Minute No. 143
Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 1 Rezoning – 11 Moore Avenue
(St. Vital Ward)
File DAZ 222/2014 [c/r DAV 140971/2014D and DCU 133285/2014D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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 222/2014 dated October 29, 2014 to an "R2" Residential Two-Family District, subject to the following:

   A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 30, 2014.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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.

Report – Standing Policy Committee on Property and Development – January 13, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, 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 December 1, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Policy Committee on Property and Development.

On November 10, 2014, the Riel Community Committee concluded public representation on the application and adjourned the public hearing to its meeting on December 1, 2014 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Rezoning – 11 Moore Avenue**
File DAZ 222/2014

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

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

Report date: **December 5, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 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 222/2014 dated October 29, 2014 to an "R2" Residential Two-Family District, subject to the following:

   A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 30, 2014.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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.

The Riel Community Committee provided the following supporting reason(s) for its recommendation:

1. Though I recommend fewer units under the Conditional Use, after going out to see the site, this is a spot where we can have densification.

2. It is right near Rapid Transit routes, near St. Mary's Road, at the end of the street.

PUBLIC HEARING SUMMARY

File: DAZ 222/2014

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: December 1, 2014
November 10, 2014
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



Premises Affected: 11 Moore Avenue

Exhibits Filed:

1. Application dated August 7, 2014
2. Notification of Public Hearing dated September 16, 2014
3. Manitoba Status of Title 2546081/1
4. Letter of authorization dated May 1, 2014 from Lynn Sylvia Desrosiers to Geoffrey Milnes, Robert Robson and /or the officers of 6829733 Manitoba Ltd.
5. Letter of authorization dated June 18, 2014, from Geoff Milnes, to Richard Wintrup and Associates
6. Plans (5 pages)
7. Report from the Urban Planning Division dated October 29, 2014
8. Inspection Report
9. Audio Recording of representations of public hearing held on November 10, 2014
10. Notice of Adjournment dated November 10, 2014

REPRESENTATIONS:
In Support:

John Wintrup
Geoff Milnes
Rob Robson

In Opposition:

Shannon Penner
Harold Rivard

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
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 222/2014

ADMINISTRATIVE REPORT

Title: DAZ 222/2014 – 11 Moore Avenue 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 222/2014 dated October 29, 2014 to an "R2" Residential Two-Family District, subject to the following:

    A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated October 30, 2014.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
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 and variance application to establish a seven (7) 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

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:	October 29, 2014
File No.	DAZ 222/2014

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 222/2014

APPENDIX 'A'

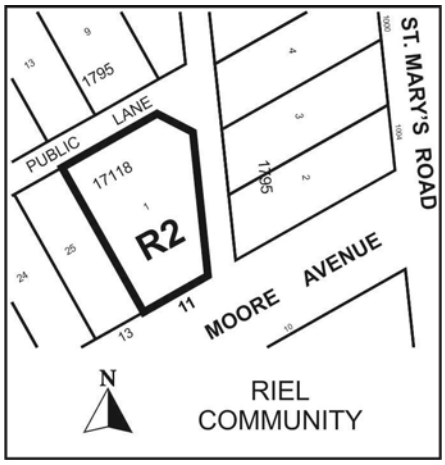
DATE: October 29, 2014

FILE: DAZ 222/2014
RELATED FILES: DAV 14-140971/D & DCU 14-135285/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.512

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

LOCATION: 11 Moore Avenue
LEGAL DESCRIPTION: Lot 1 Plan 17118 WLTO



APPLICANT: Richard Wintrup and Associates (John Wintrup)
29 Benson Blvd
Oak Bluff, MB R4G 0A25

OWNER: Lynn Desrosiers
4 River Road
WINNIPEG MB R2M 3Y9

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the north side of Moore Avenue, just west of the Moore Ave/St. Mary's road intersection in the Norberry neighbourhood of the St. Vital Ward.
- The site is **5,271 square feet in area** and contains a one storey home with a detached garage.
- The property is located within the Areas of Stability – Recent Communities policy area 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 (2014)

SURROUNDING LAND USES & ZONING (See Figure 2)

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

South: A seven dwelling unit, two-and-a-half storey apartment block that is split zoned R2 and R1-M.

East: A back lane, then a mix of commercial buildings and apartment blocks zoned C2.

