Minute No. 35
Report – Executive Policy Committee – November 28, 2018

Item No. 10 Subdivision and Rezoning – 900 Elmhurst Road (Charleswood-Tuxedo Ward) File DASZ 15/2018 [c/r DAV 142509/2018D]

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 15/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 15/2018 dated September 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer shall fulfill all the conditions outlined in the report of the Administrative Coordinating Group dated August 16, 2017, which is Schedule "B" of this report.

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 15/2018 dated November, 5, 2018, to an "R1-L" (PDO-1 Airport Vicinity) Residential Single Family – Large zoning district.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (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.

Report – Executive Policy Committee – November 28, 2018

COUNCIL DECISION (continued):

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 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 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 – November 28, 2018

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 November 28, 2018, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the Assiniboia 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 – 900 Elmhurst Road**
File DASZ 15/2018

For submission to: **Executive Policy Committee**

Prepared by: **L. Cowan, Assistant Committee Clerk**
Assiniboia Community Committee

Report date: **November 13, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the Assiniboia 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 15/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 15/2018 dated September 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer shall fulfill all the conditions outlined in the report of the Administrative Coordinating Group dated August 16, 2017, which is Schedule "B" of this report.

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 15/2018 dated November, 5, 2018, to an "R1-L" (PDO-1 Airport Vicinity) Residential Single Family – Large zoning district.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (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 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 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The gentleman has obviously done all the work and followed through and did a little extra work by the sounds of it.

PUBLIC HEARING SUMMARY

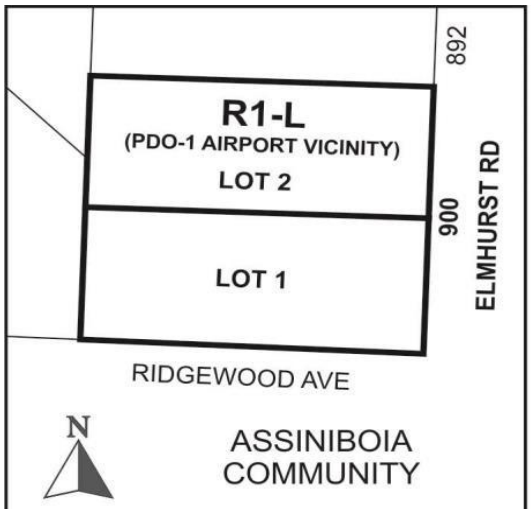
File: DASZ 15/2018

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: November 13, 2018
Council Building, 510 Main Street

Applicant: Daniel Bewer

Subject:



APPLICANT: Daniel Bewer
FILE: DASZ 15/2018
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 PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-L PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to facilitate the establishment of two (2) residential zoning lots and the construction of single-family dwellings. **For information, phone Mr. Devin Clark Planner at 204-986-5684.**

Premises Affected: 900 Elmhurst Road

Exhibits Filed:

1. Application dated July 27, 2018
2. Notification of Public Hearing dated September 14, 2018
3. Manitoba Status of Title 2871077/1
4. Plan
5. Report from the Urban Planning Division dated November 5, 2018
6. Inspection Report
7. Recording of Representations
8. Presentation in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Dan Bewer

In Opposition

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 15/2018

ADMINISTRATIVE REPORT

Title: DASZ 15/2018 – 900 Elmhurst

Issue: An application for consideration at the Assiniboia Community Committee public hearing to subdivide an existing single family residential property into two lots and rezone both lots from the "R1-E" Residential Single Family – Estate zoning district to the "R1-L" Residential Single Family – Large zoning district.

Critical Path: Assiniboia 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
D. Clark	B.Smith RPP	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 15/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 15/2018 dated September 12, 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer shall fulfill all the conditions outlined in the report of the Administrative Coordinating Group dated August 16, 2017, which is Schedule "B" of this report.

