Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

Item No. 6 Subdivision and Rezoning – Singh Trail – Waterford Green (Point Douglas Ward) File DASZ 12/2014

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 12/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2014 dated May 5, 2014 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 12/2014 dated May 5, 2014, 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.

Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

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.

Report – Executive Policy Committee – September 10, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, 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 15, 2014, 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 - Singh Trail – Waterford Green**
File DASZ 12/2014

For submission to: **Executive Policy Committee**

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

Report date: **July 17, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2014, 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 12/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2014 dated May 5, 2014 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 12/2014 dated May 5, 2014, 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.

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, 2014.

PUBLIC HEARING SUMMARY

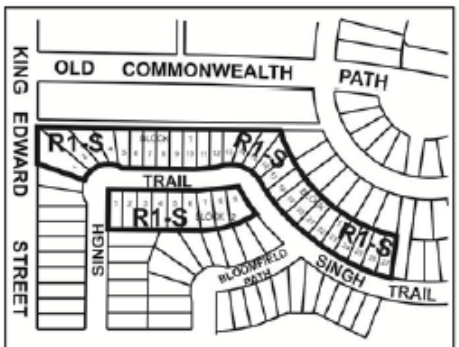
File: DASZ 12/2014

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

Public Hearing: July 15, 2014
Council Building, 510 Main Street

Applicant: Lombard North Group (Andrei Friesen)

Subject:



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LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : LOMBARD NORTH GROUP

FILE : DASZ 12/14

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 "R-2" RESIDENTIAL TWO-FAMILY DISTRICT to an "R1-S" RESIDENTIAL SINGLE FAMILY (Small) DISTRICT to allow for the creation of residential building lots for future development. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: Singh Trail

Exhibits Filed:

1. Application dated May 5, 2014
2. Notification of Public Hearing dated May 20, 2014
3. Manitoba Status of Titles 2703102/1 and 2703105/1
4. Letter of authorization dated April 11, 2014 from Terrascape Developments Inc. to Lombard North Group
5. Caveats 442383/1, 4442384/1 and 4442385/1
6. Plans (3 pages)
7. Report from the Urban Planning Division dated July 3, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Andrei Friesen, Lombard North Group
David Palubeskie, Lombard North Group
Jeff Pratte

In Opposition

Nil

For Information:

Suzanne Hrynyk

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. N Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 12/2014

ADMINISTRATIVE REPORT

Title: DASZ 12/14 – Singh Trail

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 12/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2014 dated May 5, 2014 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 12/2014 dated May 5, 2014, 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 "R1-S" zoning district.

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, 2014
File No.	DASZ 12/2014

List of Attachments:

- APPENDIX 'A': Planners Report

- SCHEDULE “A” FOR FILE NO. DASZ 12/2014, LSWK COMMUNITY COMMITTEE, DATED MAY 5, 2014

APPENDIX ‘A

DATE: July 3, 2014

FILE: DASZ 12/2014
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 on Singh Trail

.

LEGAL DESCRIPTION: PT Lot 5 Block 10 and PT Lot 1 Block 12 Plan 55201



APPLICANT: Lombard North Group / Andrei Friesen
287 Tache Ave
Wpg., MB R2H 2A1

OWNER: Terrascape Development

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 subject application is for select properties located on Sing Trail.
- 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. Subdivision and rezoning was made possible by the Precinct Plan SP 2/12.
- The subject properties consist of two residential part blocks on the north and south sides of Sing Trail.

