Agenda – Council – February 27, 2013

Report – Standing Policy Committee on Property and Development – February 19, 2013

Item No. 5 Zoning Agreement Amendment – 433 & 437 Grassie Boulevard (Transcona Ward)
File ZAA 9/2012

STANDING COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submits the following to Council:

1. That Zoning Agreement under File DAZ 218/2000 dated September 20, 2000 (By-law No. 7690/2000), be amended as follows:

   A. That Clause 2 be deleted.

   B. That Clause 3 be deleted and the following substituted therefore:

   "No building, structure, or works shall be erected or located on the land and no building permit issued for construction on the land, unless and until detailed plans indicating the location and design of the proposed buildings, the location and design of accessory parking areas, loading area, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage, and landscaping are submitted to the Director of Planning, Property, and Development Department, or his designate, and the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Planning, Property, and Development Department, or his designate, under the designation of Schedule "A" to Zoning Agreement DAZ 218/2000, and no building, structure, or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 7690/2000 (By-law No. 7690/2000) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

Report – Standing Policy Committee on Property and Development – February 19, 2013

4. 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 – February 19, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Recommendation 1B: delete the words “excluding single family dwellings”,

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

On December 11, 2012, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 22, 2013 at 6:00 p.m. in the Council Building, 510 Main Street, in order to allow the applicant to meet with the area residents and submit site and elevation plans.

RE: **Zoning Agreement Amendment - 433 & 437 Grassie Boulevard**
File ZAA 9/2012

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 24, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2013, the East Kildonan-Transcona 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 Zoning Agreement under File DAZ 218/2000 dated September 20, 2000 (By-law No. 7690/2000), be amended as follows:

   A. That Clause 2 be deleted.

   B. That Clause 3 be deleted and the following substituted therefore:

   "No building, structure, or works shall be erected or located on the land and no building permit issued for construction on the land, ~~***excluding single family dwellings***~~, unless and until detailed plans indicating the location and design of the proposed buildings, the location and design of accessory parking areas, loading area, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage, and landscaping are submitted to the Director of Planning, Property, and Development Department, or his designate, and the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Planning, Property, and Development Department, or his designate, under the designation of Schedule "A" to Zoning Agreement DAZ 218/2000, and no building, structure, or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement."

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 7690/2000 (By-law No. 7690/2000) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

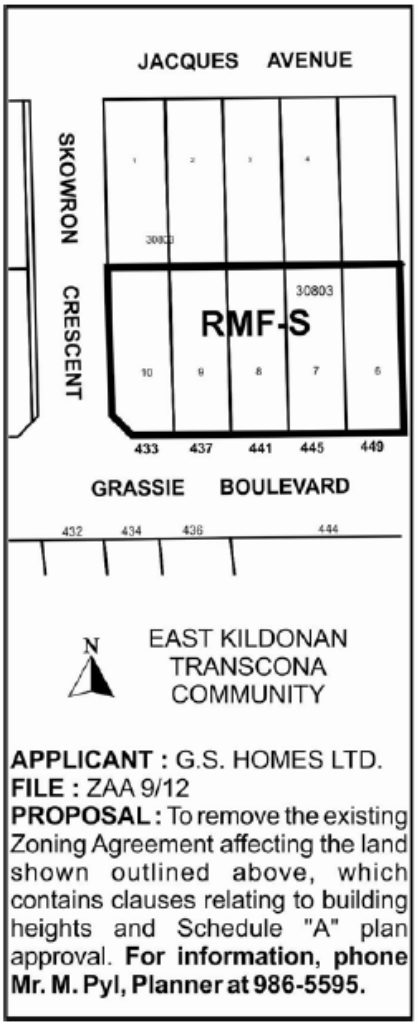
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. If residential zoning is rejected for a property of this size and nature an application for commercial rezoning is possible.
2. Multiple family designation was approved previously and exists in the area.
3. Most neighbourhoods have multiple family housing.
4. Property values have gone up, ownership therefore is more likely than rental.
5. The Community Committee has control over look of the homes with the site plan amendment.
6. The setbacks are in accordance with neighbourhood,
7. Two story homes exist on the street
8. The density has gone down from what was previously approved.
9. The development is an improvement for the vacant lot and possible future developments.

