Agenda – Council – April 29, 2015

Report – Executive Policy Committee – April 22, 2015

Item No. 1 Rezoning – 336 and 350 Laxdal Road, SP Lot 1, SP Lot 3 and SP Lot 6 Plan 20203 (Charleswood – Tuxedo – Whyte Ridge Ward) File DAZ 201/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2015, the Executive Policy Committee concurred in the recommendation of the Assiniboia 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 201/2015 dated April 2, 2015 to an "R1-L" Residential Single Family Large District

2. In lieu of the dedication of land, 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 – Executive Policy Committee – April 22, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2015, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2015, the Assiniboia 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: **Rezoning - 336 and 350 Laxdal Road, SP Lot 1, SP Lot 3 and SP Lot 6 Plan 20203**
File DAZ 201/2015

For submission to: **Executive Policy Committee**

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **April 15, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2015, the Assiniboia 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 201/2015 dated April 2, 2015 to an "R1-L" Residential Single Family Large District

2. In lieu of the dedication of land, 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. This is to correct an oversight in the initial application to allow for the zoning set forth in this report.

PUBLIC HEARING SUMMARY

File:	DAZ 201/2015
Before:	Assiniboia Community Committee Councillor Gillingham, Chairperson Councillor Morantz Councillor Dobson
Public Hearing:	April 14, 2015 Council Building, 510 Main Street
Applicant:	5221382 Manitoba Ltd. (Abe Friesen)
Subject:	



Premises Affected: 336 and 350 Laxdal Road

Exhibits Filed:

1. Application dated February 6, 2015
2. Notification of Public Haring dated February 17, 2015
3. Manitoba Status of Titles 2044952/1, 2628688/1, 2682875/1 and 2734906/1

4a. Letter of authorization dated February 9, 2014 from Nancy-Ann Hamilton and James Gavin Hamilton to Abe Friesen of 5221382 Manitoba Ltd.

4b. Letter of authorization dated February 10, 2014 from Elmington Transport Ltd. / M. A. Kroeker to Abe Friesen of 5221832 Manitoba Ltd.

4c. Letter of authorization dated February 21, 2014 from John Friesen of 2862647 Manitoba Ltd. to Abe Friesen of 5221382 Manitoba Ltd.

4d. Letter of authorization dated February 27, 2014 from Marlene Mary West to Abe Friesen of 5221382 Manitoba Ltd.

5. Plans (3 pages)
6. Report from the Urban Planning Division dated April 2, 2015
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Friesen, 2862647 Manitoba Ltd.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. D. Clark, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 201/2015

ADMINISTRATIVE REPORT

Title: DAZ 201/15 336 & 350 Laxdal RD

Issue: For consideration at the public hearing for a rezoning of twelve (12) properties from “R1-E” Residential Single Family Estate to “R1-L” Residential Single Family Large.

Critical Path: Assiniboia 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 201/2015 dated April 2, 2015 to an “R1-L” Residential Single Family Large District

2. In lieu of the dedication of land, 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the City Solicitor/Manager of Legal Services 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 single family residential lots, established under DAS 13/2014, from the 'R1-E' Residential Single Family – Estate district to the 'R1-L' Residential Single Family – Large district.
- Rezonings 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 subject property will be rezoned from "R1-E" Residential Single Family Estate to "R1-L" Residential Single Family Large.

HISTORY

Council - January 28, 2015

- Council approved a subdivision of the subject land under file DAS 13/2014. At this time, the subdivision has not yet been registered and still requires fulfillment of the servicing agreement as well as clearance from all of the utilities (Hydro, Gas, Shaw & MTS).

