Minute No. 483
Report – Executive Policy Committee – July 5, 2017

Item No. 2 **Subdivision and Rezoning – 982 John Bruce Road East (St. Boniface Ward) File DASZ 9/2017 [c/r DAV 104379/2017D]**

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 9/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 9/2017 dated June 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 9/2017 dated June 12, 2017, to an "R1-M" Residential Single-Family (Medium) Zoning 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.

Report – Executive Policy Committee – July 5, 2017

COUNCIL DECISION (continued):

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 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 of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

Report – Executive Policy Committee – July 5, 2017

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 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 – 982 John Bruce Road East**
File DASZ 9/2017

For submission to: **Executive Policy Committee**

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

Report date: **June 14, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 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 9/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 9/2017 dated June 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 9/2017 dated June 12, 2017, to an "R1-M" Residential Single-Family (Medium) Zoning 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.

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 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 of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

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

1. The applicant agrees with the Winnipeg Public Service, who approve of the project.
2. There is no opposition to the application.
3. It is a good project for the community.

PUBLIC HEARING SUMMARY

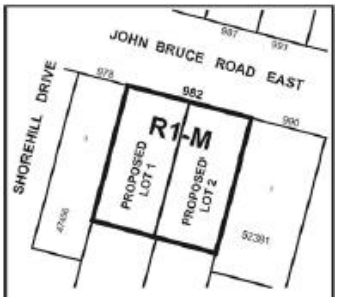
File: DASZ 9/2017

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

Public Hearing: June 12, 2017
Council Building, 510 Main Street

Applicant: Meraki Homes Inc.

Subject:



APPLICANT : MERAKI HOMES INC.
FILE : DASZ 9/17
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-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow the establishment of two lots to facilitate the construction of a single-family dwelling on each lot. **For information, phone Mr. R. Hayer, Planner at 204-986-7168.**
DEMANDEUR : MERAKI HOMES INC.
N° DE DOSSIER : DALZ 9/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R1-E (secteur d'habitations unifamiliales domaniales) à la catégorie R1-M (secteur d'habitations unifamiliales moyennes) en vue de permettre l'aménagement de deux lots et de faciliter la construction d'une habitation unifamiliale sur chacun des lots. **Pour plus de renseignements, veuillez communiquer avec M. R. Hayer, urbaniste, au 204-986-7168.**

Premises Affected: 982 John Bruce Road East

Exhibits Filed:

1. Application dated March 22, 2017
2. Notification of Public Hearing dated April 27, 2017
3. Manitoba Status of Title 2880599/1
4. Caveat between the City of Winnipeg and Ryan Sourisseau
5. Plans (1 page)
6. Board of Adjustment action dated February 27, 1962
7. List of Special Boundary Conditions
8. Zoning Analysis
9. Report from the Urban Planning Division dated June 6, 2017
10. Inspection Report
11. Communication dated June 12, 2017, from Mohammad Asif authorizing Armin Barsomian to act on their behalf with respect to the application

REPRESENTATIONS:

In Support:

Armin Barsomian
Sergio Felix
Rajan Khinda

In Opposition

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 9/2017

ADMINISTRATIVE REPORT

Title: DASZ 9/2017 – 982 John Bruce Road East.

Issue: Proposed Plan of Subdivision and Rezoning that would:

- create two (2) lots; and
- rezone the site from "R1-E" Residential Single-Family Estate District to "R1-M" Residential Single-Family Medium District.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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 9/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 9/2017 dated June 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 9/2017 dated June 12, 2017, to an "R1-M" Residential Single-Family (Medium) Zoning 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:

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            1. buildings;
            2. accessory parking areas;
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4. garbage enclosures;
5. fencing;
6. landscaping; and
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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.
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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.*

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the land from an "R1-E" Residential Single-Family Estate district to a "R1-M" Residential Single-Family Medium district in order to create two (2) lots for residential use.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 9/2017) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the process of creating the plan of subdivision, and rezoning the subject site, can proceed.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

