Minute No. 151
Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 9 **Zoning Agreement Amendment – 985 Chancellor Drive (St. Norbert Ward) File ZAA 10/2013 [c/r DAV 176416/2013D]**

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat 250050/1 under File DASZ 45/1975 dated October 4, 1978 (By-Law No. 1671/1977) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DASZ 45/1975 (By-Law No. 1671/1977) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 Standing 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: **Zoning Agreement Amendment – 985 Chancellor Drive (St. Norbert Ward) File ZAA 10/2013**

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 Zoning Agreement Caveat 250050/1 under File DASZ 45/1975 dated October 4, 1978 (By-Law No. 1671/1977) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DASZ 45/1975 (By-Law No. 1671/1977) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 for its recommendation:

1. It fits the whole vision of moving forward, increasing intensification and density.

PUBLIC HEARING SUMMARY

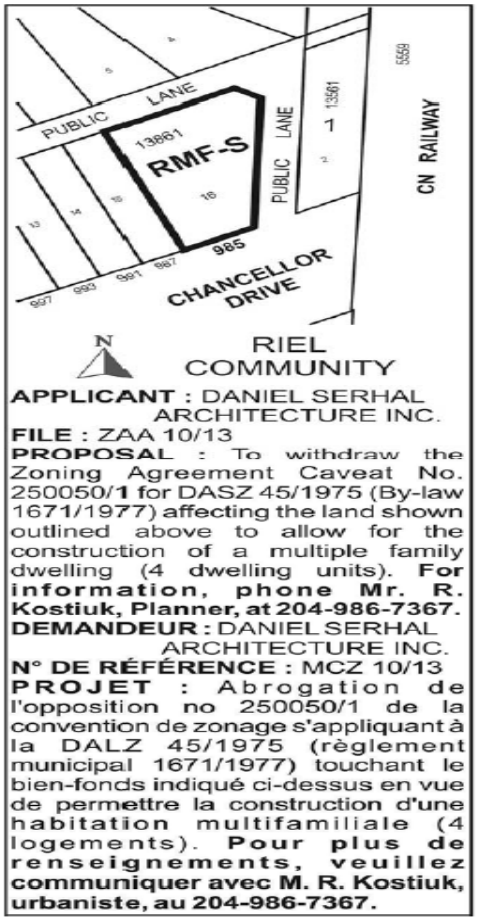
File: ZAA 10/2013

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: Daniel Serhal Architecture Inc. (Daniel Serhal)

Subject:



Premises Affected: 985 Chancellor Drive

Exhibits Filed:

1. Application dated July 21, 2014
2. Notification of Public Hearing dated October 1, 2014
3. Manitoba Status of Title 2560280/1
4. Letter of authorization dated August, 2014 from Harvinder Singh Sethi to Daniel Serhal Architecture Inc.
5. Surveyor's Building Location Certificate and sketch dated June 23, 2011
6. Zoning Agreement dated October 7, 1978
7. Report from the Urban Planning Division dated October 31, 2014
8. Inspection Report
9. Communication dated November 9, 2014, from Indira Sukhan, in opposition to the application
10. Communication dated November 9, 2014, from Glen and Joann Spencer, in opposition to the application
11. Communication dated November 9, 2014, from D. Walters and Teresa Sawicki, in opposition to the application
12. Communication dated November 9, 2014, from Dennis Stanchuk and Wendy Marshall, in opposition to the application
13. Communication dated November 10, 2014, from Viola Wojcik, in opposition to the application
14. Audio Recording of representations of public hearing held on November 10, 2014
15. Notice of Adjournment dated November 12, 2014

REPRESENTATIONS:

In Support:
Harvinder Sethi

In Opposition:
Wendy Marshall
Joann Spencer
Dennis Stanchuk
Dave Walters

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 ZAA 10/2013

ADMINISTRATIVE REPORT

Title: ZAA 10/2013 – 985 Chancellor Drive Public Hearing

Issue: An application for consideration at the Public Hearing to withdraw the zoning agreement caveat no. 250050/1 for DASZ 45/1975 to allow for the construction of a multi-family dwelling on the land.

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 Zoning Agreement Caveat 250050/1 under File DASZ 45/1975 dated October 4, 1978 (By-Law No. 1671/1977) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DASZ 45/1975 (By-Law No. 1671/1977) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 develop a three unit, multi-family building on the eastern portion of the site. In order to do so, the applicant must withdraw zoning agreement caveat no. 250050/1 for DASZ 45/1975 that restricts the land as follows:

  - On the following lots within the "RM-1" land, namely, Lot 1 in Block 1; Lots 1 & 2, in Block 2; Lot 1 in Block 3; Lots 1 & 2, in Block 5; and, Lots 1 & 2, in Block 7, no buildings shall be constructed except semi-detached dwelling units, more commonly referred to as duplex dwelling units.

- A zoning agreement amendment requires 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 zoning agreement affecting the subject site will be withdrawn.

