Agenda – Executive Policy Committee – April 23, 2014

Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 17 Rezoning – 620 St. Mary's Road
(St. Vital Ward)
File DAZ 204/2014 [c/r DCU 107437/2014/D and DAV 107450/2014D]

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted 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 204/2014 dated March 31, 2014 to an "R2" Residential Two-Family District.

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

5. 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.

Agenda – Executive Policy Committee – April 23, 2014

Report – Standing Policy Committee on Property and Development – April 15, 2014

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 620 St. Mary's Road**
File DAZ 204/2014 [c/r DCU 107437/2014/D and DAV 107450/2014D]

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

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

Report date: **April 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended 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 204/2014 dated March 31, 2014 to an "R2" Residential Two-Family District.

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.

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

5. 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. What's useful is to look at the context; the two properties to the south are both apartment buildings; it was said that it's a single-family neighbourhood, but this is going to be taller than the apartment buildings that have been there for decades, and have more units than what is proposed. The height is also not significantly greater than what is proposed.

2. We retain control over site approval, and we want this to be aesthetically pleasing; it's clearly a great neighbourhood, and this isn't going to ruin it, but when this comes forward, we will take steps to make sure the aesthetics are preserved.

3. Traffic is a legitimate concern, and control near the intersection of Kingston Row and Rosewarne Avenue is being planned, so there will be a lot less cut-through traffic.

PUBLIC HEARING SUMMARY

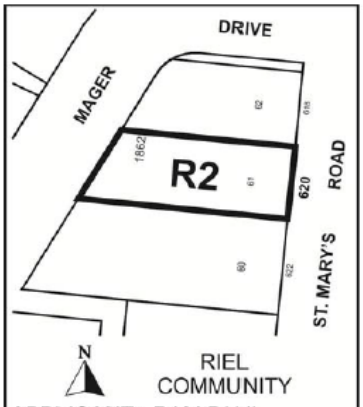
File: DAZ 204/2014

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

Public Hearing: April 7, 2014
Council Building, 510 Main Street

Applicant: Ram Paul

Subject:



APPLICANT : RAM PAUL
FILE : DAZ 204/14
PROPOSAL : To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a residential multi-family dwelling use. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : RAM PAUL
N° DE RÉFÉRENCE : DAZ 204/14
PROJET : Modifier le zonage du bien-fonds délinéé ci-dessus de sorte qu'il passe de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie R2 (secteur résidentiel bifamilial) en vue 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: 620 St. Mary's Road

Exhibits Filed:

1. Application dated February 12, 2014
2. Notification of Public Hearing dated February 26, 2014
3. Manitoba Status of Title 2682621/1
4. Letter of authorization dated February 6, 2014 from Kamaljeet Saroa to Ram Paul
5. Surveyor's Building Location Certificate and sketch dated October 16, 2013
6. Report from the Urban Planning Division dated March 31, 2014
7. Inspection Report
8. Photographs (4) submitted by Martin Sandhurst
9. Photographs (2) and maps (2) submitted by Martin Sandhurst
10. Plans (8 pages) submitted by Martin Sandhurst
11. Petition in opposition to the application purporting to contain the signatures of 43 area residents, submitted by James MacArthur
12. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Anju Bajaj
Rahul Kumar
Ram Paul on behalf of Kamaljeet Saroa
Martin Sandhurst
Jared Vogt
Larry Vogt

In Opposition

Richard Alms
Beatriz Granson
J. Kovacs
James McArthur
Joan Pitcairn
Lawrence Pitcairn
Vern Redpath

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 204/2014

ADMINISTRATIVE REPORT

Title: DAZ 204/2014 – 620 St. Mary's Road Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from R1-M to R2.

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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2014 dated March 31, 2014 to an "R2" Residential Two-Family District.
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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
5. 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 rezone the site from R1-M to R2 with a conditional use application to establish a six (6) unit multi-family dwelling on the site.
- Rezoning applications 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 land will be rezoned from R1-M to R2.

HISTORY

DAZ 252/1990

- The subject property was rezoned to R1 from C2 under application DAZ 252/1990. DAZ 252/1990 included multiple properties along St. Mary's Road between Mager Drive and Glenlawn Avenue, all of which were down-zoned. The rezoning application was initiated by the Public Service, as directed by the local Community Committee and Council at that time. The main reason for the application was to rezone the properties in a manner that reflected the actual use. However, as described in the planner's report, the down-zoning was not intended to make the existing uses included in the application locked in time. Rather, the intent was to ensure that a public hearing would be required if there was proposed change to the existing land use.