PUBLIC HEARING SUMMARY

File:	ZAA 9/2012
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Steen Councillor Wyatt
Public Hearing:	January 22, 2013 (most recent date) West Committee Room Council Building, 510 Main Street
Applicant:	G. S. Homes Ltd. (Jasleen Kaur) North Grassie Properties Inc. (Kris Sidhu)
Subject:	



Premises Affected: 433 and 437 Grassie Boulevard

Exhibits Filed:

1. Application dated September 26, 2012
2. Notification of Public Hearing dated October 31, 2012
3. Manitoba Status of Titles 2620785/1, 2620789/1, 1348593/1, 1348594/1 and 1348595/1
4. Caveats 1774293, 1774294 and 2603104
5. Letter of authorization dated September 25, 2012 from G S Homes Ltd. to Jasleen Kaur
6. Letter of authorization dated October 25, 2012 from North Grassie Properties Inc. to Kris Sidhu
7. Plans (9 pages)
8. Report from the Planning and Land Use Division dated November 30, 2012
9. Inspection Report
10. Communication from Norma Whitfield with respect to the application
11. Notice of Adjournment dated December 16, 2012
12. Communication from Donna Johnson dated January 22, 2013 with respect to the application
13. Presentation submitted by Guriqbal Singh in support of the application
14. Audio Recording of representations

REPRESENTATIONS:

In Support:

Guriqbal Singh
Parm Sidhu

In Opposition

Ron Newman
Mark Birk

For Information:

JB Brav
Norm Boyle
Donna Johnson
Brian & Edith Matychuk
Gisele & Myron Naturkach
Nancy Sime
Norma Whitfield
Barry Young

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 9/2012

ADMINISTRATIVE REPORT

Title: ZAA 9/2012 – 433 Grassie Blvd

Issue: For consideration at the public hearing to remove an existing zoning agreement

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement under File DAZ 218/2000 dated September 20, 2000 (By-Law No. 7690/2000), be amended as follows:

    A. That Clause 2 be deleted.

    B. That Clause 3 be deleted and the following substituted therefore:

    > *No building, structure, or works shall be erected or located on the land and no building permit issued for construction on the land,* ***excluding single family dwellings****, unless and until detailed plans indicating the location and design of the proposed buildings, the location and design of accessory parking areas, loading area, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage, and landscaping are submitted to the Director of Planning, Property, and Development Department, or his designate, and the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Planning, Property, and Development Department, or his designate, under the designation of Schedule "A" to Zoning Agreement DAZ 218/2000, and no building, structure, or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement.*

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 7690/2000 (By-Law No. 7690/2000) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 intends to develop a two family dwelling on both 433 and 437 Grassie, the two westernmost lots of the subject site.
- No developments are proposed for the three other lots at the time of application.
- Building heights on the five lots of the subject property are restricted due to a condition in an existing zoning agreement dating back to 2000 which specifically relates to a seniors assisted living facility that was proposed at the time but whose application is not exclusively limited to that building. In order for any building exceeding one storey to be built, this clause must be removed.
- The subject property is zoned “RMF-S” Residential Multifamily district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property’s zoning agreement will be amended.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

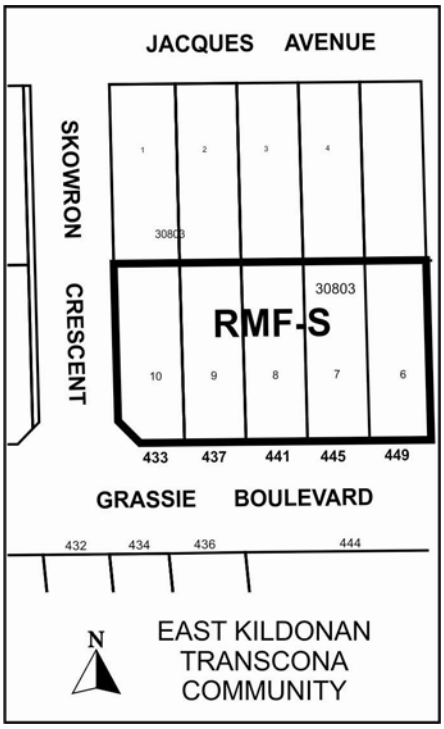
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Pyl
Date:	November 30, 2012
File No.	ZAA 9/2012

APPENDIX 'A'

DATE: November 30, 2012
FILE: ZAA 9/2012
RELATED FILES: DASZ 218/2000, DASZ 11/1993
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.424

SUBJECT: To remove the existing zoning agreement, which contains clauses relating to building heights and Schedule "A" plan approval.

