Minutes – Executive Policy Committee – May 20, 2015

Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 4 Rezoning – Lark Ridge Way
(St. Norbert Ward)
File DAZ 203/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 203/2015 dated April 1, 2015 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, for any two-family dwelling, vehicular access shall be provided to each dwelling unit via a shared approach that shall not exceed 6.5 metres in width as measured along the front property line.

2. That 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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

Report – Standing Policy Committee on Property and Development – May 12, 2015

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 – May 12, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendment:

- Reinstate the following recommendation 2 as submitted by the Winnipeg Public Service:

    2. That 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.

and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete recommendation 2 in its entirety.

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – Lark Ridge Way**
File DAZ 203/2015

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

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

Report date: **April 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended,*** and recommended to the Standing Policy Committee on Property and Development:

The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, 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 203/2015 dated April 1, 2015 to an "R2" Residential Two-Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That, for any two-family dwelling, vehicular access shall be provided to each dwelling unit via a shared approach that shall not exceed 6.5 metres in width as measured along the front property line.

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***~~**.**

Deleted.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The applicant has already made the appropriate land dedication that is required, so recommendation number 2 is not required.

2. It complies with the neighbourhood area structure plan.

3. It increases the density modestly.

PUBLIC HEARING SUMMARY

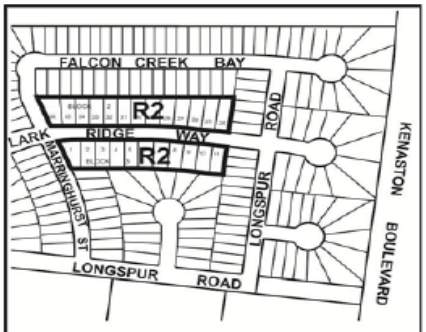
File: DAZ 203/2015

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

Public Hearing: April 13, 2015
Council Building, 510 Main Street

Applicant: Ladco Company Limited (Tyler Smith)

Subject:



RIEL COMMUNITY

APPLICANT : LADCO COMPANY LIMITED
FILE : DAZ 203/15
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 accommodate the construction of two-family dwellings. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : LADCO COMPANY LIMITED
N° DE RÉFÉRENCE : DAZ 203/15
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 de deux logements multifamilaux. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Lark Ridge Way

Exhibits Filed:

1. Application dated February 24, 2015
2. Notification of Public Hearing dated March 9, 2014
3. Manitoba Status of Titles 2328809/1 and 2328858/1
4. Letter of authorization dated January 22, 2014 from David Borger, Ladco Company Limited to Tyler Smith
5. Site Plan
6. Plans (3 pages)
7. Report from the Urban Planning Division dated April 1, 2015
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michael Carruthers
Tyler Smith

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

Exhibit "7" referred to in File DAZ 203/2015

ADMINISTRATIVE REPORT

Title: DAZ 203/2015 – Lark Ridge Way 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 203/2015 dated April 1, 2015 to an "R2" Residential Two-Family District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

      i. That, for any two-family dwelling, vehicular access shall be provided to each dwelling unit via a shared approach that shall not exceed 6.5 metres in width as measured along the front property line.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
7. 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 24 lots along Lark Ridge Way from R1-M to R2 in order to develop two-family dwellings on each lot.
- 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 24 lots included in the subject application will be rezoned from R1-M to R2.

HISTORY

DASZ 33/2012 (By-law 68/2013)

