Minute No. 502
Report – Executive Policy Committee – July 10, 2013

Item No. 11 **Subdivision and Rezoning – Southwest Corner of Intersection of Jefferson Avenue and Dr. Jose Rizal Way (Point Douglas Ward) File DASZ 28/2013**

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 28/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2013 dated May 3, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2013 dated May 3, 2013, to an "R1-S" Residential Single-Family District.

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 lots, 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.

Report – Executive Policy Committee – July 10, 2013

COUNCIL DECISION (continued):

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Lord Selkirk-West Kildonan 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 - Southwest Corner of Intersection of Jefferson Avenue and Dr. Jose Rizal Way**
File DASZ 28/2013

For submission to: **Executive Policy Committee**

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

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Lord Selkirk-West Kildonan 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 28/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2013 dated May 3, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated July 3, 2013.

PUBLIC HEARING SUMMARY

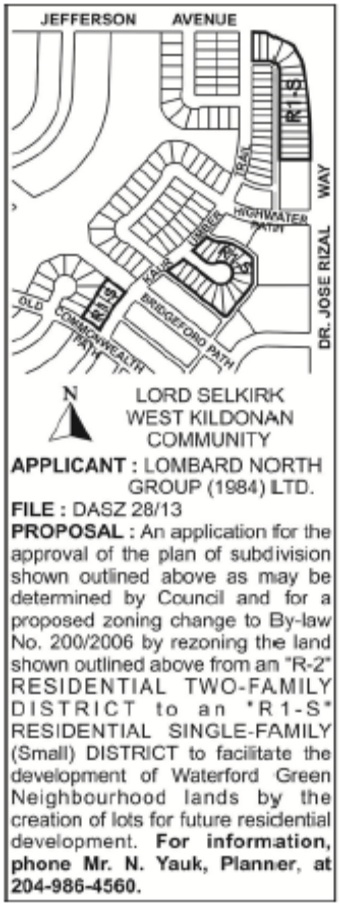
File: DASZ 28/2013

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: July 9, 2013
Council Building, 510 Main Street

Applicant: Lombard North Group (1984) Ltd. (Richard Mahé)

Subject:



Premises Affected: Southwest Corner of Intersection of Jefferson Avenue and Dr. Jose Rizal Way

Exhibits Filed:

1. Application dated May 2, 2013
2. Notification of Public Hearing dated May 15, 2013
3. Manitoba Status of Title 2575453/1
4. Letter of authorization dated April 26, 2013 from Terrascape Developments Inc. and SGS Properties Ltd. to Lombard North Group
5. Surveyor's submission of Residential Lot Areas and Widths – North Portion Phase 2
6. Plans (2 pages)
7. Report from the Urban Planning Division dated July 3, 2013
8. Inspection Report
9. Communication dated July 9, 2013 from David Palubeski, President, Lombard North Group Ltd., with respect to the application submitted at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:
David Palubeski, President, Lombard North Group Ltd.

In Opposition
Nil

For Information:
Nil

For the City:
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 28/2013

ADMINISTRATIVE REPORT

Title: DASZ 28/13 – land located at the South West corner Jefferson & Dr Jose Rizal Way.

Issue: For consideration at the Public Hearing to rezone land from "R2" Residential Two-Family District to "R1-S" Residential Single-Family District.

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
B. Smith	B. Thorgrimson	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 28/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 28/2013 dated May 3, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 28/2013 dated May 3, 2013, to an "R1-S" Residential Single-Family District.
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 lots, 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 has been registered in the Winnipeg Land Titles Office.
9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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 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 rezone properties to the "R1-S" Residential Single-Family District
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the properties can be rezoned to the proposed zoning districts.

