raban, Land Development Engineer, Planning, Property and Development Department
Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 226/2012

REVISED ADMINISTRATIVE REPORT

Title: DAZ 226/2012 – 440 Collegiate Street

Issue: For consideration at the Public Hearing for a rezoning from 'PR1' Parks & Recreation 1 to 'R1-S' Residential Multiple Family Small.

Critical Path: Assiniboia 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 226/2012 dated October 5, 2012 to an "R1-S" Residential Single-Family District Small, subject to the following;
    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated September 28, 2012.
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 eight (8) newly established single family lots from 'PR1' Parks & Recreation to 'R1-S' Residential Single Family Small. To allow for the future development of detached single-family homes on each lot.
- The applicant intends to establish seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot for a total of eight (8) single family residential lots.
- The lots will all have frontage on the west side of Collegiate Street, south of Silver Avenue and back onto a public lane.
- The subject site is within Area I of the Airport Vicinity Protection Area which prohibits the establishment of new residential, however allows minor residential infilling as may be approved as a conditional use,
- Rezoning applications and any associated variances and/or conditional uses must be heard by the governing Community Committee as per the Winnipeg Charter.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from 'PR1' Parks & Recreation to 'R1-S' Residential Single Family Small.

HISTORY

- The approximately 23,056 square foot property is zoned 'PR1' Parks and Recreation 1 and is currently vacant.
- The site was declared surplus by Council allowing it to be sold for private development.
- The original subdivision plan divides the site into eight (8) lots; Lots 102 to 108 Block 5, Plan 1133 and Lot 10 Plan 35182
- The subject lands are within Area I of the Airport Vicinity Protection Area Planned Development Overlay District of Zoning By-Law 200/2006 which restricts residential development allowing minor residential infill only.
- Therefore multiple family residential development would not be permitted under the AVPA.

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:	October 5, 2012
File No.	DAZ 226/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 226/2012
3. Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: October 5, 2012

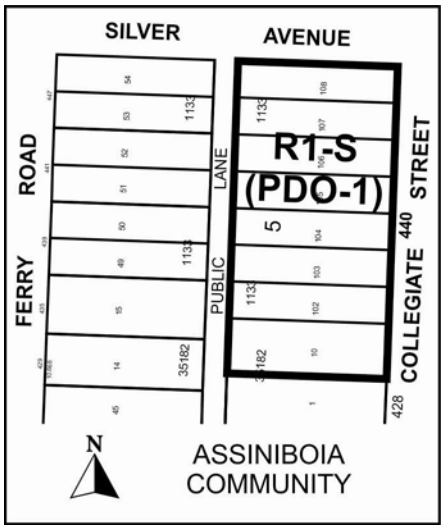
FILE: **DAZ 228/2012**
RELATED FILES: DCU 12-49329/D

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.203 (King Edward)

SUBJECT: To rezone the subject land from "PR1" Parks & Recreation 1 to "R1-S" Residential Single-Family Small.

LOCATION: 440 Collegiate Street

LEGAL DESCRIPTION: Lots 102 to 108, Block 5 Plan 1133, Lot 10 Plan 35182



APPLICANT: Judge Construction Ltd.
156 Luxton Ave.
WINNIPEG MB R2W 0L9

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY
The Urban Planning Division recommends approval for the following reasons:

- The proposed infill development is consistent with the City's Development Plan *OurWinnipeg / Complete Communities* policies of promoting compact urban form,
- The proposed development is consistent with the scale and character of adjacent residential properties and the surrounding neighbourhood.

- The proposed minor infill development is not expected to affect the 24-hour operation of the James Richardson International Airport and meets the intent of the Airport Vicinity Protection Area Overlay of Zoning By-Law 200/2006.

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 23,056 square foot property is zoned 'PR1' Parks and Recreation; there are no buildings or existing structures on site. There are eight (8) lots on the site survey however they have not been established / split out into separate buildable lots. The site is located in the King Edward Neighbourhood of the St. James – Brooklands Ward. The area is designated under Areas of Stability / Mature Community in the *Complete Communities Direction Strategy* of *OurWinnipeg* the City's Development Plan. The area also falls within Area I of the Airport Vicinity Protection Area Planned Development Overlay District of Zoning By-Law 200/2006 which restricts residential development allowing minor residential infill only.



Figure 1: Subject Site 440 Collegiate Street

Surrounding Land Use and Zoning
North: Silver Avenue then 'R1-M' Residential Single Family Medium
South: 'R1-M' Residential Single Family Medium
East: Collegiate Avenue then 'PR1' Parks and Recreation (Tennis Courts)
West: Rear Lane then 'C1' Commercial (single family dwelling) and 'R1-M' Residential Single Family Medium



Figure 2: Subject Site looking SW from the Intersection of Collegiate and Silver (Google Maps)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to split the existing zoning lot into eight zoning lots; seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot. The applicant intends to build 8 single family homes on the newly established lots. It is noted that a concurrent application has been applied for to allow a conditional use to establish the new single family residential within the Airport Vicinity Protection Area Planned Development Overlay. There are no variances associated with the establishment of the lots as they are considered existing lots and thus conform to the Zoning By-law bulk requirements for the proposed 'R1-S' Residential Single Family Small zone.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is within the Areas of Stability – Mature 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.

