Agenda – Council – February 27, 2013

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

Item No. 10 Rezoning – Southeast Corner of Salter Street at Semple Avenue (Mynarski Ward)
File DAZ 241/2012 [c/r DAV 177642/2012D]

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 Lord Selkirk-West Kildonan 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 241/2012 dated December 10, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the number of dwelling units on the subject property shall be a maximum of two (2).

        ii. That final plans, including building elevations, shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk West Kildonan Community Committee for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

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

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

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. That the City Solicitor/Manager of Legal Services 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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Amend recommendation 1. A. ii by adding the words “and the Lord Selkirk-West Kildonan Community Committee” after the words “submitted to the Director of Planning, Property and Development” and before the words “for approval prior to”,

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

RE: **Rezoning - Southeast Corner of Salter Street at Semple Avenue**
File DAZ 241/2012

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **February 13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2013, the Lord Selkirk-West Kildonan 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 241/2012 dated December 10, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the number of dwelling units on the subject property shall be a maximum of two (2).

        ii. That final plans, including building elevations, shall be submitted to the Director of Planning, Property and Development ***and the Lord Selkirk West Kildonan Community Committee*** for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. That the City Solicitor/Manager of Legal Services 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The subject proposed dwelling at the corner of the residential and collectors street with a bus route is a perfect location to increase density for the city.

2. The maximum two-family dwelling unit fits well on the subject lot, and improves the neighbouring community.

PUBLIC HEARING SUMMARY

File:	DAZ 241/2012
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	February 12, 2013 North Committee Room Council Building, 510 Main Street
Applicant:	Korey Mozdzen
Subject:	



Premises Affected:	Land located on Semple Avenue (Lot 1 Plan 53229)

Exhibits Filed:

1. Application dated November 26, 2012
2. Notification of Public Hearing dated December 19, 2012
3. Manitoba Status of Title 2619355/1
4. Plans (2 pages)
5. Report from the Planning and Land Use Division dated February 4, 2013
6. Inspection Report
7. Audio Recording of representations of public hearing held on February 12, 2013

REPRESENTATIONS:

In Support:

Keith Mozdzen
Korey Mozdzen

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DAZ 241/2012

ADMINISTRATIVE REPORT

Title: DAZ 241/2012 – Southeast Corner of Salter at Semple

Issue: For consideration at the public Hearing for a Rezoning, DAZ 241/2012 – Southeast Corner of Salter at Semple.

Critical Path: Lord Selkirk West Kildonan 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 241/2012 dated December 10, 2012 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the number of dwelling units on the subject property shall be a maximum of two (2).

        ii. That final plans, including building elevations, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement

7. That the City Solicitor/Manager of Legal Services 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 wishes to rezone the subject property to an "R2" Residential Two-Family District and requires approval to do so.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, development permits can be issued for a single-family home on each lot.

CONSULTATION

In preparing this Report there was consultation with:

N/A

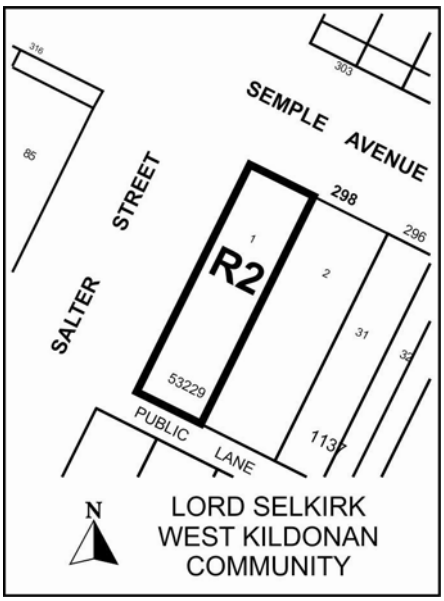
SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	Feb. 4, 2013
File No.	DAZ 241/12

DATE: Feb. 4, 2013
FILE: DAZ 241/2012
RELATED FILES: DAV 12-177642D
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.309

SUBJECT: To rezone the subject land from an "R1-M" Residential Single-Family District to an "R2" Residential Two-Family District

LOCATION: Southeast corner Semple @ Salter
LEGAL DESCRIPTION: Lot 1 Plan 53229



APPLICANT: Korey Mozdzen

OWNER: Same

RECOMMENDATION: Approval with conditions

REPORT SUMMARY
The Planning and Land Use 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 compatible with the scale and character of neighbbouring residential properties.

SITE DESCRIPTION
The subject property, which is zoned “R1-M” Residential District, is located on the southeast corner of Salter Street at Semple Avenue in the Seven Oaks neighbourhood of the Mynarski ward.

Existing Land Use and Zoning
North: Semple Avenue, then single-family dwellings zoned “R1-M” Residential District.
South: A public lane, then single-family dwellings zoned “R1-M” Residential District.
East: Single-family dwellings zoned “R1-M” Residential District.
West: Salter Street then single-family dwellings zoned “R1-M” Residential District.