HISTORY

The subject properties were rezoned to "R2" Residential Two-Family District under DASZ 15/2012.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department Planning, Property and Development

Division Urban Planning
Date: July 3, 2013
File No. DASZ 28/13

List of Attachments:
- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 28/2013, LSWK COMMUNITY COMMITTEE, DATED MAY 3, 2013

APPENDIX 'A

DATE: July 3, 2013

FILE: **DASZ 28/13**
RELATED FILES:

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.316

SUBJECT: For consideration at the Public Hearing to rezone the subject properties to an "R1-S" Residential Single-Family District.

LOCATION: Lands located at the South West corner Jefferson & Dr Jose Rizal Way.

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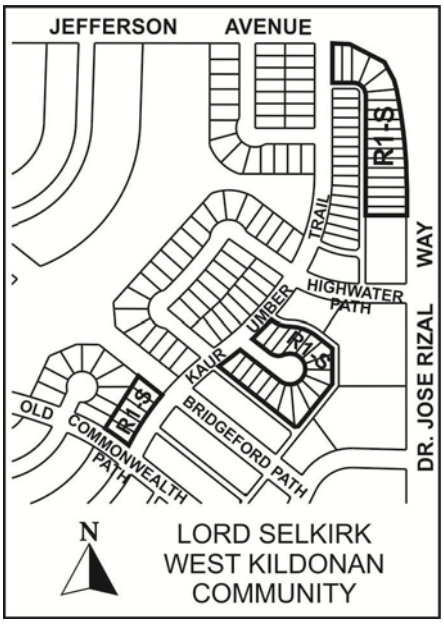
LEGAL DESCRIPTION: PT (NW25112E) LYING SE OF SE LIMIT CPR ROW PL 2444 IN ABOVE PCL A PLAN 13338 NW 2511 2E & PCL LOT C
EXC OUT OF ALL ABOVE PLS



APPLICANT: Lombard North Group / Richard Mahe
505-93 Lombard Avenue
Wpg., MB R3B 3B1

OWNER: Terrascape Developments Inc.

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the subject properties to an "R1-S" Residential District
- The intended use of the land requires a rezoning and subsequent 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.
- The applicant has submitted a concurrent application to rezone other properties within the Waterford Green Neighbourhood (Precinct C) from "R2" to "R1-S" under a separate application. The subject application is for select properties south of Jefferson Avenue, while the concurrent application is for select properties north of Jefferson Avenue.
- The Public Service recommends the rezoning be approved.

SITE DESCRIPTION

Land Use and Zoning

- The subject lands are located within the Waterford Green Neighbourhood (Precinct C) and were rezoned to "R2" Residential Two-Family District under DASZ 15/12 and associated Precinct Plan SP 2/12.
- The subject properties consist of three residential blocks located west of Dr Jose Rizal Way and south of Jefferson. One of these blocks fronts directly onto Dr. Jose Rizal Way. (A concurrent application contemplates the same zoning change for an additional 3 blocks within the precinct north of Jefferson Ave)