Assiniboia Community Committee - July 9, 2014

- Variances were approved for the subject land under file DAV 14-123350/D without appeal. The variances are as follows:

  1) For proposed lots 1 - 5:

  a) lot widths of 56.7 feet (17.2 metres) instead of 60.5 feet (18.4 metres)

  b) lot areas ranging from 8104 square feet (752.8 square metres) to 11672 square

  feet (1084.3 square metres) instead of 29317.1 square feet

  2) For proposed lots 6 - 11:

  a) lot widths ranging from 51.6 feet (15.7 metres) to 60 feet (18.2 metres) instead of

  79.6 feet (24.2 metres)

  3) For proposed lots 6, 7, 8, 9 & 11:

  a) lot areas ranging from 6180 square feet (574.1 square metres) to 9919 square

  feet (921.5 square metres) instead of 10626.7 square feet (987.3 square metres).

- At the time of the subdivision and variance applications, the applicant intended to establish dwellings on the new lots with four (4) foot side yard setbacks. Under the 'R1-E' zoning district, four (4) foot side yards are not permitted. As a result, in order to establish the four (4) foot side yard setbacks and desired zoning district for the lands, a rezoning application would be required. This was identified in the planning report for the subdivision (DAS 13/2014).

Open House

- As part of the subdivision application the applicant held an open house on June 19, 2014 between 4:00 PM - 6:00 PM at the Charleswood United Church located at 4820 Roblin Blvd.
- The applicant provided a summary to the Urban Planning Division regarding attendance and general feedback.
- In total, 40 people attended and the general sense from the applicant that their proposal was quite well received by community members and comments were for the most part positive. There was negative feedback from one attendee.
- Exit surveys were provided for people to complete after reviewing the material. Seven exit surveys were completed; 5 positive, 1 undecided, and 1 negative.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	April 2, 2015
File No.	DAZ 201/15

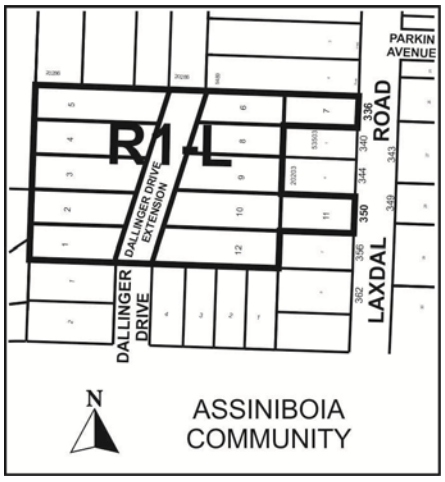
APPENDIX 'A'

DATE: April 2, 2015
FILE: **DAZ 201/15**
RELATED FILES: DAV 14-123350/D, DAS 13/2014
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.608

SUBJECT: To rezone lots previously approved under file DAS 13/2014 from the "R1-E" zoning district to the "R1-L" zoning district.

LOCATION: 336 and 350 Laxdal RD

LEGAL DESCRIPTION: SP LOT 1,3,5,6 PLAN 20203 WLTO IN RL 30 TO 35 PARISH OF ST CHARLES & LOT 2 PLAN 53503 WLTO IN RL 35 AND 36 PARISH OF ST CHARLES



APPLICANT: Abe Friesen 5221382 Manitoba Ltd.
131 Avril Lane
Winnipeg, MB R3R 3C8

OWNERS: CT TITLE 2734906/1
Elmington Properties Ltd.
96 Falcon Ridge Drive
Winnipeg MB R3Y 1X6

CT TITLE 2682875/1
Marlene M West
239 Oakdale Drive
Winnipeg MB R3Y 1X6

CT TITLE 2044952/1
James G Hamilton
350 Laxdal Road
Winnipeg MB R3R 0W4

CT TITLE 2748451/1
CT TITLE 2628688/1
2862647 Manitoba Ltd.
298 Scotswood Drive
Winnipeg MB R3R 0W4

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the land from “R1-E” to “R1-L” in order to establish single family residential lots that will permit four (4) foot side yards.
- When the initial application was made to subdivide the land, there was an oversight that a rezoning would be required to allow for the desired side yard setback dimensional standards.
- The Urban Planning Division recently supported an application to subdivide the land under file DAS 13/2014 and variances to permit reduced lot width and lot areas under the special boundary conditions for file DAV 14-123350/D.
- The Urban Planning Division is supportive of the rezoning to the “R1-L” zoning district as it is in line with the zoning district of most nearby properties.

