Agenda – Executive Policy Committee – September 21, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 1 Subdivision and Rezoning – 20 Berrydale Avenue (St. Vital Ward) File DASZ 14/2016

STANDING COMMITTEE RECOMMENDATION:

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 14/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2016 dated May 27th, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2016 dated May 27th, 2016, to a "R2" Residential Two-Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area within the lands zoned "R2" Residential Two-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, fencing, and landscaping to the Riel Community Committee and Director of Planning, Property and Development 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

ii. That, the permitted use on each lot shall be restricted to a semi-detached single-family dwelling unit with a shared front approach.

iii. That, the maximum height of any building on the land shall not exceed two storeys to a maximum height of thirty (30) feet.

iv. That any permanent or accessory structure on the subject property be setback at least 123 feet from the south property line abutting Oustic Avenue.

3. 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.

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 and 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 the by-law is passed.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

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.

Agenda – Executive Policy Committee – September 21, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Riel Community Committee and concurred in the recommendation of the Winnipeg Public Service, as amended, namely:

- Add the following to 2. A. i. "Riel Community Committee and" after "landscaping to the".

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

Councillor Allard asked to be recorded as having voted against the above motion, in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on September 20, 2016.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 6, 2016, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 14/2016 be rejected.

RE: **Subdivision and Rezoning – 20 Berrydale Avenue**
File DASZ 14/2016

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

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

Report date: **June 9, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 6, 2016, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 14/2016 be rejected.

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

1. It would be better to go forward with a single-family residence, instead of a side by side.

PUBLIC HEARING SUMMARY

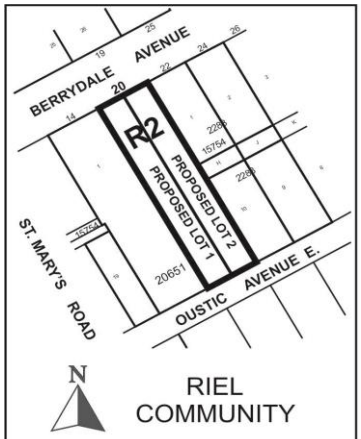
File: DASZ 14/2016

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

Public Hearing: June 6, 2016
Council Building, 510 Main Street

Applicant: Bill Cheng

Subject:



APPLICANT : BILL CHENG
FILE : DASZ 14/16
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a residential building lot to facilitate the construction of a two family dwelling. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR: BILL CHENG
N° DE DOSSIER : DALZ 14/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement précisé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie R2 (secteur résidentiel bifamilial) afin de permettre l'aménagement d'un lot d'immeubles résidentiels afin de faciliter la construction d'une habitation bifamiliale. **Pour plus de renseignements, communiquez avec Mme. E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 20 Berrydale Avenue

Exhibits Filed:

1. Application dated March 30, 2016
2. Manitoba Status of Title 2736185/1
3. Letter of authorization dated March 11, 2016 from Bill Cheng to Ludwig Lee
4. Sketch of proposed lots
5. Drafting Sketch
6. Revised Report from the Urban Planning Division dated May 27, 2016
7. Inspection Report
8. Presentation in opposition to the application submitted by Wes Hanney by e-mail
9. Presentation in opposition to the application submitted by Mindy Brown by e-mail

REPRESENTATIONS:

In Support:

Abdul Sham
Bill Cheng

In Opposition

Robert Armstrong
Sherri Hollup
Chantale Belisle
Samantha Tomchuk
Dean Beischer
Jeffrey Davidson
Matthew Dahl

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department
K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 14/2016

REVISED ADMINISTRATIVE REPORT

Title: DASZ 14/2016 – 20 Berrydale Avenue

Issue: An application for consideration at the Public Hearing to subdivide the lot into two lots and rezone to R2 to facilitate the construction of a two-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 14/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2016 dated May 27th, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2016 dated May 27th, 2016, to a "R2" Residential Two-Family District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area within the lands zoned "R2" Residential Two-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, fencing, and landscaping to the Director of Planning, Property and Development 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. That, the permitted use on each lot shall be restricted to a semi-detached single-family dwelling unit with a shared front approach.

iii. That, the maximum height of any building on the land shall not exceed two storeys to a maximum height of thirty (30) feet.

iv. That any permanent or accessory structure on the subject property be setback at least 123 feet from the south property line abutting Oustic Avenue.

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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

4. 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

6. 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.

7. 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 and 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 the by-law is passed.

8. 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.

9. 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.