SUBJECT LOTS

- The lots are considered existing as they are part of the original survey plan contains eight (8) single family lots; seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot, as per Figure 3 below. Therefore a subdivision application (and associated variance application) is not required.

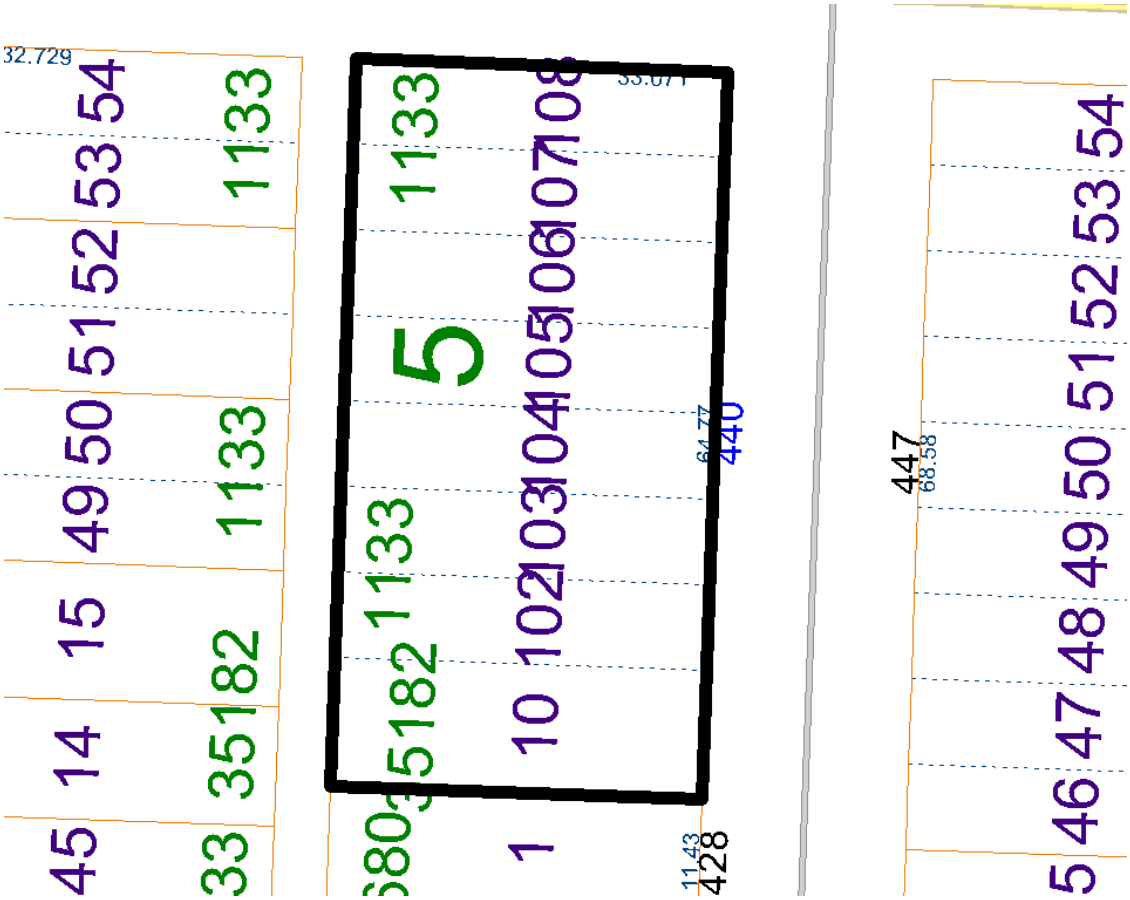


Figure 3: Survey Layer Showing the Eight (8) Existing Lots (Lot 10 and Lots 102 to 108)

ZONING BY-LAW 200/2006 PDO-1

The Airport Vicinity Protection Area Planned development Overlay is intended to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, namely noise. The intent is also to protect the 24-hour operation of the international airport. The planned development overlay consists of Area I and Area II where restrictions on development are placed to achieve the Overlay's intent. It is noted that the subject site is located within the most restrictive of these zones (Area I), where minor residential infilling may be approved as a conditional use under the City of Winnipeg Charter in areas of established residential development. The new residential development is considered as minor residential infill as it is

single family development upon 8 (eight) existing lots. It is noted that the dwelling being built will need to conform to the construction standards set out in the Airport Vicinity Acoustic Insulation By-Law.