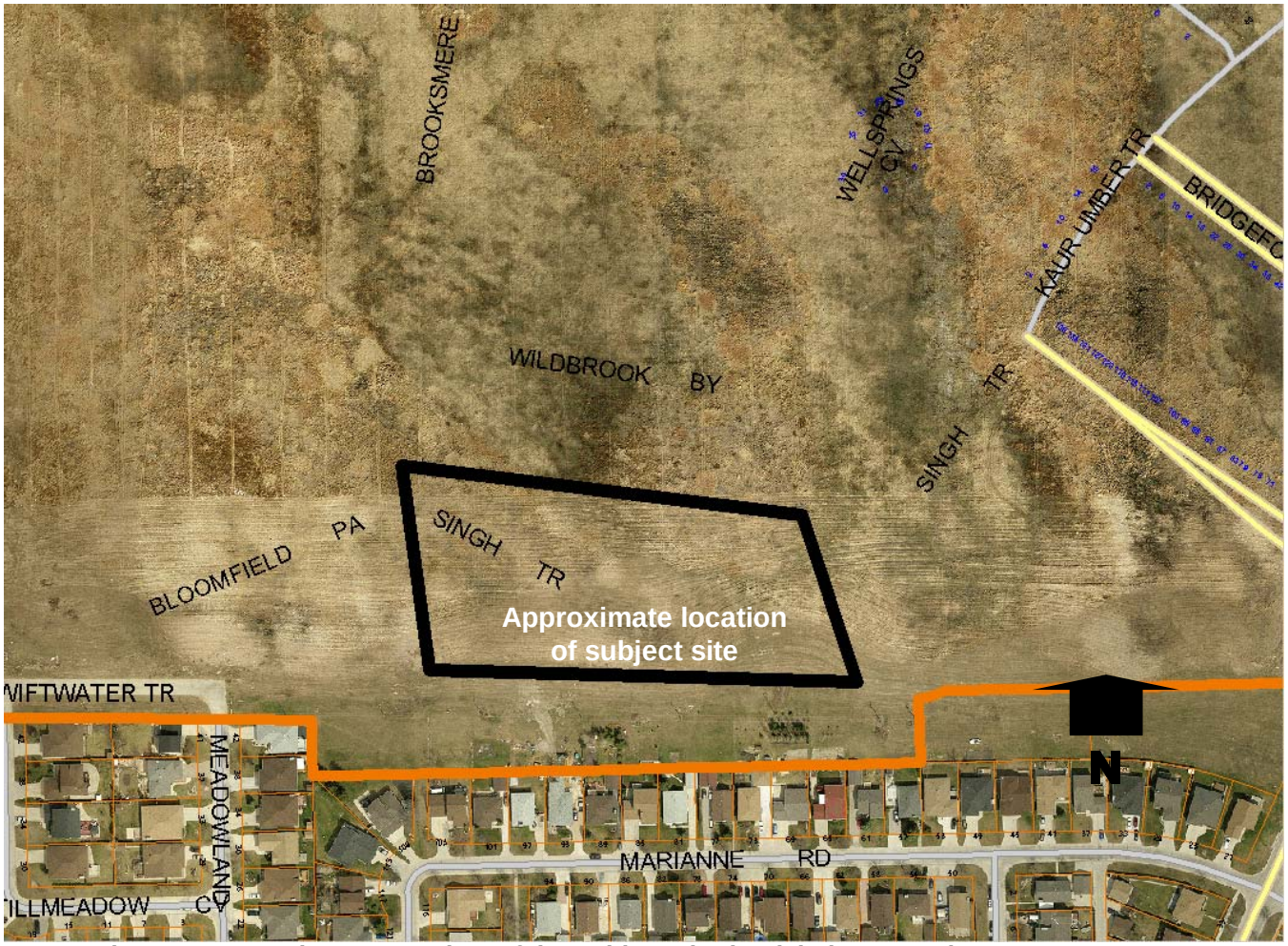

Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2009)

