Agenda – Council – May 24, 2017

Report – Executive Policy Committee – May 10, 2017

Item No. 3 Subdivision and Rezoning – 9 Barrington Avenue (St. Vital Ward) File DASZ 7/2017 [c/r DAV 108324/2017D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 10, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 7/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That, the Developer shall transfer to the City and legally open, at no expense to the City, property required to widen the public lane, as per Drawing No. F13-07 in Schedule "B", to the satisfaction of the Director of Public Works.

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 7/2017 dated April 25, 2017, to a "RMF-S" Residential Multi-Family – Small District subject to the following:

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

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

on the Owner‟s Land (“Works”) to the City‟s Director of Planning, Property and Development (“Director”) for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. 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

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 (1) 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 this one (1)-year period and Council approves the extension.

Report – Executive Policy Committee – May 10, 2017

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.

Report – Executive Policy Committee – May 10, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 10, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 1, 2017, 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 – 9 Barrington Avenue**
File DASZ 7/2017

For submission to: **Executive Policy Committee**

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

Report date: **May 2, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 1, 2017, 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 under File DASZ 7/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That, the Developer shall transfer to the City and legally open, at no expense to the City, property required to widen the public lane, as per Drawing No. F13-07 in Schedule "B", to the satisfaction of the Director of Public Works.

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 7/2017 dated April 25, 2017, to a "RMF-S" Residential Multi-Family – Small District subject to the following:

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

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

            on the Owner‟s Land ("Works") to the City‟s Director of Planning, Property and Development ("Director") for approval prior to the issuance

of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. 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

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 (1) 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 this one (1)-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 near St. Mary's Road, which is a transit route and you can get anywhere.
2. It is an aesthetic improvement over what's there now.
3. This is a reasonable proposal given the context and the width of this lot.
4. It is a good fit for this neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ /2017

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

Public Hearing: May 1, 2017
Council Building, 510 Main Street

Applicant: Riley Pollard (Exemplar Developments)

Subject:



APPLICANT : EXEMPLAR DEVELOPMENTS
FILE : DASZ 7/17
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 "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling. **For information, phone Mr. R. Mahé, Planner at 204-986-8631.**

DEMANDEUR : EXEMPLAR DEVELOPMENTS
N° DE DOSSIER : DALZ 7/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé 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 R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie RMF-S (secteur de petites habitations multifamiliales) en vue de faciliter le remembrement des terres et de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 9 Barrington Avenue

Exhibits Filed:

1. Application dated February 13, 2017
2. Notification of Public Hearing dated March 14, 2017
3. Manitoba Status of Title 2846150/1, 2846151/1
4. Letter of authorization dated January 6, 2017 from S. Dhaliwal (7297352 Manitoba Ltd.) and Jas Kalar (7297352 Manitoba Ltd.) to Riley Pollard
5. Plans (10 pages)
6. Title Plot 2846150/1 & 2846151/1
7. Report from the Urban Planning Division dated April 25, 2017
8. Inspection Report

REPRESENTATIONS:

In Support:

Andrei Friesen
Riley Pollard

In Opposition

Nil

For Information:

David Cliffe

For the City:

R. Mahé, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 7/2017

ADMINISTRATIVE REPORT

Title: DASZ 7/2017 – 9 Barrington Avenue Public Hearing

Issue: An application for consideration at the Public Hearing to consolidate the lot into one lot and rezone from R1-M to RMF-S.

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 7/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2017 dated April 25, 2017 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That, the Developer shall transfer to the City and legally open, at no expense to the City, property required to widen the public lane, as per Drawing No. F13-07 in Schedule "B", to the satisfaction of the Director of Public Works.

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 7/2017 dated April 25, 2017, to a "RMF-S" Residential Multi-Family – Small District subject to the following:

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

        i. The Owner must submit plans showing the location and design of any and all proposed:

            1. buildings;
            2. accessory parking areas;
            3. private approaches;

4. garbage enclosures;
5. fencing;
6. landscaping; and
7. free-standing signage

on the Owner‟s Land (“Works”) to the City‟s Director of Planning, Property and Development (“Director”) for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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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.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the lot into one lot from two lots and rezone the site from R1-M to RMF-S in order to develop a four-unit multi-family building on the property.
- 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 subdivided into one lot and from R1-M to RMF-S.

HISTORY

DASZ 22/2013

- On July 10, 2013, Council approved a rezoning and subdivision to create a four (4) unit multi-family dwelling that is similar in nature to this application. The rezoning and subdivision application was never finalized and has since expired.