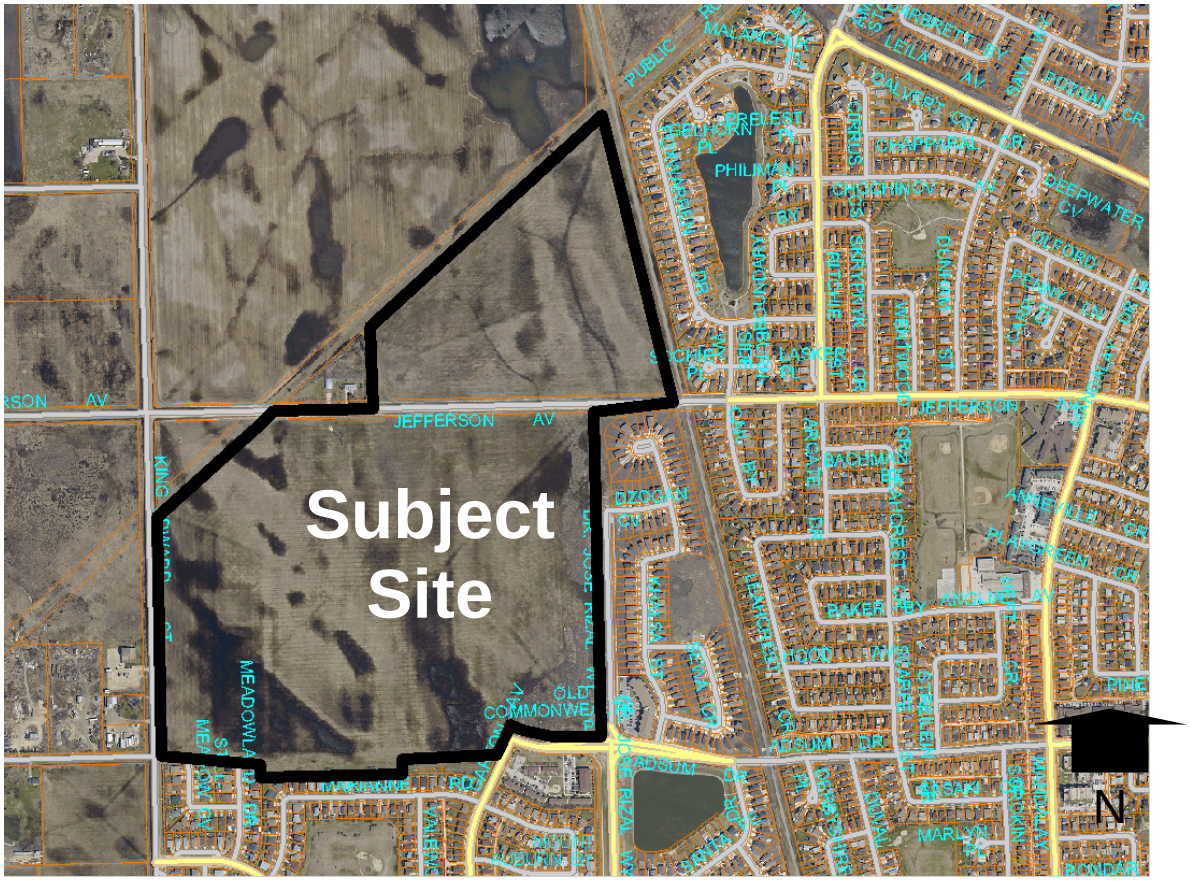


Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2009)

