Minutes – Executive Policy Committee – June 18, 2014

Minute No. 407
Report – Standing Policy Committee on Property and Development – June 10, 2014

Item No. 11 **Rezoning – Northwest corner of Waverley Street and John Angus Drive**
(St. Norbert Ward)
File DAZ 202/2014

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 202/2014 dated May 22, 2014 to an "RMF-M" Residential Multi-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, for the development of any building, and/or accessory parking area and/or signage within the lands, 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.
        ii. That, for any building located within 100 feet of the west property line, the maximum permitted height shall not exceed 35 feet.
        iii. That, no portion of any building or portion of a parking area shall be located within 25 feet of the west property line.
        iv. That, for any building located within 100 feet of the west property line, the maximum length or width of the building shall not exceed 125 feet.

2. Deleted.

Report – Standing Policy Committee on Property and Development – June 10, 2014

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 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 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 – Standing Policy Committee on Property and Development – June 10, 2014

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 10, 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 June 2, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Delete recommendation 1.A.ii. in its entirety, and replace it with the following new recommendation 1.A.ii.:

  "1.A.ii. That, for any building located within 100 feet of the west property line, the maximum permitted height shall not exceed 35 feet."

- Add the following new recommendations:

  "1.A.iii. That, no portion of any building or portion of a parking area shall be located within 25 feet of the west property line.

  1.A.iv. That, for any building located within 100 feet of the west property line, the maximum length or width of the building shall not exceed 125 feet."

- Delete recommendation 2 in its entirety.

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

RE: **Rezoning – Northwest corner of Waverley Street and John Angus Drive**
File DAZ 202/2014

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

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

Report date: **June 5, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, 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 202/2014 dated May 22, 2014 to an "RMF-M" Residential Multi-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, for the development of any building, and/or accessory parking area and/or signage within the lands, 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.

        ~~***ii. That, the minimum setback to any principal building from the west property line shall equal the building height of the principal building, but in no instance shall the setback to a principal building be less than 25 feet from the west property line. The building height defined in the applicable Zoning By-law at the time of construction shall be used for each principal building to determine the setback from the west property line.***~~

        ii. That, for any building located within 100 feet of the west property line, the maximum permitted height shall not exceed 35 feet.

        iii. That, no portion of any building or portion of a parking area shall be located within 25 feet of the west property line.

iv. That, for any building located within 100 feet of the west property line, the maximum length or width of the building shall not exceed 125 feet.

~~***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.***~~

2. Deleted.

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 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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This is an improvement; the impact on the neighbours is reasonable, and is something that will work well for everybody.

2. Good addition of housing that is in high demand.

PUBLIC HEARING SUMMARY

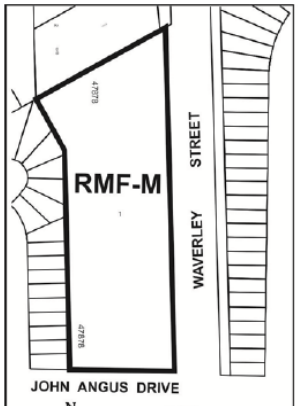
File: DAZ 202/2014

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

Public Hearing: June 2, 2014
Council Building, 510 Main Street

Applicant: Ladco Company Ltd. (Tyler Smith)

Subject:



RIEL COMMUNITY

APPLICANT : LADCO COMPANY LTD.
FILE : DAZ 202/14
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the establishment of a future multi-family dwelling use on the site. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : LADCO COMPANY LTD.
N° DE RÉFÉRENCE : DAZ 202/14
PROJET : Modifier le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie C2 (secteur commercial communautaire) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) afin de permettre l'aménagement futur d'une habitation multifamiliale sur le site. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected:	Northwest corner of Waverley Street and John Angus Drive

Exhibits Filed:

1. Application dated January 30, 2014
2. Notification of Public Hearing dated April 30, 2014
3. Manitoba Status of Title(2328715/1
4. Surveyor's Building Location Certificate and sketch dated March 12, 2012
5. Report from the Urban Planning Division dated May 22, 2014
6. Inspection Report
7. Petition in opposition of the application purporting to contain the signatures of 16 area residents, submitted by Meenu Brar
8. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Michael Carruthers
Tyler Smith

In Opposition:

Danilo Azurin
Maria Azurin
Neven Basta
Meenu Brar
Dorothy Cole
Bohyun Seo
Devin Whiting

For Information:

Tracey Minaker
Lyndee Patterson

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. R. Mahé, Planner, Planning, Property and Development Department

Exhibit “5” referred to in File DAZ 202/2014

ADMINISTRATIVE REPORT

Title: DAZ 202/2014 – Northwest Corner of the Waverley Street/John Angus Drive Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from C2 to RMF-M to allow for the future development of a multi-family building.

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 202/2014 dated May 22, 2014 to an “RMF-M” Residential Multi-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, for the development of any building, and/or accessory parking area and/or signage within the lands, 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.

      ii. That, the minimum setback to any principal building from the west property line shall equal the building height of the principal building, but in no instance shall the setback to a principal building be less than 25 feet from the west property line. The building height defined in the applicable Zoning By-law at the time of construction shall be used for each principal building to determine the setback from the west property line.

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 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 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 "C2" Commercial Community to "RMF-M" Residential Multi-Family Medium for the future development of a multi-family building.
- 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 C2 to RMF-M with a zoning agreement further restricting the property.

HISTORY

Waverley West Southeast Neighbourhood Area Structure Plan (By-Law 140/2007)

- On November 21, 2007, Council adopted the *Waverley West Southeast Neighbourhood Area Structure Plan* under By-Law No. 140/2007 (see file SP 2/2007). This area structure plan guides development in the *Southeast Neighbourhood*.

DASZ 22/2007

- On November 21, 2007, Council approved the subdivision and rezoning of land in the Waverley West Southeast Neighbourhood. Under that application, the subject property was rezoned to C2.

SPA 1/2014 (First Reading for By-law 39/2014)

- On April 30, 2014, Council gave first reading to By-law 39/2014 (SPA 1/2014) and directed the Riel Community Committee to conduct a public hearing on the Secondary Plan Amendment application.
- Under SPA 1/2014, the applicant is proposing to remove the Secondary Commercial site from the land use concept map and any references to the Secondary Commercial site found within that plan.
- SPA 1/2014 is required for the subject DAZ to proceed. Both applications will be heard at the June 2, 2014 Riel Community Committee Public Meeting.

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:	May 22, 2014
File No.	DAZ 202/2014

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 202/2014

APPENDIX 'A'

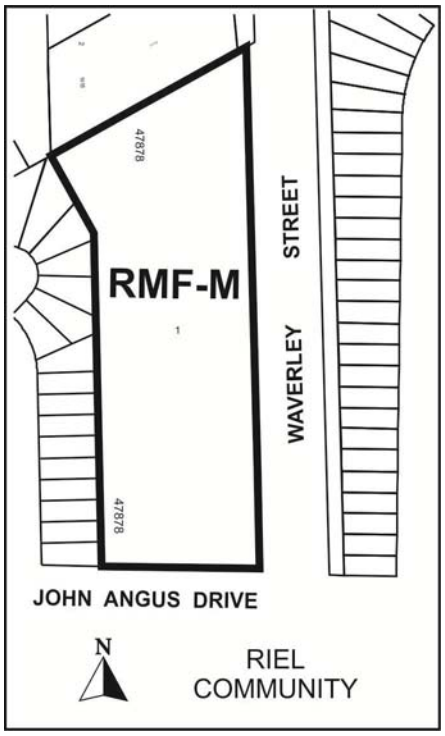
DATE: May 22, 2014

FILE: DAZ 202/2014
RELATED FILES: SPA 1/2014 (c/r), DASZ 22/2007

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.682

SUBJECT: To rezone the subject land from C2 to RMF-M to allow for the future development of a multi-family building on the site.