COMPATIBILITY WITH THE EXISTING NEIGHBOURHOOD

- The subject property is located at the northwest corner of the intersection of Collegiate Street and Silver Avenue. The area consists of predominantly single family development on a variety of lot sizes ranging on average from 25 feet wide to 50 feet wide.
- The subject site is zoned 'PR1' Parks and Recreation and was to be used as a passive park, the site is currently vacant and was declared surplus by City Council.
- The applicant is now proposing to split out the eight lots based on the existing subdivision covering the site to allow single family dwellings to be built.
- The applicant must rezone the newly established lots in order to develop detached homes on each lot. The intent is to rezone the subject property to 'R1-S' Residential Single Family Small.
- As illustrated in Figure 4 below, the immediate context has a significant number of exiting 25 foot width lots with residential dwellings. The proposed eight (8) lots are consistent with the character of the neighbourhood.

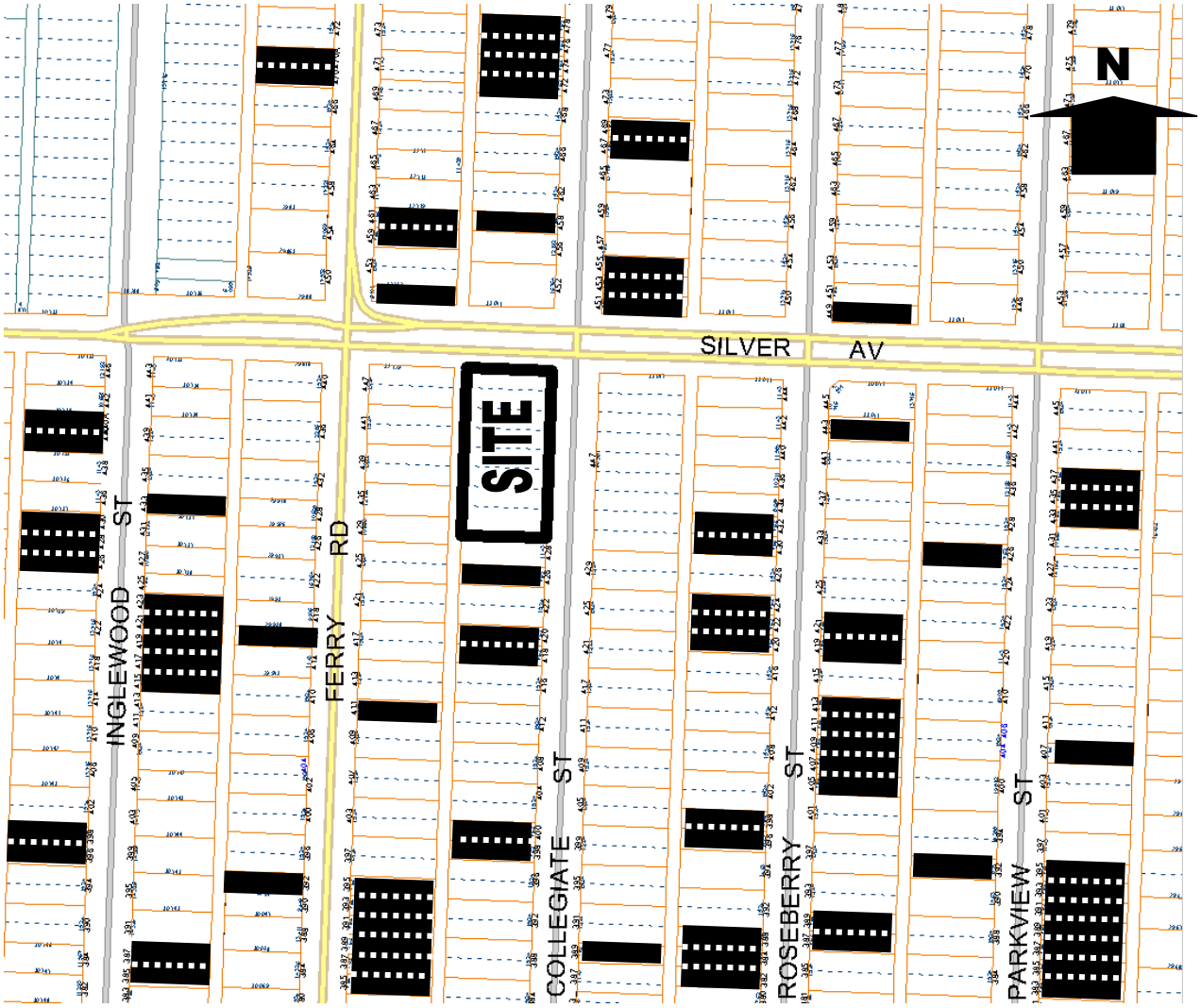


Figure 4: Subject Site with Adjacent 25 foot Wide Lots (larger rectangles represent several 25 foot lots together in a row)