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 15/2018 dated November, 5, 2018, to an "R1-L" (PDO-1 Airport Vicinity) Residential Single Family – Large zoning district.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (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 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 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.*

REASON FOR THE REPORT

- The applicant is proposing to subdivide an existing single family residential property and rezone both lots to the “R1-L” (PDO-1 Airport Vicinity) Residential Single Family – Large Zoning District.
- 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 application to subdivide and rezone the land will be approved

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with:

- Water & Waste
- Public Works

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Devin Clark
Date:	November 5, 2018
File No.	DASZ 15/2018

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — File No. DASZ 20/2018 Assiniboia Community Committee, dated November 5, 2018
3. Schedule “B” — Report of the Administrative Coordinating Group, dated September 19, 2018

APPENDIX 'A'

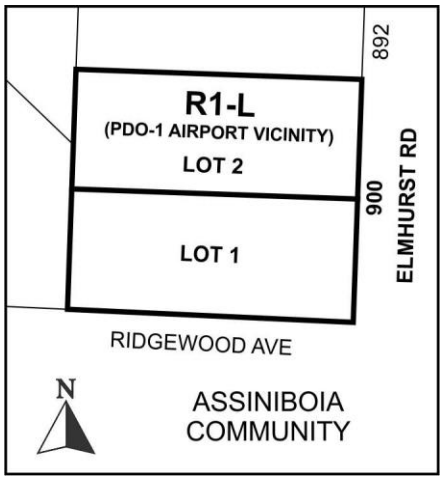
DATE: November 5, 2018

FILE: **DASZ 15/2018**
RELATED FILES: DAV 18-142509/D

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.636 (Elmhurst)

SUBJECT: To subdivide an existing single family residential property into two lots and rezone both lots to the "R1-L" Residential Single Family – Large zoning district.

LOCATION: 900 Elmhurst Road



APPLICANT: Daniel Bewer
151 Lenore Street
Winnipeg MB, R3G 2C4

OWNER(S): Same as Applicant

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located at the northwest corner of Ridgewood Avenue and Elmhurst Road, in the Elmhurst neighbourhood of the Charleswood – Tuxedo – Whyte Ridge ward.

- The site is 12,111 square feet and there is presently a single family dwelling on the property that was built in 1946.
- The site is located within the Recent Communities policy area of the Complete Communities Direction Strategy. The property is zoned 'R1-E' – Residential Single Family Estate.

