Minute No. 498
Report – Executive Policy Committee – July 10, 2013

Item No. 7 Subdivision and Rezoning – 9 Barrington Avenue (St. Vital Ward) File DASZ 22/2013 [c/r DAV 125034/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 22/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2013 dated June 26, 2013, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer satisfy all conditions of the report of the Administrative Coordinating Group dated July 2, 2013, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 22/2013 dated June 26, 2013 to an "RMF-S" Residential Multi-Family (Small) District, subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Executive Policy Committee – July 10, 2013

COUNCIL DECISION (continued):

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

Report – Executive Policy Committee – July 10, 2013

COUNCIL DECISION (continued):

11. 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 – Executive Policy Committee – July 10, 2013

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 9 Barrington Avenue**
File DASZ 22/2013

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 22/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2013 dated June 26, 2013, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:
   A. That the Developer satisfy all conditions of the report of the Administrative Coordinating Group dated July 2, 2013, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 22/2013 dated June 26, 2013 to an "RMF-S" Residential Multi-Family (Small) District, subject to the following:
   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
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3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. It is an orderly development in a mature area.

PUBLIC HEARING SUMMARY

File: DASZ 22/2013

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: July 8, 2013
Council Building, 510 Main Street

Applicant: Gurkirpal Jauhal

Subject:



APPLICANT : GURKIRPAL JAUHAL
FILE : DASZ 22/13
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of a multi-family dwelling. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : GURKIRPAL JAUHAL
N° DE RÉFÉRENCE : DALZ 22/13
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) à la catégorie RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) afin de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 9 Barrington Avenue

Exhibits Filed:

1. Application dated April 24, 2013
2. Notification of Public Hearing dated May 14, 2013
3. Manitoba Status of Titles 2622254/1 and 2622256/1
4. Letter of authorization dated April 23, 2013 from 6551085 Mantioba Ltd. to Gurkirpal Jauhal
5. Surveyor's Building Location Certificate and sketch dated July 14, 2013
6. Drawing of subject property (4 pages)
7. Plan (1 page)
8. Report from the Planning and Land Use Division dated June 26, 2013
9. Inspection Report
10. Letter of authorization dated June 6, 2013 from Gurkirpal Jauhal to John Wintrup

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property & Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 22/2013

ADMINISTRATIVE REPORT

Title: DASZ 22/2013 – 9 Barrington Avenue Public Hearing

Issue: An application for consideration at the Public Hearing to consolidate the lot into one lot and rezone from R1-M to RMF-S.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 22/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2013 dated June 26, 2013, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer satisfy all conditions of the report of the Administrative Coordinating Group dated July 2, 2013, which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 22/2013 dated June 26, 2013 to an "RMF-S" Residential Multi-Family (Small) District, subject to the following:

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

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11. 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 consolidate the lot into one lot from two lots and rezone the site from R1-M to RMF-S in order to develop a four-unit multi-family building on the property.
- Subdivisions and rezonings 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 subject site will be subdivided into one lot and from R1-M to RMF-S.

HISTORY

- N/A

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:	June 26, 2013
File No.	DASZ 22/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 22/2013 Riel Community Committee, dated June 26, 2013.
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Appendix “B” — Plan Approval Design Guidelines for DASZ 22/2013

APPENDIX 'A'

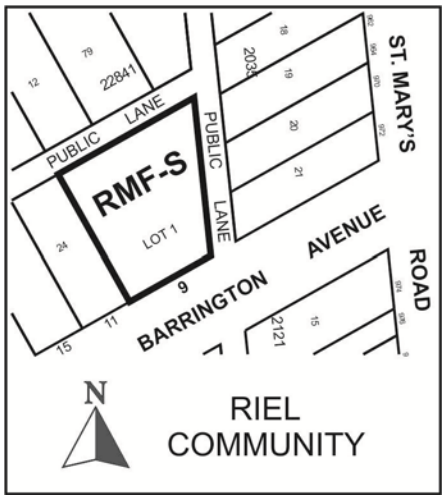
DATE: June 26, 2013

FILE: DASZ 22/2013
RELATED FILES: DAV 13-125034/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.512

SUBJECT: An application to consolidate the site into one (1) lot and rezone the site from R1-M to RMF-S.