- Under DASZ 33/2012 (By-law 68/2013), over 600 acres of land in the Waverley West Southwest Neighbourhood was rezoned from "A" Agricultural to "R1-M" Residential Single-Family Medium; "RMF-S" Residential Multi-Family Small; "RMF-M" Residential Multi-Family Medium; "C3" Commercial Corridor; and, "PR1" Parks and Recreation 1 (Neighbourhood). By-law 68/2013 regarding the subdivision and rezoning was passed by Council on June 26, 2013.
- A zoning agreement was included as a condition of approval for DASZ 33/2012. Requirements of that zoning agreement were as follows:

  i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" or "RMF-M" Residential Multi-Family, or "C3" Commercial, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

  ii) The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street, Kenaston Boulevard and

the Perimeter Highway, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

iii) That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres;

iv) That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard or the Perimeter Highway are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots;

v) That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

vi) That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the northwest corner of the Waverley Street and Kenaston Boulevard intersection in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

vii) That, the Developer and all successors in title to the seven (7) "C3" Commercial-zoned lots located at the southwest corner of the Waverley Street and Kenaston Boulevard intersection in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

viii) That the address number of every building on the "C3" Commercial-zoned properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

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:	April 1, 2015
File No.	DAZ 203/2015

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 203/2015

APPENDIX 'A'

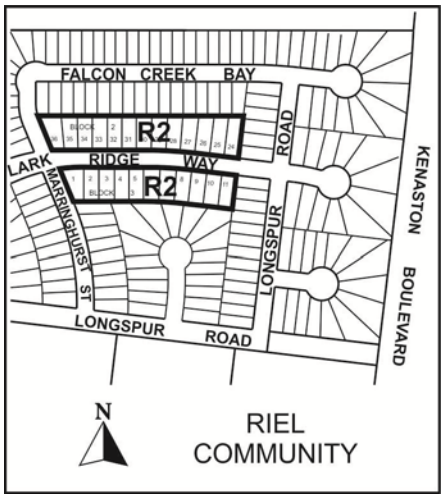
DATE: April 1, 2015

FILE: DAZ 203/2015
RELATED FILES: DASZ 33/2012

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.682 (Waverley West Plan Area D – Southwest Neighbourhood)

SUBJECT: To rezone the 24 lots included in the subject application from R1-M to R2 in order to develop two-family dwellings on each lot.

LOCATION: Lark Ridge Way
LEGAL DESCRIPTION: Lot 1-11 Block 3 and Lots 24-36 Block 2 (Deposit 1568/13)



APPLICANT: Ladco Company Ltd (Tyler Smith)
200-40 Lakewood Blvd,
Winnipeg, MB R2J 2M6

OWNER: Same as above

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located on Lark Ridge Way, which is in an area that is yet to be developed in the Waverley West Plan Area D – Southwest Neighbourhood of the St. Norbert Ward.
- The site currently vacant and is made up of 24 lots that range between approximately 5,900 square feet to 7,300 square feet.
- The lots are located within the Residential Land Use Policy Area of the Waverley West Southwest Neighbourhood Area Structure Plan and were rezoned to “R1-M” Residential Single-Family Medium under DASZ 33/2012.