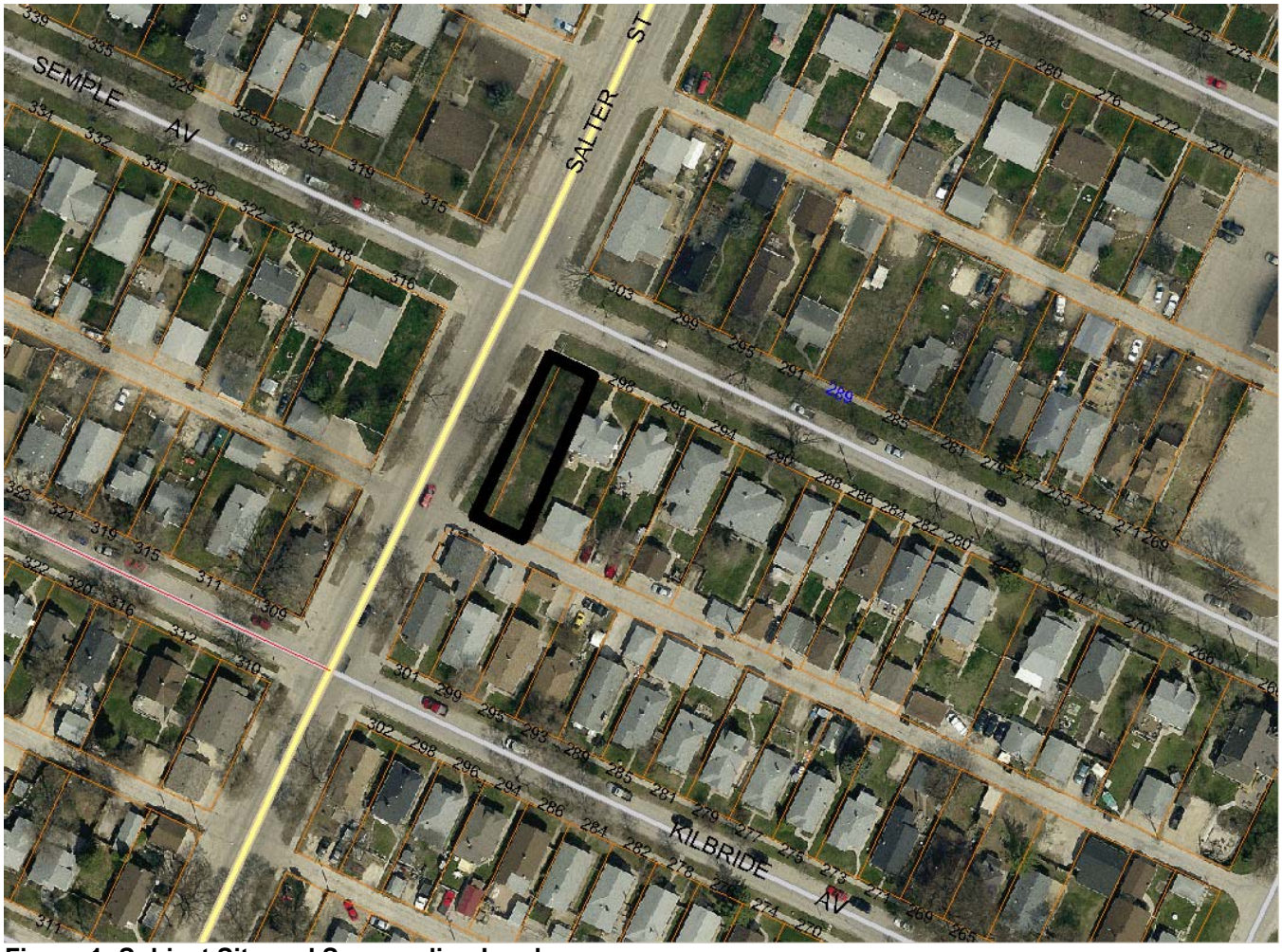


Figure 1: Subject Site and Surrounding Land uses

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to rezone the subject property for the future creation of a duplex. The applicant also requires a variance (File# DAV 12-177642D) as the subject site is less than the minimum lot size for a property zoned “R2”, which requires 5, 000 square feet and 2,500 square feet for each unit of a duplex.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

With respect the City of Winnipeg's adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within the Areas of Stability Policy Area (Mature Community). A key directions within this policy area are to:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) 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, and townhouses.
4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*

The proposed rezoning is consistent with OurWinnipeg and The Complete Communities Direction Strategy

Zoning By-Law 200/2006

The applicant is applying to rezone the property to "R2" Residential Two Family District. The proposed "R2" district requires a minimum lot size of 5,000 sq ft and a minimum lot area per dwelling unit of 2,500 sq ft. These by-law requirements will need to be varied in order to establish the lot. It is noted that there are a number of properties zoned "R2" in this mature neighbourhood of Jefferson and in other mature neighbourhoods throughout the City that are less than 5,000 sq ft in size.

