

Minute No. 132

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020

**Item No. 15 Rezoning – 165 Sadler Avenue
(St. Vital Ward)
File DAZ 208/2020 [c/r DAV 187671/2020D]**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2020 by rezoning the subject land to an “RMF-S” Residential Multi-Family Small District, as shown on the map dated November 9, 2020, and attached as Schedule “A” to this report, subject to the following conditions:
 - A. That the owner of the subject land (the “Owner”) enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:
 - 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 and
 - f. landscaping

on the Owner’s Land (“Works”) to the City’s Director of Planning, Property and Development (the “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.
 - B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with Recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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COUNCIL DECISION (continued):

- C. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
- 2. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 6/2020, as determined by the City’s Director of Planning, Property and Development.
- 3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the by-law to implement this report (the “By-law”) is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.
- 4. That upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.
- 5. That the by-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.
- 6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with 5 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.
- 7. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

His Worship Mayor Bowman called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Bowman, Councillors Allard, Browaty, Chambers, Eadie, Gillingham, Gilroy, Klein, Lukes, Mayes, Nason, Orlikow, Rollins, Santos, Schreyer and Sharma 16

Nay: 0

and the motion was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 20, 2020, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File: DAZ 208/2020

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

Public Hearing: November 20, 2020
Council Building, 510 Main Street

Applicant: Anand Sharma

Subject:



Premises Affected: 165 Sadler Avenue

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

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: November 23, 2020

Community Committee Recommendation:

On November 20, 2020, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2020 by rezoning the subject land to an “RMF-S” Residential Multi-Family Small District, as shown on the map dated November 9, 2020, and attached as Schedule “A” to this report, subject to the following conditions:
 - A. That the owner of the subject land (the “Owner”) enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:
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on the Owner’s Land (“Works”) to the City’s Director of Planning, Property and Development (the “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.
 - B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with Recommendation 1.A, and such other agreements as

determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

- C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
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6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with 5 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.
7. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. Its unique. That word appears a lot. There isn't a back lane. The lane that runs beside it is paved. Oustic, which comes to that lane, is also paved. We don't have the condition that is the nightmare in St. Vital Ward, the gravel back lanes. It is the first lot in, we have tended to approve upward densification on those first lots.

2. The people at 155, 142 and elsewhere shouldn't be concerned that this somehow sets a precedence that we're now going to come and develop all the back property that would face on to Oustic or Bennett if you live on the other side of the street. That plan is probably decades away, if it ever comes at all. I know there are people on these blocks who would like to own some of the property behind them. I don't have a problem with that myself. This doesn't set a precedence to re-zone the whole block. You've heard "Well Royal Lepage or somebody is coming by trying to get people to sell their homes to put up apartment buildings." That's not going to be supported by the Planning Department. That's not going to be supported by me, because that would be mid-block.
3. What we have here is at the end of the block. We may yet hear from 166 I suspect, but we'll deal with that when the time comes. I think in keeping to what's been done at Berrydale, at Moore, this does make sense in that it's the end property next to a lane. It's near the transit line. You heard me raging yet again about some reports that say if you live 600 metres from a transit line, that's close walking distance, well, the counter to that, is that this really is close walking distance to a transit stop.
4. Also, I would note, in no way does this impact any further discussions we're heading in to on the infill guidelines on the whole lot-splitting debate that's soaked-up so much time and energy here. I think that's a very different debate. One that we won't have on this street because there's no back lane.
5. If I lived on Berrydale, I might say, well, I have a back lane but it's 200 feet away on the north side. The Planning Department has been talking to me about that and recognizes we don't particularly want to encourage houses that are 17 feet wide but 100 feet long, which is theoretically what you could build under the draft guidelines. That's been spotted. Mr. Clark's been very good on this. Talking to me, saying that, yes, most of these lots that we're looking at are very standard 50 x 100's on the north side of Berrydale, 50 x 200 or even deeper, we probably need to think about that a little bit because it's odd to have the back lane back there. You can always tell that St. Vital isn't a planned community like Windsor Park, because you have this kind of stuff. You've got Oustic, you've got Bennett. They appear, they disappear, they re-appear, it's still on the maps.
6. To reassure the residents, yes, this will add perhaps a car or two parking on the street. We hear that at every application, at every development that that's going to be an issue. To some extent you just have to believe that if this was a single-family home, they could put in a secondary suite and we wouldn't be putting in visitor parking spots, and they could go higher and wider than this is. Probably easier if it was a duplex, but it's a triplex. Noting that it is unique, it is an end-of-block property. We don't need to get in to a multi-hour discussion about the lot-splitting issue, because there's no back lane.