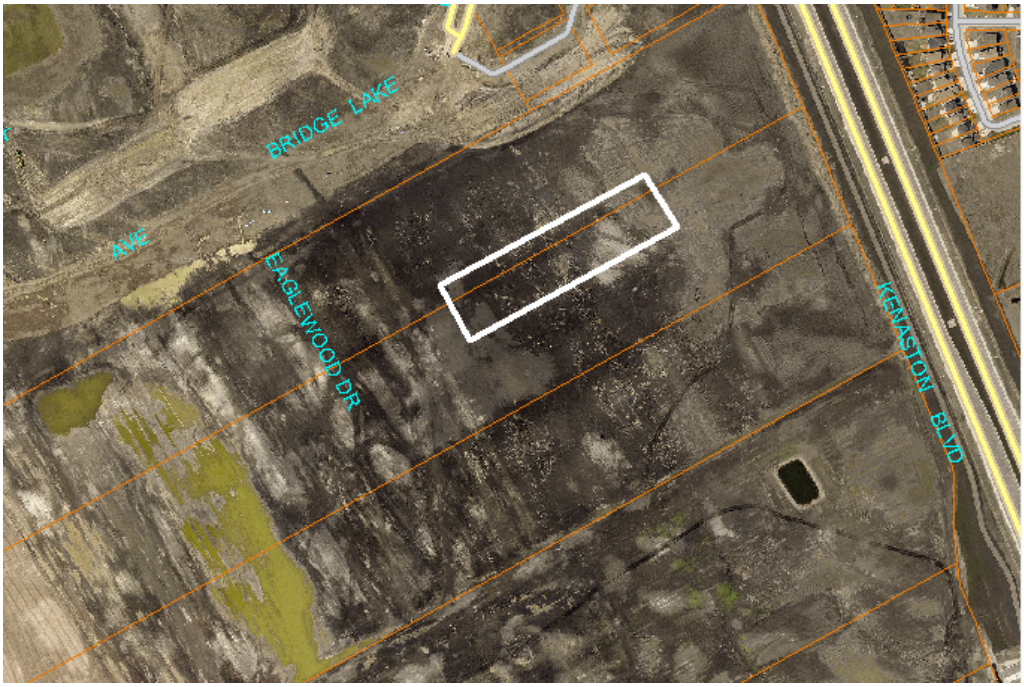


Figure 1: Aerial photograph of approximate location of subject site (2014)

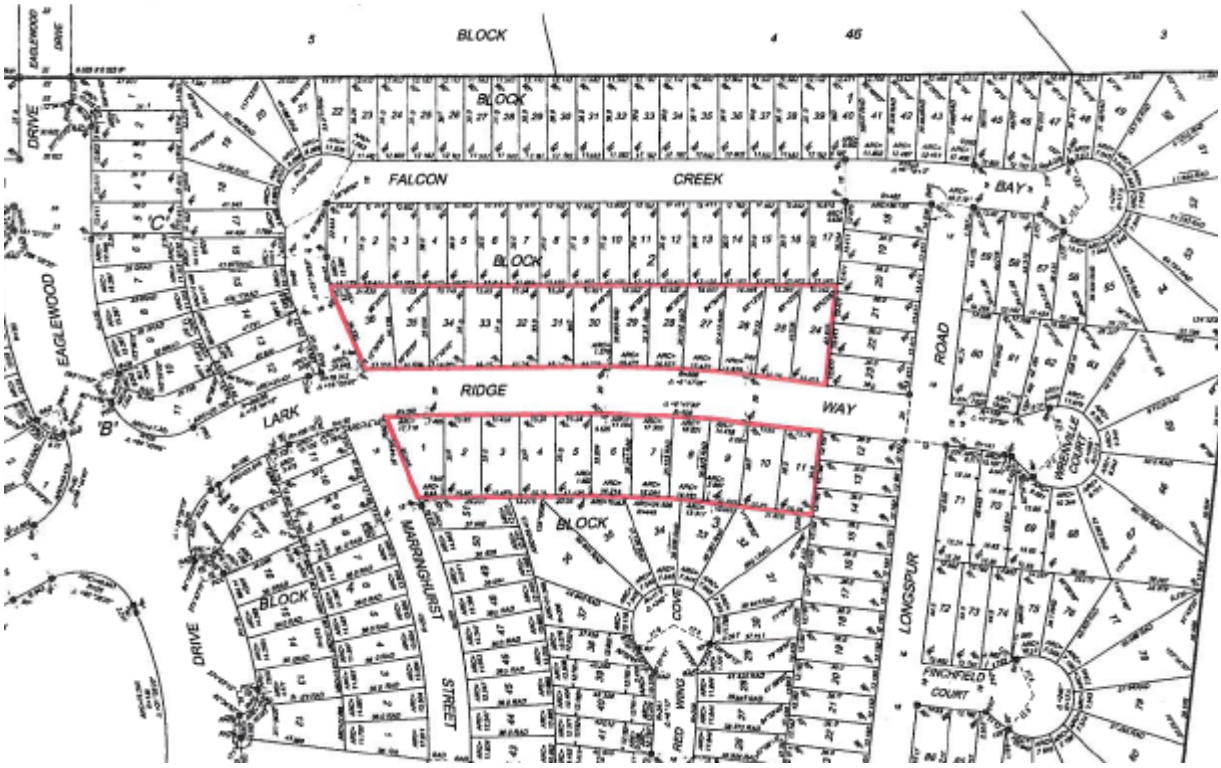


Figure 2: Subject site (outlined in red) in the context of DASZ 33/2012

SURROUNDING LAND USES & ZONING

North: Vacant land subdivided and rezoned to R1-M under DASZ 33/2012.