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:	March 31, 2014
File No.	DAZ 204/2014

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 204/2014

APPENDIX 'A'

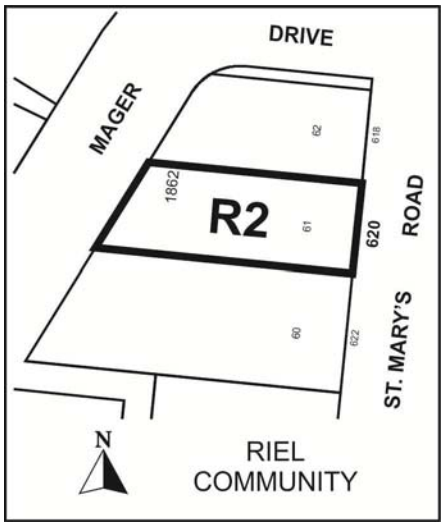
DATE: March 31, 2014

FILE: DAZ 204/2014
RELATED FILES: DAV 14-107450/D & DCU 14-107437/D (c/r), DAZ 252/1990

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.507

SUBJECT: To rezone the subject land from R1-M to R2 in order to develop a six unit multi-family dwelling on the site (associated conditional use and variance applications required).

LOCATION: 620 St Mary's RD
LEGAL DESCRIPTION: LOT 61 PLAN 1862 107/109 ST B



APPLICANT: RAM PAUL
149 BRENTLAWN BLVD
WINNIPEG MB R3T 5S5

OWNER: RAM PAUL & KAMALJEET SAROA
620 ST. MARY'S ROAD
WINNIPEG MB R2M 3L9

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the west side of St. Mary's Road, just south of the Mager Drive/St. Mary's intersection in the Elm Park neighbourhood of the St. Vital Ward.
- The site is approximately **6,521 square feet in area** and contains a one-and-a-half storey home.
- The property is located along a Regional Mixed Use Corridor (St. Mary's Road) under the Complete Communities Direction Strategy and is zoned "R1-M" Residential Single-Family Medium.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home zoned R1-M.

South: A two-and-a-half storey, 11 dwelling unit apartment block zoned RMF-M.

East: St. Mary's Road and predominantly single-family homes zoned RMF-S.