LOCATION: 9 Barrington Avenue
LEGAL DESCRIPTION: LOT 22/23 PLAN 2035 41 ST V



APPLICANT: 6551085 MANITOBA LTD. (Gurkirpal Jauhal)
198 GOLDEN EAGLE DR
WINNIPEG MB R2K 4M4

OWNER: Same as applicant

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the north side of Barrington Avenue, west of St. Mary's Road in the Norberry neighbourhood of the St. Vital Ward.
- The property is **6,771 square feet in area** and currently contains a detached home with a living area of about 575 square feet.
- The site is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "R1-M" Residential Single-Family Medium.



Figure 1: Aerial photograph of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached single-family homes zoned R1-M.

South: Detached single-family homes zoned R1-M.

East: Recently rezoned land for future multi-family development.

West: One and two storey commercial developments zoned C2.

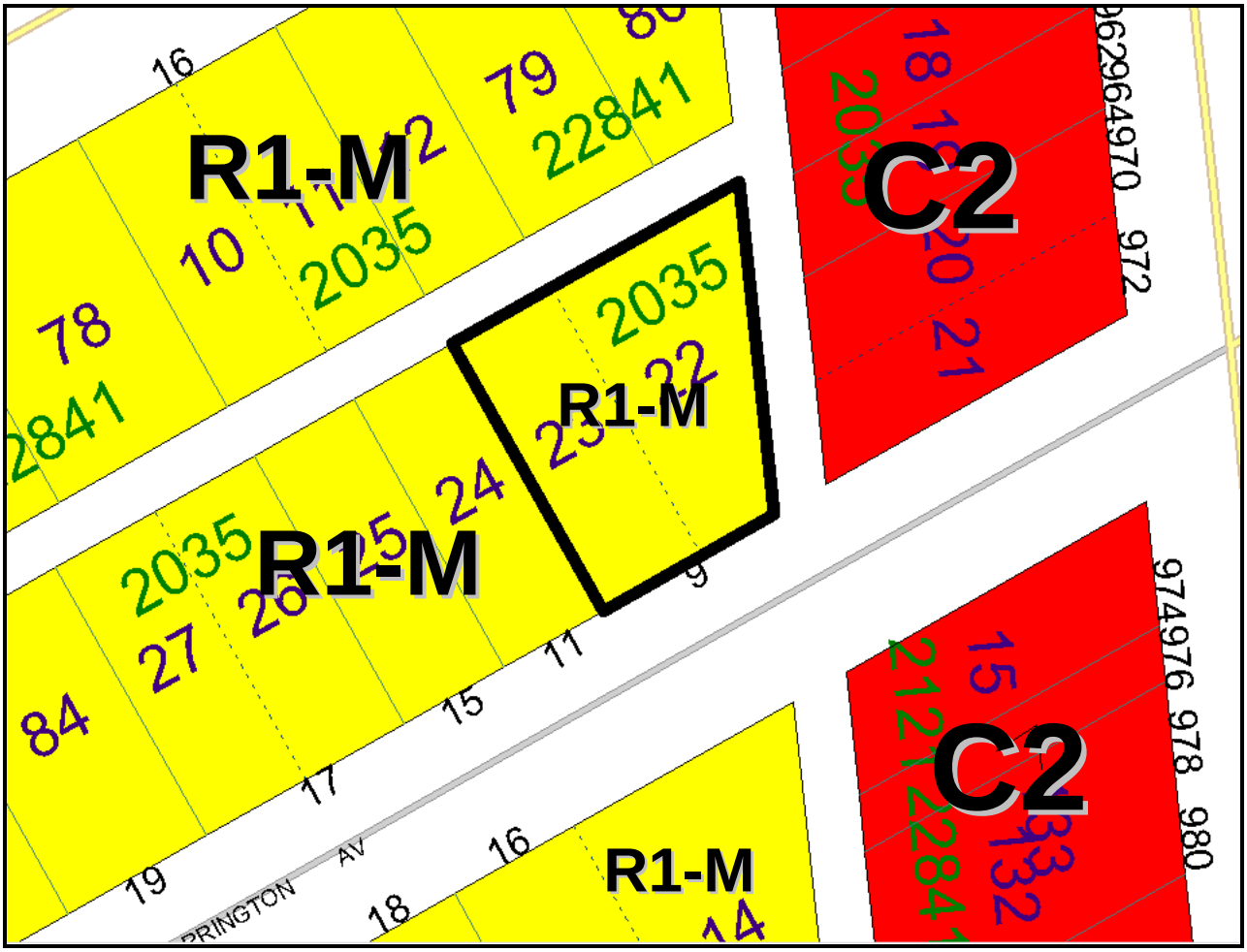


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the lot into one lot from two lots and rezone the site from R1-M to RMF-S in order to develop a four-unit multi-family building on the property.
- The development will be two storeys in height and all parking will be located behind the building.
- An associated variance is required for lot area (see DAV 13-125034/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key policies guiding the development of Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Promote the form of buildings and spaces that are sensitive to the community context and that address the transition between new and existing development.
- Encourage intensification to occur at centres and along corridors.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

ZONING

"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%.

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

LAND USE BY-LAW

Rezoning