ZONING

"PR1" Parks and Recreation 1

- The Parks and Recreation 1 (PR1) district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"R1-S" Residential Single-Family Medium District

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

- The R1-S district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 feet each or 2 & 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 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 infill development is consistent with OurWinnipeg policies of promoting compact urban form.
- The proposed development is consistent with the scale and character of adjacent properties.
- The proposed minor infill development is not expected to affect the 24-hour operation of the James Richardson International Airport and meets the intent of the Airport Vicinity Protection Area Overlay of Zoning By-Law 200/2006.
- Based on our Residential Land Supply studies, there is an ongoing need for detached residential opportunities within the City of Winnipeg.

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

Report Prepared By: James Veitch
PPD File # DAZ 226/2012

Schedule "A" for File No. DAZ 226/2012, Assiniboia Community Committee, dated October 5, 2012

By-Law No. _____

File No. **DAZ 226/12**

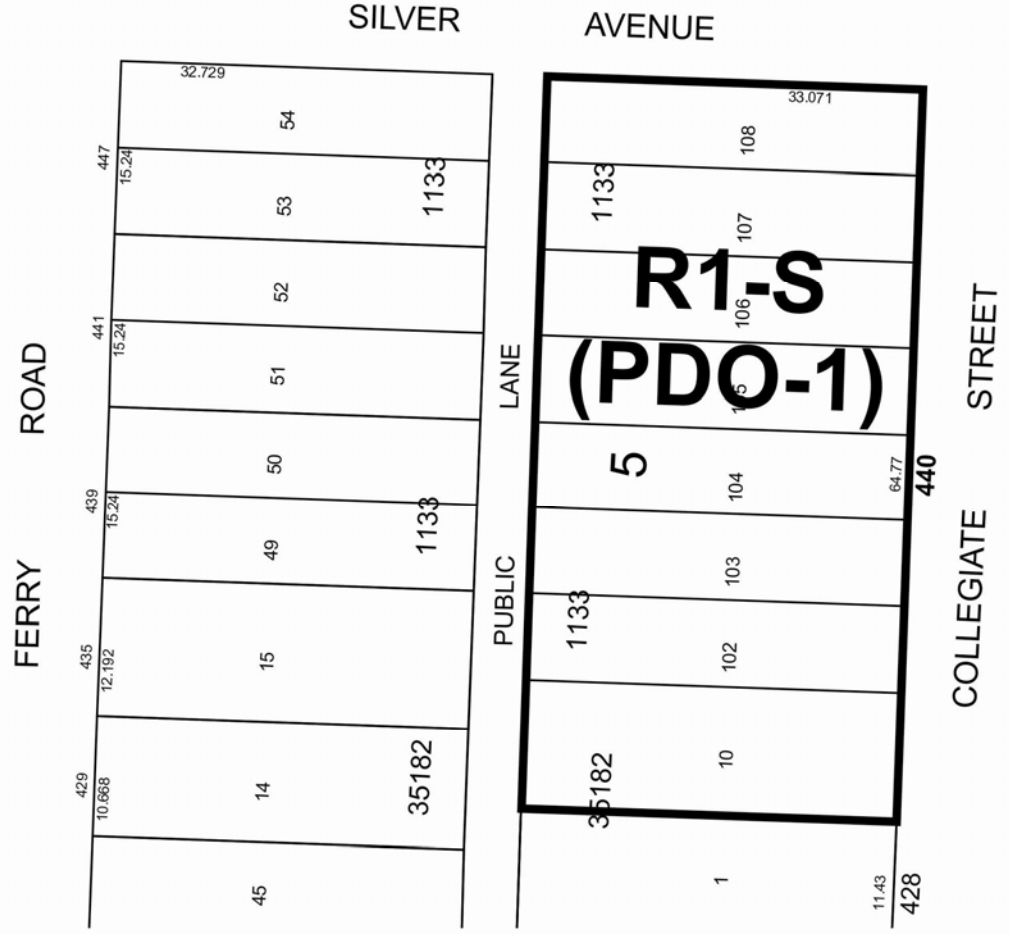
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 440 Collegiate Street from a "PR1" (PDO-1 AIRPORT VICINTY) PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "R1-S" (PDO-1 AIRPORT VICINITY) RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT as shown outlined below.

Atlas Sheet No.

