Agenda – Executive Policy Committee – September 20, 2017

REPORTS

Item No. 11 Subdivision and Rezoning – 30 Chesterfield Avenue (St. Vital Ward) File DASZ 17/2017

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 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 17/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2017 dated September 5, 2017 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 No. DASZ 17/2017 dated September 5, 2017 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

    A. That the applicant enter into, execute and deliver 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. The Owner must submit plans showing the location and design of any and all proposed:

            - buildings;
            - accessory parking areas;
            - private approaches;
            - garbage enclosures;
            - fencing;
            - screening and landscaping; and
            - free-standing signage

            on the Owner's Land ("Works") to the Riel Community Committee and 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 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 requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force 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 land 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 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 – 30 Chesterfield Avenue**
File DASZ 17/2017

For submission to: **Executive Policy Committee**

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

Report date: **September 13, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 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 17/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2017 dated September 5, 2017 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 No. DASZ 17/2017 dated September 5, 2017 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

    A. That the applicant enter into, execute and deliver 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. The Owner must submit plans showing the location and design of any and all proposed:

            - buildings;
            - accessory parking areas;
            - private approaches;
            - garbage enclosures;
            - fencing;
            - screening and landscaping; and
            - free-standing signage

            on the Owner's Land ("Works") to the Riel Community Committee and 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 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 requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force 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 land 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.

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

1. This was a group effort. It’s a great project; largely housekeeping.

2. Great salute to the Kin organization; successful project by All-Saints Kinsmen.

PUBLIC HEARING SUMMARY

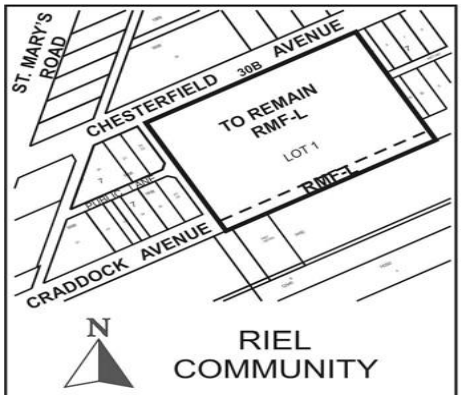
File: DASZ 17/2017

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

Public Hearing: September 11, 2017
Council Building, 510 Main Street

Applicant: Affinity Architecture Inc. (Amanda White)

Subject:



APPLICANT : AFFINITY ARCHITECTURE INC.
FILE : DASZ 17/17
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-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands for future development. **For information, phone Ms. S. Jerez, Planner at 204-986-7175.**
DEMANDEUR : AFFINITY ARCHITECTURE INC.
N° DE DOSSIER : DALZ 17/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du règlement municipal n° 200/2006 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 RMF-L (secteur de grandes habitations multifamiliales) afin de permettre la consolidation de biens-fonds en vue d'aménagements futurs. **Pour plus de renseignements, veuillez communiquer avec Mme. S. Jerez, urbaniste, au 204-986-7175.**

Premises Affected: 30 Chesterfield Avenue

Exhibits Filed:

1. Application dated May 29, 2017
2. Notification of Public Hearing dated July 25, 2017
3. Manitoba Status of Title 1939665/1
4. Letter of authorization dated April 27, 2017 from Chesterfield Housing Development Inc. to Affinity Architecture Inc.
5. Surveyor's Building Location Certificate and sketch dated March 15, 2017
6. By-law No. 7567A from R.M. of St. Vital
7. By-law No. 8040 from R.M. of St. Vital
8. Site Plan
9. Report from the Urban Planning Division dated September 5, 2017
10. Inspection Report

REPRESENTATIONS:

In Support:

Daniel Serhal
Amanda White

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DASZ 17/2017

ADMINISTRATIVE REPORT

Title: DASZ 17/2017 – 30 Chesterfield Avenue

Issue: For consideration at the public hearing for subdivision for consolidation to one lot, and rezoning the southern portion of the land from R1-M to RMF-L.