South: Vacant land subdivided and rezoned to R1-M under DASZ 33/2012.

East: Vacant land subdivided and rezoned to R1-M under DASZ 33/2012.

West: Vacant land subdivided and rezoned to R1-M under DASZ 33/2012.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone 24 lots along Lark Ridge Way from R1-M to R2 in order to develop two-family dwellings on each lot.
- The lots range in width from 50-59.5 feet and range in area from 5,905 square feet to 7,289 square feet. The majority of the lots are approximately 50 feet wide and over 6,000 square feet in area.

ANALYSIS AND ISSUES

WAVERLEY WEST SOUTHWEST NEIGHBOURHOOD AREA STRUCTURE PLAN

- The subject site is located within Residential Land Use Policy Area of the Waverley West Southwest Neighbourhood Area Structure Plan. The Residential Land Use policies are as follows:

  5.1.1 Composition

  1) Single-family Residential shall be the predominant land use.

  2) Multiple-family Residential, including higher density Multiple-family Residential, Community Scale Commercial, Local Commercial, Non-Retail Commercial, Institutional, Recreational and other compatible uses shall be permitted in the vicinity of Neighbourhood Nodes and the primary commercial area (see also section 5.3).

  3) Multiple-family Residential (including Higher Density Multiple-family Residential), Local Commercial, Non-Retail Commercial, Institutional, Recreational and other compatible uses shall be permitted adjacent to Waverley Street. Multiple-family Residential, including higher density Multiple-family Residential, shall be permitted adjacent to the Perimeter Highway.

  4) Where Residential is located adjacent to the perimeter highway, other buffering tools such as berming, landscaping and fencing shall be implemented.

  5) The general categories of uses identified under section 5.1.1 may be refined through the Development Application process.

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 203/2015)

- The applicant is proposing to rezone the land from R1-M to R2 in order to develop two-family dwellings on each of the 24 lots. Two-family dwellings are not permitted in the R1-M zone, but are permitted in the R2 zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The northeast corner of DASZ 33/2012 was rezoned to R1-M and subdivided into a total of 210 lots. This northeast corner will become the first phase of development for DASZ 33/2012.
- The subject lots fall within approximately the middle of this first phase of development. All of the subject lots front onto a local road (Lark Ridge Way).
- Under the Waverley West Southwest Neighbourhood Area Structure Plan the subject lots are located in the Residential Land Use Policy Area. Policies guiding development in the Residential Land Use Policy Area state that single-family residential shall be the predominant land use. Multiple-family residential and other land uses shall be permitted in the vicinity of neighbourhood nodes, the primary commercial area, and adjacent to Waverley Street and the Perimeter Highway.
- In the Waverley West Southwest Neighbourhood Area Structure Plan, multiple-family residential is defined as: “housing that includes more than two housing units on the same lot”.
- Given that only 24 lots of the 210 lots created in the first phase of DASZ 33/2012 are being rezoned to R2 and that the Waverley West Southwest Neighbourhood does not restrict two-family development in the Residential Land Use Policy Area, the subject rezoning complies with the Plan.
- The proposed development modestly increases the density in a form that is compatible with single-family development, which is the predominant land use in the vicinity of the lots. Modestly increasing the density in the Southwest Neighbourhood helps ensure that development in the Southwest Neighbourhood will meet the residential density target of the Plan.
- All of the lots being rezoned to R2 are within 400 metres of the collector road (Eaglewood Drive) where Transit service will be provided to the neighbourhood.
- The Public Service recommends including one condition in the zoning agreement to ensure that the front approaches for the duplexes are developed adjacent to each other and are not excessive in width. Including this condition will help accommodate areas for snow storage and on-street parking.