LOCATION: 433-49 Grassie



APPLICANT: Jasleen Kaur
GS Homes Ltd.
1364 McPhillips St Suite 212
Winnipeg, MB R2X 2M4

OWNER: Same as above

RECOMMENDATION: Approval, with the exception of the proposal to remove the requirement for plan approval for two family dwellings

REPORT SUMMARY

- The applicant intends to develop a two family dwelling on both 433 and 437 Grassie, the two westernmost lots of the subject site.
- No developments are proposed for the three other lots at the time of application.
- Building heights on the five lots of the subject property are restricted due to a condition in an existing zoning agreement dating back to 2000 which specifically relates to a seniors assisted living facility that was proposed at the time but whose application is not exclusively limited to that building. In order for any building exceeding one storey to be built, this clause must be removed.
- The subject property is zoned “RMF-S” Residential Multifamily district.

SITE DESCRIPTION

- The subject property is located on the north side of Grassie Blvd immediately east of Skowron Cr in the Grassie neighbourhood of the Transcona ward.
- The subject property is comprised of five lots zoned “RMF-S” Residential Multi-Family district ranging in widths from 46 to 49 ft. In total, the site is approximately 235 ft. wide, 133 ft. deep, and 31,599 sq. ft. in area. The site is currently vacant.
- Adjacent properties include single family dwellings on all sides zoned “R1-M” and “R1-L” Residential Single Family districts.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to develop a two family dwelling on both 433 and 437 Grassie, the two westernmost lots of the subject site.
- No developments are proposed for the three other lots at the time of application.
- Building heights on the five lots of the subject property are restricted due to a condition in an existing zoning agreement dating back to 2000. This condition reads that, “The building on the land shall be restricted to two storeys in height at the centre section and the remainder of the building shall remain one storey”.
- This condition is specifically referencing plans for a seniors assisted living facility that accompanied the DAZ associated with this zoning agreement. However, its application is not

exclusively limited to the building that was originally proposed; in order for any building exceeding one storey to be built, this clause must be removed.

- There is also a clause in the zoning agreement that requires that plans for building location and design, accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage, and landscaping be approved by the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee. The applicant has requested that this requirement not apply to single and two-family dwellings.

BACKGROUND

DAZ 218/2000

- In 2000, Council approved a rezoning to rezone the subject property from an "R1-5.5" Residential Single Family district to an "RM-2" Multiple Family district (as per the previous zoning by-law No. 6400/94) to allow for the construction of a seniors assisted living multiple family development.
- The proposed 22-unit development was intended to be one storey in height with a 1,287 sq. ft. manager's suite on a second storey in the centre of the building.
- It was approved subject to the applicant entering into a Zoning Agreement with the City of Winnipeg requiring the following:
    - The building on the land shall be restricted to two storeys in height at the centre section and the remainder of the building shall remain one storey.
    - No building, structure, or works shall be erected or located on the land and no building permit issued for construction on the land unless and until detailed plans indicating the location and design of the proposed buildings, the location and design of accessory parking areas, loading area, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage, and landscaping are submitted to the Director of Planning, Property, and Development Department, or his designate, and the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Planning, Property, and Development Department, or his designate, under the designation of Schedule "A" to Zoning Agreement DAZ 218/2000, and no building, structure, or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement.
- The first condition of the zoning agreement relates directly to the site plan that was proposed in concurrence with this application. In effect, it requires that any building erected on the subject property fall within the building envelope proposed in 2000 (or at least relating to height).