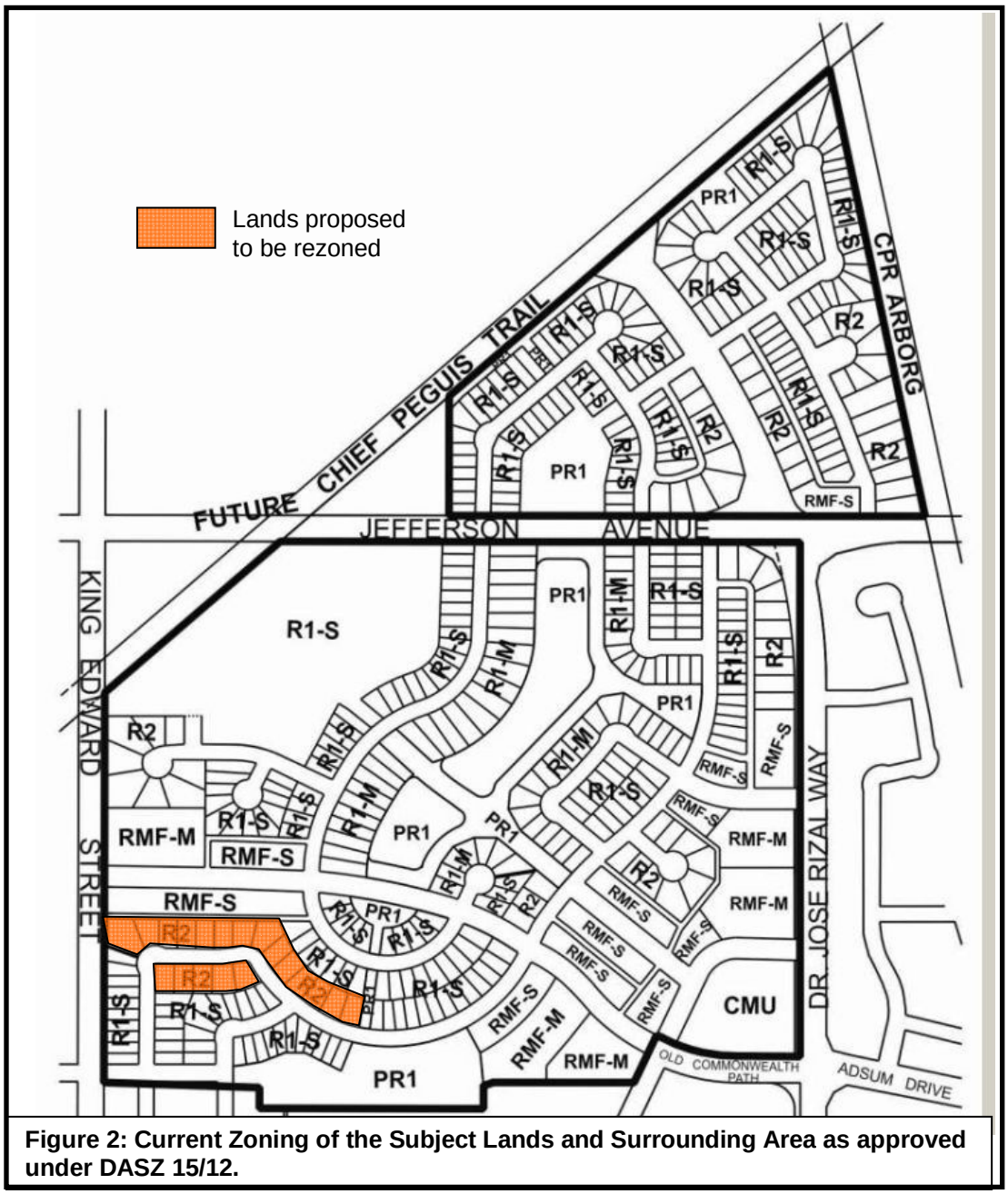

Figure 2: Current Zoning of the Subject Lands and Surrounding Area as approved under DASZ 15/12.

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), and will slightly increase the potential yield of residential dwelling units by one. Instead of 13 lots zoned R2 with the potential for 26 units (13 duplexes) the developer is proposing 27 lots zones R1-S to create a total of 27 dwelling units.

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*

Precinct Plan, 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. While the removal of the "R2" zoned property will take opportunities for duplexes and town homes away from the select lots, it is noted that the R2 zoning alone does not guarantee the development of duplexes as single family homes are a permitted use in that zoning district (subject to a minimum lot size of 5, 000 sq ft). In the absence of this rezoning application, the developer could have constructed - as of right- 13 single family homes as each R2 lot was in excess of 5,000 sq ft. At the end of the day the development density is remaining more or less the same as originally contemplated and it is only the form of housing that is changing.

