Agenda – Council - September 25, 2013

Report – Executive Policy Committee – September 18, 2013

Item No. 3 Subdivision and Rezoning – 30 Chesterfield Avenue (St. Vital Ward) File DASZ 35/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 35/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2013 dated August 20, 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 35/2013 dated August 20, 2013 to an "RMF-L" Residential Multi-Family Large 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 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.

Report – Executive Policy Committee – September 18, 2013

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 (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.

Report – Executive Policy Committee – September 18, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 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 – 30 Chesterfield Avenue**
File DASZ 35/2013

For submission to: **Executive Policy Committee**

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

Report date: **September 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 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 35/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2013 dated August 20, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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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.

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

1. There is a good opportunity here for future development of the site.

2. The newest of the buildings is in the worst shape.

3. The applicant is committed to keeping this a very accessible senior’s housing, and making sure that people aren’t displaced.

PUBLIC HEARING SUMMARY

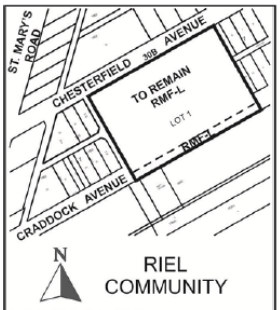
File: DASZ 35/2013

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

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

Applicant: NDL Construction Ltd. (Darrel Koop)

Subject:



APPLICANT : NDL CONSTRUCTION LTD.
FILE : DASZ 35/13
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-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to facilitate the consolidation of lands for future development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : NDL CONSTRUCTION LTD.
N° DE RÉFÉRENCE : DALZ 35/13
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-L (secteur de grandes habitations multifamiliales) afin de permettre la consolidation de biens-fonds en vue d'aménagements futurs. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 30 Chesterfield Avenue

Exhibits Filed:

1. Application dated June 14, 2013
2. Notification of Public Hearing dated June 24, 2013
3. Manitoba Status of Title 1939665/1
4. Copy of By-law No. 7567A dated May 15, 2013
5. Letter of authorization dated May 5, 2013 from Chesterfield Housing Development Inc. to NDL Construction Ltd.
6. Surveyor's Building Location Certificate and sketch dated September 24, 2009
7. Plan
8. Report from the Planning and Land Use Division dated August 20, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Darrel Koop
Gordon Westley

In Opposition

Nil

For Information:

Gisele Remillard

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit “8” referred to in File DASZ 35/2013

ADMINISTRATIVE REPORT

Title: DASZ 35/2013 – 30 Chesterfield Avenue Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the site into one lot and rezone the southern portion of the land from R1-M to RMF-L.

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 35/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 35/2013 dated August 20, 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 35/2013 dated August 20, 2013 to an “RMF-L” Residential Multi-Family Large 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 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 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 (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.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the site into one lot and rezone the southern portion of the site from R1-M to RMF-L.
- 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 consolidated into one (1) lot and the southern portion of the site will be rezoned from R1-M to RMF-L.

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:	August 20, 2013
File No.	DASZ 35/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 35/2013 Riel Community Committee, dated August 20, 2013

APPENDIX 'A'

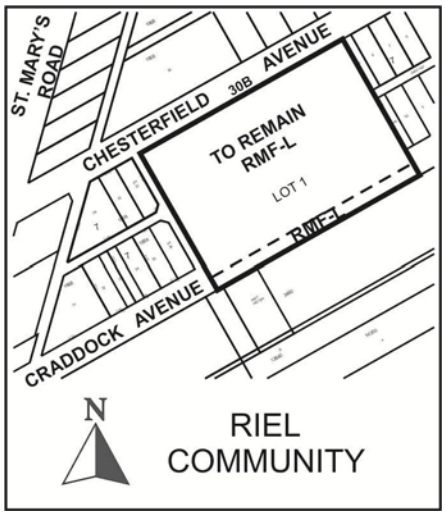
DATE: August 20, 2013

FILE: DASZ 35/2013
RELATED FILES: n/a

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.517

SUBJECT: An application to consolidate the property into one (1) lot and rezone the southern portion of the site from R1-M to RMF-L.

LOCATION: 30 Chesterfield Avenue



APPLICANT: NDL Construction Ltd (Darrel Koop)
83 Symington Lane,
WINNIPEG MB R2C 2Z3

OWNER: Chesterfield Housing Development Inc.
436 Main Street
WINNIPEG MB

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located on the south side of Chesterfield Avenue, between St. Mary's Road and Dakota Avenue in the Worthington neighbourhood of the St. Vital Ward.
- The site is approximately **2.44 acres (106,123 square feet) in area** and contains the Chesterfield Housing complex, which has a total of 86 dwelling units.
- The site is located within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy and is zoned "RMF-L" Residential Multi-Family Large and "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: An 11 storey multi-family building zoned RMF-L.