HISTORY

DASZ 45/1975 (By-law 1671/1977)

- The subject site was rezoned to an "RM-1" (now RMF-S under the current Zoning By-law) district under DASZ 45/1975. DASZ 45/1975 was a larger scale subdivision and rezoning application in the Waverley Heights neighbourhood along Chancellor Drive and Gull Lake Road. The original zoning agreement registered on April 20, 1977, restricted the site as follows:
  - No buildings shall be constructed on the "RM-1" land except townhouses having individual at-grade access not exceeding two and one-half storeys in height with not more than six dwelling units attached to each other.
- The original zoning agreement affecting the land (and other lots within the subdivision) was later amended to the following on December 7, 1977:
  - On the following lots within the "RM-1" land, namely, Lot 1 in Block 1; Lots 1 & 2, in Block 2; Lots 1 & 2, in Block 5 and Lot 2, in Block 7, no buildings shall be constructed except semi-detached dwelling units, more commonly referred to as duplex dwelling units.
- The amended zoning agreement mentioned above was once again amended on October 4, 1978. This time the clause affecting the subject site was amended to include a few more lots than the previous clause had:
  - On the following lots within the "RM-1" land, namely, Lot 1 in Block 1; Lots 1 & 2, in Block 2; Lot 1 in Block 3; Lots 1 & 2, in Block 5; and, Lots 1 & 2, in Block 7, no buildings shall be constructed except semi-detached dwelling units, more commonly referred to as duplex dwelling units.

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 31, 2014
File No.	ZAA 10/2013

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

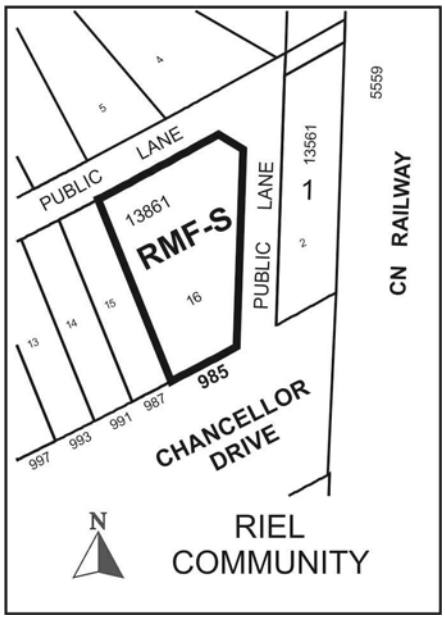
DATE: October 31, 2014

FILE: ZAA 10/2013
RELATED FILES: DAV 13-176416/D (c/r), DASZ 45/1975

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.646

SUBJECT: For consideration at the Public Hearing to withdraw the zoning agreement caveat no. 250050/1 for DASZ 45/1975 to allow for the construction of a multi-family dwelling on the land.

LOCATION: 985 Chancellor Drive
LEGAL DESCRIPTION: LOT 16 PLAN 13861



APPLICANT: Daniel Serhal Architecture Inc.
102-990 Lorimer Blvd
WINNIPEG MB R3P 0Z9

OWNER: Harvinder Singh Sethi
985 Chancellor Drive
WINNIPEG MB R3T 4S2

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the north side of Chancellor Drive, immediately west of the CNR Letellier Subdivision in the Waverley Heights neighbourhood of the St. Norbert Ward.
- The site is 5,910 square feet in area and has one dwelling unit on it that is part of a duplex.
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "RMF-S" Residential Multi-Family Medium.



Figure 1: Air photo of the subject property and surrounding area (2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Duplexes zoned R2.

South: Duplexes zoned RMF-S.

East: A back lane and the CNR Letellier Subdivision.

West: Duplexes zoned RMF-S.