10. 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 subdivide the lot into two lots and rezone to R2 to facilitate the construction of a semi-detached dwelling.
- Subdivisions and re-zonings 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 subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

N/A

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
Date:	May 27th, 2016
File No.	DASZ 14/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Appendix B — Plan Approval Design Guidelines
3. Schedule "A" — Recommended File No. DASZ 35/2015 Riel Community Committee, dated May 27th, 2016

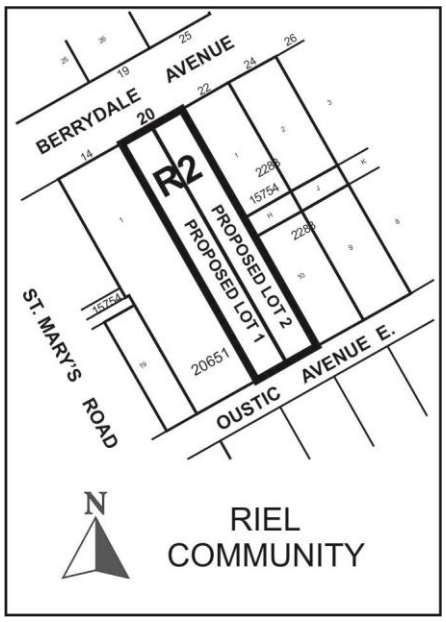
APPENDIX 'A'

DATE: May 27th, 2016

FILE: DASZ 14/2016
RELATED FILES: DAV 15-155777/D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.502

SUBJECT: To subdivide the lot into two lots and rezone to R2 to facilitate the construction of a semi-detached dwelling

LOCATION: 20 Berrydale Avenue (see map below)



APPLICANT: Bill Cheng
73 Mansfield Crescent
Winnipeg , Manitoba R2N 1R9

OWNER: (same as above)

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the south side of Berrydale Avenue between St. Mary's Road and St. David Road in the Worthington neighbourhood of the St Vital ward.
- The site is 9,868 square feet in area and is occupied by an 888 square foot single family dwelling built in 1924.
- The site is located within the Areas of Stability – Mature Communities policy area under the *Complete Communities Direction Strategy*. The property is zoned R1-M.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Berrydale Avenue; then Grace Chapel zoned "R1-M" Residential Single-Family Medium and auto repair shop zoned "C2" Commercial Community.

South: Oustic Avenue; then single-family residential uses zoned "R1-M" Residential Single-Family Medium.

East: Single-family residential uses zoned "R1-M" Residential Single-Family Medium.

West: Single-family residential uses zoned "R1-M" Residential Single-Family Medium; then auto repair shop zoned "C2" Commercial Community.