Critical Path: Riel Community Committee as per the Development Procedures By-law and The City of Winnipeg Charter

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Simi Jerez	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 17/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2017 dated September 5, 2017 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 No. DASZ 17/2017 dated September 5, 2017 to an "RMF-L" Residential Multi-Family (Large) District, subject to the following:

   A. That the applicant enter into, execute and deliver 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. The Owner must submit plans showing the location and design of any and all proposed:

         - buildings;
         - accessory parking areas;
         - private approaches;
         - garbage enclosures;
         - fencing;
         - screening and landscaping; and
         - free-standing signage

         on the Owner's Land ("Works") to the Riel Community Committee and 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 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 requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force 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 land 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

- 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 subject site will be consolidated into one (1) lot and the southern portion of the site will be rezoned from R1-M to RMF-L.

HISTORY

DASZ 35/2013

- On September 25, 2013, Council concurred with the Public Service recommendation to consolidate the subject site into one (1) lot and rezone the southern portion of the site "R1-M" Residential Single-Family Medium to "RMF-L" Residential Multi-Family Large.
- The conditions of approval were not completed and approval for DASZ 35/2013 lapsed.

CONSULTATION

In preparing this Report there was internal consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez
Date:	September 5, 2017
File No.	DAZ 17/2017

List of Schedules and Attachments

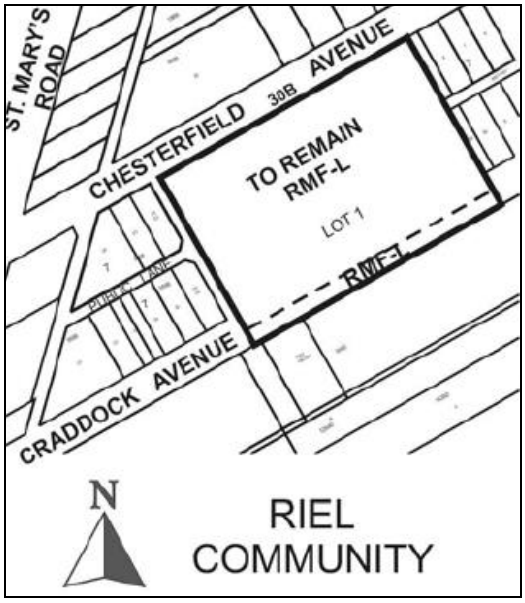
1. Appendix A Planning Discussion
2. Schedule "A" Recommended File No. DASZ 17/2017 Riel Community Committee, dated September 5, 2017

APPENDIX 'A'

DATE: August 25, 2017
FILE: DASZ 17/2017
RELATED FILES:
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.517 - Worthington

SUBJECT: To rezone the land from an "A" Agricultural District to an "R2" Residential Two-Family District.

LOCATION: Skyline Drive and Castlebrook Drive
LEGAL DESCRIPTION: LOT 2 BLOCK 1 PLAN 58259; LOT 3 BLOCK 1 PLAN 58259



APPLICANT: Affinity Architecture Inc. (Amanda White)
200-4 Fort Street
Winnipeg , Manitoba R3C 1C4

OWNER: Chesterfield Housing Development Inc.
436 Main Street
WINNIPEG MB

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located on the south side of Chesterfield Avenue, between St. Mary's Road and Dakota Avenue in the Worthington neighbourhood of the St. Vital Ward.
- The site is approximately 2.44 acres (106,123 square feet) in area and contains the Chesterfield Housing complex, which has a total of 86 dwelling units.
- The site is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy and is zoned "RMF-L" Residential Multi-Family Large and "R1-M" Residential Single-Family Medium.