Compatibility with Existing Land Uses

While the Jefferson neighbourhood has a healthy mix of residential housing types, forms and densities, the predominant land use consists of single-family residential dwellings. Figure 2 shows there are a sprinkling of lots within the neighbourhood that contain 2 or more dwelling units. Most of these are located on corner lots intersecting with collector and major collector streets such as the subject property. This includes properties along Andrews Street, Powers Street and Salter Street. Some of these examples include higher density developments such as apartments on the corner of Hartford and Salter, which is 3 streets south of Semple.

Based on the location of the property (a corner lot) and Council direction to moderately increase density in Areas of Stability, the proposed rezoning is seen as compatible with existing neighbouring development. Allowing moderate, sensitive infill into existing established neighbourhoods can help to return these neighbourhoods to the populations they once were when average family size was larger.

Though the applicant has not developed plans for the construction of the duplex at this time, it is noted that the dimensional standards of the zoning by-law are virtually identical for the "R1-M" and the "R2" zoning districts. This means the height and scale of development are consistent

with the entitlements of neighbouring properties, with the exception that the proposed development can have two front doors.



Figure 2: Dwelling Count of Neighboring Properties

Other:

Public Transit:

The site's location on Salter Street provides convenient access to public transit. It is these types of locations where a modest increase in density can help strengthen existing services such as public transit without drastically changing the established built form of the neighbourhood. Salter Street is serviced by Route #38, Salter and there is a bus stop located less than 75 feet away from the subject property line.

Impact on adjacent properties:

It can be argued that the most potentially impacted properties are those that share a property line. In the case of this proposed development, it is the applicant who is also the owner of the only abutting property.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

RECOMMENDED CONDITIONS OF APPROVAL

The Planning and Land Use 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 compatible with the scale and character of neighbbouring residential properties.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 241/2012

APPENDIX 'B'

Schedule “A” for File No. DAZ 241/2012, Lord Selkirk / West Kildonan Community Committee, dated December 10, 2012

By-Law No. _____

File No. **DAZ 241/12**

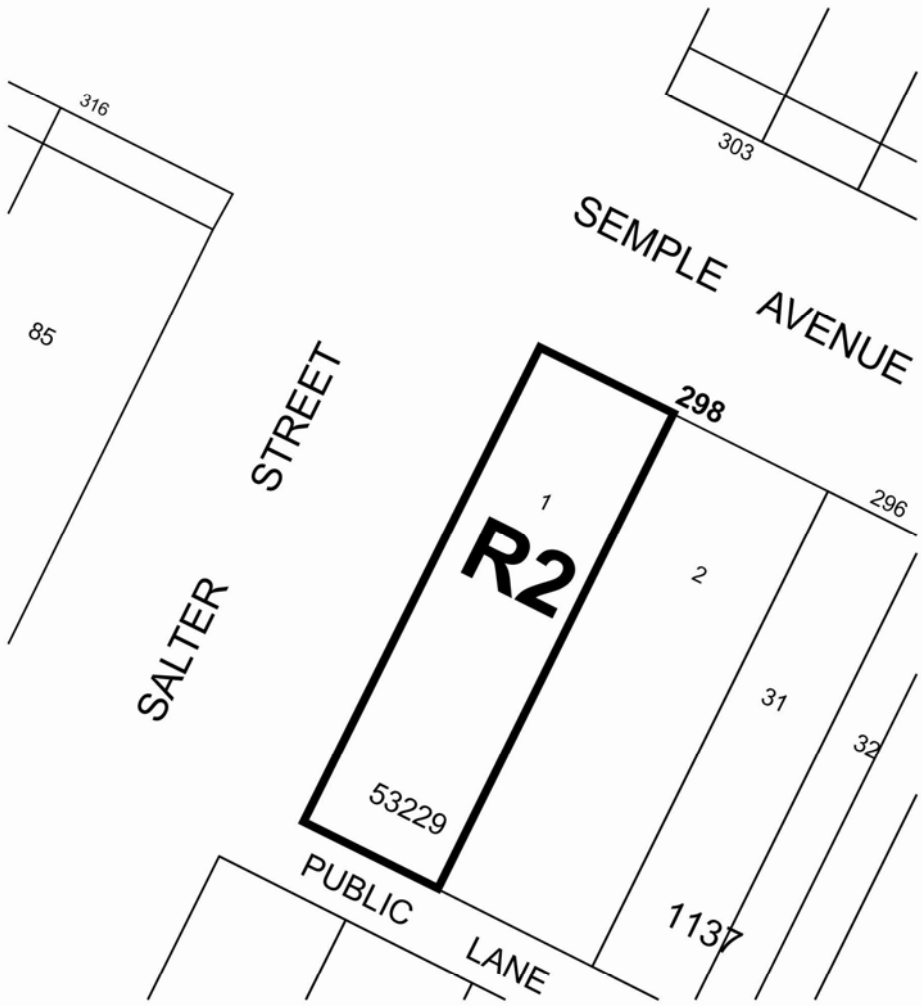
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on Lot 1, Plan 53229 Semple Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a two-family dwelling as shown outlined below.

Atlas Sheet No. **U26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____