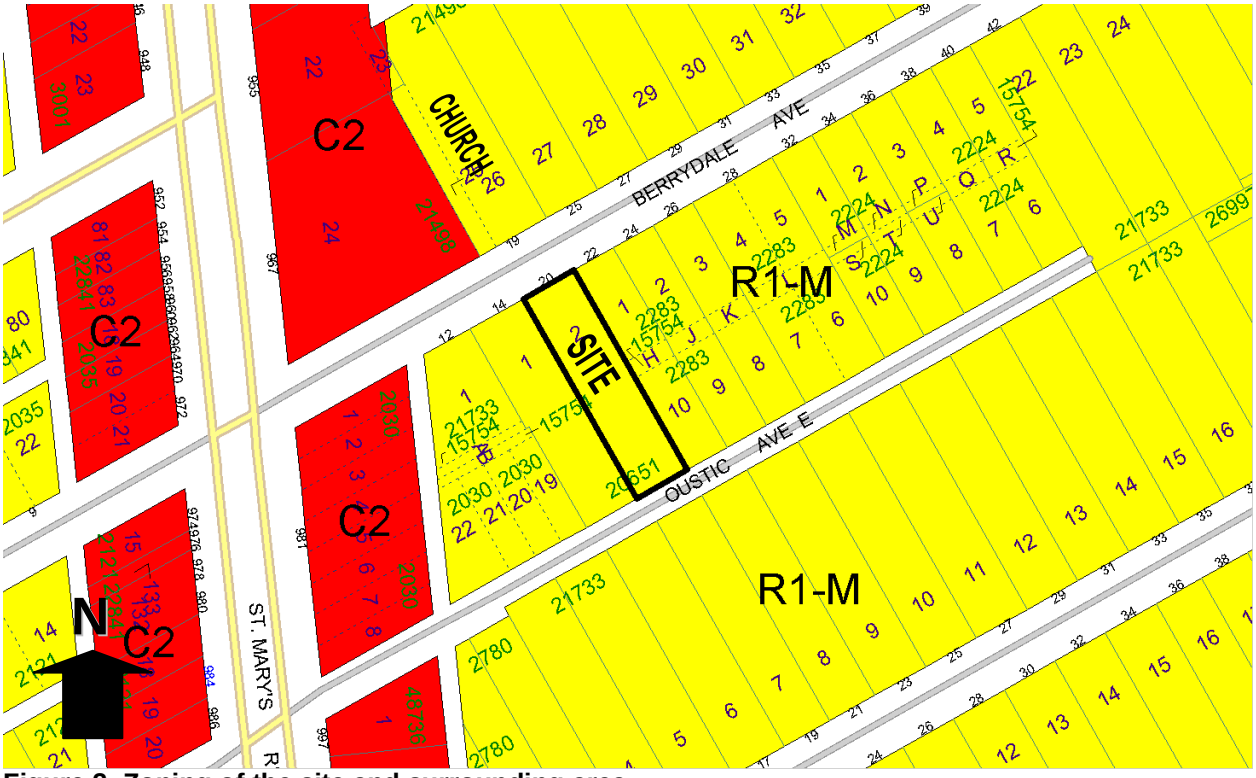


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the lot into two (2) lots and rezone to “R2” Residential Two-Family.
- The purpose of subdividing the lots and rezoning it to R2 is to accommodate the construction of two (2) semi-detached single-family dwellings with attached garages and a shared front approach off of Berrydale Avenue.
- Each semi-detached single-family unit will be approximately 1,478 square feet in area and two (2) storeys tall.

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 development in 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.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

- 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.

CURRENT ZONING DISTRICT:

"R1-M" Residential Single-Family Medium

- The R1-M zone is intended to accommodate primarily single-family development in lower-density areas. The dimensional standards in the R1-M zone are: a minimum front yard of 15 feet (except where a new residential structure is constructed on a block where at least 80 percent of the lots are developed then the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block); 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 3,500 square feet.

PROPOSED ZONING DISTRICT:

"R2" Residential Two-Family

- The R2 zone is intended to accommodate the development of single- and two- family units and where appropriate limited multi-family units in lower density areas. The dimensional standards in the R2 zone are: a minimum front yard of 20 feet (except where a new residential structure is constructed on a block where at least 80 percent of the lots are developed then the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block); 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 5,000 square feet and the minimum lot area per dwelling unit for a two-family dwelling is 2,500 square feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The Urban Planning Division is supportive of subdividing and rezoning the subject property to R2 for the following reasons:
  - The proposal to develop a semi-detached single-family dwelling unit on each lot is consistent with the single-family residential character of the block and the policies guiding development in the *Areas of Stability – Mature Communities policy area* in *Complete Communities* which supports context sensitive infill development;
  - The subject property is in close proximity (approximately 225 feet) to a *Regional Mixed-Use Corridor* (St. Mary's Road) where commercial uses and higher density residential are encouraged;
  - The subject property is across the street from a property with a non-residential structure (i.e., a church) in the R1-M zone;

RECOMMENDED ZONING AGREEMENT

Permitted Use and Access

- The Public Service is recommending that future development on the newly created lots be restricted to a semi-detached single-family dwelling unit with shared approach in order to ensure compatibility with the single-family residential character of the block.

Height

- To ensure compatibility with the primarily one storey to one and a half storey single-family homes in the area, the Public Service is recommending that the maximum height of any building on the lots be restricted to two storeys with a maximum height of 30 feet.

Restrictions on Developable Area

- The subject property is unique in that it fronts onto Berrydale Avenue as well as Oustic Avenue (currently serving as a public lane). There is an old plan for the area which involves subdividing the rear portion of the lots along Berrydale as well as widening Oustic Avenue to a local residential standard for future development. The Public Service is recommending that development on the lots be restricted to within 74 feet of Berrydale Avenue to ensure new development does not impact the potential to realize this plan in the future.

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property for review prior to the issuance of a development permit on the lots. The inclusion of this clause will allow the Urban Planning Division to review final plans and design details before development takes place on the site. Recommended design guidelines for approval are included in Appendix B to assist in the plan package evaluation.

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 property is in close proximity to a *Regional Mixed-Use Corridor* (St. Mary's Road) and across the street from a non-residential structure (i.e., a church).
- The proposal is consistent with the policies guiding development in the *Areas of Stability – Mature Communities policy area* in the *Complete Communities Direction Strategy* which supports context sensitive infill development.