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

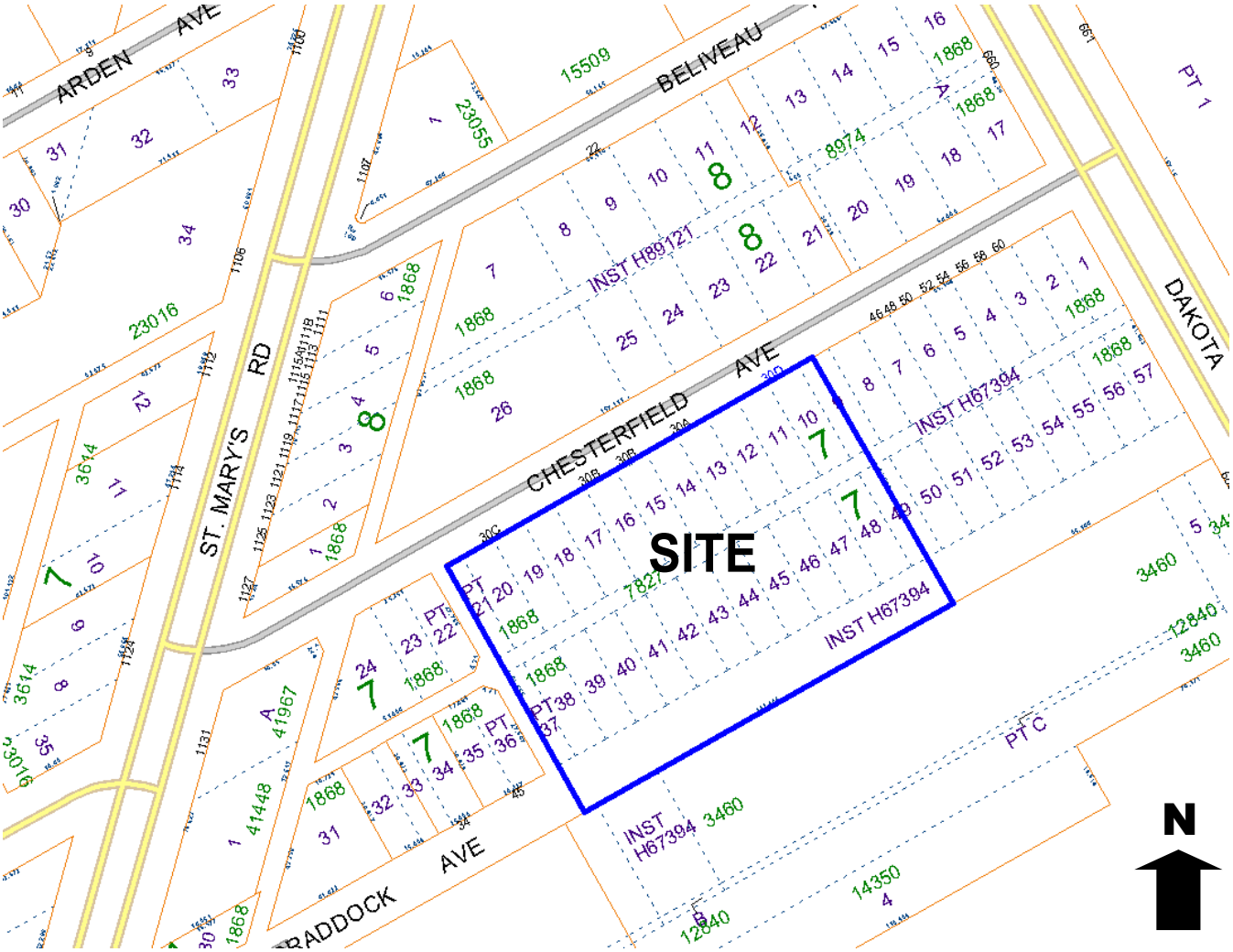


Figure 2: Assessment and Survey Parcels

North: An 11 storey multi-family residential building zoned “RMF-L” Residential Multi-Family Large.

South: A Manitoba Hydro transmission corridor zoned “R1-M” Residential Single-Family Medium.

East: A 133-unit apartment complex zoned “RMF-L” Residential Multi-Family Large.

West: A parking lot for Chesterfield Housing zoned “RMF-L” Residential Multi-Family Large, and detached single-family homes zoned “R1-M” Residential Single-Family Medium.