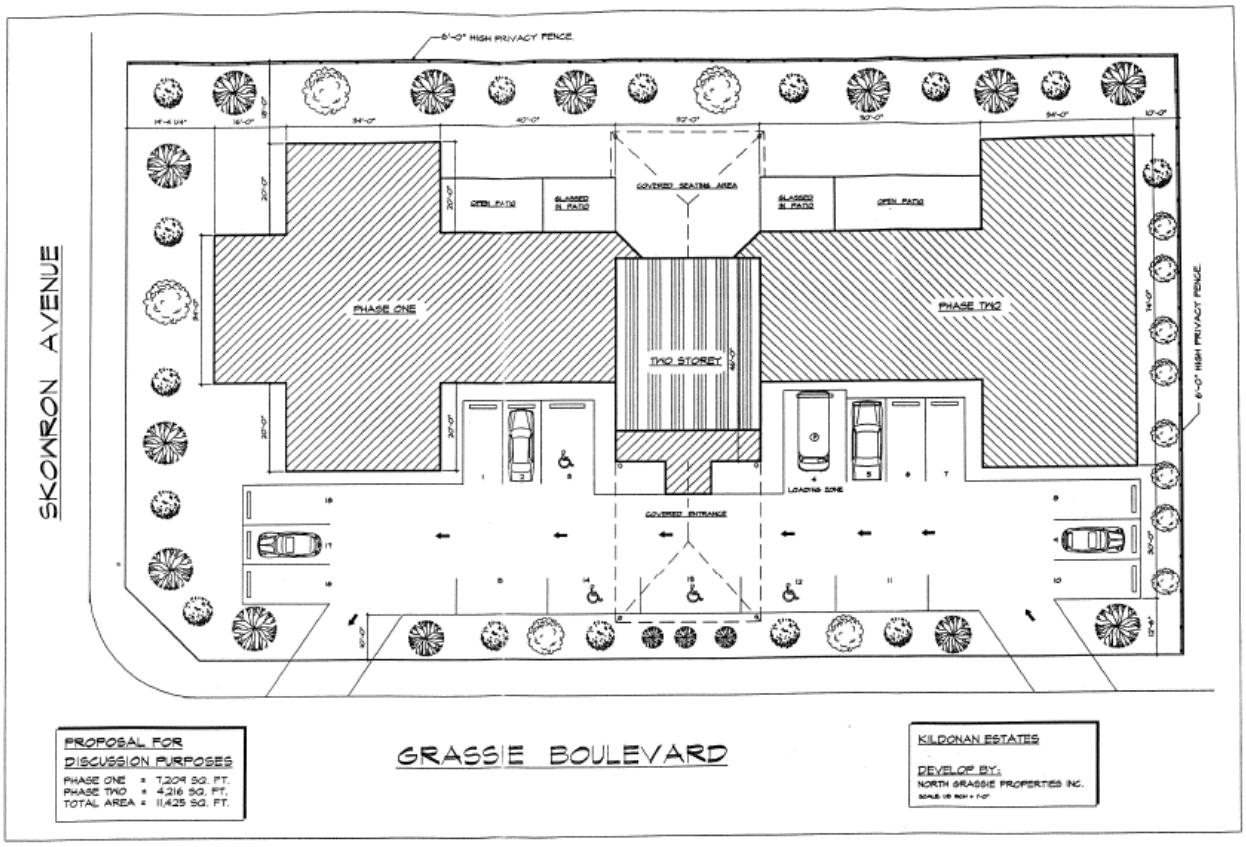


Figure 2: Site plan for DAZ 218/2000

Other background

- In May 1990, an application (DAZ 225/90) was rejected at Community Committee to rezone the subject property to a residential multifamily zoning district and the adjacent property to the north to a single family zoning district.
- In July 1993, an application (DASZ 11/93) was approved to rezone the subject property and the property adjacent to the north to two different single family residential zoning districts.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has statutory authority as a secondary plan. This strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- The subject property is classified as an "Area of Stability" is Complete Communities' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
- Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

