Minute No. 239
Report "A" – Executive Policy Committee – March 18, 2015

Item No. 4 Subdivision and Rezoning– 909 St. Mary's Road (St. Vital Ward) File DASZ 39/2014 [c/r DAV 174757/2014D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 39/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 to an "RMF-M" Residential Multi-Family District.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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 is registered in the Winnipeg Land Titles Office.

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COUNCIL DECISION (continued):

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2015, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 9, 2015, the Riel 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– 909 St. Mary's Road**
File DASZ 39/2014

For submission to: **Executive Policy Committee**

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

Report date: **March 11, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 9, 2015, the Riel 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 39/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 to an "RMF-M" Residential Multi-Family District.

3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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 is 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 (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. 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 reasons for its recommendation:

1. This is a good infill project, and is supported by the Administration.

2. It is on a route well served by public transit.

PUBLIC HEARING SUMMARY

File: DASZ 39/2014

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

Public Hearing: March 9, 2015
Council Building, 510 Main Street

Applicant: Ryan Ridge

Subject:



APPLICANT : RYAN RIDGE
FILE : DASZ 39/14
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 "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands and allow for the construction of an addition to an existing multi-family dwelling. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : RYAN RIDGE
N° DE RÉFÉRENCE : DALZ 39/14
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RMF-S (secteur de petites habitations multifamiliales) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) en vue de faciliter le remembrement des terres et de permettre la construction d'un rajout à une habitation multifamiliale existante. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 909 St. Mary's Road

Exhibits Filed:

1. Application dated January 2, 2015
2. Notification of Public Hearing dated January 15, 2014
3. Manitoba Status of Title 2476597/1
4. Letter of authorization dated December 17, 2014 from Ryan Ridge and Tracey Ridge to Ryan and Tracey Ridge
5. Plans (11 pages)
6. Report from the Urban Planning Division dated March 2, 2015
7. Inspection Report

REPRESENTATIONS:

In Support:

Ryan Ridge

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 39/2014

ADMINISTRATIVE REPORT

Title: DASZ 39/2014 – 909 St. Mary's Road Public Hearing

Issue: An application for consideration at the Public Hearing to consolidate and rezone two (2) lots for the construction of an addition to an existing multi-family dwelling.

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 plan of subdivision proposed under File DASZ 39/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 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. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 39/2014 dated March 2nd, 2015 to an "RMF-M" Residential Multi-Family District.
3. That in lieu of the requirement for land dedication, a sum of money be paid to the City, calculated as ten percent (10%) of the appraised value of the Development Application, as determined by the City.
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 is 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 (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

12. 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 consolidate two lots on the site into one lot. The proposed consolidated lot will be approximately 6,236 square feet in area and is proposed to be rezoned from RMF-S to RMF-M.
- The purpose of consolidating the lots and rezoning it to RMF-M is to accommodate the construction of a 4 unit addition to the existing 3 unit multi-family dwelling.
- Subdivisions and 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 site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan, MAP
Date:	March 2nd, 2015
File No.	DASZ 39/2014

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 39/2014 Riel Community Committee, dated March 2nd, 2015.

APPENDIX 'A'

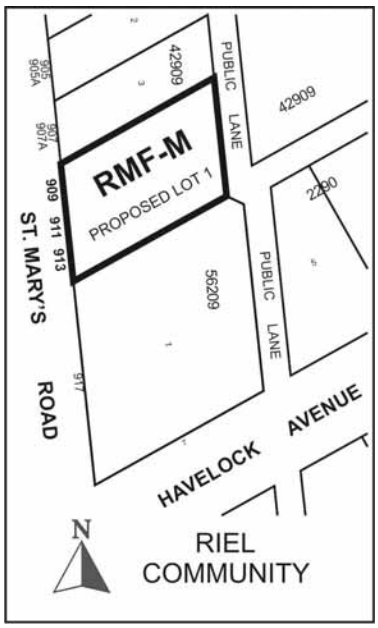
DATE: March 2nd, 2015

FILE: DASZ 39/2014
RELATED FILES: DAV 14-174757/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.515

SUBJECT: An application for the approval of the plan of subdivision and rezoning from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands and allow for the construction of an addition to an existing multi-family dwelling.