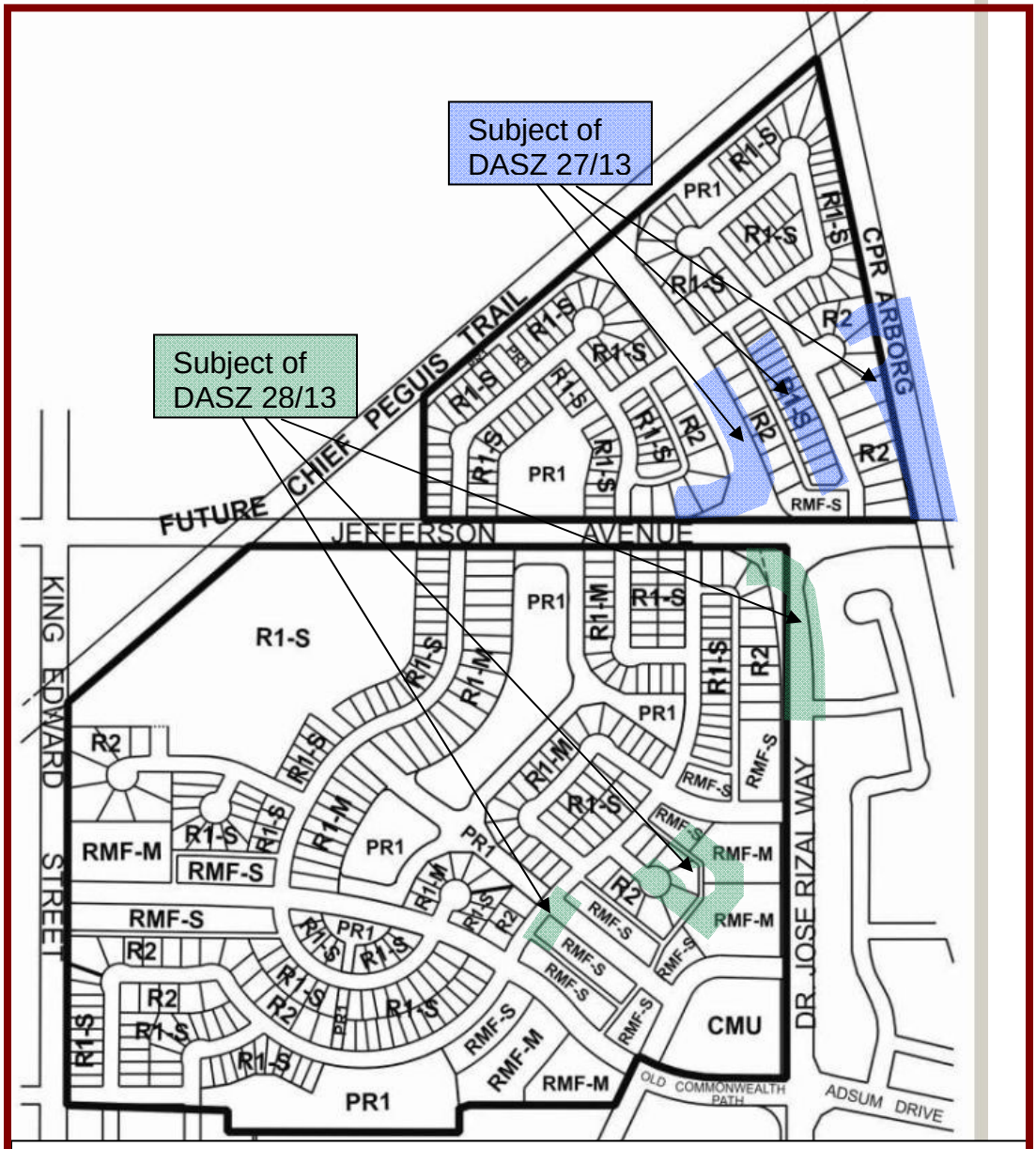


Figure 2: Current Zoning of the Subject Lands and Surrounding Area as approved under DASZ 15/12.

DESCRIPTION OF THE PROPOSAL

- The applicant had previously applied to rezone the subject properties to an “R2” zoning district under DASZ 15/12 and was successful.
- The applicant is now proposing to change the zoning to “R1-S” to facilitate the development of single-family lots instead of duplexes.
- The proposal will increase the number of residential lots (lots will be smaller), but will slightly decrease the potential yield of residential dwelling units from the existing “R2”

District as the "R2" District allows 2 units on each lot (one per each 2,500 sq ft of lot area) while the proposed R1-S zoning allows one dwelling on each lot (proposed lots vary in size but are in excess of the 2,500 lot are minimum for "R1-S").

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities Policy Area. As per the policies of Complete Communities a Precinct Plan has been adopted by Council.

Precinct Plan

- Main Policies of the Council Adopted Precinct Plan: *The Plan is designed to reflect the vision of OurWinnipeg and its supporting documents and to meet the changing socio-demographic profile of the area, including the needs of community residents. The proposed Land Use and Development Policies are focused around creating a liveable community with a pedestrian focused environment, facilitating connectivity to recreational and commercial amenities nearby, creating an efficient active transportation system, providing convenient access to public transit. The plan also strives to provide a variety of housing choices and affordability options to meet the differing lifestyle needs of community residents as well as provide quality open spaces and recreational amenities for residents.*
- One of the key objectives guiding the build-out of Waterford Green is to *Design for diversity*

Low Density Residential Urban Design Policies

The subject properties are all located within a Low Density Residential Policy Area of the Precinct Plan. This policy area encourages diversity and uniqueness in the character and style of houses. Housing types accommodated within this policy area range from single family homes to townhouses. An aim of the plan with respect to townhouses and side-by-sides are reduced front yard setbacks to foster a more pedestrian oriented streetscape. The developer will employ their own set of design guidelines to ensure variations in façade articulation, roof pitches, exterior building materials and colours to avoid repetitive design.