- The R1-M zoning district does not allow for the development of multi-family buildings. The applicant would like to develop a four-unit multi-family building on the site and therefore requires a rezoning to a multi-family zoning district to allow for the proposed development.

Variance

- The subject lot is 6,771 square feet in area. The minimum lot area required in the RMF-S zone is 9,000 square feet. As such, a variance is required to make the subject lot "buildable" under the RMF-S designation.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.

- The rezoning of the site to RMF-S is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.
- The subject site is a corner lot where minor intensification is generally encouraged by the Urban Planning Division. In this case, the subject corner lot is located adjacent to C2-zoned properties that front onto St. Mary's Road, which is a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Under the Complete Communities Direction Strategy, a mix of uses and the intensification of uses are encouraged along Regional Mixed-Use Corridors.
- In terms of compatibility with the R1-M zoned properties, the RMF-S district is the lowest density multi-family zoning district in the Zoning By-law and the maximum permitted height for buildings is 35 feet, which is the same as the R1-zone. Besides lot area and lot area per dwelling unit (density), the dimensional standards for development in the RMF-S zone are very similar to the dimensional standards of the R1 zone.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site. Design guidelines for future development have been included in Appendix "B".

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 Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.
- The rezoning of the site to RMF-S is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Robert Kostiuk, MCIP PPD File # DASZ 22/2013

Schedule "A" for File No. DASZ 22/2013, Riel Community Committee, dated June 26, 2013