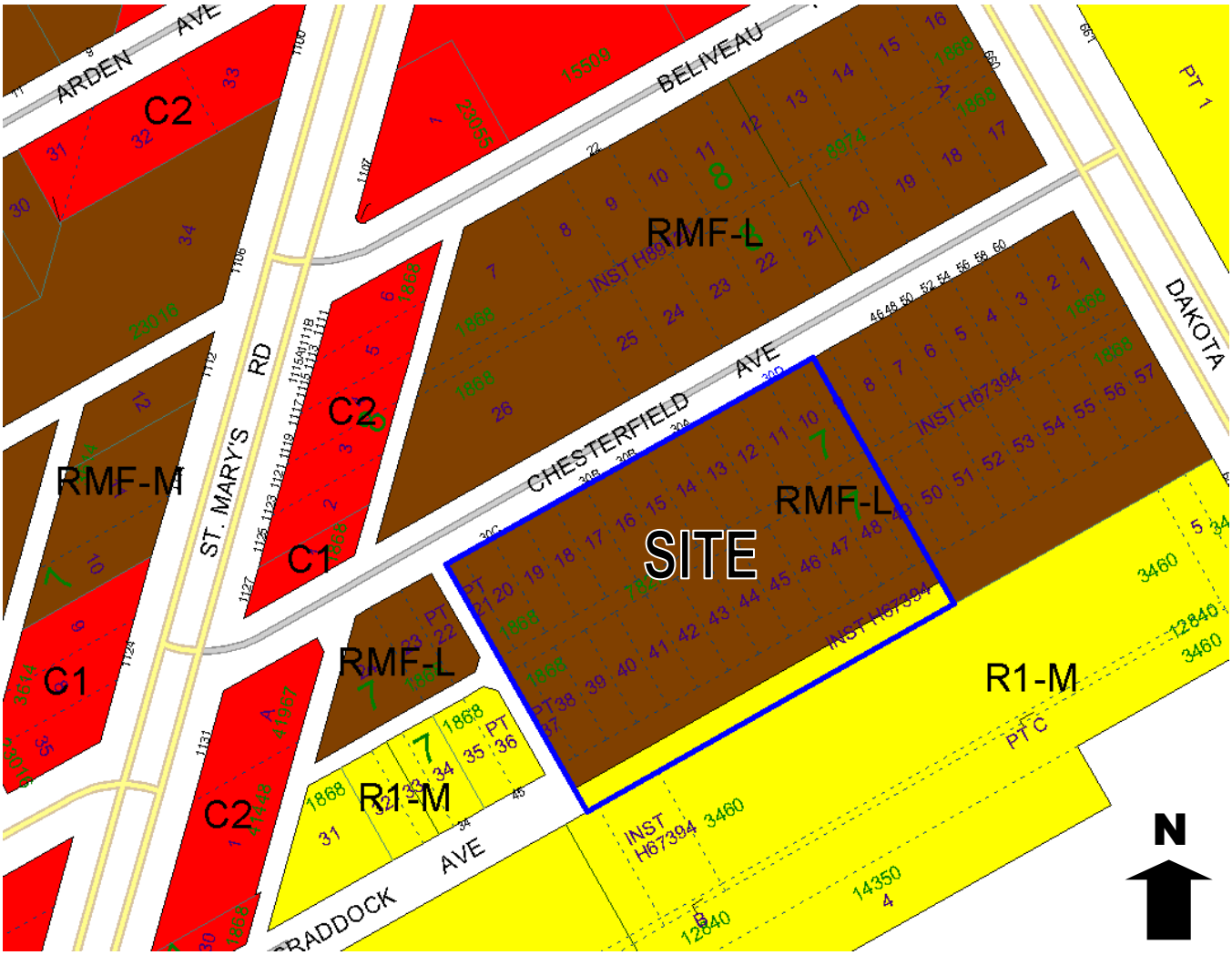


Figure 3: Zoning Context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the lot into one lot from multiple lots, part lots, and a previously closed lane and road, and rezone the southern portion of the site from “R1-M” Residential Single-Family Medium to “RMF-L” Residential Multi-Family Large.
- The rezoning is required to facilitate future redevelopment on the site. Specifically, the applicant intends to redevelop the easternmost block into a four storey building and reconfigure the parking. A conceptual site plan has been submitted.
- Pedestrian access to the development will be accessed Chesterfield Avenue, with the existing parking access to be maintained from the public lane.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is located within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding development within 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 address the transition between new and existing developments.
    - 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.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.

ZONING BY-LAW 200/2006

"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%.

"RMF-L" Residential Multi-Family Large

- The RMF-L zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities. The dimensional standards for multifamily structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet, and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

Reason for Rezoning

- The applicant is required to rezone the "R1-M" portion of the site to "RMF-L" in order to redevelop an existing multi-family apartment block, as the multi-family dwellings are not permitted in the "R1-M" zone. In addition, most of the parking for the apartment blocks on the site is located where the land is zoned "R1-M". Since the applicant intends to redevelop a full apartment block and reconfigure the parking area, the "R1-M" zone must be rezoned to same category as the rest of the site to allow for accessory parking in the area currently zoned "R1-M".