N

AA19 ASSINIBOIA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP –SEPTEMBER 28, 2012

RE: PROPOSED REZONING OF LAND LOCATED AT 440 COLLEGIATE STREET - DAZ 226/2012

It is recommended that the approval of DAZ 226/2012, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

3. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

4. The Developer shall, at no expense to the City, plant six (6) boulevard trees in Collegiate Street fronting the Planned Area as approved by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services and associated works required to serve the Planned Area;

6. The Developer shall pay the full cost of construction services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre (minimum $1,650.00) of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 226/2012
September 28, 2012

"Original signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.
Land Development Branch

"Original signed by F.C. Mazur, P.Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

Exhibit "7" referred to in File DAZ 226/2012

ADMINISTRATIVE REPORT

Title: DAZ 226/2012 – 440 Collegiate Street

Issue: For consideration at the Public Hearing for a rezoning from 'PR1' Parks & Recreation 1 to 'R1-S' Residential Multiple Family Small.

Critical Path: Assiniboia 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 226/2012 dated October 2, 2012 to an "R1-S" Residential Single-Family District Small.
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 eight (8) newly established single family lots from ‘PR1’ Parks & Recreation to ‘R1-S’ Residential Single Family Small. To allow for the future development of detached single-family homes on each lot.
- The applicant intends to establish seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot for a total of eight (8) single family residential lots.
- The lots will all have frontage on the west side of Collegiate Street, south of Silver Avenue and back onto a public lane.
- The subject site is within Area I of the Airport Vicinity Protection Area which prohibits the establishment of new residential, however allows minor residential infilling as may be approved as a conditional use,
- Rezoning applications and any associated variances and/or conditional uses must be heard by the governing Community Committee as per the Winnipeg Charter.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from ‘PR1’ Parks & Recreation to ‘R1-S’ Residential Single Family Small.

HISTORY

- The approximately 23,056 square foot property is zoned ‘PR1’ Parks and Recreation 1 and is currently vacant.
- The site was declared surplus by Council allowing it to be sold for private development.
- The original subdivision plan divides the site into eight (8) lots; Lots 102 to 108 Block 5, Plan 1133 and Lot 10 Plan 35182
- The subject lands are within Area I of the Airport Vicinity Protection Area Planned Development Overlay District of Zoning By-Law 200/2006 which restricts residential development allowing minor residential infill only.
- Therefore multiple family residential development would not be permitted under the AVPA.

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:	October 2, 2012
File No.	DAZ 226/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 226/2012

APPENDIX 'A'

DATE: October 2, 2012

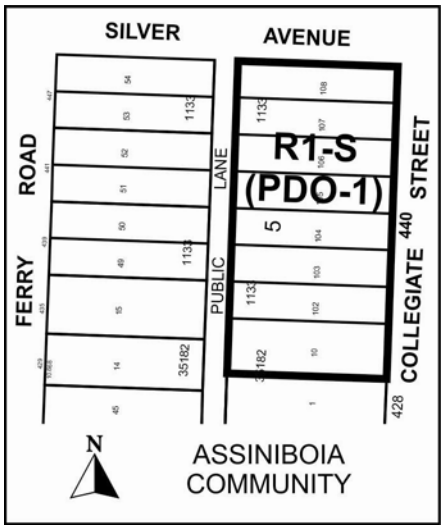
FILE: **DAZ 228/2012**
RELATED FILES: DCU 12-49329/D

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.203 (King Edward)

SUBJECT: To rezone the subject land from "PR1" Parks & Recreation 1 to "R1-S" Residential Single-Family Small.

LOCATION: 440 Collegiate Street

LEGAL DESCRIPTION: Lots 102 to 108, Block 5 Plan 1133, Lot 10 Plan 35182



APPLICANT: Judge Construction Ltd.
156 Luxton Ave.
WINNIPEG MB R2W 0L9

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY
The Urban Planning Division recommends approval for the following reasons:

- The proposed infill development is consistent with the City's Development Plan *OurWinnipeg / Complete Communities* policies of promoting compact urban form,
- The proposed development is consistent with the scale and character of adjacent residential properties and the surrounding neighbourhood.

- The proposed minor infill development is not expected to affect the 24-hour operation of the James Richardson International Airport and meets the intent of the Airport Vicinity Protection Area Overlay of Zoning By-Law 200/2006.

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 23,056 square foot property is zoned 'PR1' Parks and Recreation; there are no buildings or existing structures on site. There are eight (8) lots on the site survey however they have not been established / split out into separate buildable lots. The site is located in the King Edward Neighbourhood of the St. James – Brooklands Ward. The area is designated under Areas of Stability / Mature Community in the *Complete Communities Direction Strategy* of *OurWinnipeg* the City's Development Plan. The area also falls within Area I of the Airport Vicinity Protection Area Planned Development Overlay District of Zoning By-Law 200/2006 which restricts residential development allowing minor residential infill only.