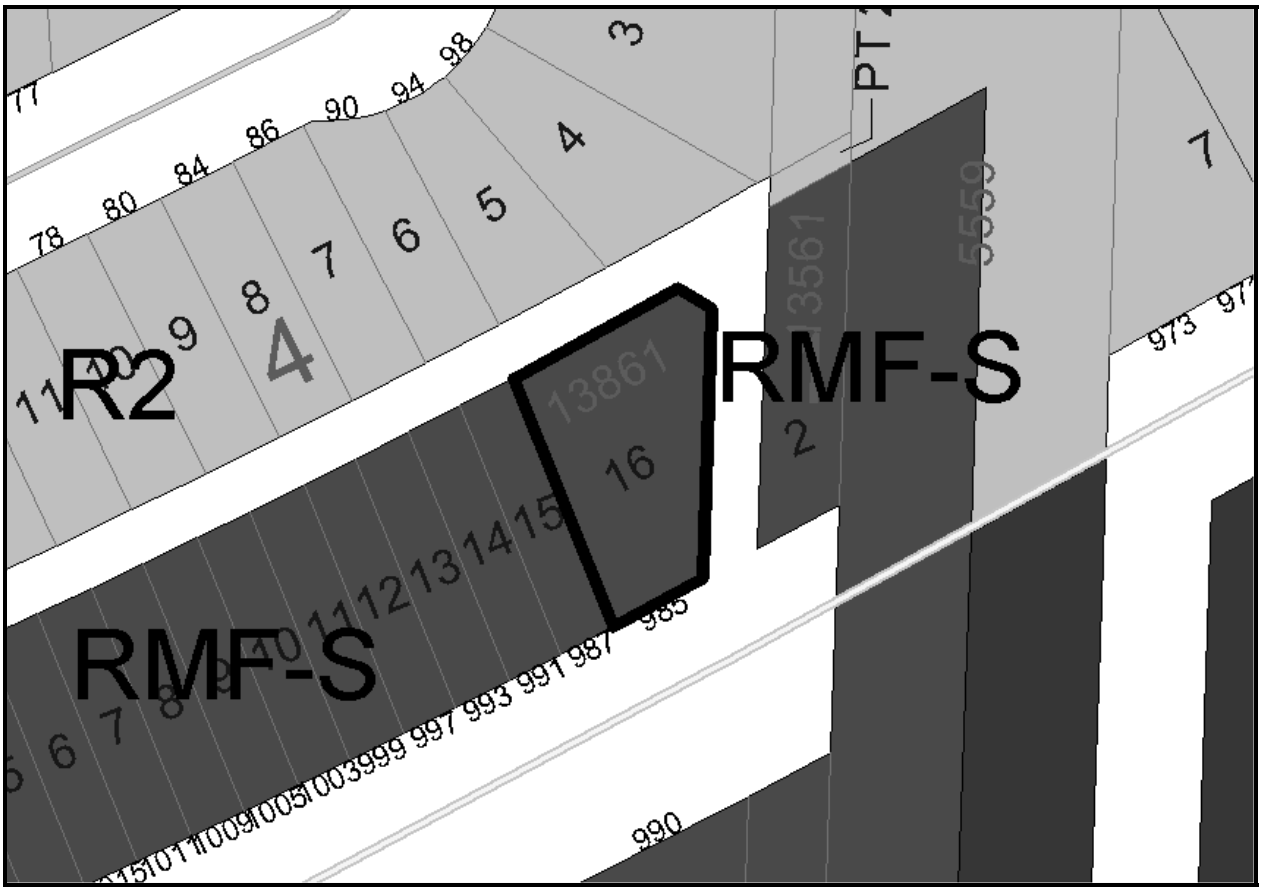


Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to develop a three unit, multi-family building on the eastern portion of the site.
- The existing building on the land would remain in place and the three-unit building would be developed eight feet to the east of the existing building.
- The proposed building will be three storeys tall. Parking requirements of the Zoning By-law will be met for the three unit development.
- An associated variance is required for a reduced front yard and rear yard setback (see DAV 13-176416/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.
- The site is also located along the Southwest Rapid Transit Corridor, where the following directions are provided in the Complete Communities Direction Strategy:
    - Promote transit oriented development to accommodate growth and change at centres along rapid transit corridors through integrated land use, transportation and infrastructure planning.
    - Promote transit supportive land use and urban form along rapid transit corridors.
    - Promote transit oriented development and centres along rapid transit corridors through incentives and innovative approaches where required.

ZONING (BY-LAW 200/2006)

"RMF-S" Residential Multi-Family Small

- The RMF-S 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-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

LAND USE BY-LAW

Amendment to Zoning Agreement DASZ 45/1975

- The applicant has applied to withdraw zoning agreement caveat no. 250050/1 for DASZ 45/1975 that restricts the land as follows:
    - On the following lots within the "RM-1" land, namely, Lot 1 in Block 1; Lots 1 & 2, in Block 2; Lot 1 in Block 3; Lots 1 & 2, in Block 5; and, Lots 1 & 2, in Block 7, no buildings shall be constructed except semi-detached dwelling units, more commonly referred to as duplex dwelling units.

- The applicant would like to delete this clause as he would like to develop a three unit multi-family dwelling to the east of the existing dwelling on the site for a total of four dwelling units on the land.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The surrounding properties in the neighbourhood have been developed in a manner consistent with the zoning agreement registered on the property in that the multi-family sites are developed as duplexes.
- However, the zoning agreement put in place is over 35 years old. Since that time, the City of Winnipeg has adopted several Development Plans and Secondary Plans to create policies that are reflective of current public desires for development and current practices. The latest adopted plan is OurWinnipeg and the Complete Communities Direction Strategy.
- Under OurWinnipeg and the Complete Communities Direction Strategy the subject site is considered to be located within an Area of Stability and along a Rapid Transit Corridor. Both policy areas encourage modest intensification that is compatible with the neighbourhood.
- In terms of form, the proposed three-unit development is generally compatible with the surrounding properties. The proposed density can also be seen as modest intensification as the density does not exceed the requirements of the current zoning for the site. The subject property is particularly suitable for modest intensification in that it is located immediately adjacent to the Southwest Rapid Transit Corridor.
- It should be mentioned that the Public Service commonly recommends a minimum setback of 49.2 feet from the CNR Letellier Subdivision rail line right-of-way. In this instance, the subject property is further than 49.2 feet from the western property line of the CNR Letellier Subdivision and therefore such a condition is not necessary.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reason:

- The Complete Communities Direction Strategy encourages the intensification of land in Areas of Stability along rapid transit corridors. The proposed zoning agreement amendment facilitates modest intensification that is compatible with the surrounding area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # ZAA 10/2013