- Exhibits Filed:
1. Application dated September 4, 2020
 2. Notification of Public Hearing dated October 16, 2020
 3. Manitoba Status of Title 2601538
 4. Letter of authorization dated August 27, 2020 from Anand Sharma to Anand Sharma
 5. Plans (5 pages)
 6. Report from the Urban Planning Division dated November 9, 2020
 7. Inspection Report
 8. Communication dated November 19, 2020, submitted by Barrett Pineau in opposition to the application
 9. Petition in opposition to the application purporting to contain the signatures of 22 area residents, submitted by Barrett Pineau

REPRESENTATIONS:

In Support:

Anand Sharma

In Opposition:

Erin McDowell
Barrett Pineau

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
D. Trenchard, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 208/2020

ADMINISTRATIVE REPORT

- Title:** DAZ 208/2020 – 165 Sadler AVE
- Issue:** For consideration at the public hearing for rezoning from “R1-M” Residential Single-family Medium to an “RMF-S” Residential Multi-Family Small in order to facilitate the establishment of a three (3) unit multi-family residential building at 165 Sadler Avenue.
- 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
S. Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2020 by rezoning the subject land to an “RMF-S” Residential Multi-Family Small District, as shown on the map dated November 9, 2020, and attached as Schedule “A” to this report, subject to the following conditions:
 - A. That the owner of the subject land (the “Owner”) enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:
 - 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; and
 - f. landscaping.

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development (the "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.

- B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").
 - C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
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 - 7. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- 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 property may be rezoned, subject to conditions.

HISTORY

N/A

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:	November 9, 2020
File No.	DAZ 208/2020

List of Schedules and Attachments

- | | |
|-------------------------------|--|
| 1. Appendix A | Planning Discussion |
| 2. Schedule "A"
Committee, | Recommended File No. DAZ 208/2020 Riel Community
dated November 9, 2020 |

APPENDIX 'A'

DATE: November 9, 2020
FILE: **DAZ 208/2020**
RELATED FILES: DAV 20-187671\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.517 (Worthington)

SUBJECT: To rezone the land from an "R1-M" Residential Single-Family (Medium) District to an "RMF-S" Residential Multi-Family Small.

LOCATION: 165 Sadler AVE

LEGAL DESCRIPTION: LOT 2 PLAN 6045 PCL G PLAN 20204 42 ST V



APPLICANT: Anand Sharma
 1027 McPhillips St
 Winnipeg, MB R2X 2K6

OWNER: Anand Sharma
 38 Heronswood Path
 Winnipeg, MB R2R 0R4

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the north side of Sadler Avenue between St. Anne's Road and St. George Road, in the Worthington neighbourhood of the St Vital ward.
- The site is 4,056 square foot in area and accommodates a 690 square foot dwelling built in 1954. Access to the site is from the St. Anne's public lane which runs parallel to the east side property line.
- The site is located in close proximity to St. Anne's Road, separated by the public lane and a commercial building. St. Anne's Road is identified in the *Complete Communities Direction Strategy* as a Regional Mixed Use Corridor.
- The site is located within the Areas of Stability – Mature Communities policy area under the *Complete Communities Direction Strategy*. The property is zoned "R1-M" Residential Single-family Medium.