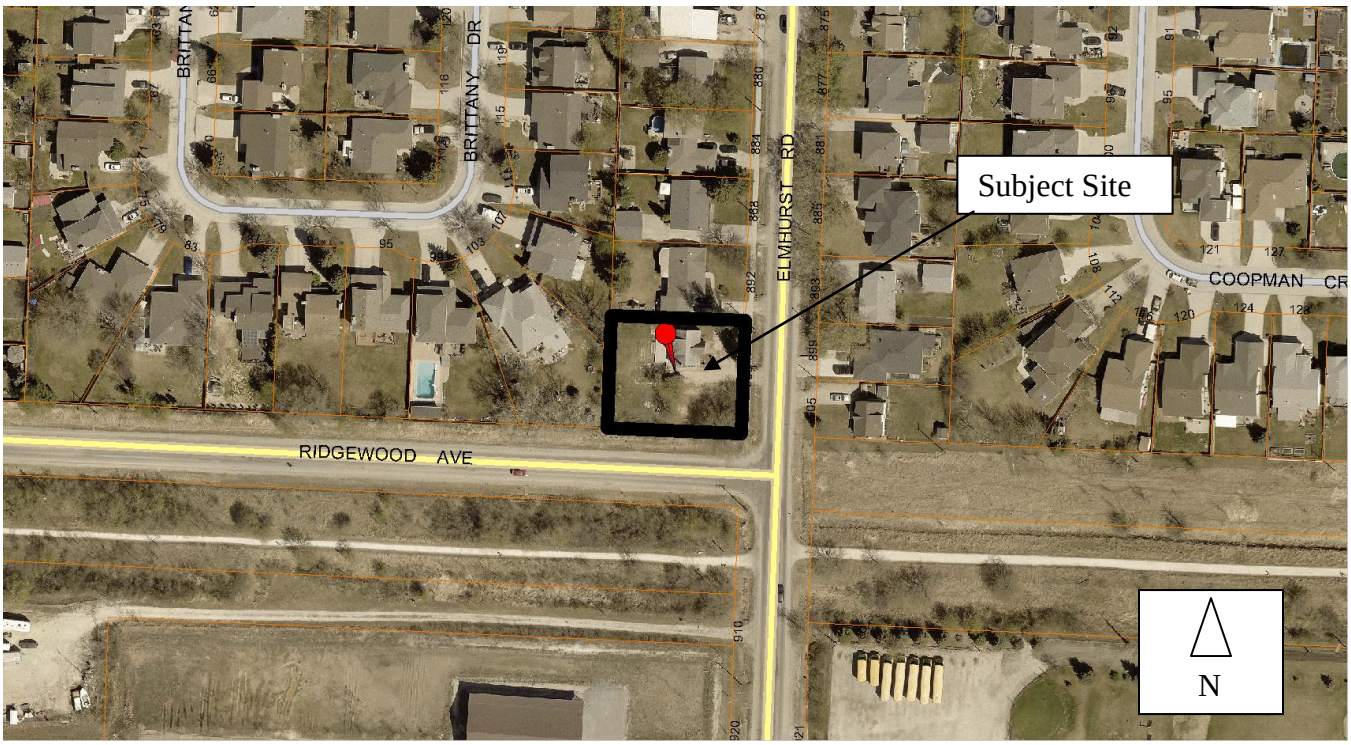


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single Family Dwellings zoned 'R1-L' Residential Single Family - Large

South: Ridgewood Avenue then the Harte Trail followed by a church zoned 'M1' Manufacturing Light

East: Elmhurst Road then single family dwellings zoned 'R1-L' Residential Single Family - Large