DAV 13-125034/D

- *On July 8* The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and approved a Variance on "the land" for the establishment of a zoning lot to permit a lot area of 6771 square feet (629.0 square metres) subject to the completion of the associated rezoning application.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé
Date:	April 25, 2017
File No.	DASZ 7/2017

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 7/2017 Riel Community Committee, dated April 25, 2017.
3. Appendix “B” — Plan Approval Design Guidelines for DASZ 7/2017
4. Schedule “B” — Public Lane Opening Drawing F 13-07

APPENDIX 'A'

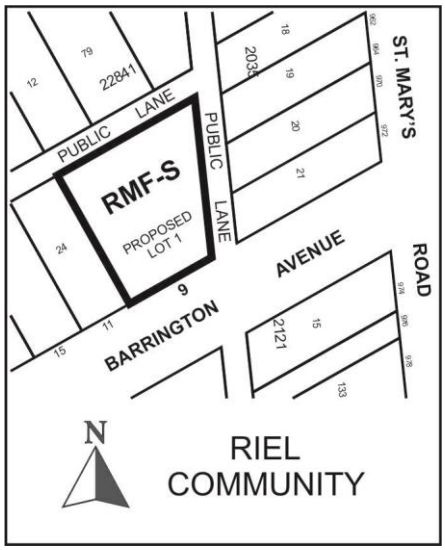
DATE: April 25, 2017

FILE: DASZ 7/2017
RELATED FILES: DAV 13-125034/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.512

SUBJECT: An application to consolidate the site into one (1) lot and rezone the site from R1-M to RMF-S.

LOCATION: 9 Barrington Avenue
LEGAL DESCRIPTION: LOT 22/23 PLAN 2035 41 ST V



APPLICANT: Riley Pollard
287 Tache AVE 2 Floor
Winnipeg , Manitoba R2H 2A1

OWNER: 7297352 Manitoba LTD
73 MARDENA CRES
Winnipeg , Manitoba R2N 0E3

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the north side of Barrington Avenue, west of St. Mary's Road in the Norberry neighbourhood of the St. Vital Ward.
- The property is 6,771 square feet in area and currently contains a detached home with a living area of about 575 square feet.
- The site is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "R1-M" Residential Single-Family Medium.

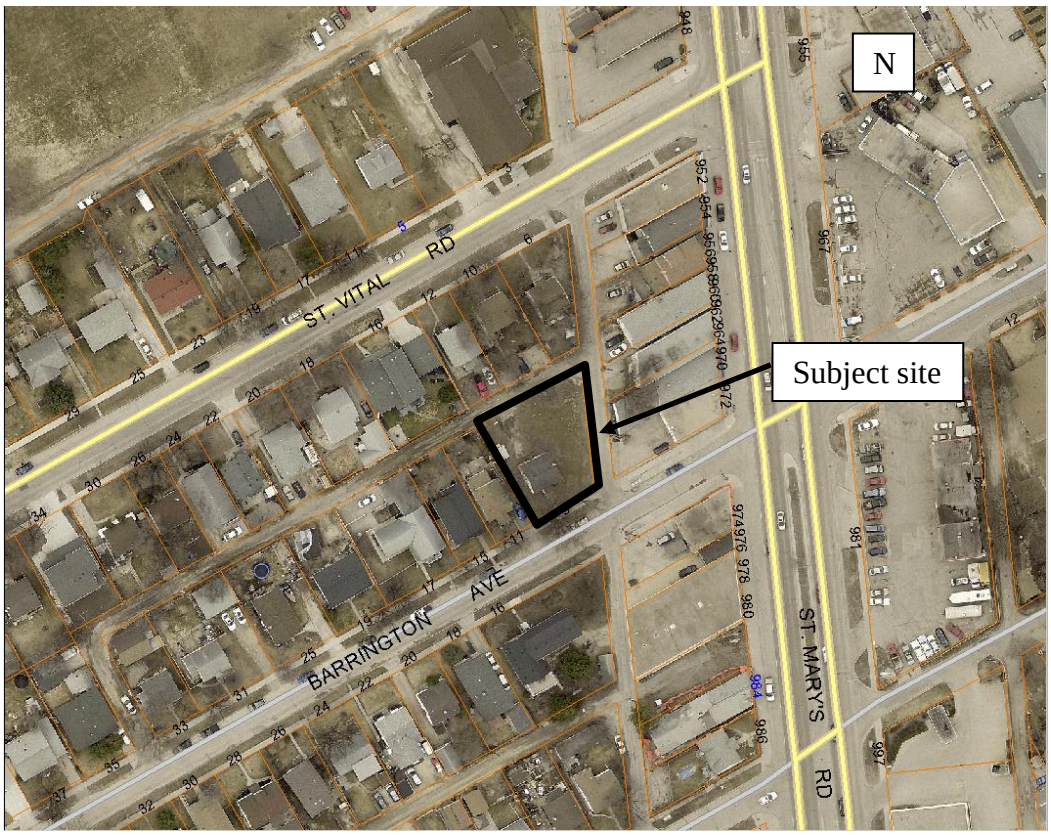


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Detached single-family homes zoned R1-M

