Agenda – Council – January 27, 2016

Report – Executive Policy Committee – January 20, 2016

Item No. 5 Rezoning – 275 Beliveau Road
(St. Vital Ward)
File DAZ 220/2015 [c/r DAV 155615/2015D, DCU 144370/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Riel 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 205/2014 dated January 6th, 2016 to an "R2" Residential Two-Family District subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated December 16, 2015.

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 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.

4. That the zoning section of the by-law shall come into force when the Servicing Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

5. 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.

6. 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 – January 20, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, forwarded the matter to the Executive Policy Committee.

RE: **Rezoning – 275 Beliveau Road**
File DAZ 220/2015 [c/r DAV 155615/2015D, DCU 144370/2015D]

For submission to: **Executive Policy Committee**

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

Report date: **January 12, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2016, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 205/2014 dated January 6th, 2016 to an "R2" Residential Two-Family District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated December 16, 2015.

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 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.

4. That the zoning section of the by-law shall come into force when the Servicing Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

5. 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.

6. 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 is a wild mix of housing in that area; very diverse neighbourhood, so this will not be out of place.

PUBLIC HEARING SUMMARY

File: DAZ 220/2015

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

Public Hearing: January 11, 2016
Council Building, 510 Main Street

Applicant: Affinity Architecture Inc.

Subject:



APPLICANT : AFFINITY ARCHITECTURE
FILE : DAZ 220/15
PROPOSAL : To rezone the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a multi-family dwelling use. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR : AFFINITY ARCHITECTURE
N° DE DOSSIER : DAZ 220/15
PROJET : Modifier le zonage du bien-fonds délinéé ci-dessus de sorte qu'il passe de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie R2 (secteur résidentiel bifamilial) en vue de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 275 Beliveau Road

Exhibits Filed:

1. Application dated October 13, 2015
2. Notification of Public Hearing dated November 16, 2015
3. Manitoba Status of Title 2755413/1
4. Letter of authorization dated July 22, 2015 from 2H Canada Ltd. to Affinity Architecture Inc.
5. Plans (5 pages)
6. Zoning Diagram
7. Plan for Buildings to be Demolished
8. Report from the Urban Planning Division dated January 6, 2016
9. Inspection Report
10. Recording of Representations of public hearing held on January 11, 2016

REPRESENTATIONS:

In Support:

Daniel Serhal

In Opposition

Nil

For Information:

Myrna Silan
Conrado Silan

For the City:

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

Exhibit “8” referred to in File DAZ 220/2015

ADMINISTRATIVE REPORT

Title: DAZ 220/2015 – 275 Beliveau Rd

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	Division Head	Department Head	CFO	CAO
Elise Finnigan	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 205/2014 dated January 6th, 2016 to an “R2” Residential Two-Family District subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule ‘B’ the report of the Administrative Coordinating Group dated December 16, 2015.

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 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.

4. That the zoning section of the by-law shall come into force when the Servicing Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

5. 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.

6. 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 for the development of a 3 storey, 15 unit apartment building.
- The applicant has applied for an associated Conditional Use application (DCU 15-144370/D) to permit the establishment of a multi-family dwelling use in the R2 zone and a Variance application (DAV 15-155615/D).
- 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.

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, MA (Planning)
Date:	January 6th, 2016
File No.	DAZ 220/2015

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 220/2015
3. Schedule "B" the report of the Administrative Coordinating Group

APPENDIX 'A'

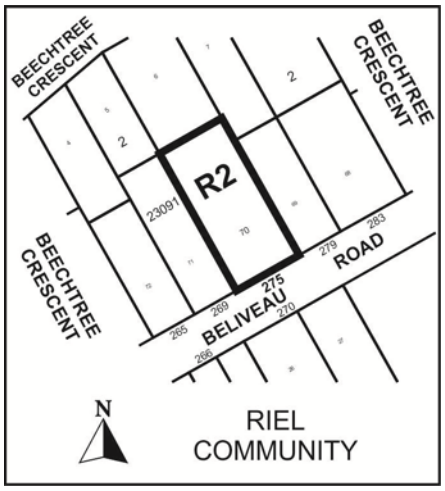
DATE: **January 6th, 2016**

FILE: DAZ 220/2015
RELATED FILES: DCU 15-144370/D, DAV 15-155615/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.516

SUBJECT: To rezone the subject land from R1-M to R2 for the development of a 3 storey, 15 unit apartment building.