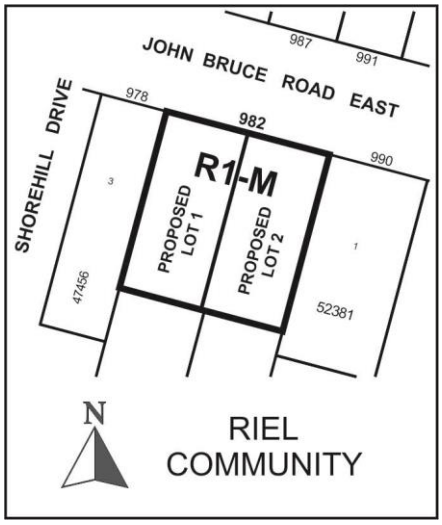
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Rakvinder Hayer, MCP
Date	June 6, 2017
File No.	DASZ 9/2017

Attachments

- Appendix "A," Planning Discussion
- Schedule "A," of File DASZ 9/2017, Riel Committee, dated June 12, 2017

Appendix "A," Planning Discussion

DATE:	June 6, 2017
FILE:	**DASZ 9/2017**
RELATED FILE:	DAV 17-104379/D
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.555 Royalwood
SUBJECT:	proposed plan of subdivision and proposed rezoning to: • create two lots; and • rezone the site to "R1-M" Residential Single-Family Medium Zoning District.
LOCATION:	982 John Bruce Road East
LEGAL DESCRIPTION:	LOT 1 PLAN 47294; Lot 122 in Parish of St. Boniface



APPLICANT:	Meraki Homes Inc., Mohammad Asif 995 McPhillips Street Winnipeg, MB R2X 2K3
OWNER:	Same as Applicant
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the south side of John Bruce Road East in the Royalwood Neighbourhood of the St. Boniface Ward.
- The property is 10,845 square feet (0.24 acres) in lot area and has a lot width of approximately 100 feet.
- The subject property is currently occupied by a one storey single-family dwelling that was built in 1962 and has a floor area of 967 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-E" Residential Single-Family Estate.



Figure 1: Air photo of the location of subject property and surrounding area (2016)

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

North: John Bruce Road East; then single-family residential uses (zoned "R1-M" Residential Single-family Medium).

South: Single-family residential uses (zoned "R1-E" Residential Single-family Estate).

East: Single-family residential uses (zoned "R1-L" Residential Single-family Large).

West: Single-family residential uses (zoned "R1-M" Residential Single-family medium).