South: Detached single-family homes zoned R1-M

East: One and two storey commercial developments zoned C2

West: Detached single-family homes zoned R1-M

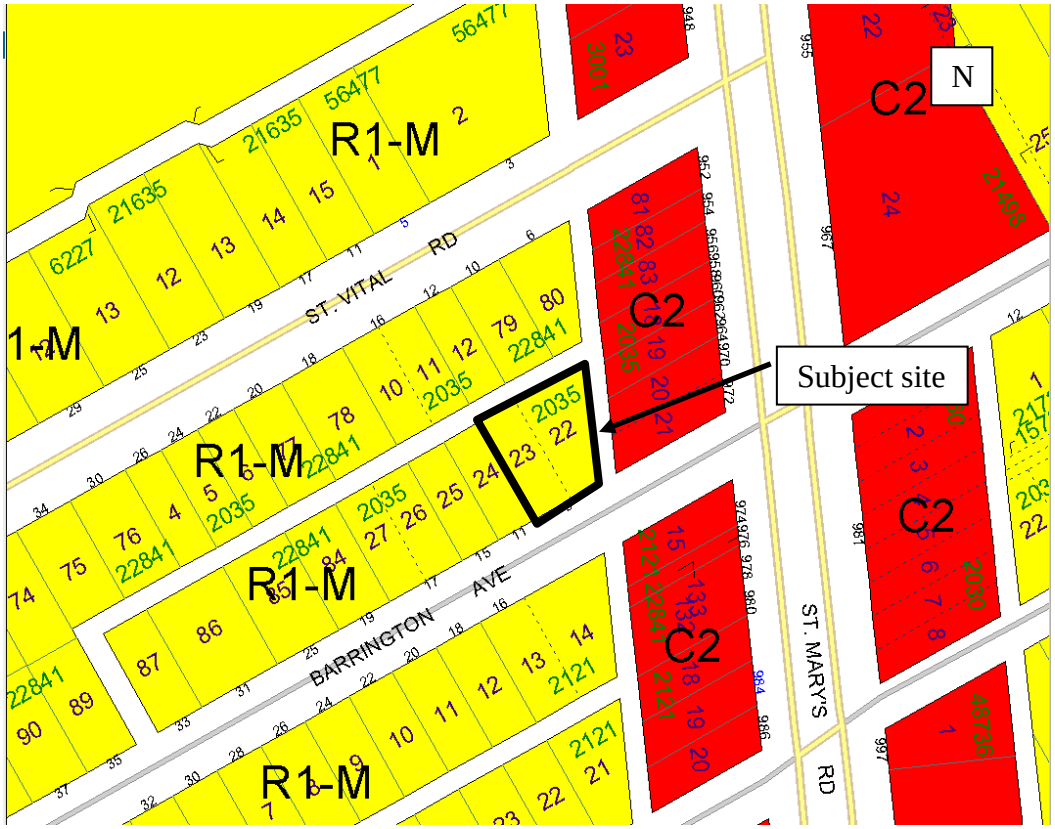


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Under DASZ 7/2017, the applicant is proposing to consolidate the lot into one lot from two lots and rezone the site from R1-M to RMF-S in order to develop a four-unit multi-family building on the property.
- The development will be two storeys in height and all parking will be located behind the building.
- This variance application will deal with a lot area variance and three variances associated with the accessory parking area.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. 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.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Rezoning

- The R1-M zoning district does not allow for the development of multi-family buildings. The applicant would like to develop a four-unit multi-family building on the site and therefore requires a rezoning to a multi-family zoning district to allow for the proposed development.

Variances

- The subject lot is 6,771 square feet in area. The minimum lot area required in the RMF-S zone is 9,000 square feet. As such, a variance is required to make the subject lot “buildable” under the RMF-S designation.
- The applicant is proposing parking stall lengths of 22 feet off of the public lane. The minimum car stall length off of the lane is 23 feet.
- The applicant is proposing to have a parking stall less than 10 feet from a window to a habitable room where the sill is located within 5 feet from grade.
- The applicant is proposing to have no buffering of the parking area adjacent to a residential zoning district.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.
- The rezoning of the site to RMF-S is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.