LOCATION: 275 Beliveau Rd
LEGAL DESCRIPTION: LOT 70 PLAN 23091 44/45 ST V



APPLICANT: Daniel Serhal
4 Fort ST 200
Winnipeg , Manitoba R3C 1C4

OWNER: 894 ST MARY'S RD 102
Winnipeg , Manitoba R2M 3R1

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the north side of Beliveau Road between Beechtree Crescent and Kearney Street, in the Worthington neighbourhood of the St Vital Ward.
- The site is **12,302 square feet in area.** It is occupied by a one and a half storey 1,335 square foot house built in 1952 with a detached garage.
- The property is located within the Areas of Stability – Mature Communities policy area under *the Complete Communities Direction Strategy*. The site 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: Beliveau Road and then residential multi-family uses zoned "RMF-S".

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

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

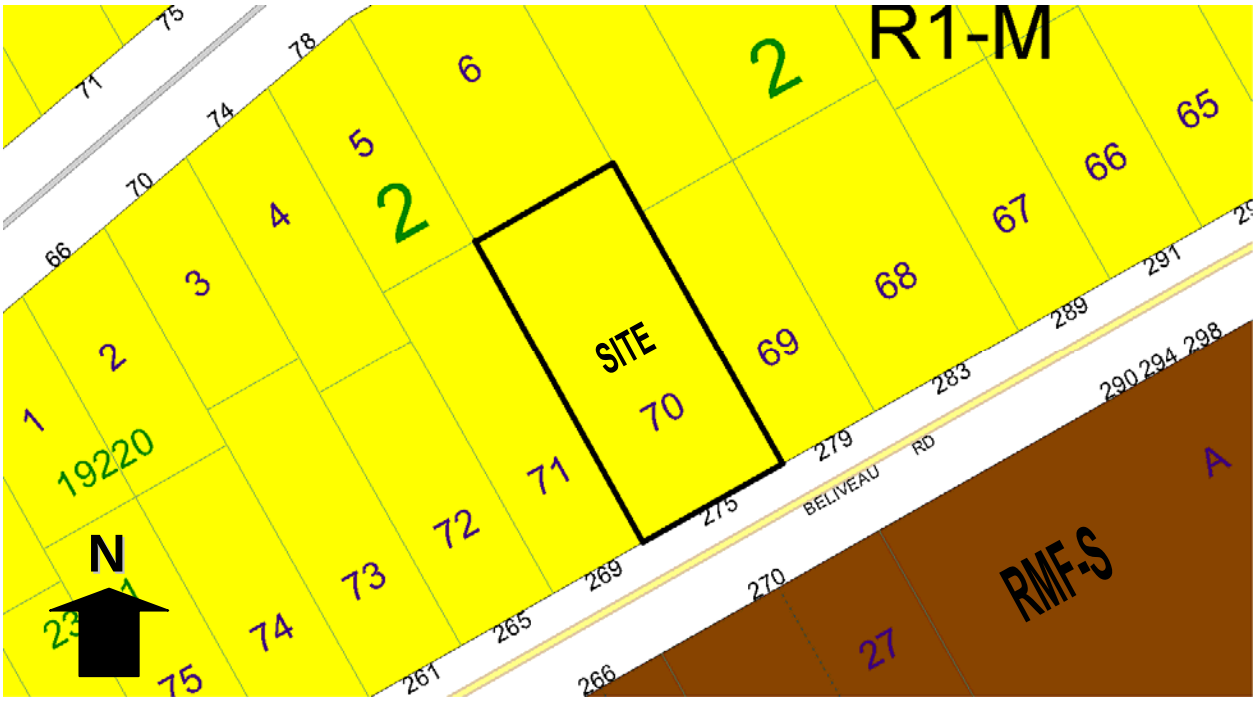


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from R1-M to R2 in order to allow the development of a 3-storey 15 unit apartment building on the property.
- The applicant is proposing to establish a parking area comprising a total of fifteen parking stalls in the rear yard. Three of the stalls will be designated for small cars only and one will be designated as an accessible stall.
- The existing approach will remain and made 20 feet wider.
- The garbage enclosure will be located to the rear of the development approximately 20 feet from the western property line.
- There is an associated Conditional Use (DCU 15-144370/D) to permit the establishment of a multi-family dwelling use and an associated Variance application (DAV 15-155615/D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature 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 District

- The R2 zoning district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density areas. The district requires: a minimum lot area of 5,000 square feet, a minimum lot width of 25 feet, side yards of 4 feet, a front yard of 20 feet, a rear yard of 25 feet, and a maximum building height of 35 feet. Multi-family developments require conditional use approval in the R2 zone and cannot exceed a prescribed density of one unit per each 800 square feet of lot area.

