Minute No. 367
Report – Executive Policy Committee – April 21, 2021

Item No. 14 **Zoning Agreement Amendment – land located at Aurora at North Point (Phase 9) – North Point Boulevard, Lynx Street, Sagitta Street, Pegasus Street**
(Old Kildonan Ward)
File ZAA 1/2021

COUNCIL DECISION:

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

1. That the Zoning Agreement under File DASZ 10/2019 (By-law No. 71/2010), dated July 18 2019, be amended in respect of the subject property (Blocks 4 through 7 inclusive Plan 66345) by deleting the words “on each block” from Clause 5.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

Report – Executive Policy Committee – April 21, 2021

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 April 21, 2021, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

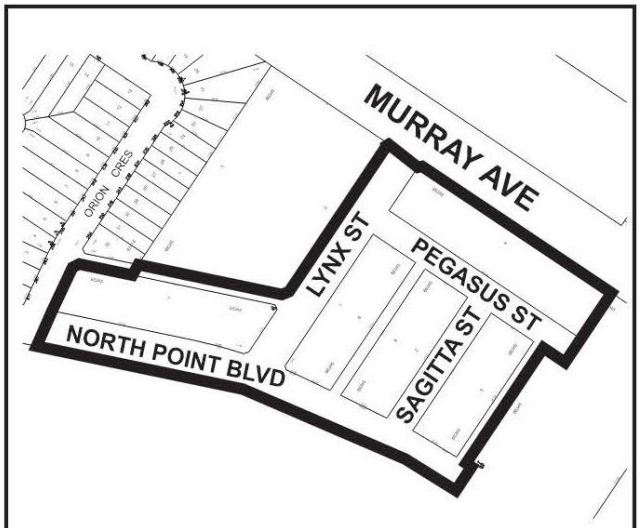
COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2021, the Lord Selkirk-West Kildonan 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.

PUBLIC HEARING SUMMARY

File:	ZAA 1/2021
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Santos, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	April 13, 2021 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc. (Brendan Salakoh)

Subject:



N

LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : Landmark Planning & Design Inc. (Brendan Salakoh)
FILE : ZAA 1/2021
PROPOSAL : To amend the Zoning Agreement for DASZ 10/2019 (By-law 71/2019) affecting the land shown outlined above by amending Clause 5 to allow net density to be calculated across Blocks 4 to 7 inclusive instead of calculated on a per-block basis.
For information, phone, R. Hayer, Planner at 204-986-7168.

Premises Affected:	land located at Aurora at North Point (Phase 9) – North Point Boulevard, Lynx Street, Sagitta Street, Pegasus Street
For submission to:	Executive Policy Committee
Prepared by:	P. Prinsloo, Senior Committee Clerk Lord Selkirk-West Kildonan Community Committee
Report date:	April 14, 2021

Community Committee Recommendation:

On April 13, 2021, the Lord Selkirk-West Kildonan 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 Zoning Agreement under File DASZ 10/2019 (By-law No. 71/2010), dated July 18 2019, be amended in respect of the subject property (Blocks 4 through 7 inclusive Plan 66345) by deleting the words "on each block" from Clause 5.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. I'm really excited about this Phase 9, its last phase to develop everything north of North Point Boulevard, it is a wonderful community with great amenities, it is very pedestrian friendly and the park is just lovely if you haven't had a chance to visit it, certainly I'd like to take you on a tour there, possibly this summer, Councillors, because they will be developing south of North Point Boulevard in the future as well.

2. I want to thank Mr. Rudman, Mr. Yaremko and Mr. McAmmond, it has been a real pleasure to work with you on this file, I've been involved with each of you and your dedication to answering my questions and meeting with me ahead of the hearing like this, makes everything go that much smoother, so thank you so much for your work and collaboration with our planning department.

Exhibits Filed:

1. Application dated February 8, 2021
2. Notification of Public Hearing dated February 22, 2021
3. Manitoba Status of Titles 3047373/1, 3047371/1, 3047375/1, 3047370/1, 3047372/1,
4. Letter of authorization dated November 25, 2020, from 1910588 Alberta Ltd. to Landmark Planning & Design Inc.
5. Caveat 5151900/1
6. Subdivision Design Sketch of Part of River Lot 26, Parish of Kildonan dated November 26, 2020
7. Plans (1 page)
8. Report from the Urban Planning Division dated May 30, 2021
9. Inspection Report
10. Presentation dated April 13, 2021, in support of the application submitted by the applicant at the public hearing
11. Recording of Representations

REPRESENTATIONS:

In Support:

Brendan Salakoh
Scott Rudman
Ross Yaremko
Phil McAmmond

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File ZAA 1/2021

ADMINISTRATIVE REPORT

Title: ZAA 1/2021 – North Point Boulevard, Lynx Street, Sagitta Street, and Pegasus Street.