SITE DESCRIPTION

- The subject property is located on a parcel of land located to the northwest of the intersection at Laxdal Road and Geraldine Drive in the Varsity view neighbourhood of the Charlsewood-Tuxedo ward.
- The combined development area is approximately 2.94 acres.
- The subject property is zoned “R1-E” Residential Single Family - Estate.
- The site is within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.

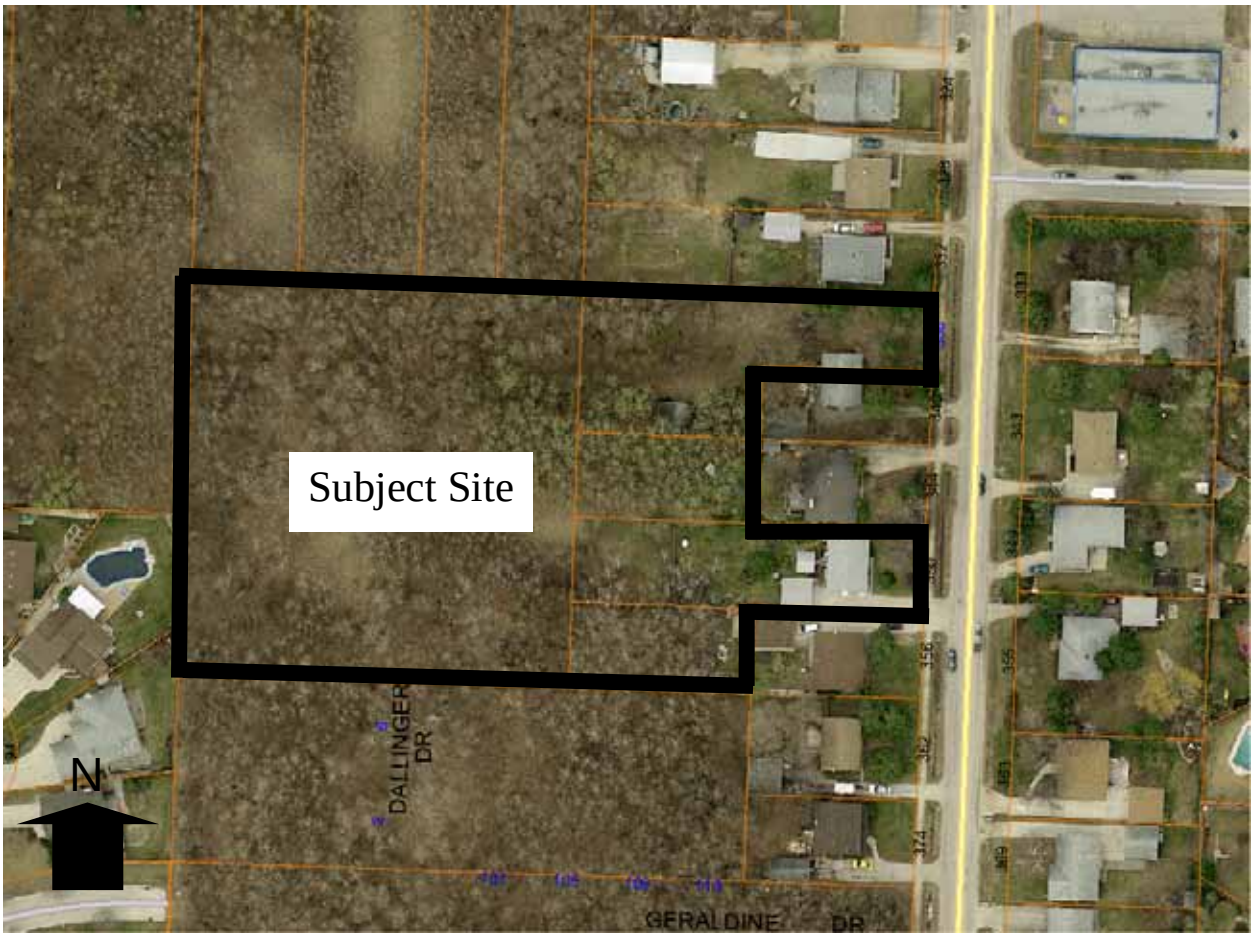


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant and residential lands zoned “R1-E” Residential Single-Family Estate.