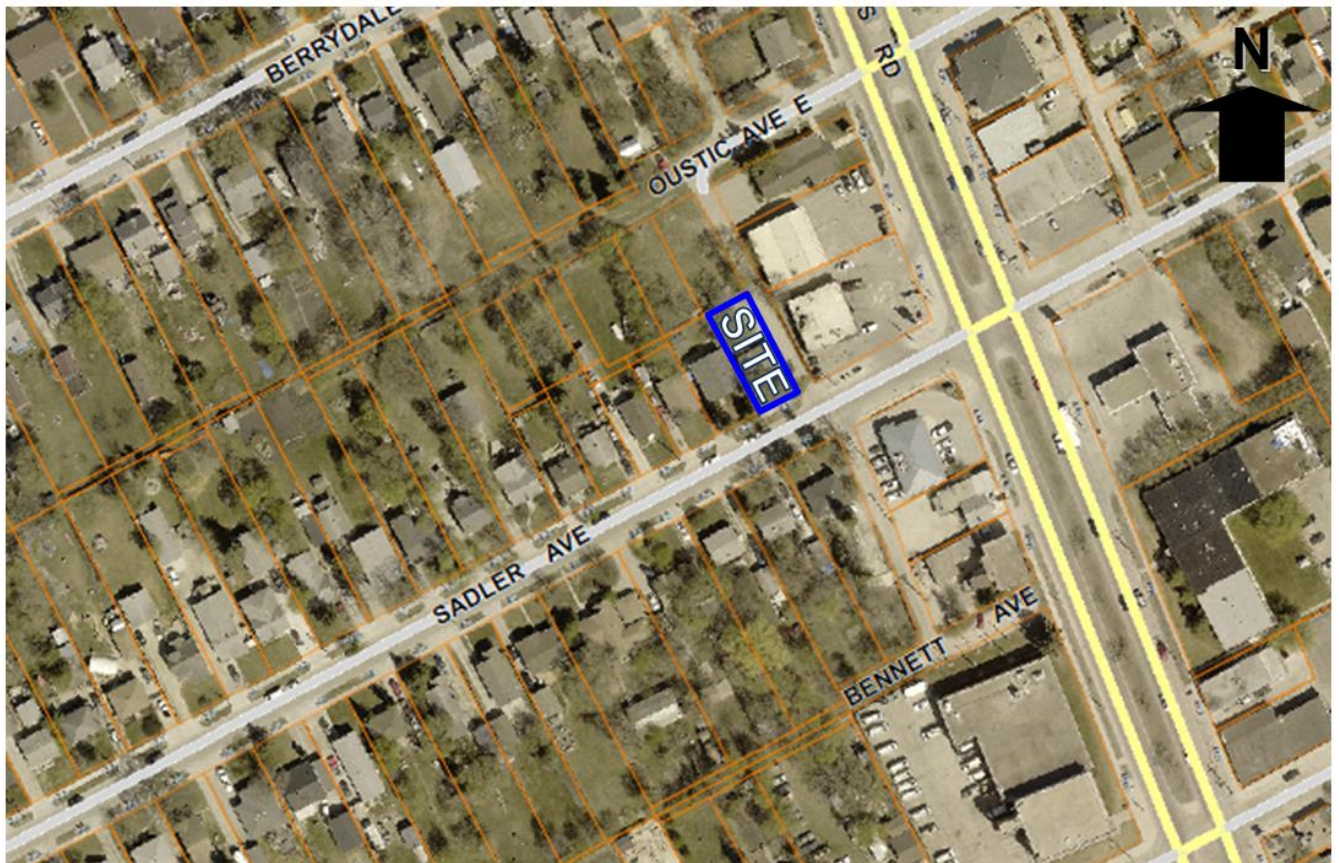


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (*flown 2018*)

SURROUNDING LAND USE AND ZONING (See Figure 2)

- North:** A vacant lot without frontage on a public street, then the undeveloped extension of “Oustic Avenue”, then a City-owned strip of land, then single family dwelling uses zoned “R1-M” Residential Single-family Medium.
- South:** Sadler Avenue, then single family dwelling uses zoned “R1-M” Residential Single-family Medium.
- East:** Public lane, then commercial uses zoned “C1” Commercial Neighbourhood and “C2” Commercial Community, then St. Anne’s Road.
- West:** Single family dwelling uses zoned “R1-M” Residential Single-family Medium.