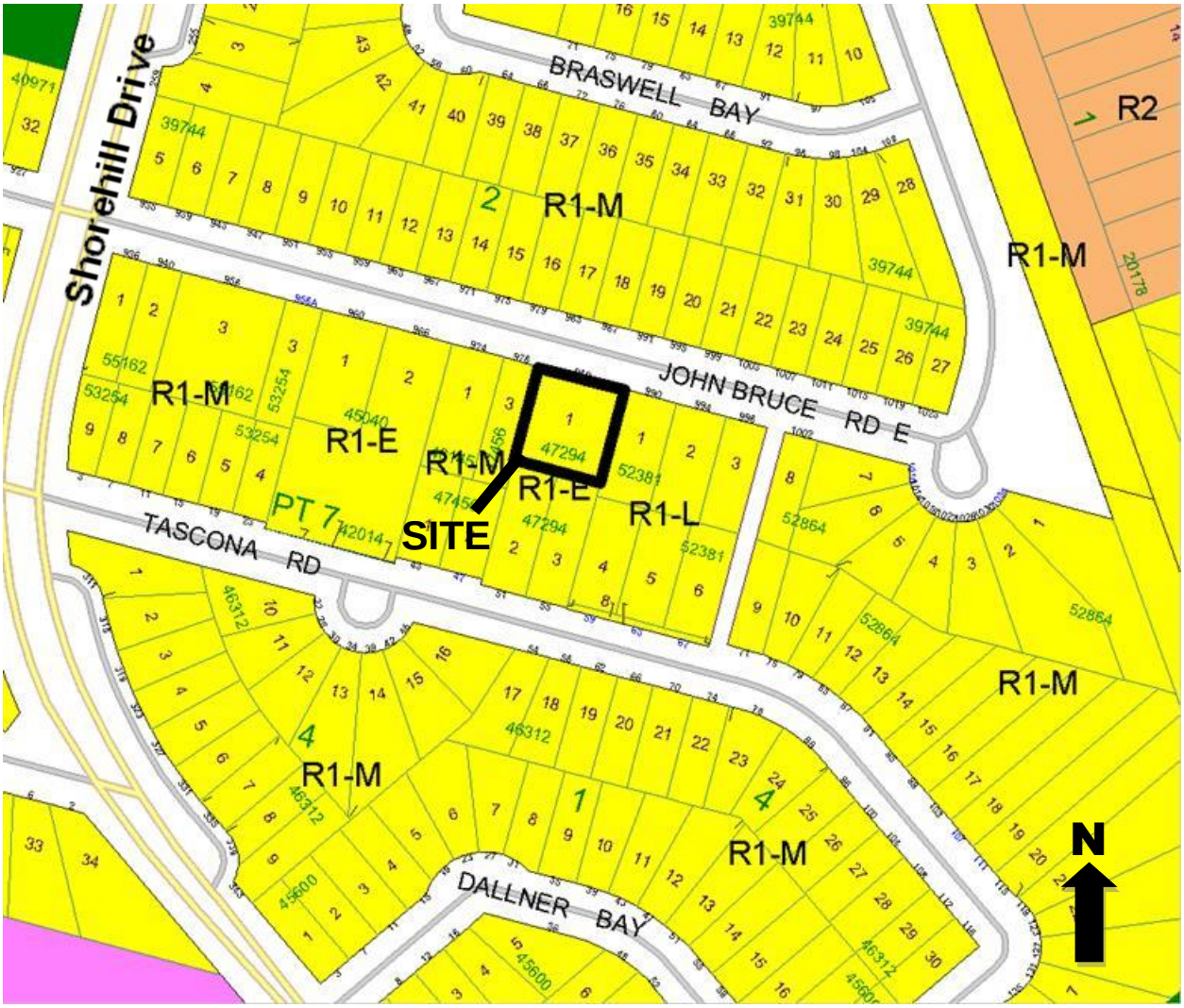


Figure 2: Zoning of the site and surrounding area

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- As shown on Schedule "A" to this report, the proposal is to create two (2) "R1-M" Residential Single-family Medium lots. The existing house and all accessory structures on the property would be demolished.

- The proposed new lots would have frontage onto John Bruce Road East, and both lots would have lot widths of 50 ft. and lot areas of 5423.2 square feet each.
- Detailed plans of development have not been included with the application.
- The Special Boundary Conditions of Zoning By-law 200/2006 would have to be varied to establish the proposed Lots. Application for approval of these variances has been made under File DAV 17-104379/D and a report on this application has been submitted for consideration by the Riel Community Committee.

ANALYSIS AND ISSUES

ZONING BY-LAW 200/2006

"R1-E" Residential Single-Family Estate District

- The "R1-E" district requires: a minimum lot area of 20,000 square feet, a minimum lot width of 25 feet, side yards of 15 feet, front yards of 30 feet, and rear yards of 25 feet. The maximum permitted building height is 35 feet, and the maximum lot coverage is 30 percent.

"R1-M" Residential Single-Family Medium District

- The "R1-M" district requires: a minimum lot area of 3500 square feet, a minimum lot width of 25 feet, side yards of 4 feet (unless lot width is less than 40 feet), front yards of 15 feet (unless lot width is less than 40 feet), and rear yards of 25 feet. The maximum permitted building height is 35 feet and maximum lot coverage is 40 percent.

OURWINNIPEG AND COMPLETE COMMUNITIES

- *OurWinnipeg* is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.
- Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Areas of Stability policy area states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*

- Infill development is discussed within the Recent Communities introduction under the *Complete Communities Direct Strategy*, that states:
    - *Recent Communities can also accommodate some infill development to increase housing choice, increase options for aging in place, and to maximize the use of existing infrastructure.*
- The proposed plan of subdivision and rezoning would facilitate single-family developments, which would result in two (2) new houses being added to the area and a more efficient use of existing and future infrastructure. Therefore, the proposed plan of subdivision and rezoning would comply with the aforementioned Key Direction.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- As stated above, the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy* supports infill development that is context sensitive and complementary to the existing scale, character, and built form of the neighbourhood.
- The immediate neighbourhood area is characterized primarily by single-family residential dwellings that have lot widths ranging from 40 ft. to 60 ft. The proposed lot widths of 50 ft. and lot areas of 5423.2 sq. ft. would be compatible with the existing scale and character of residential properties on this street (see Figure 3).
- The proposed development would be consistent with the surrounding neighbourhood context because it would enable the development of single-family dwellings, which is a typical land use in the area in which the site is located. As such, the Urban Planning Division is supportive of the proposed plan of subdivision and rezoning.