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

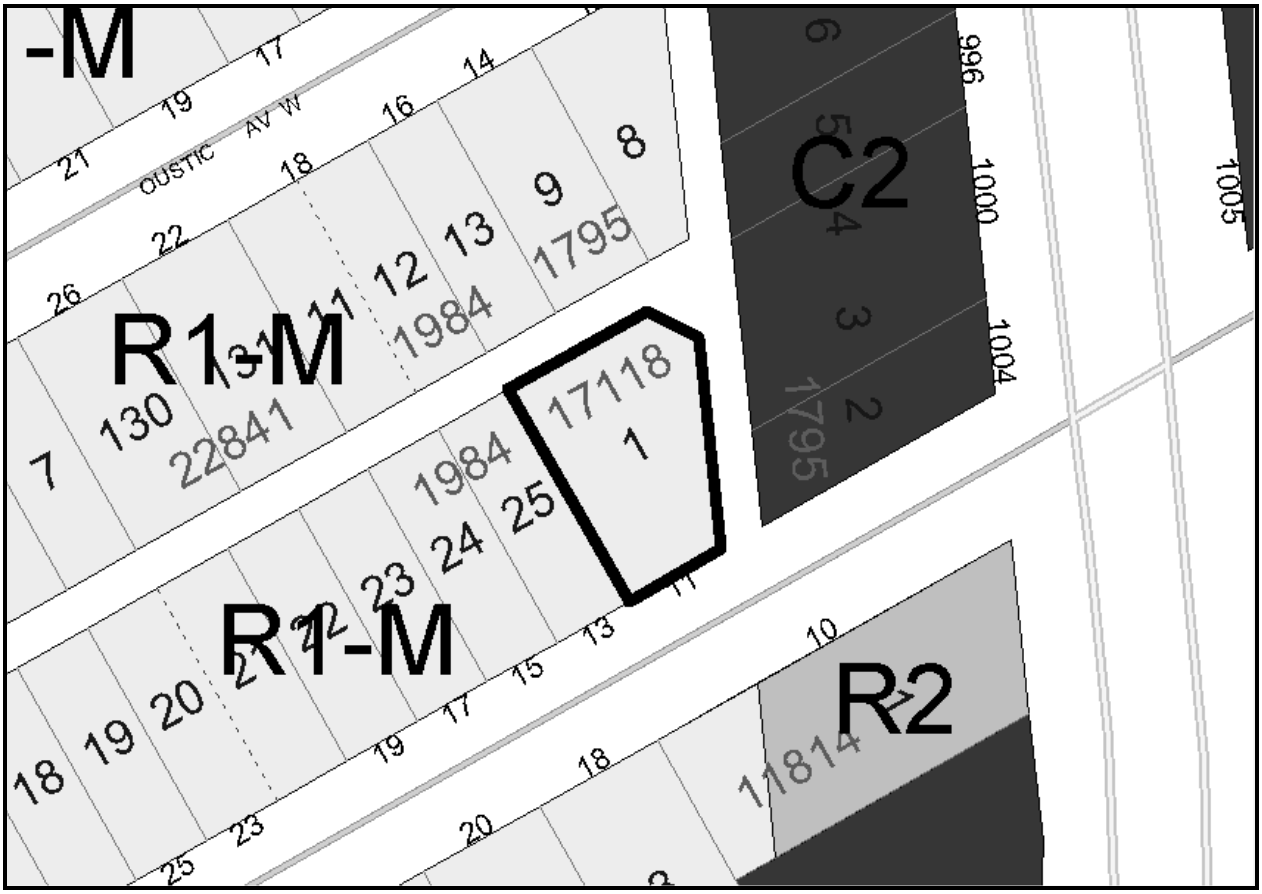


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from R1-M to R2 in order to develop a seven (7) unit three (3) storey multi-family building on the site.
- An associated conditional use is required for the proposed multi-family dwelling (see DCU 14-135285/D). Variances are also required for: lot area per dwelling unit; the proposed front yard; and, for the development of the accessory parking area (see DAV 14-140971/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. 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 that address the transition between new and existing development.
- Encourage intensification to occur at centres and along corridors.
- Support Complete Communities by ensuring diverse and high quality housing stock.
- 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.