South: Residential lands zoned “R1-L” Residential Single-Family Large.

East: Laxdal Road then single family dwellings zoned ‘R1-L’ Residential Single Family Large

West: Vacant and residential lands zoned “R1-L” Residential Single-Family Large.

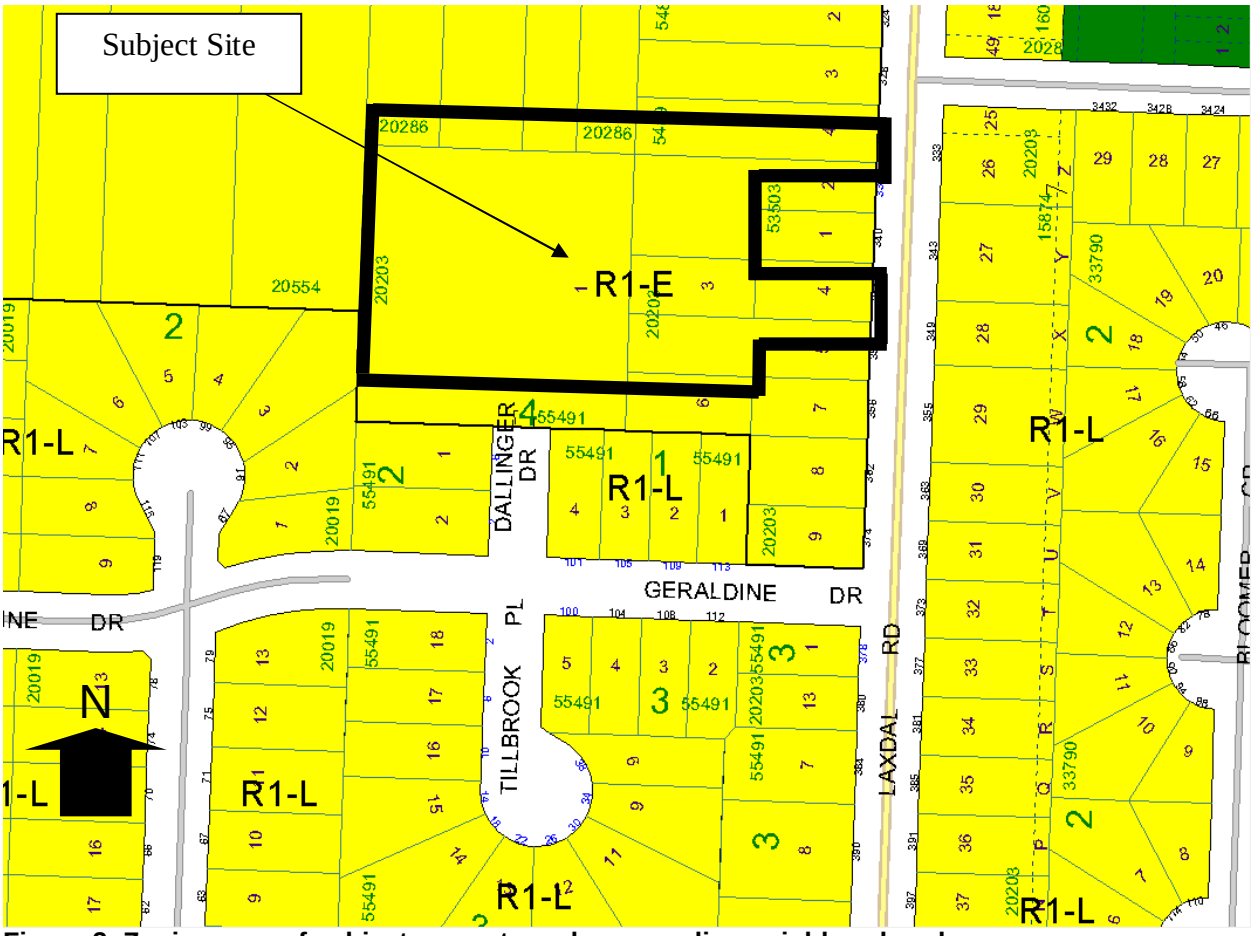


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Under the recent subdivision application (DAS 13/2014), the applicant was approved to create twelve (12) buildable residential lots by constructing and extending Dallinger Drive from its intersection with Geraldine Road (See Schedule "A" for proposed layout).
- Eleven of the proposed twelve lots are currently vacant. The remaining lot has a one storey dwelling with a detached garage on it and fronts onto Laxdal Road.
- The twelve residential lots are of different sizes because of the angled configuration of the Dalinger Road extension. Dallinger Drive will be 59 ft. wide with a turning radius at the end. Ten of the twelve proposed lots will be accessed from Dallinger Drive. The two remaining lots will take access from Laxdal Road.
- Lot areas and lot widths, approved under DAV 14-123350/D will be as follows:

  1) For proposed lots 1 - 5:

  a) lot widths of 56.7 feet (17.2 metres) instead of 60.5 feet (18.4 metres)

  b) lot areas ranging from 8104 square feet (752.8 square metres) to 11672 square feet (1084.3 square metres) instead of 29317.1 square feet

2) For proposed lots 6 - 11:

a) lot widths ranging from 51.6 feet (15.7 metres) to 60 feet (18.2 metres) instead of 79.6 feet (24.2 metres)

3) For proposed lots 6, 7, 8, 9 & 11:

a) lot areas ranging from 6180 square feet (574.1 square metres) to 9919 square feet (921.5 square metres) instead of 10626.7 square feet (987.3 square metres).

- The rezoning from "R1-E" to "R1-L" is primarily to accommodate the establishment of four (4) foot side yard setbacks to a principal dwelling. The "R1-E" Zoning district requires a minimum of ten (10) foot side yards.

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. With regard to this proposal, the 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 (p. 80).