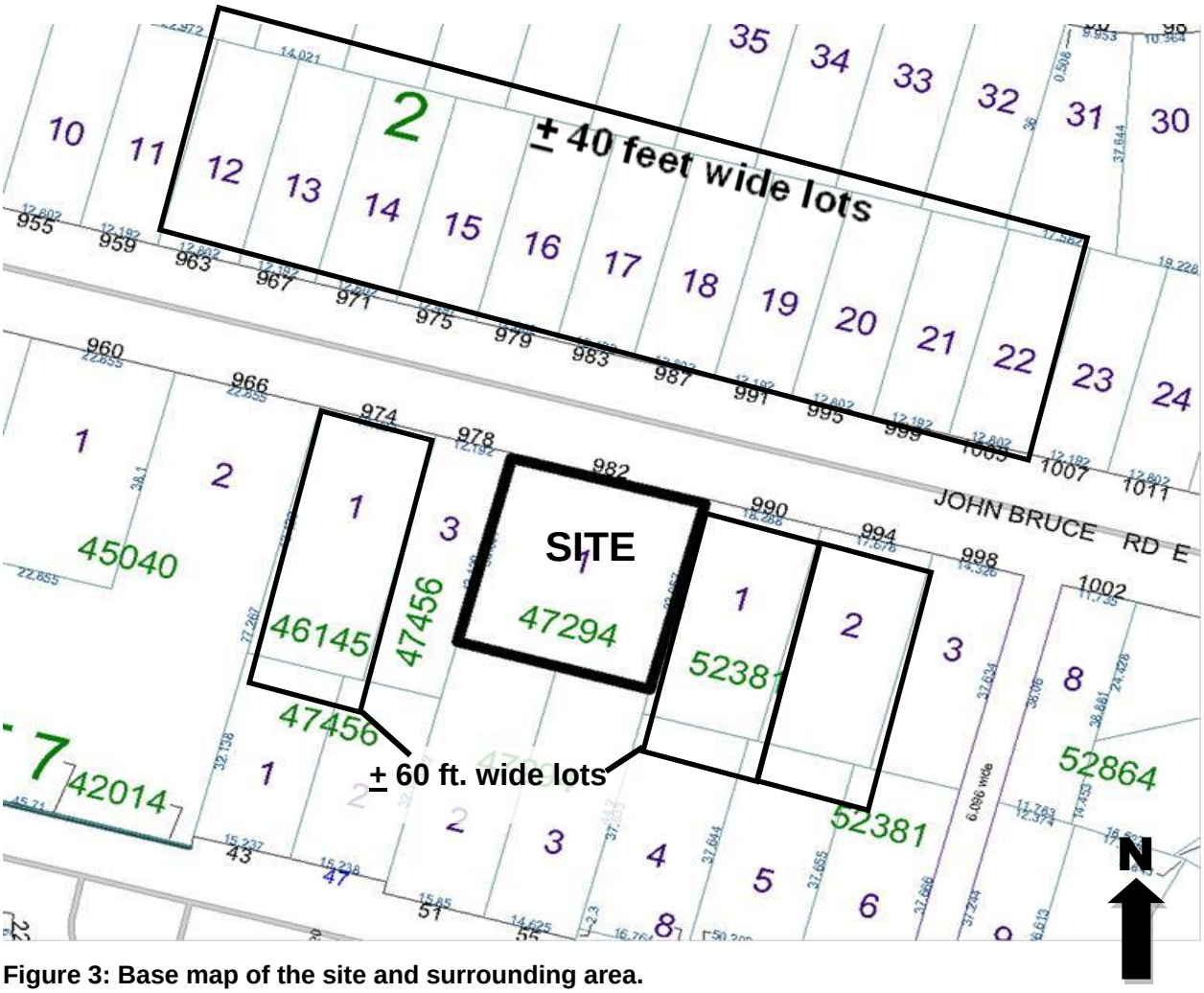


Figure 3: Base map of the site and surrounding area.