LAND USE BY-LAW

Rezoning (DAZ 220/2015)

- The applicant is proposing to rezone the site from R1-M to R2 in order to allow the development of a 3-storey 15 unit apartment building on the property. Multi-family developments are permitted in the R2 zone as a conditional use.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Urban Planning Division is supportive of rezoning the subject property to R2. It is recognized that the subject site is located along a collector street with transit service

(route #55) and across the street from a number of multi-family developments zoned RMF-S. The property is also the largest lot on the north side of the subject block of Beliveau Road where a modest increase in density can be accommodated in a manner that compliments existing development.

- In terms of compatibility with the R1-M zoned properties to the east, west and north of the subject property, the R2 zone allows for a two-unit dwelling (i.e., 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.
- While the Public Service is supportive of the rezoning to R2, the Public Service is not supportive of fifteen units on the subject site for a number of reasons, including:
    - The immediate surrounding context of the subject property to the east, west, and north is comprised exclusively of detached single-family homes. The proposal to develop a 15 unit apartment building on the property does not align with *the Complete Communities Direction Strategy* which supports low to moderate change in Areas of Stability.
    - *The Complete Communities Direction Strategy* clearly states that the scale, character and built form of infill development must be compatible with the existing context. The proposed 15-unit multi-family development represents a significant deviation from this policy. Most notably, the applicant is proposing to replace the existing landscaped rear yard with a 15-stall parking area built right up to the edge of the property in all directions. The impacts of traffic movement, light, noise, and odours from the proposed parking lot on the neighbouring single-family properties will be significant especially given the absence of a public lane. The construction of the parking area as well as the building will also result in the loss of all the existing mature trees located along the east side yard and west side yard (see Figures 3 & 4).
    - The density proposed by the applicant is not consistent with the densities of the existing multi-family developments located on the subject block of Beliveau Road. Figure 5 provides an inventory of existing multi-family developments on the same block and their densities. The average lot area per dwelling unit of existing multi-family developments on the subject block is 1,343 square feet. It should also be noted these examples are all located on the south side of the street where all of the properties are zoned RMF-S and most lots back onto Bishop Grandin Blvd (a major arterial street).
    - It is also noted that the proposed approach is non-conforming under the *Private Access By-law* and there is insufficient wastewater capacity for 15-units (see *Comments from Other Departments* section below).



Figure 3: Mature trees along west side yard



Figure 4: Mature trees along east side yard

Figure 5: Inventory of Existing Multi-family Developments on same block of Beliveau Road and Density

Address	Lot Area	Number of Dwelling Units	Lot Area Per Dwelling Unit
Subject Development	**12,300 ft^2**	**15**	**820 ft^2**
290 Beliveau Road	4.2 acres	150	1,220 ft^2
270 Beliveau Road	40,539 ft^2	35	1,158 ft^2
266 Beliveau Road	7,177 ft^2	4	1,794 ft^2
229 Kearney Street	4.2 acres	126	1,452 ft^2
200 Beliveau Road	4.4 acres	149	1,286 ft^2
182 Beliveau Road	2 acres	60	1,452 ft^2
180 Beliveau Road	2.3 acres	79	1,276 ft^2
166 Beliveau Road	28,798 ft^2	26	1,107 ft^2

- Per the recommendations of the associated conditional use, the Public Service is recommending that no more than four 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 with the exception of the variance to permit a continuous fence buffer.

COMMENTS FROM OTHER DEPARTMENTS

Public Works

- The proposed approach is non-conforming under the *Private Access By-law* for a number of reasons:

- Twenty feet is not wide enough to accommodate bi-directional traffic into and out of the site, and, therefore, would be considered unsafe.
- The approach has to be at least 3.0 metres (9.6 feet) from the adjoining lot line.

- Public Works will not support the proposed non-conforming approach.

Water and Waste

- Based on our preliminary analysis, there is insufficient capacity in the wastewater collection system for the proposed development. Therefore, it is recommended that the approval of DAZ 220/2015, if granted, be subject to the applicant entering into a Servicing Agreement to address the following:

    - The applicant shall provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the water and wastewater services needed to adequately service the proposed development and adjacent lands, to the satisfaction of the Director of Water and Waste. The servicing report's water servicing analysis shall demonstrate Water and Waste's water servicing requirements are satisfied through building construction upgrades or indicate the water main upsizing required for adequately servicing the proposed development.