LOCATION: Northwest corner of John Angus Drive and Waverley Street
LEGAL DESCRIPTION: Block 1 Plan 47878



APPLICANT: Ladco Company Limited (Tyler Smith)
200-40 Lakewood Boulevard
Winnipeg, MB R2T 2M6

OWNER: Same as Above

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the northwest corner of the Waverley Street and John Angus Drive intersection in the South Pointe neighbourhood of the St. Norbert Ward.
- The property is vacant and is approximately 7 acres in area.
- The site is currently located within the Secondary Commercial Site/Neighbourhood Node 1 policy areas under the Waverley West Southeast Neighbourhood Area Structure Plan (By-law 140/2007). However, under the associated file SPA 1/2014, the applicant is proposing to remove the Secondary Commercial site from the land use concept map and any references to the Secondary Commercial site found within that plan.
- The subject site was rezoned to “C2” Commercial Community under DASZ 22/2007.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A place of worship use (Winnipeg Grand Mosque) zoned A.

South: John Angus Drive and park land zoned PR1.

East: Waverley Street and the homes within the Richmond West Neighbourhood zoned R1-M.

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

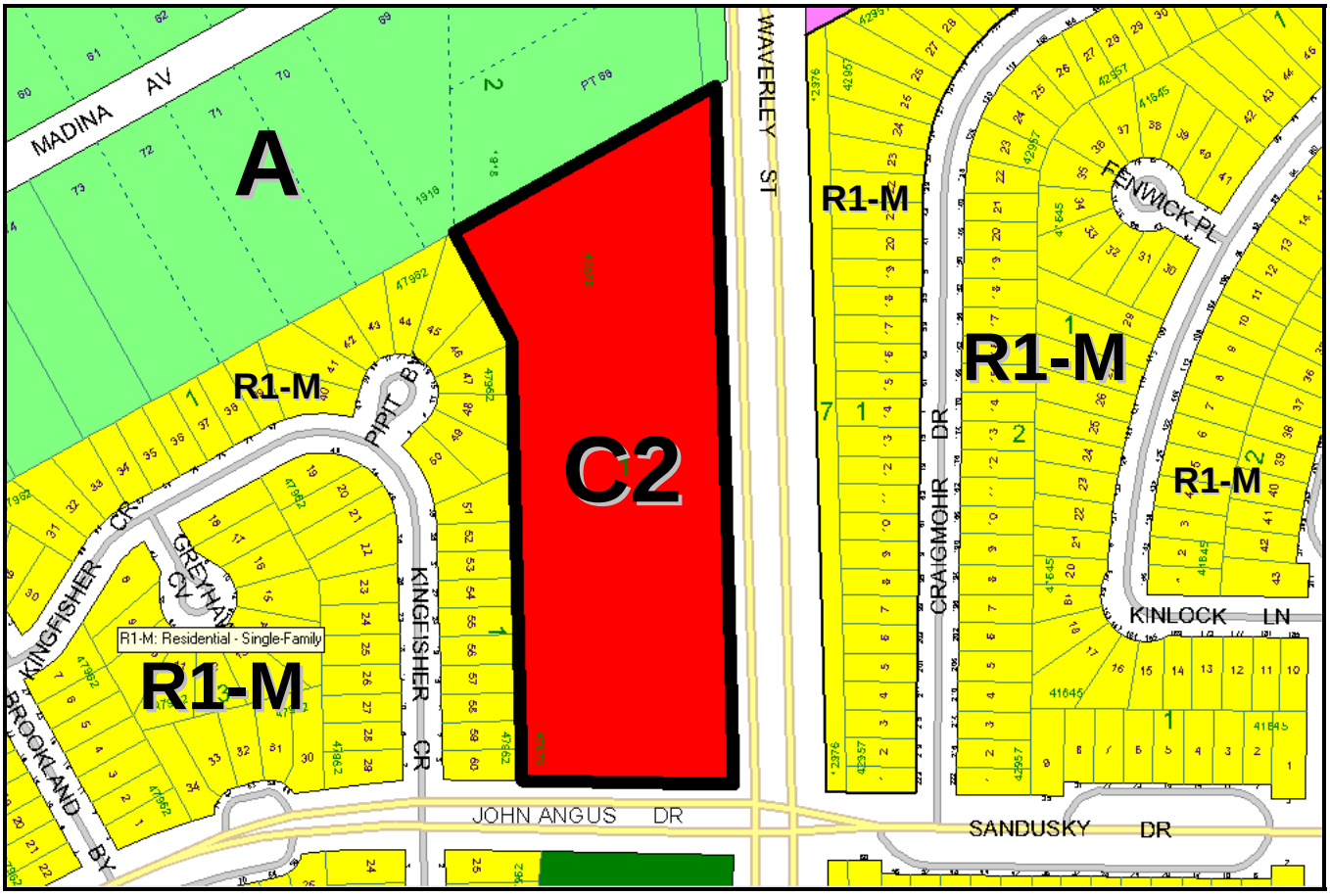


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from “C2” Commercial Community to “RMF-M” Residential Multi-Family Medium for the future development of a multi-family building.

ANALYSIS AND ISSUES

WAVERLEY WEST SOUTHEAST NEIGHBOURHOOD AREA STRUCTURE PLAN (BY-LAW 140/2007)

- As previously mentioned, the site is currently located within the Secondary Commercial Site/Neighbourhood Node 1 policy areas under the Waverley West Southeast Neighbourhood Area Structure Plan (By-law 140/2007). However, under the associated file SPA 1/2014, the applicant is proposing to remove the Secondary Commercial site from the land use concept map and any references to the Secondary Commercial site found within that plan.
- Although the subject application is consistent with the Neighbourhood Node 1 policies and parts of the existing Secondary Commercial polices of the Area Structure Plan, a decision must be made on SPA 1/2014 for the subject DAZ application to proceed. The reason being is that Policy 5.5.1(1) requires “local commercial to be the predominant land use” in the Secondary Commercial