RECOMMENDED ZONING AGREEMENT
Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division to review final plans before development takes place for the proposed development to ensure the development uses a variety and balance of high-quality exterior cladding materials, including horizontal and/or vertical articulation elements, and strategically uses colour to complement the façade design. It is also recommended to ensure that the houses have some distinguishing design characteristics that set them apart from one another, avoiding a “cookie cutter” style of development.

REASONS FOR THE RECOMMENDATIONS
The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and are compatible with the surrounding neighbourhood character and context.

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

Report Prepared by:
Rakvinder Hayer, MCP

PPD File #:
DASZ 9/2017

Schedule "A" of File DASZ 9/2017, Riel Community Committee, dated June 12, 2017

By-Law No. _____

File No. **DASZ 9/17**

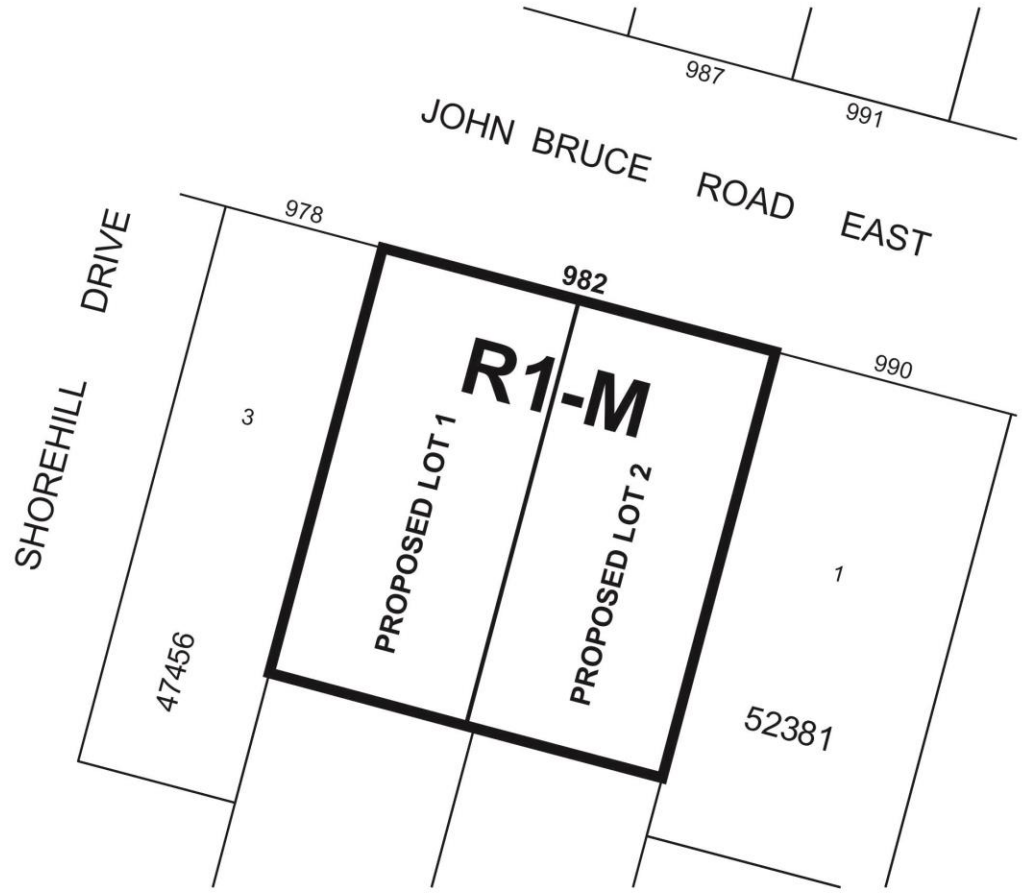
Explanation

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 982 John Bruce Road East from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow the establishment of two lots to facilitate the construction of a single-family dwelling on each lot as shown outlined below.

Atlas Sheet No.

N

AG29
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____