The above Precinct Plan policies suggest a range of housing within the Low Density Residential Policy Area. The removal of the lion's share of "R2" properties will alter the diversity of housing types, which was an important component of the Precinct Plan. It is, noted however, that while the "R2" zoning district was meant to facilitate the development of side-by-sides as originally intended, the reality is that single-family homes are permitted within the "R2" zoning district.

ZONING

Zoning By-Law 200/2006:

- **Proposed Zoning: "R1-S" Residential Single-Family District**
  These districts are intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

- **Current Zoning: "R2" Residential Two-Family District**
  The R2 zoning district is intended to accommodate the development of single and two-family limited multi-family units in lower density neighbourhoods units.

Figure 3: Dimensional Standards for Single and Two Family Districts

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)[Note b]	Max Building Height (ft)	Maximum Lot Coverage (%)
R1-S	2,500	25	15 (Note d)	25	3 each or 2 & 4	35	45
R2	5,000 (2,500)per dwelling unit for two-family;800 per unit for multi-family	25	20	25	4	35	N/A

Note b: 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.
Note d: If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 ft, unless the provisions of subsection 140(3) Loop Lanes, apply

- It is noted that the "R2" District, though intended for two-family development, does allows both single and two-family dwellings. The applicant originally chose the "R2" zoning district for the purpose of building duplexes. The Urban Planning Division recommended approval of these rezonings to "R2" so as to facilitate duplexes, especially along Dr. Jose Rizal Way.
  - Single-family dwellings within the "R2' district still must meet the minimum lot area of 5,000 sq ft required in the "R2" Zoning District. The same lot area applies to the development of a duplex (one unit per each 2,500 sq ft of lot area).
  - The applicant was under the impression that the lot lines could simply be changed to create smaller lots and utilize a different single-family zoning district that accommodates a smaller minimum lot area).
  - Since the proposed lot sizes do not meet the minimum lot area of their zoning district – "R2" - and because it is now the applicant's not to build duplexes, a rezoning to a single-family district is required.

- The Originally proposed "R2" zoning districts were ideal in that they helped create a variety of housing types espoused in the applicant's precinct plan. The presence of duplexes along Dr. Jose Rizal Way were particularly beneficial to creating a more pedestrian street wall because of the building massing generally accommodated with duplex development.
    - Through the rezoning application process and a subsequent variance application for reduced front yards, the applicant referenced similar examples of built form they were trying to achieve, such as the town homes on Rue Des Hivernants in Sage Creek.
    - The applicant now claims that the market has changed and that while the builders were prepared to build duplexes, and they are no longer prepared to do so.
- It is noted that the potential yield of dwelling units with the proposed zoning change is not that significant. While the existing "R2" zoning would have accommodated a maximum of 44 dwelling units (22 duplexes) the applicant is proposing 41 single family lots instead. In this sense, the change in density is minor. The applicant could argue that original twenty-two "R2" lots that are the subject of this application could have been developed with single-family homes as of right (lot areas met the minimum lot area requirement of 5,000 sq ft. Though, probably not as profitable for the developer, this would have yielded only 22 homes. The subject rezoning would yield 41.
- The effect of the subject rezoning application and the concurrent rezoning application (if successful) would be remove 6 of the 9 blocks from the inventory of "R2" blocks within the precinct. The impact of this is to decrease the variety housing choices available in the neighbourhood. However, the zoning change does not impact the target density of the precinct plan and there are opportunities for different housing types based on the remaining zoning districts.