area. Even though multi-family is permitted in the Secondary Commercial area under Policy 5.5.1(2), it is not possible for local commercial to be the predominant land use under the subject DAZ because the entire site is being rezoned to RMF-M, and the RMF districts do not permit any commercial uses.

- If the Secondary Commercial site and any references to it are removed from the Waverley West Southeast Neighbourhood Area Structure Plan under SPA 1/2014, the subject rezoning would be fully consistent with the Plan as multi-family residential is permitted under section 5.3.1(1)(i) for Neighbourhood Nodes.

ZONING

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.

"RMF-M" Residential Multi-Family Medium

- The RMF-M 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-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from C2 to RMF-M in order to allow for the future development of a multi-family building on the site. This rezoning would also ensure that commercial development would not occur on the land.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The property is located within Neighbourhood Node 1. Multi-family residential is listed as a potential use for this specific site under the intent statement for Node 1 in Section 5.3 of the Waverley West Southeast Neighbourhood Area Structure Plan. Further, multi-family residential is listed as a permitted use for all Neighbourhood Nodes in the plan. As such, the proposed rezoning conforms to the Neighbourhood Area Structure Plan.

- The subject site is located along Waverley Street and John Angus Drive. There is park space to the south, a place of worship use (Winnipeg Grand Mosque) to the north, and detached single-family homes to the west. Given that the maximum height permitted in the RMF-M zone is 60 feet, the Public Service is recommending the inclusion of an increased setback from the west property line, which is shared with the single-family zoned residences. This setback is recommended to help ensure compatibility between

the single-family zoned properties and the proposed RMF-M property with respect to height. It should be noted that the clause is intended to apply to principal buildings and not to accessory parking.