Figure 5: Subject Site 440 Collegiate Street

Surrounding Land Use and Zoning
North: Silver Avenue then 'R1-M' Residential Single Family Medium
South: 'R1-M' Residential Single Family Medium
East: Collegiate Avenue then 'PR1' Parks and Recreation (Tennis Courts)
West: Rear Lane then 'C1' Commercial (single family dwelling) and 'R1-M' Residential Single Family Medium



Figure 6: Subject Site looking SW from the Intersection of Collegiate and Silver (Google Maps)

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to split the existing zoning lot into eight zoning lots; seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot. The applicant intends to build 8 single family homes on the newly established lots. It is noted that a concurrent application has been applied for to allow a conditional use to establish the new single family residential within the Airport Vicinity Protection Area Planned Development Overlay. There are no variances associated with the establishment of the lots as they are considered existing lots and thus conform to the Zoning By-law bulk requirements for the proposed 'R1-S' Residential Single Family Small zone.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is within the Areas of Stability – Mature 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.

SUBJECT LOTS

- The lots are considered existing as they are part of the original survey plan contains eight (8) single family lots; seven (7) 25 ft. wide by 108.5 ft. deep lots and one (1) 37.5 ft. wide by 108.5 ft. deep lot, as per Figure 3 below. Therefore a subdivision application (and associated variance application) is not required.

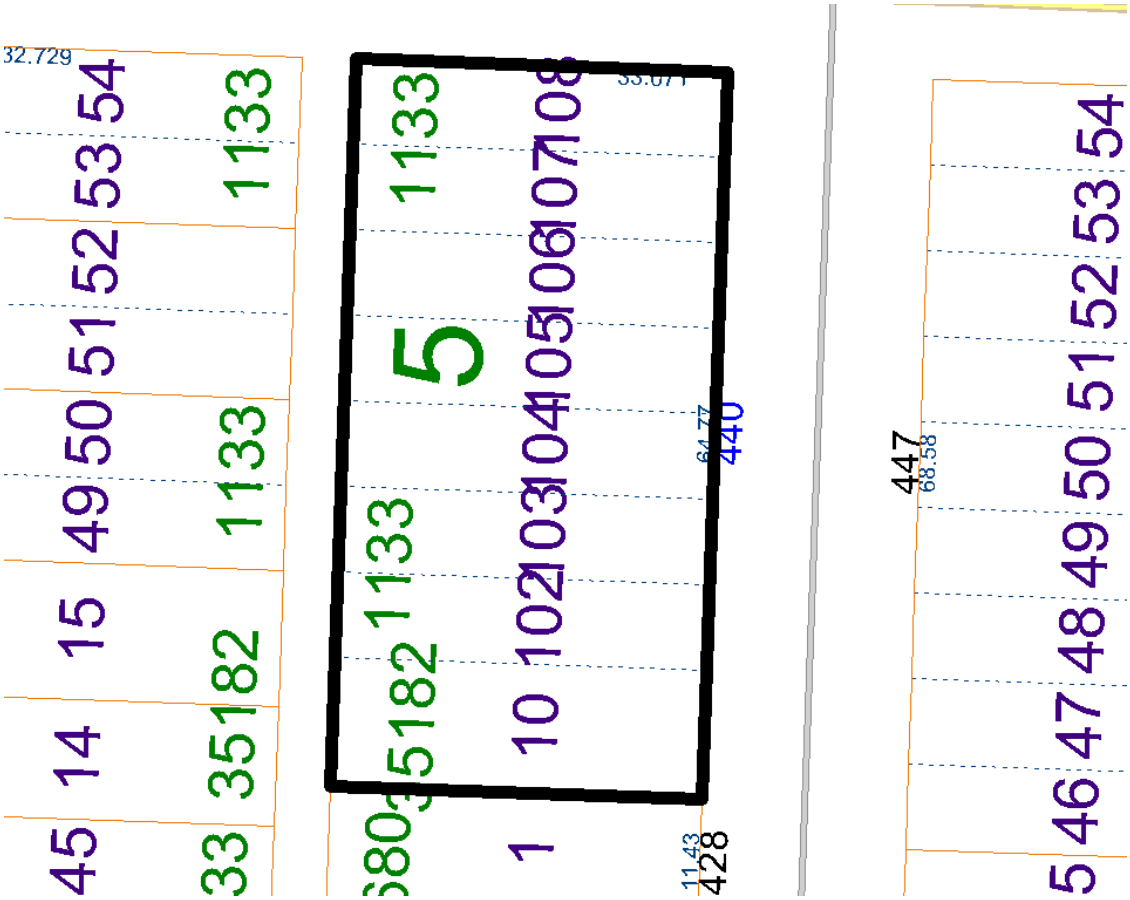


Figure 7: Survey Layer Showing the Eight (8) Existing Lots (Lot 10 and Lots 102 to 108)

ZONING BY-LAW 200/2006 PDO-1

The Airport Vicinity Protection Area Planned development Overlay is intended to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, namely noise. The intent is also to protect the 24-hour operation of the international airport. The planned development overlay consists of Area I and Area II where restrictions on development are placed to achieve the Overlay's intent. It is noted that the subject site is located within the most restrictive of these zones (Area I), where minor residential infilling may be approved as a conditional use under the City of Winnipeg Charter in areas of established residential development. The new residential development is considered as minor residential infill as it is

single family development upon 8 (eight) existing lots. It is noted that the dwelling being built will need to conform to the construction standards set out in the Airport Vicinity Acoustic Insulation By-Law.