LOCATION: 909 St. Mary's Road (see map below)
LEGAL DESCRIPTION: LOT 4/5 PLAN 42909 37 ST V



APPLICANT: Ryan Ridge
640 PAUL BLVD
WINNIPEG MB R2N 4C8

OWNER: (Same as above)

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the east side of St. Mary's Rd between Frederick Ave. and Havelock Ave. in the St. George Neighborhood of the St. Vital ward.
- The property is comprised of two (2) lots of a plan of subdivision, Lot 4 and Lot 5, Plan 42909.
- Currently on the property is a two storey 3 unit multi family dwelling built in 1955 that has a living area of 1,924 square feet. The subject site is **approximately 6,236** square feet in area.
- The property is located along a Regional Mixed Use Corridor (St. Mary's Road) under the *Complete Communities Direction Strategy* and is zoned "RMF-S" Residential Multi-Family Small.



Figure 1: Aerial photograph showing approximate area of the subject site (2014)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A 4 unit multi-family residential dwelling zoned “RMF-S” Residential Multi-Family Small.

South: A residential mixed use building zoned “RMU” Residential Mixed Use.

East: Backlane, then single-family homes zoned “R1-M” Residential Single-Family Medium.

West: St. Mary’s Road, then an administrative building for the Louis Riel School Division zoned “R1-M” Residential Single-Family Medium.