Issue: For consideration at the Public Hearing for a Zoning Agreement Amendment to amend the Zoning Agreement under DASZ 10/2019 (By-law 71/2010) by amending Clause 5 in order to allow net density to be calculated across Blocks 4 to 7 inclusive instead of calculated on a per-block basis.

Critical Path: Lord Selkirk-West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement under File DASZ 10/2019 (By-law No. 71/2010), dated July 18 2019, be amended in respect of the subject property (Blocks 4 through 7 inclusive Plan 66345) by deleting the words "on each block" from Clause 5.
2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").
3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.
4. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

REASON FOR THE REPORT

- The existing Zoning Agreement on the subject property, comprised of Blocks 4 through 7 Plan 66345, requires a minimum net density of 15 residential dwelling units per acre, per each block. The applicant is proposing to amend the clause such that a net density of 15 units per acre is calculated for development across all of the subject Blocks combined, rather than on a per-block.
- Modification of caveats on a Land Title requires a Zoning Agreement Amendment application.
- A Zoning Agreement Amendment approval requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Lord Selkirk-West Kildonan Community 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 proposal can proceed.

HISTORY

DASZ 10/2019:

- On July 18, 2019, DASZ 10/2019 was approved by Council, permitting the establishment of the subject properties. A Zoning Agreement Caveat placed on the land in conjunction with that application, Clause 5, requires a density of 15 units per acre on Blocks 4, 5, 6, and 7, per each block.
- The applicant proposes to amend the Zoning Agreement by deleting the words "per each block" from the caveat registered on the land title.

OURWINNIPEG POLICY ALIGNMENT

The propose development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer
Date:	May 30, 2021
File No.	ZAA 1/2021

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: May 30, 2021

FILE: **ZAA 1/2021**

RELATED FILES:

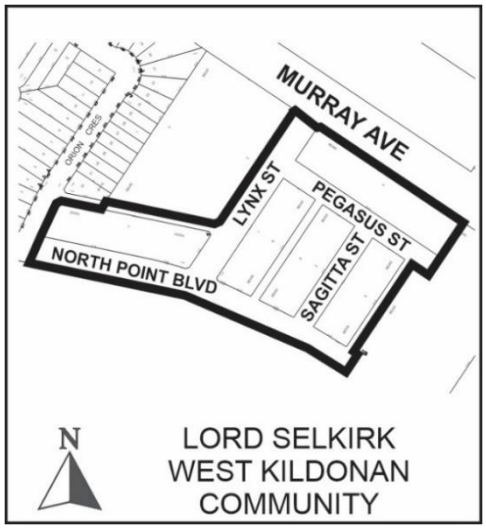
COMMUNITY: **Lord Selkirk-West Kildonan**

NEIGHBOURHOOD #: **3.333 (West Kildonan Industrial)**

SUBJECT: For consideration at the Public Hearing for a Zoning Agreement Amendment to amend the Zoning Agreement under DASZ10/2019 (By-law 71/2010) by amending Clause 5 in order to allow net density to be calculated across Blocks 4 to 7 inclusive instead of calculated on a per-block basis.

LOCATION: North Point Boulevard, Lynx Street, Sagitta Street, and Pegasus Street.

LEGAL DESCRIPTION: BLOCK 4; BLOCK 5; LOT 1 and Lot 2 BLOCK 6; and BLOCK 7 PLAN 66345 25/26 K



APPLICANT: Landmark Planning & Design Inc. (Brendan Salakoh)
298 Waterfront Drive
Winnipeg, MB
R3B 0G5

OWNER:	1910588 Alberta Ltd. 11504-170 Street NW Edmonton, AB T5S 1J7
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject properties are in an area located north of North Point Boulevard and South of Murray Avenue, including Lynx Street, Pegasus Street, and Sagitta Street, in the West Kildonan Industrial Neighbourhood and the Old Kildonan Ward.
- The total site area is roughly 4.57 acres (199,241 square feet), and is zoned “RMF-S” Residential Multi-Family (Small) District.
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the subject site is within the “Transformative Areas-New Community” policy area and designated as Precinct ‘G’.
- Under the Precinct ‘G’ Secondary Plan, the subject site is designated “Medium Density Neighbourhood” policy area.
- With the exception of Block 4, the balance of the land is located along streets that are serviced with public lanes.