By-Law No. _____

File No. **DASZ 22/13**

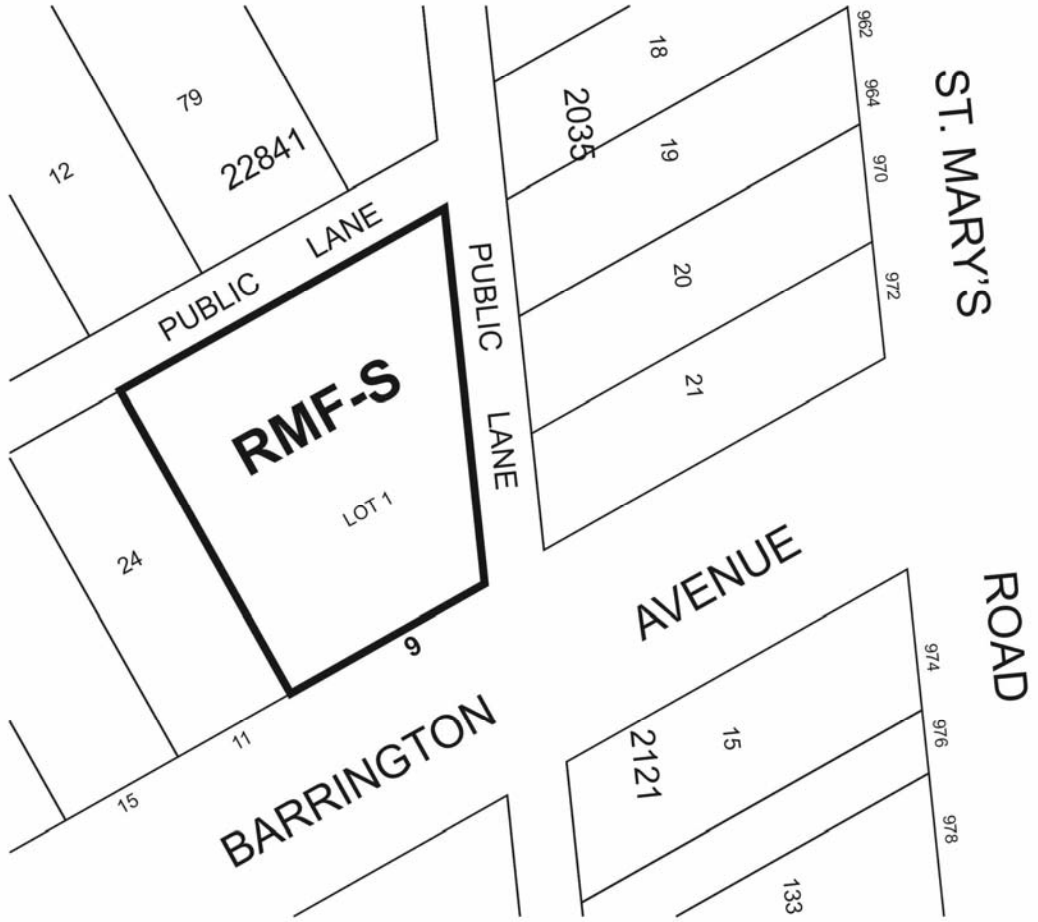
Atlas Sheet No.

N

AF26
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 9 Barrington Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of a multi-family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – July 2, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 9 BARRINGTON AVENUE - DASZ 22/2013