    - Support Complete Communities by ensuring a diverse and high quality housing stock (p.80).
    - Support the subdivision of parcel of land into two or more lots when done in a context sensitive manner (p. 80).

ZONING

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1-E" district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
20,000	25	30	25	10	20	35	30

Figure 3: Dimensional standards for the "R1-E" zoning district

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1-L" district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
5,500	25	20	25	4	10	35	40
* - 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 for principal residential structures.							

Figure 4: Dimensional standards for the "R1-L" zoning district

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the subject land from the "R1-E" Residential Single Family Estate zoning district to the "R1-L" Residential Single Family Large zoning district.
- The primary purpose of this rezoning is to establish properties that will permit a minimum of four (4) foot side yards.
- The Urban Planning Division is supportive of this application as the "R1-L" zoning district is predominantly reflected in the surrounding residential neighbourhood and properties with four (4) foot side yards are commonplace.

AIRPORT VICINITY PROTECTION AREA POLICY

- The subject lands are located within Area II of the AVP PDO. Area II allows the development of new single-family dwellings subject to all required amendments of or approvals under applicable land use controls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject lands have received approval for subdivision by Council under file DAS 13/2014.
- The purpose of this rezoning is primarily to accommodate side yard setbacks of four (4) feet to principal dwellings instead of the ten (10) feet which is required under the "R1-E" zoning district.
- Four (4) foot side yards to principal dwellings are commonly found throughout the neighbourhood.