West: Single Family Dwellings zoned 'R1-L' Residential Single Family - Large

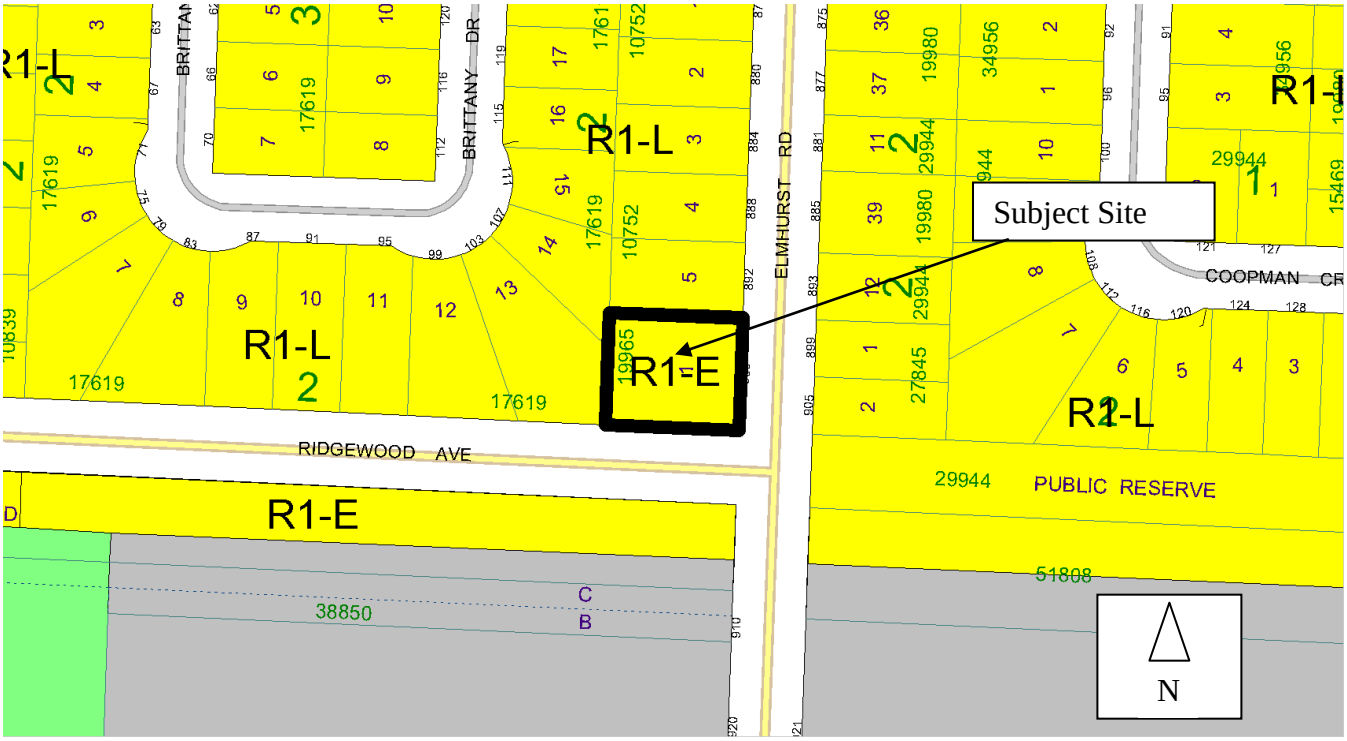


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the property from one lot into two lots for the purpose of establishing two new single family residential dwellings. The existing dwelling on the property is to be demolished.
- An associated variance application has been made to vary the special boundary condition for the proposed lots. Please refer to the planning report on the variance (DAV 18-142509/D) for more information.
- Lot 1 would be established as a 51.55 foot wide lot by 120 foot deep for a total lot area of 6180 square feet.
- Lot 2 would be established as a 50 foot wide lot by 120 foot deep for a total lot area of 6000 square feet.
- Plans for the new dwellings have not been submitted with this application; however, the intention for the new construction is to meet the zoning bulk requirements set out in the Zoning By-law.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an "Areas of Stability – Recent Community" in *Complete Communities*. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- With regards to this proposal, the key relevant policies guiding the development of Areas of Stability include:

  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.

  Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

  Support the subdivision of a parcel into two (2) or more lots when it is done in a context sensitive manner.

  Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form.

- Infill development is discussed within the Recent Communities introduction under the Complete Communities Direction 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.

<u>Full Range of Municipal Services</u>

- *OurWinnipeg* defines 'full range of municipal services' as piped water, piped wastewater, piped land drainage, and an urban standard roadway.
- The "Areas of Stability" policy area of *Complete Communities* allows the subdivision of lots with frontage on roads with less than a full range of municipal services, only when it can be demonstrated that all proposed lots:
  - are located entirely in an R1 or R2 zoning district;
  - meet the minimum bulk requirements of applicable zoning by-law without variance (not including the Special Boundary Condition);
  - do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;
  - conform with all local secondary plans and precinct plans;
  - will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;

- will be serviced with piped sewer and piped water; and
- respect the local context and character of the area.

- Elmhurst Road does not have a full range of municipal services (open ditch land drainage); however, the proposed development would meet the bulk requirements (or dimensional standards) of the R1-L District of the *Zoning By*-law. These are listed below:
  - Minimum lot area is 5,500 square feet.
  - Minimum lot width is 25 feet.
  - Minimum side yard requirement is 4 feet.
  - Minimum front yard requirement is 20 feet (unless determined otherwise by a Front Yard Alignment).
- Accordingly, the proposed lots would be consistent with the "Area of Stability" policies guiding residential subdivisions creating lots with frontage on roads with less than a full range of municipal services because the proposed lot sizes would exceed the minimum bulk requirements of the 'R1-L' District.