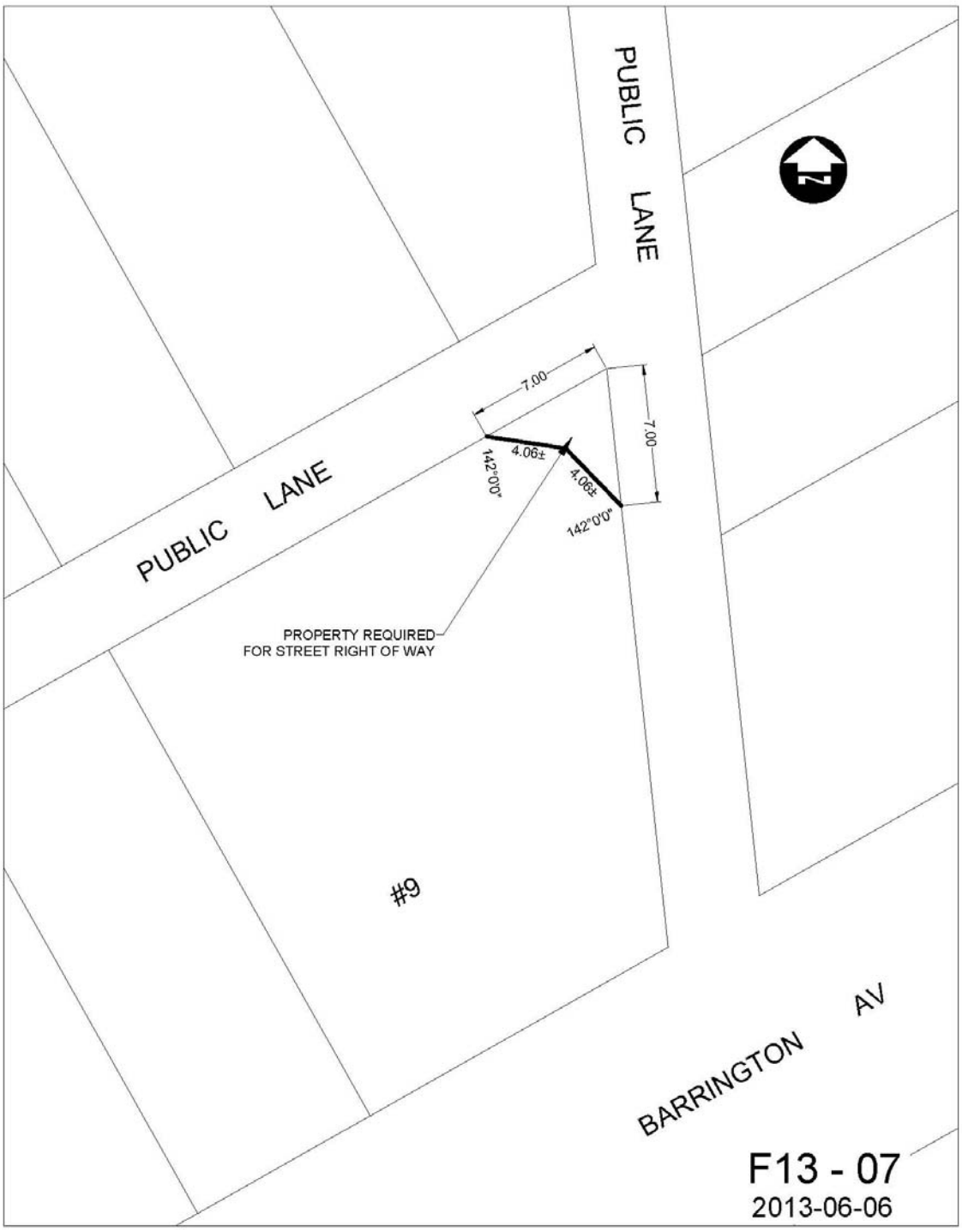
It is recommended that the approval of DASZ 22/2013, if granted, be subject to the applicant, at no expense to the City, amending its plan to transfer to the City, and legally open property required for a 7.00 metre x 7.00 metre right-of-way corner cut in the southwest corner of the intersection of the north/south public lane west of St. Mary's Road and the east/west public lane between Barrington Avenue and St. Vital Road, all as shown on Figure F13-07 included herein.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 22/2013
July 2, 2013

[Original Signed by; K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.,
Planning, Property and Development Department
Land Development Branch

[Original Signed by; C.J. Desjardine, M.Sc., P.Eng.]
C.J. Desjardine M.Sc., P. Eng.
Public Works Department
Transportation Division


PUBLIC LANE
PUBLIC LANE
7.00
7.00
4.06±
4.06±
142°0'0"
142°0'0"
PROPERTY REQUIRED
FOR STREET RIGHT OF WAY
#9
BARRINGTON AV
F13 - 07
2013-06-06

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 22/2013 – 9 Barrington Avenue

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (Barrington) and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be well-screened with landscaping or an active development along the street-front.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.5 Provide easy, universally accessible and direct access to public sidewalks.

2. Building Orientation and Design

2.1 The building façade facing the public right-of-ways should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.4 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

2.5 Reduce the perception of mass and height through the balanced use of colour, texture and materials.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.