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

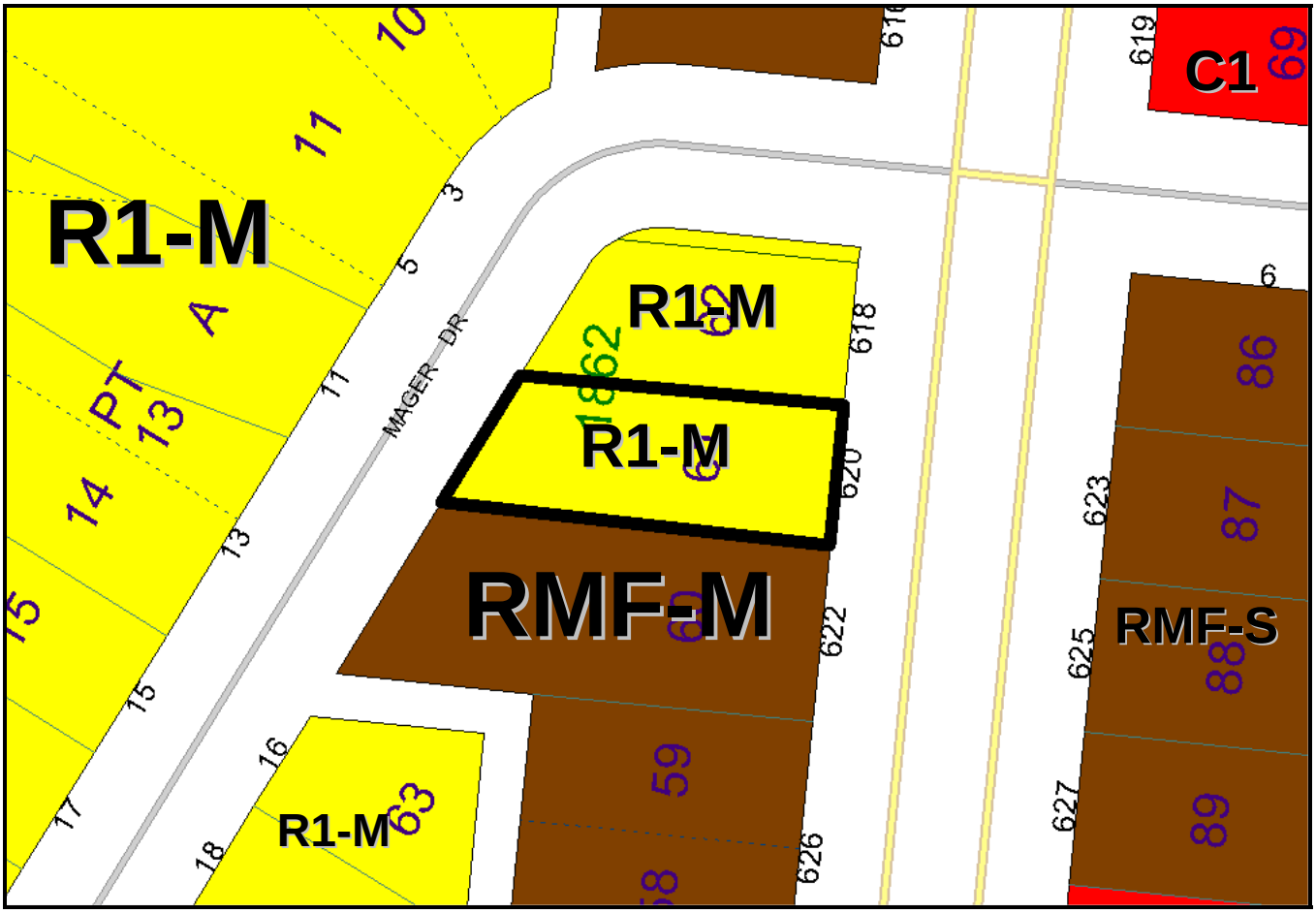


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from R1-M to R2 in order to develop a six (6) unit three (3) storey multi-family building on the site.
- An associated conditional use is required for the proposed multi-family dwelling (see DCU 14-107437/D). Variances are also required for a building height of 35.8 feet instead of 35 feet, and for the development of the accessory parking area (see DAV 14-107450/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is located along a Regional Mixed-Use Corridor (St. Mary's Road). Key relevant policies guiding development along Mixed-Use Corridors include:

- Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
- Support a range of housing opportunities in terms of type, tenure, unit size.
- Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
- Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
- Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

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%.

"R2" Residential Two-Family Large District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

LAND USE BY-LAW

Rezoning (DAZ 204/2014)

- The applicant is proposing to rezone the land from R1-M to R2 to establish a six-unit multi-family dwelling on the site through an associated conditional use application. Multi-family dwelling uses are not permitted in the R1 districts, but are a conditional use in the R2 zone.

Conditional Use (see DCU 14-107437/D)

- The applicant is applying to rezone the land to R2 and establish a multi-family dwelling use on the land. Multi-family dwellings require a conditional use application in the R2 zone.

Variances (see DAV 14-107450/D)

- The following variances are required for the proposed development:

  1) The maximum height for a principal building in the R2 zone is 35 feet. The applicant is proposing a maximum height of 35.8 feet for the multi-family dwelling.

  2(a) The subject lot is a through lot, which means that it has a front yard measured from both Mager Drive and St. Mary's Road. The proposed development is oriented towards St. Mary's Road with parking at the rear off of Mager Drive. Although parking is normally a permitted projection in a rear yard, this isn't the case for the subject lot as there are two front yards. As such, a variance is required for no front yard for a parking area instead of 20 feet.

  2(b) Multi-family dwellings require 1.5 parking stalls per dwelling unit. The applicant is proposing to develop a 6-unit building and is therefore required to provide 9 parking stalls, but is proposing to provide 6 parking stalls. As such, a variance is required.

  2(c) Under section 172(3)(a), accessory parking areas require a driveway or lane. The applicant is proposing to have parking directly off of Mager Drive.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to develop a six-unit multi-family building along St. Mary's Road, which is designated as a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Multi-family developments are encouraged along Regional Mixed-Use Corridors.
- The proposed rezoning to R2 allows for a two-unit dwelling (ex. a duplex) to be developed on the site as-of-right and for a multi-family dwelling to be considered through a conditional use application.
- Many of the surrounding properties along St. Mary's Road are zoned for multi-family development, including the neighbouring properties to the south (zoned RMF-M) and the properties on the east side of St. Mary's Road (zoned RMF-S and C2).
- There a number of multi-family dwellings within the immediate vicinity of the site, including: 622 St. Mary's Road (11 dwelling units), 626 St. Mary's Road (10 dwelling units), and 6 Mager Drive East (6 dwelling units).
- The proposed density on the site equates to approximately 40 units/acre. Comparatively, the density for 622 and 626 St. Mary's Road, and 6 Mager Drive East is about 46/units acres. As such, the proposed density for the site is compatible and less intense than the multi-family developments in the immediate vicinity.
- According to the City of Winnipeg's Transit-Oriented Development Handbook, which was adopted as Council Policy on February 14, 2012, the general suggested density for development along a High Frequency Transit Corridor or Regional Mixed-Use Corridor like St. Mary's Road is 25-60 units/acre. At 40 units/acre, the proposed density for the site is generally desirable from a Transit-Oriented Development perspective.
- With respect to form, the predominant concern for the Urban Planning Division is the proposed approach off of Mager Drive. The Urban Planning Division views this approach

as a “one-off” or unique situation that has come up because the subject property and the property to the north are the only two properties on the block that are not serviced by a back lane.

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 site is located along a Regional Mixed-Use Corridor (St. Mary’s Road) under the Complete Communities Direction Strategy. Multi-family developments are encouraged along Regional Mixed-Use Corridors.
- The proposed zoning and density for the subject site is compatible with the immediate area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 204/2014

Schedule "A" for File No. DAZ 204/2014, Riel Community Committee, dated March 31, 2014