COMPATIBILITY WITH THE EXISTING NEIGHBOURHOOD

- The subject property is located at the northwest corner of the intersection of Collegiate Street and Silver Avenue. The area consists of predominantly single family development on a variety of lot sizes ranging on average from 25 feet wide to 50 feet wide.
- The subject site is zoned 'PR1' Parks and Recreation and was to be used as a passive park, the site is currently vacant and was declared surplus by City Council.
- The applicant is now proposing to split out the eight lots based on the existing subdivision covering the site to allow single family dwellings to be built.
- The applicant must rezone the newly established lots in order to develop detached homes on each lot. The intent is to rezone the subject property to 'R1-S' Residential Single Family Small.
- As illustrated in Figure 4 below, the immediate context has a significant number of exiting 25 foot width lots with residential dwellings. The proposed eight (8) lots are consistent with the character of the neighbourhood.

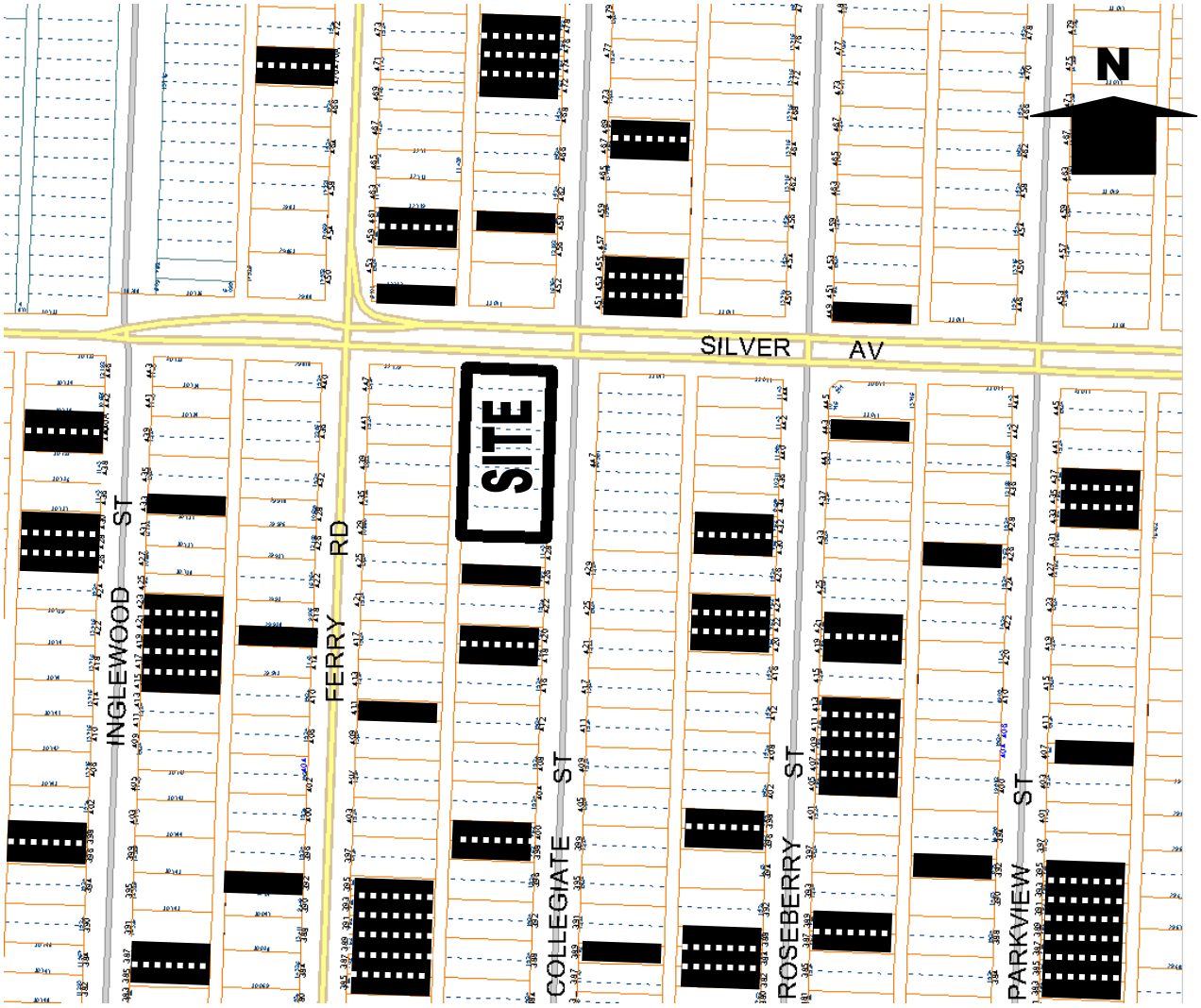


Figure 8: Subject Site with Adjacent 25 foot Wide Lots (larger rectangles represent several 25 foot lots together in a row)