    - The applicant shall, at no expense to the City, upgrade water mains and upgrade the wastewater collection system as required to service the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste.

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 proposal to rezone the site to R2 is consistent with the policies guiding development in *Areas of Stability – Recent Communities policy area* in the *Complete Communities Direction Strategy* which supports low to moderate change in low-density neighbourhoods through development 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.

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

Report Prepared By: Elise Finnigan
PPD File # DAZ 220/2015

Schedule "A" for File No. DAZ 220/2015, Riel Community Committee, dated January 6, 2016

By-Law No. _____

File No. **DAZ 220/15**

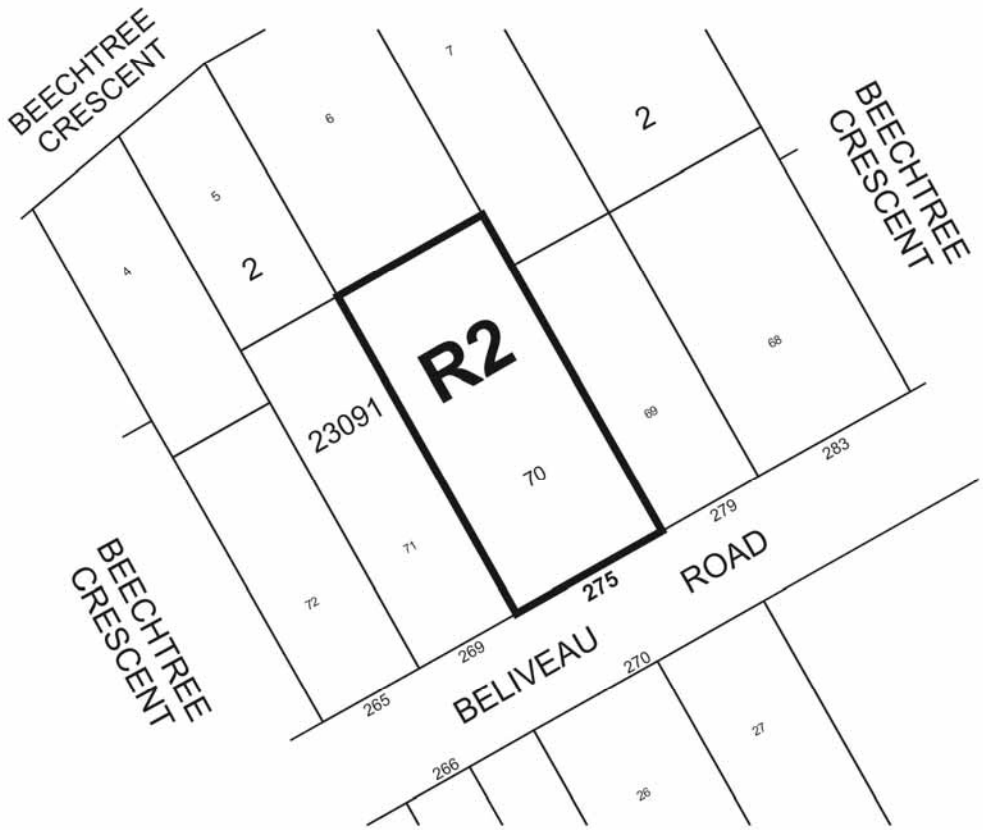
Atlas Sheet No.

N

AG27
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 275 Beliveau Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a multi-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 – December 16, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 275 BELIVEAU ROAD– DAZ 220/2015

It is recommended that the approval of DAZ 220/2015, if granted, be subject to the applicant entering into a servicing agreement and addressing the following items:

1) Servicing

a) The applicant shall provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the water and wastewater services needed to adequately service the proposed development and adjacent lands, to the satisfaction of the Director of Water and Waste. The servicing report's water servicing analysis shall demonstrate Water and Waste's water servicing requirements are satisfied through building construction upgrades or indicate the water main upsizing required for adequately servicing the proposed development.

b) The applicant shall, at no expense to the City, upgrade water mains and upgrade the wastewater collection system as required to service the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste.

2) Construction Traffic

The Applicant shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Applicant shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

3) Litter and Refuse Control and Clean-Up

a) The Applicant shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

4) Administration Fees

The Applicant shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1650.00 plus GST to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement if required.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 220/2015

"*Original signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

"*Original signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

GJ/gj