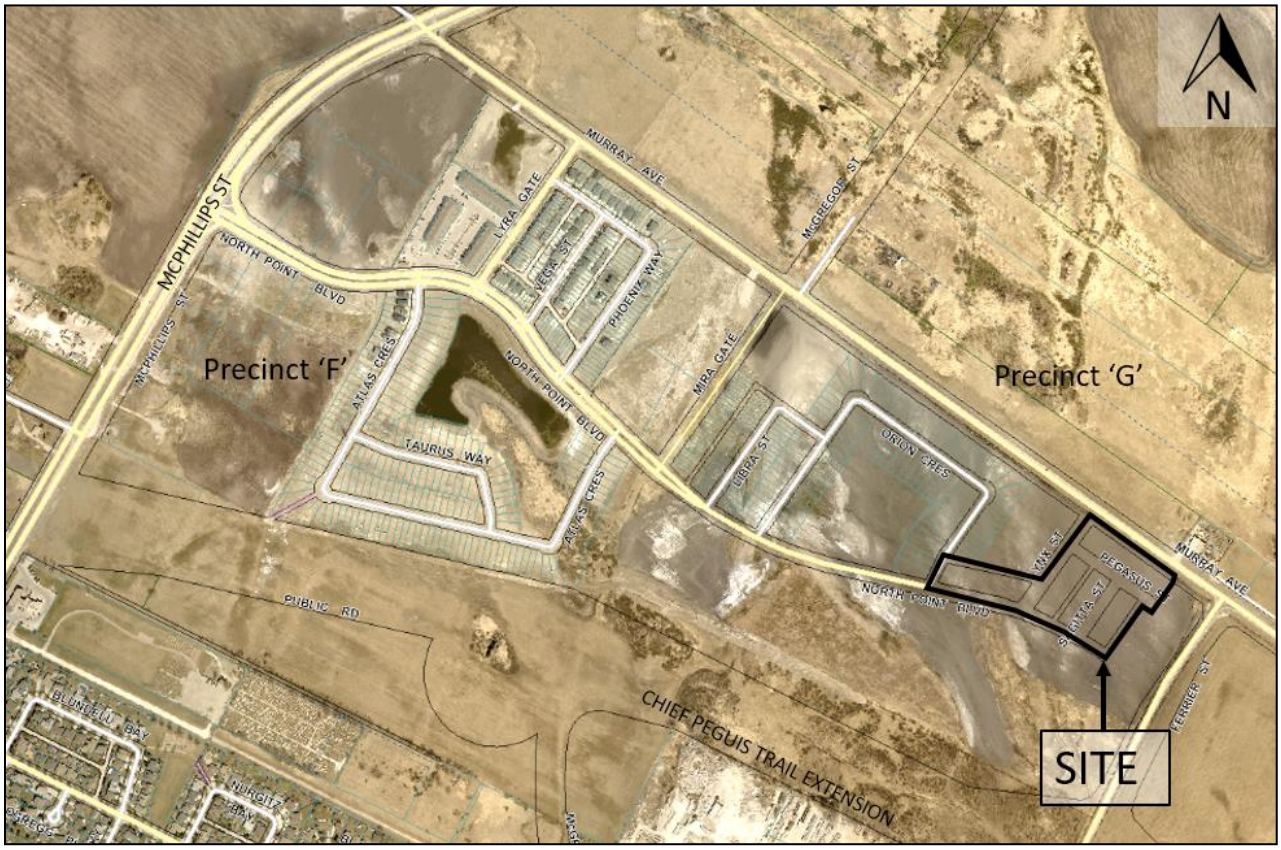


Figure 1: Air photo of the subject property and surrounding area (2018)

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

North: Murray Avenue; then vacant lands zoned “A” Agricultural District.

South: Future extension of Chief Peguis Trail.

East: Ferrier Street; then vacant land zoned “A” Agricultural District.

West: Precinct “G” Neighbourhood including residential and park uses.