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

Report Prepared By: Elise Finnigan
PPD File # DASZ 14/2016

Schedule "A" for File No. DASZ 14/2016, Riel Committee, dated May 27th, 2016

By-Law No. _____

File No. **DASZ 14/16**

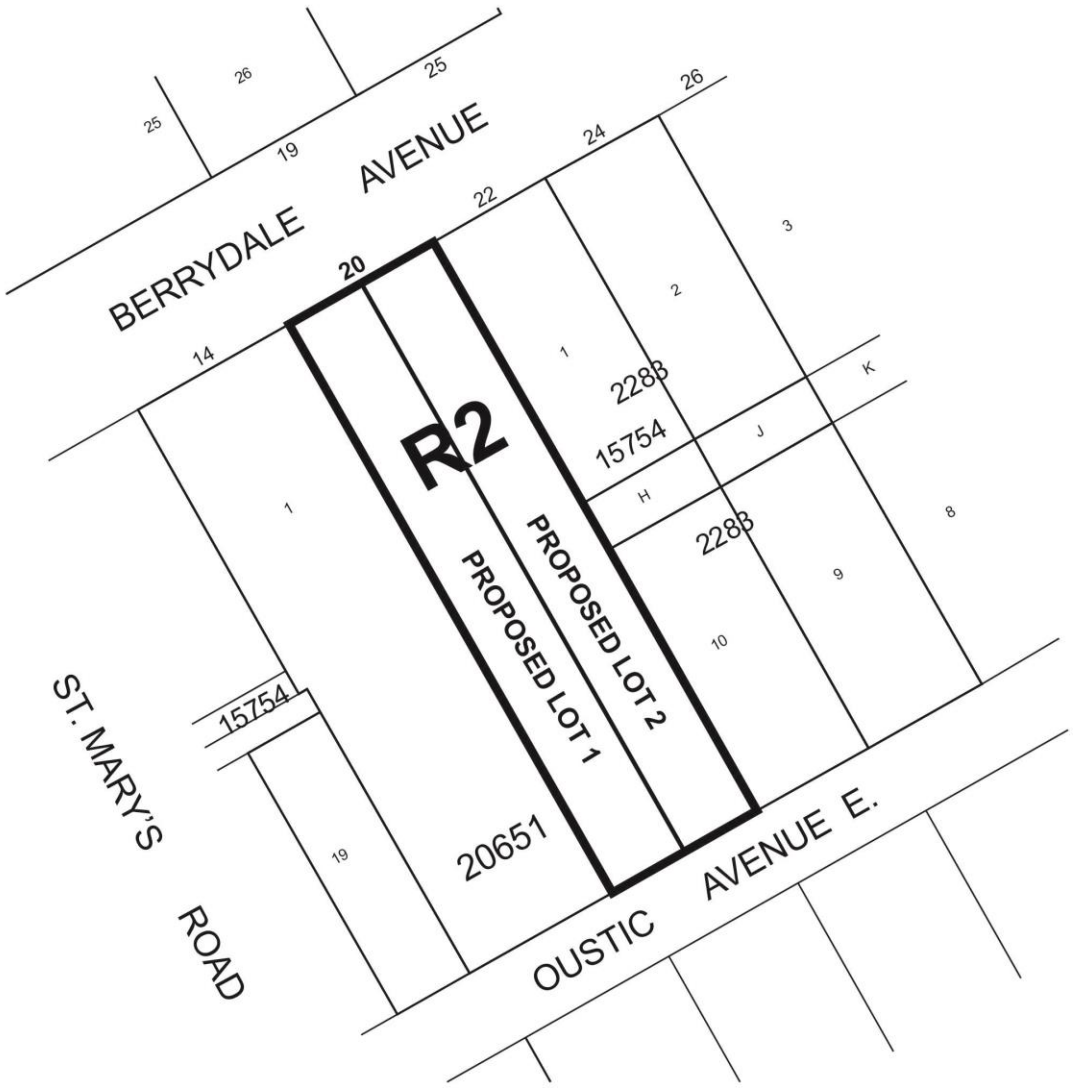
Atlas Sheet No.

N

AF27
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 20 Berrydale Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a residential building lot to facilitate the construction of a two family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DASZ 14/2016 – 20 Berrydale Avenue

- The site layout and building orientation should ensure that the buildings relate appropriately to the street (Berrydale Avenue) and surrounding properties and create a cohesive visual identity for the neighbourhood.
- The building façade should be well-articulated and should avoid featureless building massing.
- The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.
- The attached garages should not project more than a few feet in front of the dwellings to which they are attached in order to encourage a more pedestrian friendly streetscape and design that is more consistent with the character of the block.
- Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.