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							

Impact of Zoning Change

- It is noted that the potential yield of dwelling units with the proposed zoning change is negligible. While the existing "R2" zoning would have accommodated a maximum of 26 dwelling units (13 duplexes) the applicant is proposing 27 single family lots instead. In this sense, the change in density represents one additional unit. A reasonable argument from the developer is that original R2 zoning could have yielded a considerably less density of development if those lots were developed as single family (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 13 homes. The subject rezoning will yield 27 homes.
- The effect of the subject rezoning application (if successful) would be to remove additional 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 throughout the precinct.

Other

- 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 12/14

Schedule "A" for File No. DASZ 12/14, LSWK Community Committee, dated May 05, 2014

By-Law No. _____

File No. **DASZ 12/14**

Atlas Sheet No. **S20**

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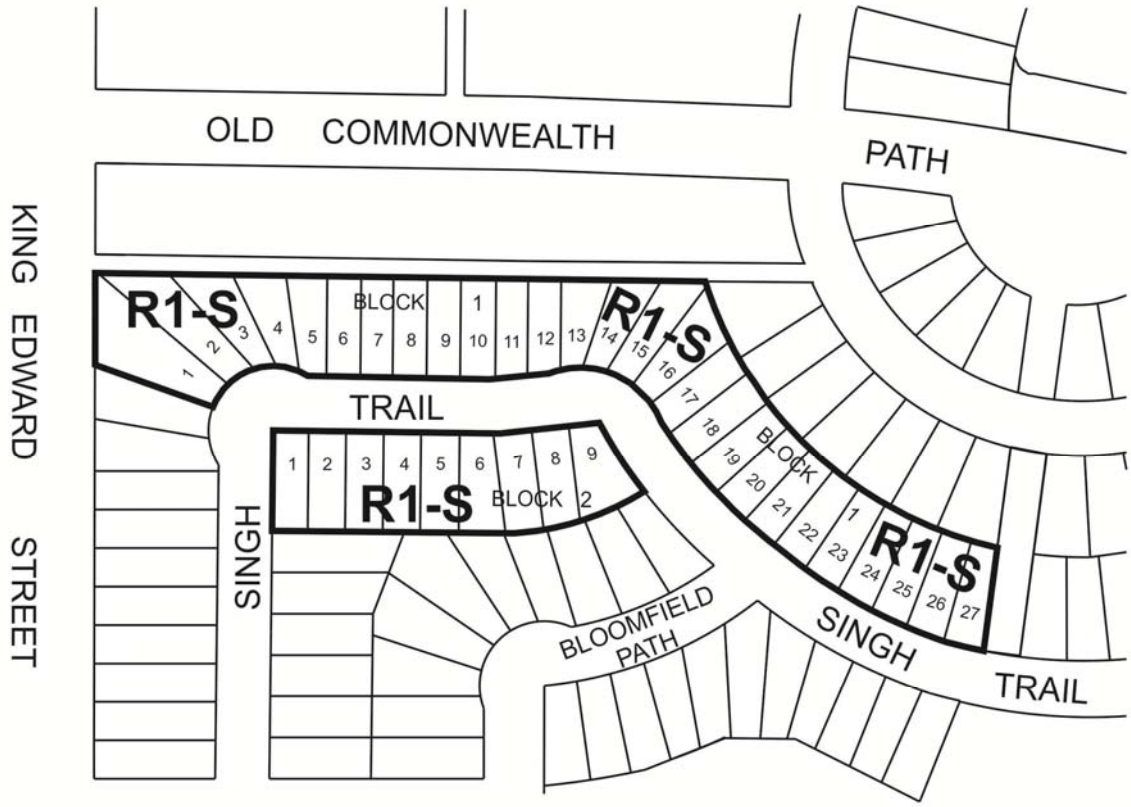
LORD SELKIRK WEST KILDONAN COMMUNITY

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 Singh Trail in Waterford Green from an "R-2" RESIDENTIAL TWO-FAMILY DISTRICT to an "R1-S" RESIDENTIAL SINGLE FAMILY (Small) DISTRICT to allow for the creation of residential building lots for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____