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 rezoning complies with the Residential Land Use policies of the Waverley West Southwest Neighbourhood Area Structure Plan.
- The proposed development modestly increases the density in a form that is compatible with single-family development, which is the predominant land use in the vicinity of the lots.
- All of the lots being rezoned to R2 are within 400 metres of the collector road (Eaglewood Drive) where Transit service will be provided to the neighbourhood.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 203/2015

Schedule "A" for File No. DAZ 203/2015, Riel Community Committee, dated April 1, 2015

By-Law No. _____

File No. **DAZ 203/15**

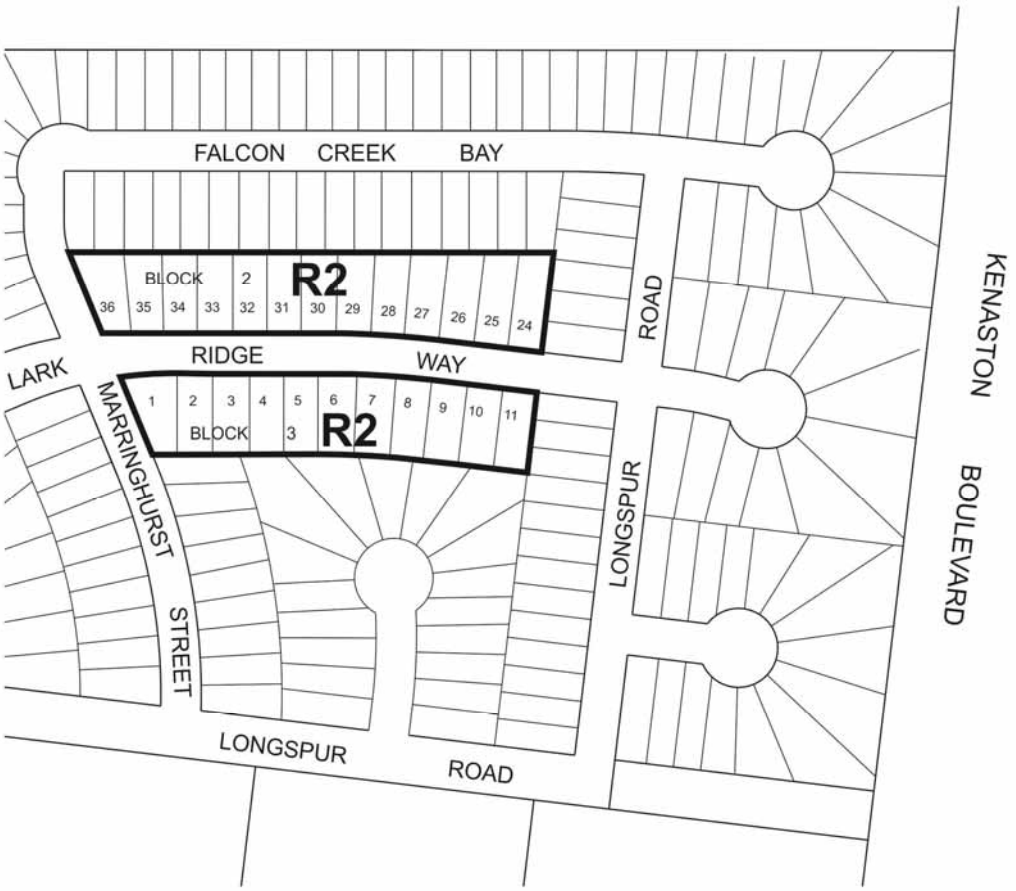
Atlas Sheet No.

N

Z26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on Lark Ridge Way, South Point West Lots 1-11, Block 3 and Lots 24-36, Block 2, Deposit No. 1568/2013 of DASZ 33/2012 from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to accommodate the construction of two-family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____