SUBDIVISION

- The intent is to subdivide the subject property into two lots. Lot 1 would be established as the southernmost lot and Lot 2 would be established as the northernmost lot. Lot 1 would be established as a 51.55 foot wide lot by 120 foot deep for a total lot area of 6180 square feet. Lot 2 would be established as a 50 foot wide lot by 120 foot deep for a total lot area of 6000 square feet.
- There are three (3) examples of properties on the same block with a similar lot width and lot area as those proposed. These include:
  - 905 Elmhurst Road (50 foot lot width, and 6,159 square foot lot area).
  - 899 Elmhurst Road (50 foot lot width, and 6,159 square foot lot area).
  - 881 Elmhurst Road (50 foot lot width, and 5,998 square foot lot area).
- The Subdivision results in lot areas and widths that are compatible with the existing character of the neighbourhood.

REZONING

- Residential Single Family (R1) zoned properties are intended to accommodate primarily single family residential development in lower-density areas.
- The applicant is proposing to rezone the subject lot from "R1-E" Residential Single Family –Estate to "R1-L" Residential Single Family – Large.

- The rezoning results in the same land use rights as a single family residential property; however, the dimensional standards table that regulates lot area, lot width, and other yard setbacks will change. See table below:

Zoning District and Designation	Minimum Lot Area (Sq. Ft.) [Notes a, e] *amended 95/2014*	Minimum Lot Width (Ft.) (Note e) *amended 95/2014*	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.) [Note b]	Minimum Reverse Corner Street Side Yard (Ft.)	Maximum Height of Bldg. (Ft.)	Maximum Lot Coverage (%)
Principal Residential Structure								
R1-Estate	20,000	25	30	25	10	20	35	30
R1-Large	5,500	25	20	25	4	10	35	40

- The rezoning is required in order to satisfy policy in *Complete Communities*, which states that the subdivision of land where a full range of municipal services is not available may be approved when (among other criteria) the development meets the minimum bulk requirements of applicable zoning by- laws without variance;
- The Special Boundary Condition variance is required; however, the proposal meets the minimum bulk requirements identified in the dimensional standards Table 5-2 of the Zoning By-law. As such, the proposal to rezone the property is consistent with *Complete Communities* and is supported by the Urban Planning Division.