South: A Manitoba Hydro transmission corridor zoned R1-M.

East: A 133-unit apartment complex zoned RMF-L.

West: A parking lot for Chesterfield Housing zoned RMF-L and detached single-family homes zoned R1-M.

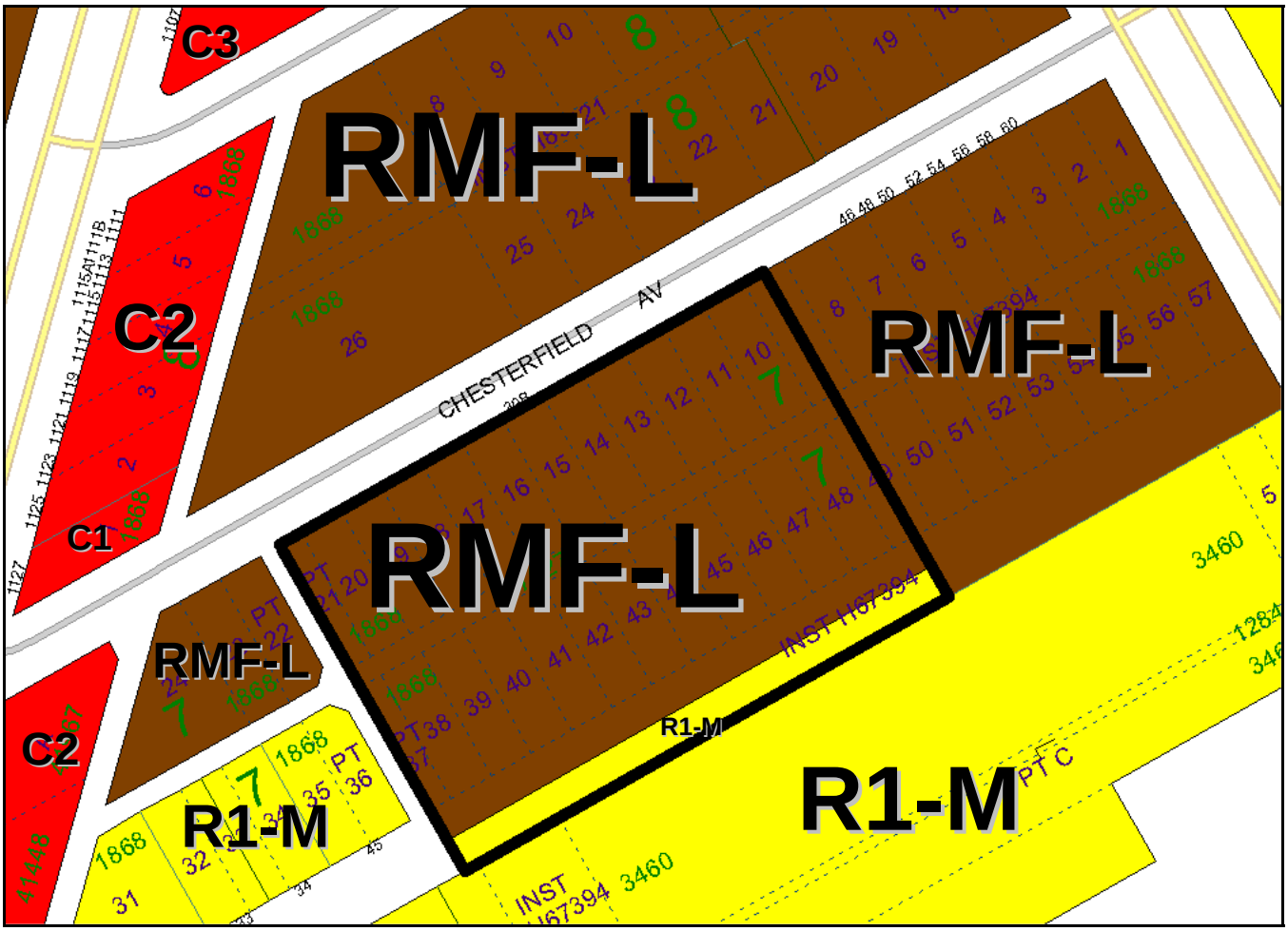


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the lot into one lot from multiple lots, part lots, and a previously closed lane and road, and rezone the southern portion of the site from R1-M to RMF-L.
- The rezoning is required to facilitate future redevelopment on the site. Specifically, the applicant intends to redevelop the easternmost block into a four storey building and reconfigure the parking. The redevelopment will lead to an increase of about 19 dwelling units for a total of 105 dwelling units on the site.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the 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 address the transition between new and existing developments.
- 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.