ZONING

"PR1" Parks and Recreation 1

- The Parks and Recreation 1 (PR1) district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"R1-S" Residential Single-Family Medium District

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

- The R1-S district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 feet each or 2 & 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 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 infill development is consistent with OurWinnipeg policies of promoting compact urban form.
- The proposed development is consistent with the scale and character of adjacent properties.
- The proposed minor infill development is not expected to affect the 24-hour operation of the James Richardson International Airport and meets the intent of the Airport Vicinity Protection Area Overlay of Zoning By-Law 200/2006.
- Based on our Residential Land Supply studies, there is an ongoing need for detached residential opportunities within the City of Winnipeg.

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

Report Prepared By: James Veitch
PPD File # DAZ 226/2012

Schedule "A" for File No. DAZ 226/2012, Assiniboia Community Committee, dated October 2, 2012

By-Law No. _____

File No. **DAZ 226/12**

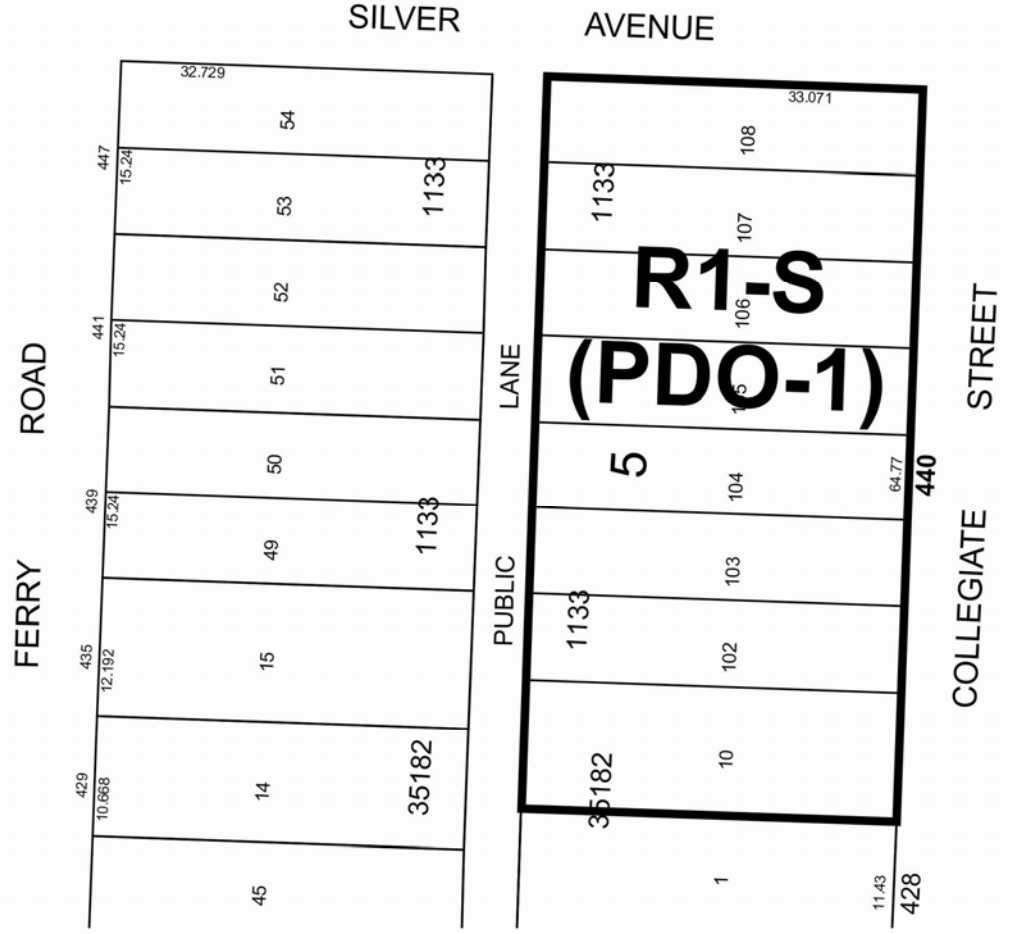
Atlas Sheet No.

N

AA19 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 440 Collegiate Street from a "PR1" (PDO-1 AIRPORT VICINTY) PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "R1-S" (PDO-1 AIRPORT VICINITY) RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____