RECOMMENDATION

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

- The Urban Planning Division is broadly supportive of infill development, as it helps increase density and achieves a more compact urban form. These objectives address key policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* with respect to minimizing the spatial use of land and providing a wider range of housing options in existing neighbourhoods.
- The proposed lots are consistent in size with other lots in the immediate vicinity.

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

Report Prepared by: Devin Clark
PPD File # DAZ 201/2015

Schedule "A" for File No. DAZ 201/15, Assiniboia Community Committee, dated April 2, 2015.

By-Law No. _____

File No. **DAZ 201/15**

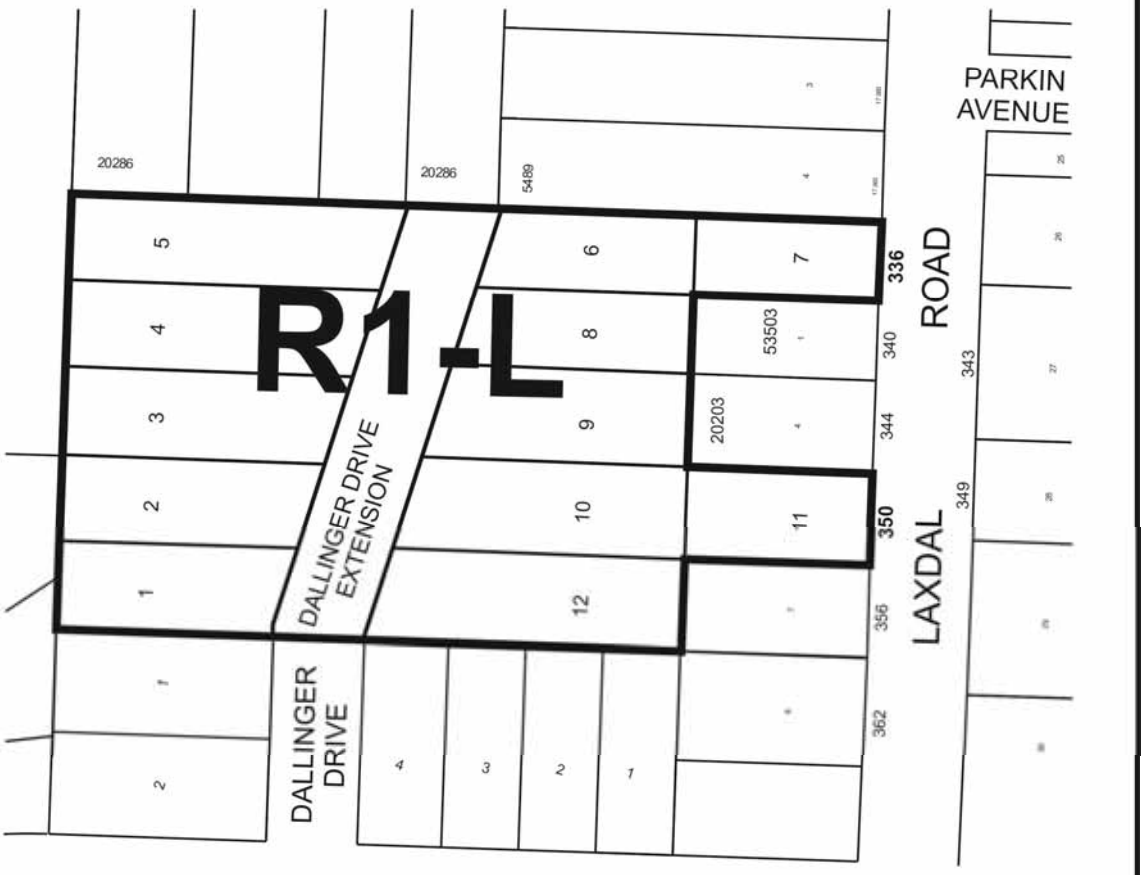
Atlas Sheet No.

N

AD16 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 336 and 350 Laxdal Road from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to allow for the future construction of single family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____