- The subject site is a corner lot where minor intensification is generally encouraged by the Urban Planning Division. In this case, the subject corner lot is located adjacent to C2-zoned properties that front onto St. Mary's Road, which is a Regional Mixed-Use Corridor under the Complete Communities Direction Strategy. Under the Complete Communities Direction Strategy, a mix of uses and the intensification of uses are encouraged along Regional Mixed-Use Corridors.
- In terms of compatibility with the R1-M zoned properties, the RMF-S district is the lowest density multi-family zoning district in the Zoning By-law and 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 RMF-S zone are very similar to the dimensional standards of the R1 zone.
- Additionally, there has been a recent approval of a multi-family development at 11 Moore avenue two streets to the south of the subject property. This application was approved at six (6) units on a similarly sized lot, whereas this development is seeking 4 units (and was previously approved for 4 units in 2013).

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site. Design guidelines for future development have been included in Appendix "B".

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The Complete Communities Direction Strategy encourages low to moderate change in Areas of Stability that is complimentary to the existing scale, character and built form.
- The rezoning of the site to RMF-S is consistent and compatible with the surrounding properties and offers a good transition area between the R1-zoned properties to the west and the C2-zoned properties to the east.

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

Report Prepared By: Richard Mahé
PPD File # DASZ 7/2017

Schedule "A" for File No. DASZ 7/2017, Riel Community Committee, dated April 25, 2017

By-Law No. _____

File No. **DASZ 7/17**

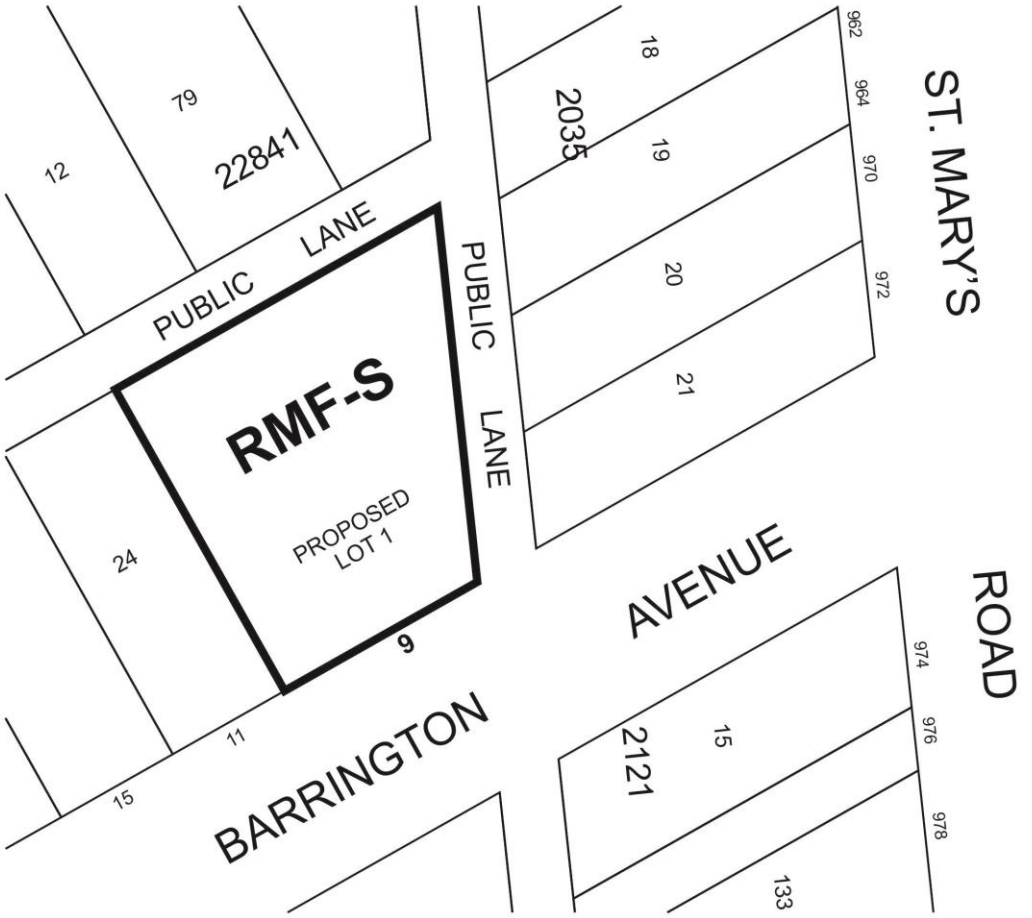
Atlas Sheet No.

N

AF26
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 9 Barrington Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the consolidation of lands for the construction of a multi-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 7/2017 – 9 Barrington Avenue

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (Barrington) and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.4 Provide easy, universally accessible and direct access to public sidewalks.

2. Building Orientation and Design

2.1 The building façade facing the public right-of-ways should be well-articulated and should avoid featureless building massing.

2.2 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.

2.3 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.4 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.

2.5 Reduce the perception of mass and height through the balanced use of colour, texture and materials.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

Schedule 'B' Public Lane Opening Drawing F 13-07