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. Policies guiding development in Mature Communities encourages a mix of housing types.

- The site is already predominantly zoned RMF-L and located next to other multi-family developments zoned RMF-L to the east and north.
- The split-zoning on the site resulted from a road closing. When a road is closed and adjacent to two different zoning districts, each half of the road takes on the adjacent zoning.
- The applicant is eliminating the split-zoning on the property by rezoning the R1-M portion to RMF-L. This rectifies the split-zoning on the property, which is preferred by the Public Service.

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 site is located within the Areas of Stability – Mature Communities policy area under the Complete Communities Direction Strategy. Policies guiding development in Mature Communities encourages a mix of housing types.
- The site is already predominantly zoned RMF-L and located next to other multi-family developments zoned RMF-L to the east and north.
- The applicant is eliminating the split-zoning on the property by rezoning the R1-M portion to RMF-L.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 17/2017

Schedule "A" for File No. DASZ 17/2017, Riel Committee, dated September 5, 2017

By-Law No. _____

File No. **DASZ 17/17**

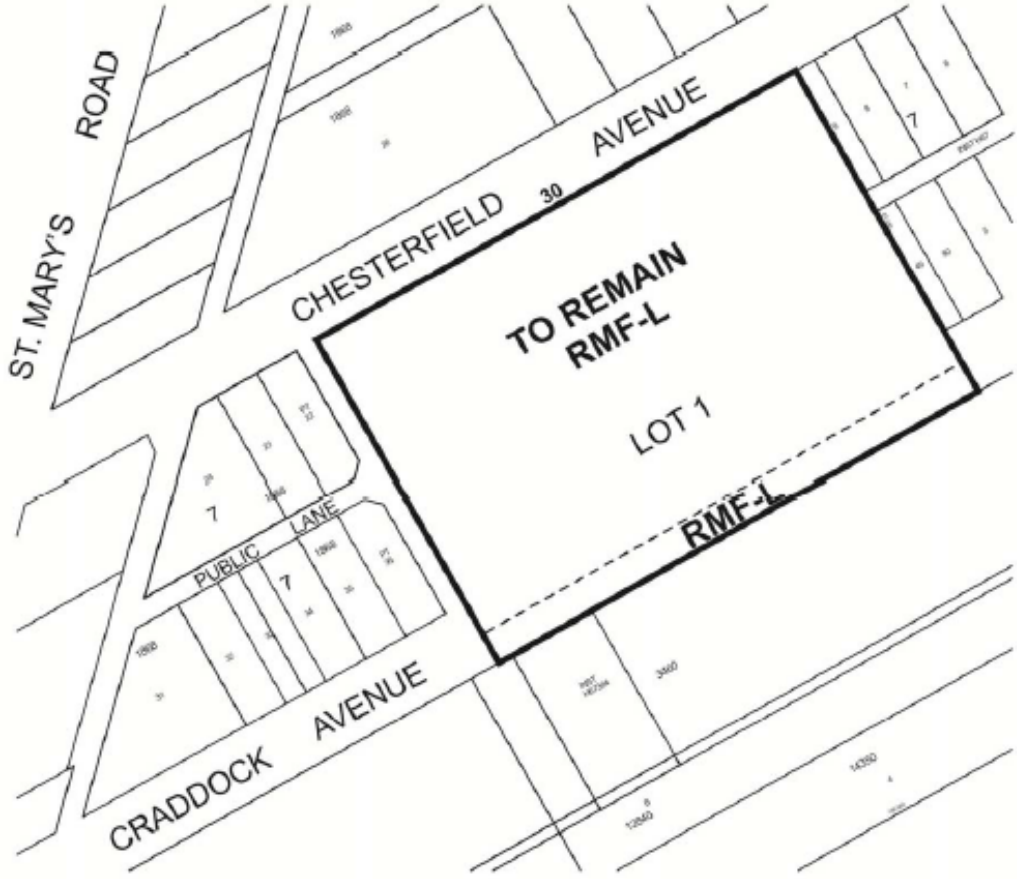
Atlas Sheet No.

N

AG27
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 30 Chesterfield Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of lands for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____