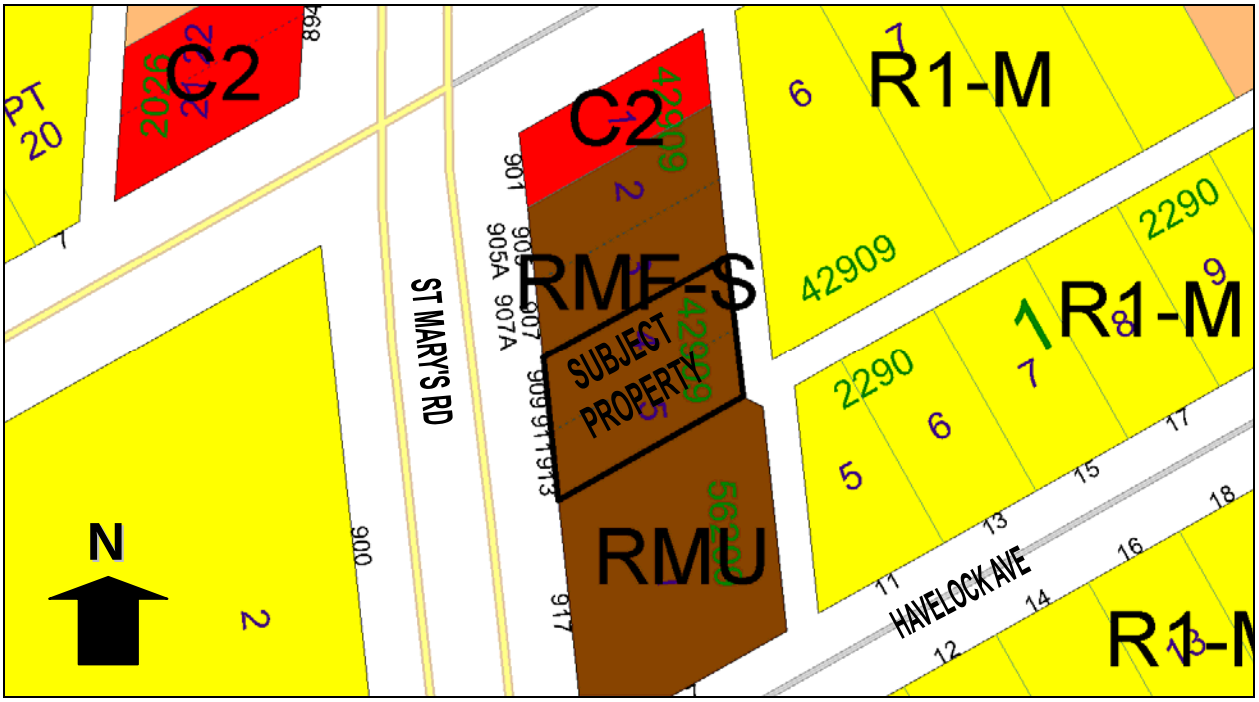


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone from “RMF-S” Residential Multi-Family Small to “RMF-M” Residential Multi-Family Medium.
- The purpose of consolidating the lots and rezoning it to RMF-M is to accommodate the construction of a 4 unit addition to the existing 3 unit multi-family dwelling.
- The addition will be 3 storeys tall (approximately 37 feet at its highest point) and comprising of four 2-bedroom units ranging in size from 786 square feet to 852 square feet.
- The existing building is 2 storeys tall and comprises three 2-bedroom units.
- Seven (7) parking stalls are proposed to be located at the rear of the property directly off of the lane.
- Variances are required for lot area, yard setbacks, and parking (see DAV 14-174757/D).

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under OurWinnipeg and the Complete Communities Direction Strategy the proposed development is located along a Regional Mixed-Use Corridor (St. Mary's Road). Key relevant policies guiding development along Mixed-Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

CURRENT ZONING DISTRICT:

"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.

PROPOSED ZONING DISTRICT:

"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 seeking to consolidate the lots and rezone to RMF-M to accommodate the construction of a 4 unit addition to the existing 3 unit multi-family dwelling. The minimum lot area per dwelling unit in the RMF-S zone is 1,250 square feet, which would allow a maximum of 4 dwelling units on the 6,236 square foot site. As such, the applicant would like to rezone to RMF-M where the minimum lot area per dwelling unit is 800 square feet, which would easily accommodate the proposed density.
- ANALYSIS OF THE DASZ & COMPATIBILITY WITH THE SURROUNDING DEVELOPMENT
- The applicant is proposing a 7 unit multi-family building along St. Mary's Road, which is designated as a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Multi-family developments are encouraged along Regional Mixed-Use Corridors.
- It should be noted that the subject site abuts a residential mixed-use multi-family development at 917 St. Mary's Road that was established under DASZ 10/2011 which was supported by the Public Service and Council in July 2011. This application involved a subdivision and rezoning of the property from RMF-S to RMU to accommodate a three-storey building (34 feet tall) encompassing 14 residential units and 2 commercial units on the 11,780 square foot site. The density of the site is approximately 52 units per acre.
- Although a portion of the proposed building is approximately 37 feet tall, the majority of the development is approximately 33 feet tall which is compatible with the other multi-family developments abutting the subject property. The residential mixed-use multi-family development to the south is 34 feet tall while the multi-family building to the north is approximately 25 feet tall. It should be noted that the portion of the building measuring approximately 37 feet tall has a 27 foot setback from the front street, a 46 foot setback from the lane, and a 7 foot north side yard. In addition, the property is located at the T-junction of the public lanes providing additional separation from the R1-M zoned properties to the east of the subject property.
- The proposed density for the site equates to approximately 50 units/acre. According to the City of Winnipeg's Transit-Oriented Development Handbook, which was adopted as Council Policy on February 14, 2012, the general suggested density for development along a High Frequency Transit Corridor or Regional Mixed-Use Corridor like St. Mary's Road is 25-60 units/acre. At 50 units/acre, the proposed density for the site is generally desirable from a Transit-Oriented Development perspective.

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 subject subdivision and rezoning is consistent with the policies guiding development along Regional Mixed Use Corridors.
- The proposed density for the multi-family development is generally desirable from a Transit-Oriented Development perspective.
- The proposed development is consistent with established development in the area. Most notably, the residential mixed-use multi-family development to the south of the subject property that was approved under DASZ 10/2011.

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

Report Prepared By: Elise Finnigan, MAP
PPD File # DASZ 39/2014

Schedule "A" for File No. DASZ 39/2014, Riel Community Committee, dated March 2nd, 2015