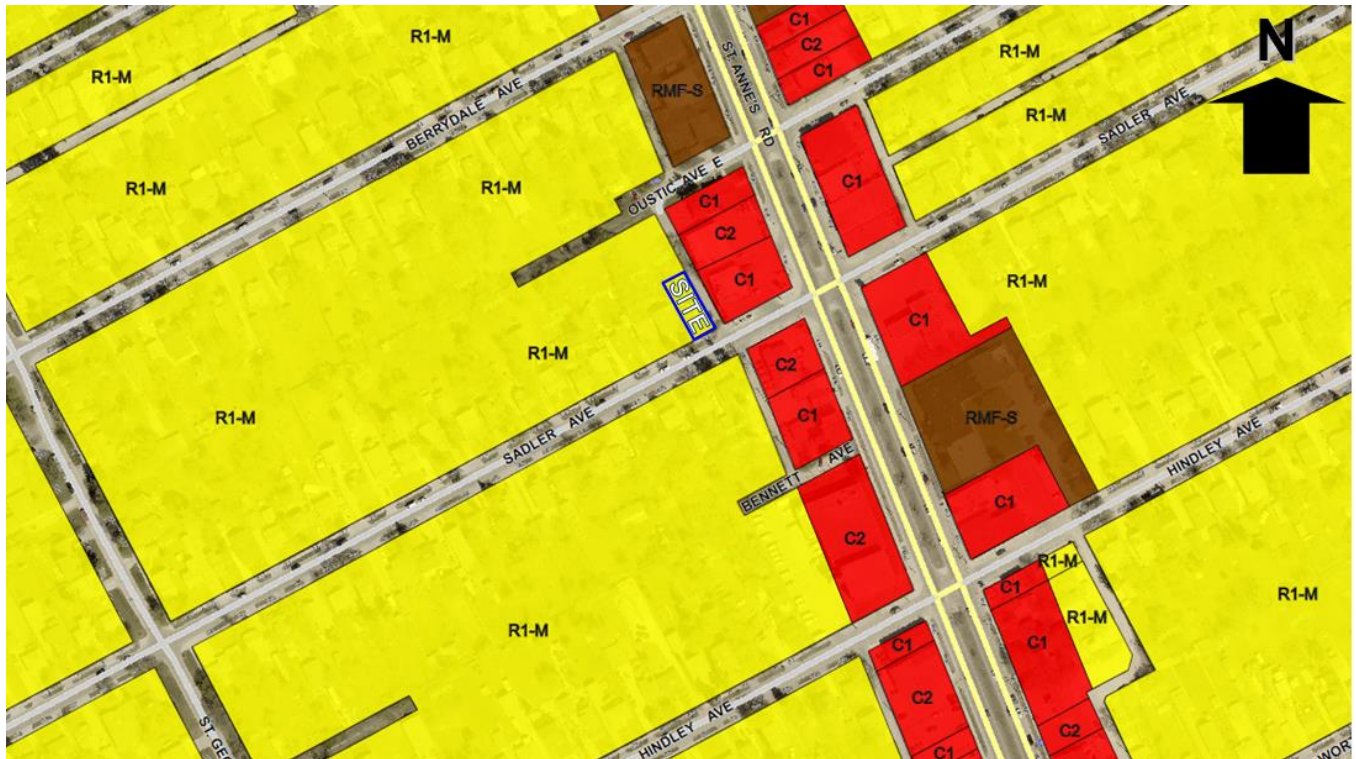


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to demolish the existing dwelling on the subject site and build a two storey three (3) unit multi-family building, 31 feet 3 inches in height to the roof peak.
- Each of the proposed units will have three (3) bedrooms.
- Each of the proposed 3 units will have separate entrances, with one located on the front (south) façade, on the east side (facing the public lane), and on rear (north) elevations.
- The applicant is proposing to establish three (3) parking spaces, to be accessed directly from the public lane, and is also proposing to provide outdoor bicycle parking in the rear yard.
- A site plan with landscaping, floor plans, and elevations have been provided.

- The applicant has a concurrent variance application (DAV 20-187671\D) to permit reduced lot area, a 1:1 parking ratio with no visitor parking, and a parking space located within 10 feet of a window to a habitable room. Please see the associated planner's reports for more information.

COLLABORATION

- The applicant has worked collaboratively with the Public Service to provide a mutually agreeable site plan and design.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an "Area of Stability – Mature Community" in *Complete Communities' Urban Structure map*. 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 regard to this proposal, the 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.
 - 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

"R1-M" Residential Single-Family Medium District

- Currently, the lands are zoned "R1-M" – Residential Single-family Medium. The intent of the "R1" zoning category is to accommodate primarily single-family residential development in lower-density areas.
- 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.