LAND USE BY-LAW

Rezoning

- There are two main reasons why the applicant needs to rezone the R1-M portion of the site to RMF-L. One, the applicant would like to redevelop an existing multi-family apartment block and the multi-family dwellings are not permitted in the R1-M zone. Secondly, most of the parking for the apartment blocks on the site is located where the land is zoned R1-M. Since the applicant intends to redevelop a full apartment block and reconfigure the parking area, the R1-M zone must be rezoned to same category as the rest of the site to allow for accessory parking in the area currently zoned R1-M.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. Policies guiding development in Mature Communities encourages a mix of housing types.
- The site is already predominantly zoned RMF-L and located next to other multi-family developments zoned RMF-L to the east and north.
- The split-zoning on the site resulted from a road closing. When a road is closed and adjacent to two different zoning districts, each half of the road takes on the adjacent zoning.
- The applicant is eliminating the split-zoning on the property by rezoning the R1-M portion to RMF-L. This rectifies the split-zoning on the property, which is preferred by the Public Service.

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 subject site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. Policies guiding development in Mature Communities encourages a mix of housing types.

- The site is already predominantly zoned RMF-L and located next to other multi-family developments zoned RMF-L to the east and north.
- The applicant is eliminating the split-zoning on the property by rezoning the R1-M portion to RMF-L.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 35/2013

Schedule "A" for File No. DASZ 35/2013, Riel Community Committee, dated August 20, 2013

By-Law No.

File No. **DASZ 35/13**

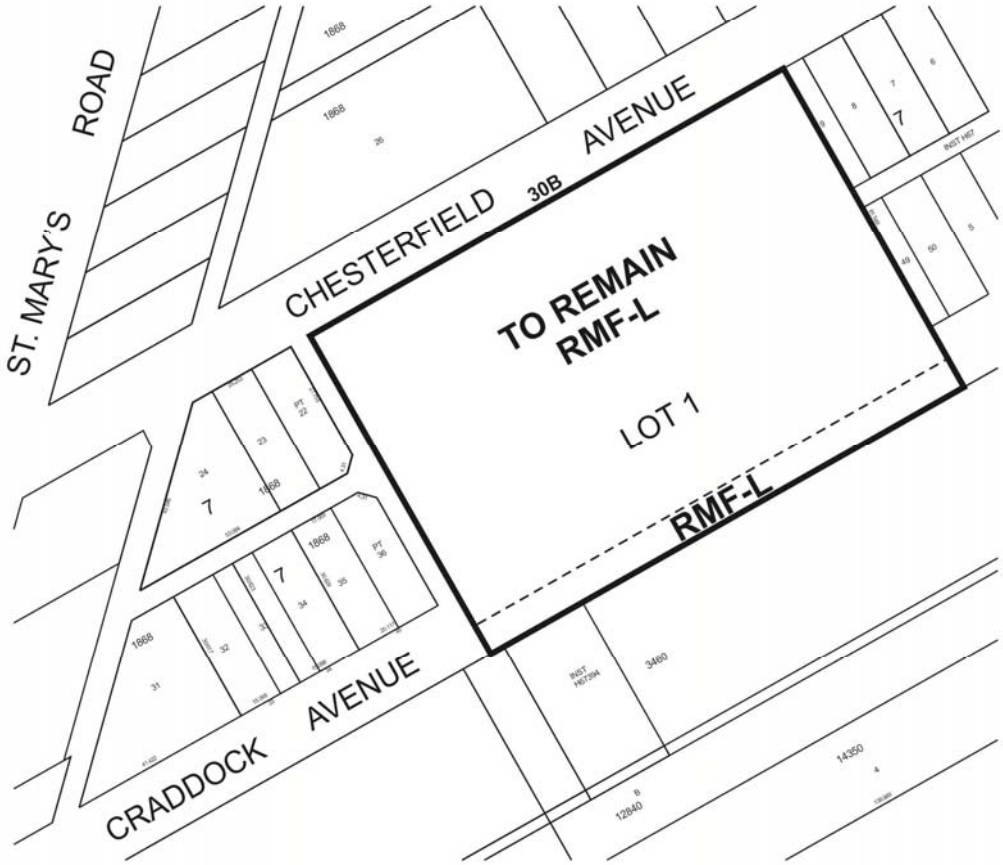
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AG27
RIEL
COMMUNITY

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 30 Chesterfield Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to facilitate the consolidation of lands for future development as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.