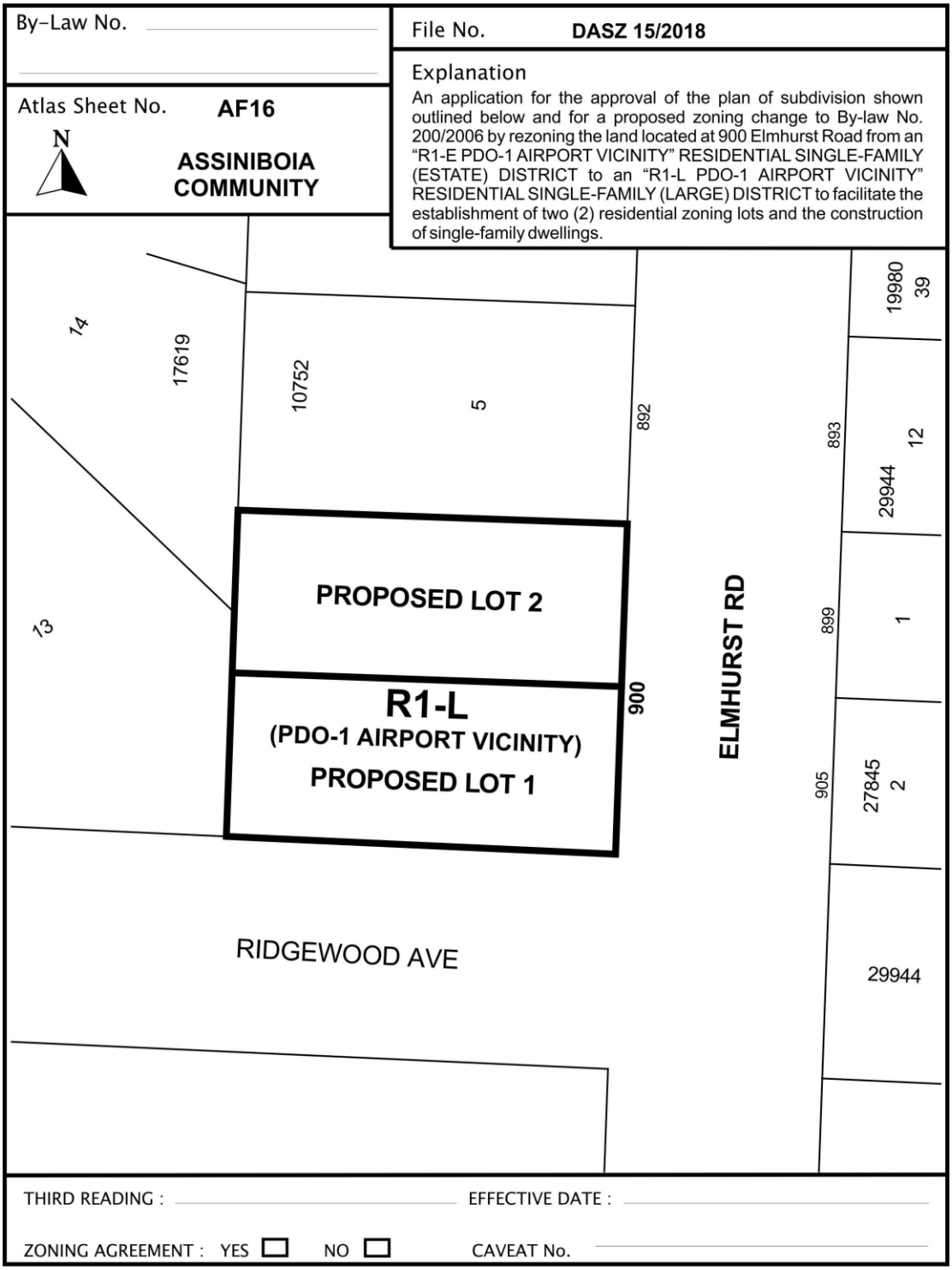
RECOMMENDATION

The proposal to subdivide the land meets all criteria under *Complete Communities* to establish a new lot when a full range of municipal services is not available. Rezoning the land permits lot sizes that meet the bulk dimensional standard table of the Zoning By-law for 'R1-L' zoned lots.. The proposed lot sizes are consistent and compatible with the adjacent single family residential properties and as such, the Urban Planning Division is supportive of the application to subdivide and rezone the land.

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

Report Prepared By: Devin Clark
PPD File # DASZ 15/2018

Schedule "A" for File No. DASZ 15/2018, Assiniboia Community Committee, dated November 5, 2018



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 19, 2018

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 900 ELMHURST ROAD – DASZ 15/2018

It is recommended that the approval of DASZ 15/2018, if granted, be subject to the applicant addressing the following items:

1) The applicant shall provide a signed letter to the City's Land Development Branch stating that:

    a) the applicant understands that they are responsible for the full costs to install separate sewer and water lot line services from the respective mains in Elmhurst Road to the property line of the newly created Lots 1 and 2; and

    b) if the applicant sells any of the newly created Lots 1 and 2 before they have installed the lot line services referred to in 1), that they will undertake to inform the purchaser (new owner) in writing that the purchaser is responsible for the costs to install the lot line services referred to in 1).

2) The applicant shall provide a lot grading plan, prepared by a municipal engineer, and shall grant any easements as required by the design.

3) The applicant shall, prior to the release of mylars pay their share of the Charleswood Transportation Levy.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 15/2018
October 2, 2018

"Original signed by G. Jasper, P.Eng."

G.V. Jasper P. Eng.
Land Development Branch

"Original signed by M. Gajda, P.Eng."

M. Gajda, P. Eng.
Water & Waste Department

"Original signed by C. Desjardine, P.Eng."

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

GVJ/gj

Exhibit "4" referred to in File DASZ 15/2018