"RMF-S" Residential Multi-Family Small Zoning District

- The "RMF-S" Residential Multi-Family Small zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities.

- The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 4 feet, a minimum corner side yard of 5 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1250 square feet.

Reason for Rezoning

- The applicant is required to rezone the site from “R1-M” to ‘RMF-S’ in order to develop a three (3) unit multi-family building.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located in the Areas of Stability - Recent Communities policy area under the *Complete Communities Direction Strategy*. As stated above, this policy area supports infill development that is context sensitive and complementary to the existing scale, character and built form of the neighbourhood.
- As part of analyzing whether a project is “complementary” to existing development, the Urban Planning Division takes into consideration such things as land use, building heights, built-form, density, setbacks, parking, site access, and landscaping/buffering.
- The subject property is located in an area zoned “R1-M” Residential Single-family Medium and characterized by single-family housing, with a mix of small to medium scale commercial uses and multi-family dwellings located along the adjacent corridor.
- The subject site is located on a transitional lot at the west end of the block, at the corner of Sadler Avenue and the public lane serving the St. Anne’s Road Regional Mixed Use Corridor, which is well serviced by Winnipeg Transit and which has a mix of commercial uses and residential scale.
- From the perspective of scale and built form, the proposed triplex will be two storeys (approximately 31 feet to the peak of the roof), which is below the maximum permitted height of 35 feet in the proposed “RMF-S” zoning district and the abutting “R1-M” district.
- The applicant is not requesting any yard variances and proposing a setback of 6 feet 6 inches from the proposed triplex to the west side property line adjacent to the existing single family dwelling to the west. In addition, the applicant has maintained a front yard setback of 29 feet, which is consistent with the alignment requirement for front yards on the south side of Sadler Avenue, and a rear yard 31 feet in depth and 18 feet in width between the west property line and the accessory parking area.
- The proposal to develop a multi-family project on the subject property bridges the existing development in the area, providing a modest increase in density and a suitable transition between the existing form, character and development on the street to the scale and uses along the St. Anne’s Road Regional Mixed Use Corridor. Rezoning the subject property from ‘R1-M’ to “RMF-S” for the creation of a three (3) unit multi-family dwelling use fits the land use context of the existing development surrounding the subject site.

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, or cash in lieu, to the City for parks purposes. For DASZ 208/2020, cash in lieu is being requested towards land dedication.

RECOMMENDED ZONING AGREEMENT

- In light of the close proximity of this development to neighbouring residences and to ensure quality infill development, the Urban Planning Division is recommending that as a condition of approval of the associated rezoning application (DAZ 208/2020) 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 lot.

RECOMMENDATION

The Urban Planning Division recommends **approval with conditions** as the subject rezoning and subdivision is consistent with the intent of the policies in the *Complete Communities Direction Strategy* by promoting a mix of housing type and tenure in a context sensitive manner in Areas of Stability in order to meet the full life-cycle of housing needs within the community.

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
 - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas – Centres and Corridors

- **Key Direction:** Focus a significant share of growth to Centres and Corridors in a manner that:
 - provides compact, mixed-use, high-quality urban development.
 - concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
 - concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
 - encourages a built form that supports a pedestrian friendly environment while incorporating climate sensitive site and building design.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT**Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density**

- **Key Direction 4.1:** Increase Strategic Infill Development That Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

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

Report Prepared by: Simi Jerez, MCP
PPD File #: DAZ 208/2020

Schedule "A" for File No. DAZ 209/2019, Riel Committee, dated November 9, 2020

By-Law No. _____		File No. DAZ 208/2020	
Atlas Sheet No. AF28  RIEL COMMUNITY		Explanation A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 165 Sadler Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow for the establishment of a Multi-Family Dwelling use.	
			
THIRD READING : _____		EFFECTIVE DATE : _____	
ZONING AGREEMENT : YES ☐ NO ☐		CAVEAT No. _____	

Exhibit “5” referred to in File DAZ 208/2020