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 222/2014)

- The applicant is proposing to rezone the land from R1-M to R2 to establish a seven-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 14-135285/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 14-140971/D)

- The following variances are required for the proposed development:

  1(a) The maximum lot area per dwelling unit for a multi-family dwelling in the R2 zone is 800 square feet. The applicant is proposing a maximum lot area per dwelling unit of 753 square feet or a 6% increase to the by-law.

1(b) A front yard building alignment is conducted by the Public Service for proposed residential developments that have front yards that are not consistent with the front yards of the majority of the block. In this case the Public Service determined that the required front yard alignment is 21 feet. The applicant is proposing a 15 foot front yard.

2(a) The Zoning By-law requires 1.5 parking stalls per dwelling unit for multi-family buildings outside of the Urban Infill Areas. The applicant is proposing a total of 7 dwelling units and is therefore required to provide 11 parking stalls. Seven parking stalls are proposed for the seven unit development.

2(b) Parking is permitted off a back lane under section 172(3)(a.1) of the Zoning By-law. However, the minimum parking space length must be 23 feet. The applicant is proposing parking off the back lane, but with stall lengths of 20 feet.

2(c) Ten percent of the required parking spaces must be unassigned guest or visitor parking. The applicant is not proposing to include any visitor parking stalls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.
- The rezoning of the site to R2 is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.
- The subject site is a corner lot where minor intensification is generally encouraged by the Public Service. In this case, the subject corner lot is located adjacent to C2-zoned properties that front onto St. Mary's Road, which is a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Under the Complete Communities Direction Strategy, a mix of uses and the intensification of uses are encouraged along Regional Mixed-Use Corridors.
- In terms of compatibility with the R1-M zoned properties, the R2 zone 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. The maximum permitted height for buildings is 35 feet, which is the same as the R1-zone. Besides lot area and lot area per dwelling unit (density), the dimensional standards for development in the R2 zone are very similar to the dimensional standards of the R1 zone.
- There are a number of multi-family developed sites in the immediate vicinity of the subject site, including 10 Moore Ave., which has seven units and is located directly to the south and 1000 St. Mary's road, which has eight dwelling units. However, both of these lots are at least 1000 square feet larger than the subject property.
- Although the Public Service is supportive of the rezoning to R2, the Public Service is not supportive of seven units on the subject site for a number of reasons, including:

- A lane widening is required as part of the rezoning application, which will reduce the width of the property by 2.373 metres (see Schedule B – The Report of The Administrative Co-Ordinating Group);
- The proposed density is higher than that of the neighbouring multi-family properties that front onto St. Mary's Road;
- The reduction by one unit will allow for more space for site servicing, notably for garbage and recycling.

- Per the recommendations of the associated conditional use and variance, the Public Service is recommending that no more than six dwelling units be permitted on the land through the conditional use application. The Public Service is also not supportive of all of the proposed variances, namely the lot area per dwelling unit, front yard, and length of parking stall variances.

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 Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.
- In conjunction with the recommendations of the associated conditional use and variance applications, the rezoning of the site to R2 is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 222/2014

Schedule "A" for File No. DAZ 222/2014, Riel Community Committee, dated October 29, 2014

By–Law No. _____

File No. **DAZ 222/14**

Atlas Sheet No.

N

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COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 11 Moore Avenue from an "R1-M" RESIDENTIAL SINGLE FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of a proposed multiple family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – OCT. 30, 2014

RE: PROPOSED REZONING OF LAND LOCATED AT 11 MOORE AVENUE – DAZ 222/2014

It is recommended that the approval of DAZ 222/2014, if granted, be subject to the Developer, at no expense to the City, legally opening property required for a 2.373 metre widening to the north-south public lane right of way abutting the most easterly limit of the Planned Area for an overall right of way width of 7.25m, as follows:

1. The Developer shall file a street opening (DAO) application with the City that will result in:

   a. Council approving the subject widening, and

   b. Council passing a by-law to legally open the subject property as public lane and

   c. The Developer subsequently registering the by-law in series with an opening plan in the Winnipeg Land Titles Office to effect the intent of the foregoing.

   all as determined by, and to the satisfaction of, the Director of Public Works.

THIS REPORT SUBMITTED BY:
Administrative Co-ordinating Group
File No. DAZ 222/2014

Original Signed by G.V. Jasper

G.V. Jasper, P. Eng.,
Land Development Branch

Original Signed by C.J. Desjardine

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

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