Zoning

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

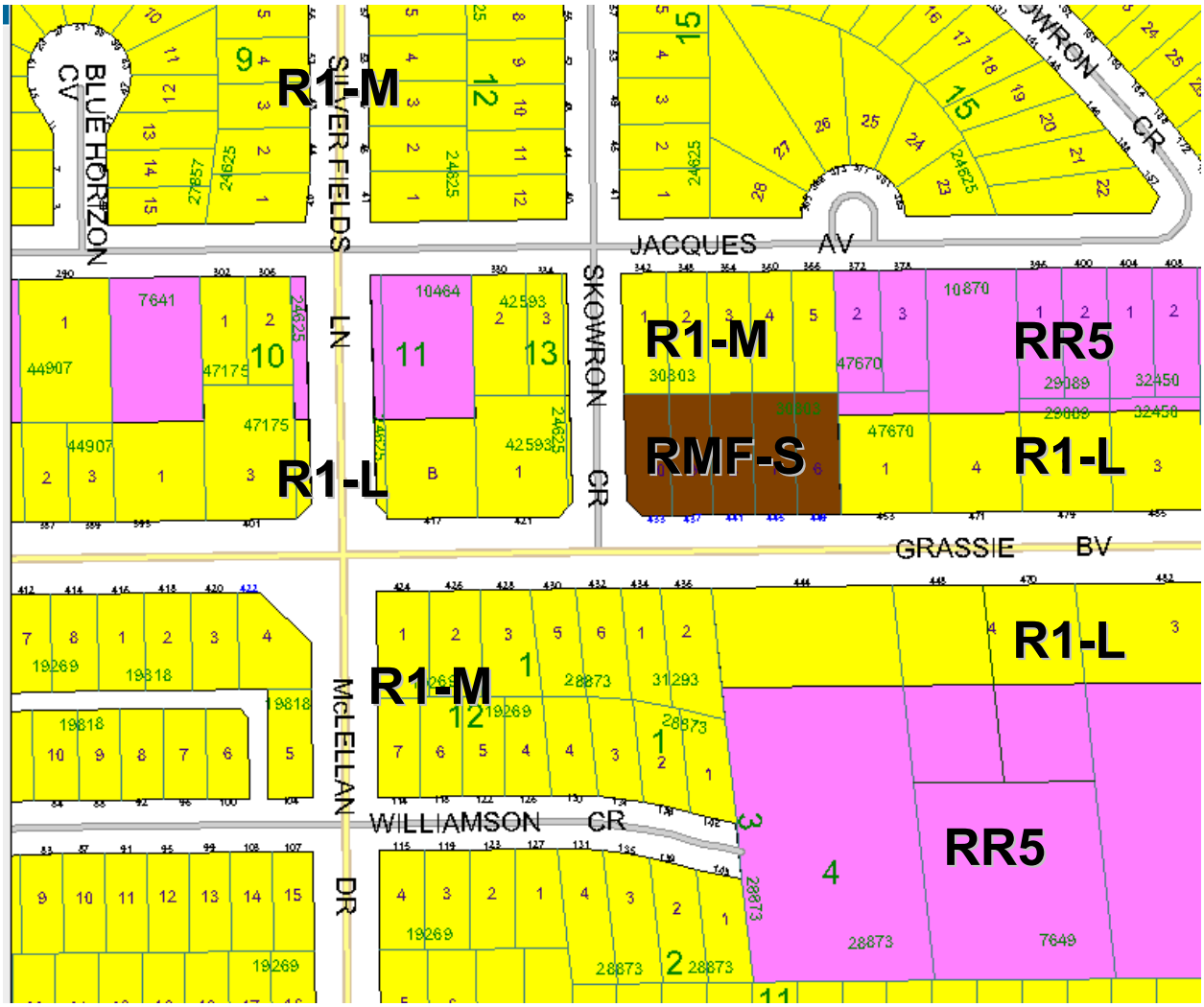


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 143 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "RMF-S" district:

Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard	Min. Corner Side Yard	Principal Building Separation	Max. Building Height (ft.)

	Unit (sq. ft.)			(ft.)	(ft.)	(ft.)	
9,000	1,250	20	25	4	5	8	35
* - Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.							

Figure 3: Dimensional standards for the "R1-M" district

Compatibility with the surrounding neighbourhood

- In the absence of the zoning agreement height restriction, heights would still be limited by the zoning by-law. The maximum permitted building height in the "RMF-S" zoning district is 35 ft. This is the smallest maximum residential building height permitted in the by-law; the maximum height in "R1" Residential Single Family and "R2" Residential Two-Family districts is also 35 ft.
- Given that 35 ft. is consistent with the maximum permitted heights of the single family zoning districts that surround the subject property, the Urban Planning Division has no concerns in removing this condition.
- In regards to the condition concerning plan approval, the Urban Planning Division would be amenable to removing its applicability to single family dwellings, as it is not typically required of this typology. However, it would prefer to otherwise leave the condition as is; given the surrounding single family development, plan approval is a useful tool to ensure the compatibility of future development.

RECOMMENDATION

The Urban Planning Division is supportive of removing the condition limiting maximum permitted heights; the restrictions pertaining to the "RMF-S" district of the zoning by-law is an appropriate tool to regulate this. However, while it is amenable to removing the plan approval requirement for single family dwellings, it would otherwise prefer to leave the condition as is, as it serves as a useful tool to ensure the compatibility of future development.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # ZAA 9/2012