- The Public Service is also 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. Recommended design guidelines for approval are as follows:
    - The site layout and building orientation should ensure that the buildings relate appropriately to the streets (Waverley Street and John Angus Drive) and surrounding developments and create a cohesive visual identity for the neighbourhood.
    - Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.
    - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
    - Parking areas should be well-screened with landscaping or an active development along the streetfront.
    - Provide easy, universally accessible and direct access to the public sidewalk(s).
    - Locate walkways to minimize potential conflict with vehicular and services areas.
    - The building façade facing the public right-of-ways should be well-articulated and should avoid featureless building massing.
    - 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.
    - 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.

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 proposed rezoning of the site to RMF-M is consistent with Waverley West Southeast Neighbourhood Area Structure Plan, subject to the approval of SPA 1/2014.
- Multi-family has been contemplated for the site under the Waverley West Southeast Neighbourhood Area Structure Plan.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 202/2014

Schedule "A" for File No. DAZ 202/2014, Riel Community Committee, dated May 22, 2014

By-Law No. _____

File No. **DAZ 202/14**

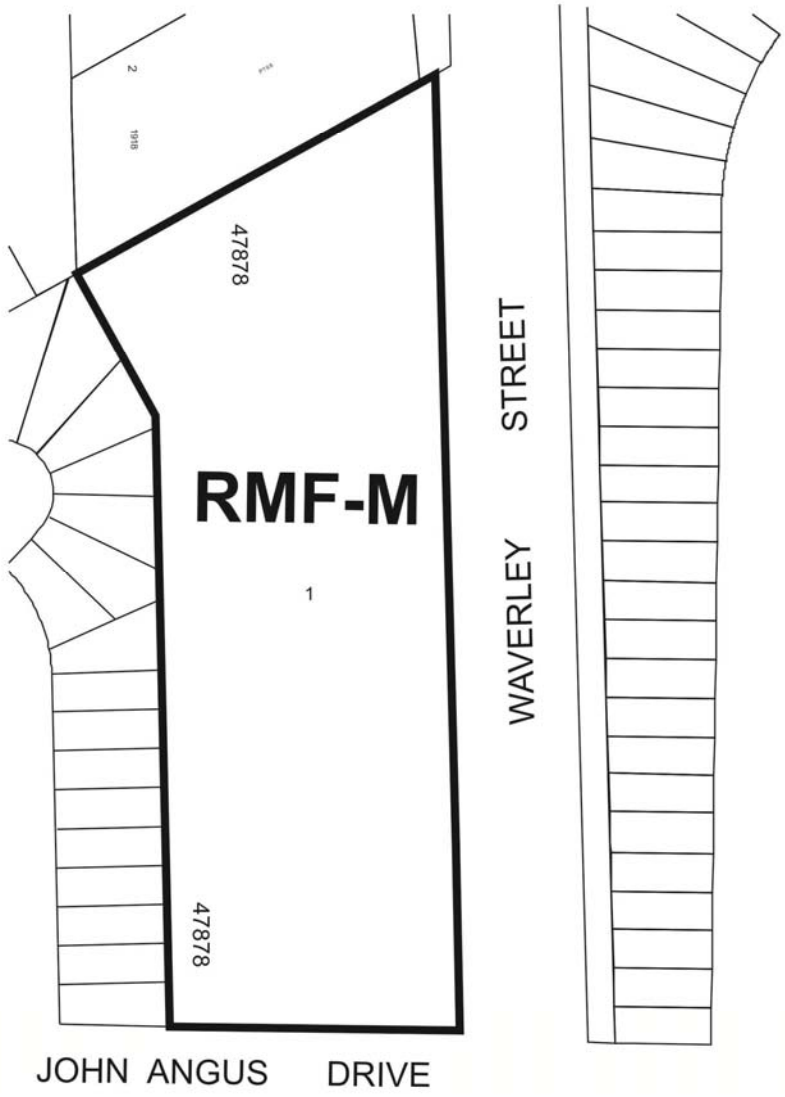
Atlas Sheet No.

N

AN21
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located northwest corner of Waverley Street & John Angus Drive from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the establishment of a future multi-family dwelling use on the site as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____