Other

- It is noted that the Public Works Dept provided written comments during the Precinct Planning process objecting to the development of single-family homes fronting onto Dr. Jose Rizal Way. However, Public Works has no objections to the proposed rezoning based on the decisions with respect to DASZ 15/12, namely that Dr. Jose Rizal Way is not expected to become a truck route.
- There is an existing zoning agreement as per DASZ 15/12 that will still apply to the subject lands.
- There is an existing servicing agreement as per DASZ 15/12 that will still apply to the subject lands.

RECOMMENDATION

- The Public Service recommends the rezoning be approved.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Noah Yauk
PPD File # DASZ 28/13
Schedule "A" for File No. DASZ 28/13, LSWK Community Committee, dated May 03, 2013

By–Law No. _____

File No. **DASZ 28/13**

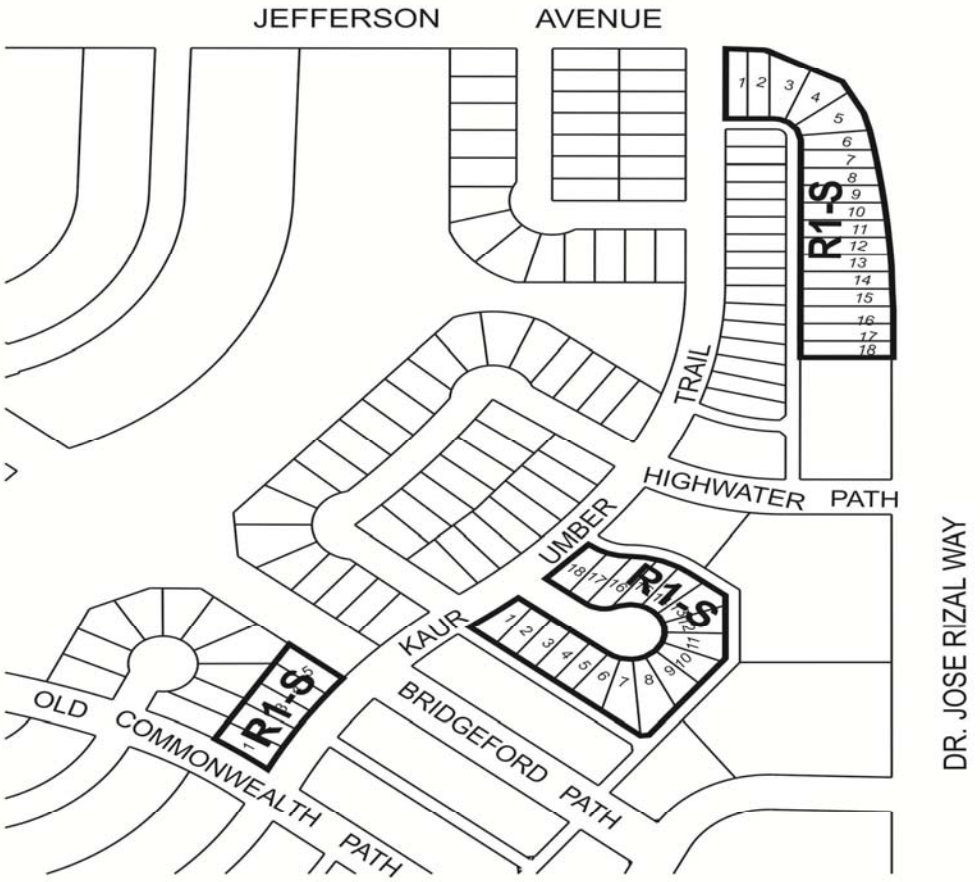
Atlas Sheet No. **S20**

N

LORD SELKIRK WEST KILDONAN 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 on the SW corner of intersection Jefferson Avenue & Dr. Jose Rizal Way from an "R-2" RESIDENTIAL TWO-FAMILY DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT to facilitate the development of Waterford Green Neighbourhood lands by the creation of lots for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____