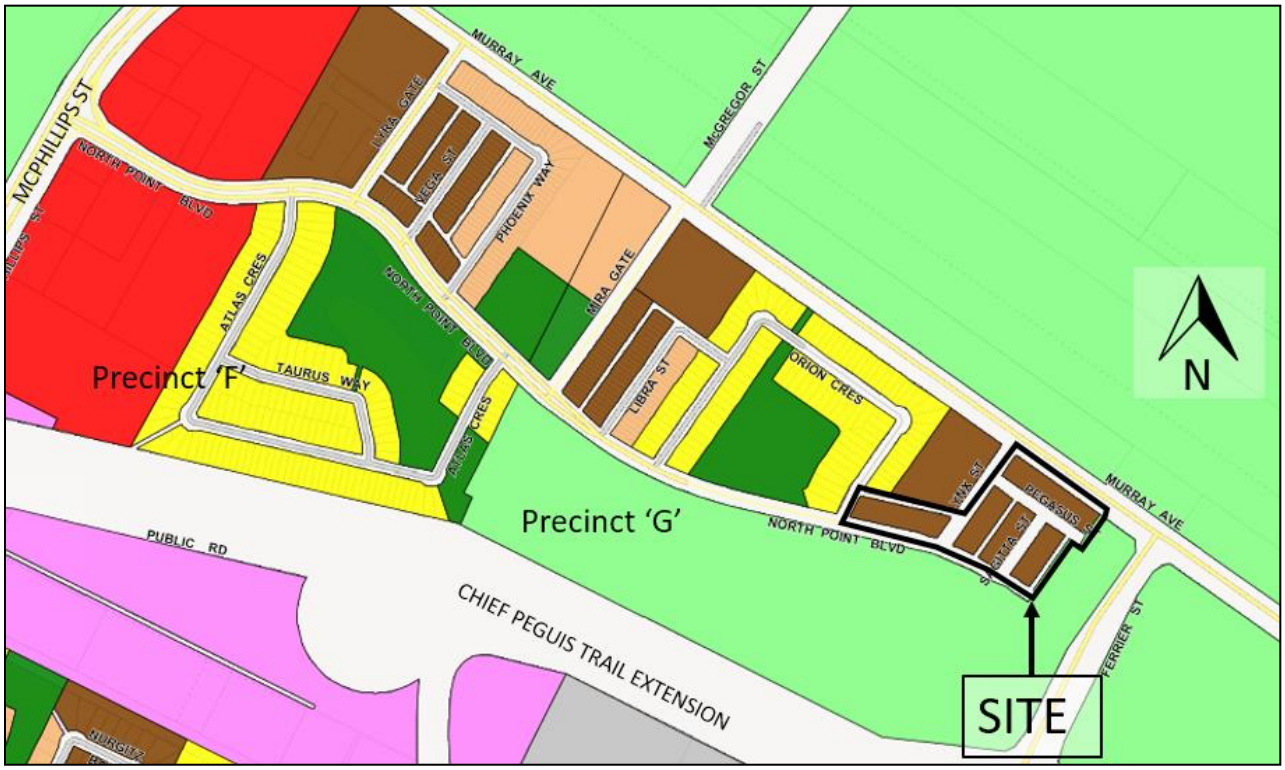


Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- An existing Zoning Agreement Caveat effecting the subject lands under file DASZ 10/2019 requires each of the subject blocks (Block 4, 5, 6, and 7) to achieve a net density of 15 residential dwelling units per acre, per block.
- Net density (as defined under the Precinct ‘G’ Secondary Plan) refers to the number of dwelling units per acre located in an area of developable land, excluding rights-of-ways, utilities, commercial, industrial or institutional lands, retention ponds and any lands owned by the City of Winnipeg.
- The applicant intends to develop the subject area with a mix of single-family, two-family, and multi-family (townhomes) uses, which would result in a total of 69 dwelling units developed across the 4.50-acre subject site.
- Although the proposed development would achieve a total net density of 15.09 units per acre (across Blocks 4 through 7 inclusive), the net density on a per block basis would be

less than 15 units per acre on Block 4 and Block 7, while it would be more than 15 units per acre on Block 5 and Block 6. A detailed breakdown of the proposed development density is shown on Table 1 and illustrated on Figure 3.

Site	Size	Proposed Development	Net Density
Block 4	1.26 acres	15 single-family lots	11.90 units per acre
Block 5	0.71 acres	12 two-family lots	16.60 units per acre
Block 6	1.55 acres	28 multi-family lots	18.0 units per acre
Block 7	1.05 acres	14 single-family lots	13.33 units per acre
TOTAL	**4.57 acres**	**69 dwelling units**	**15.09 units per acre**

Table 1: Breakdown of Proposed Density.

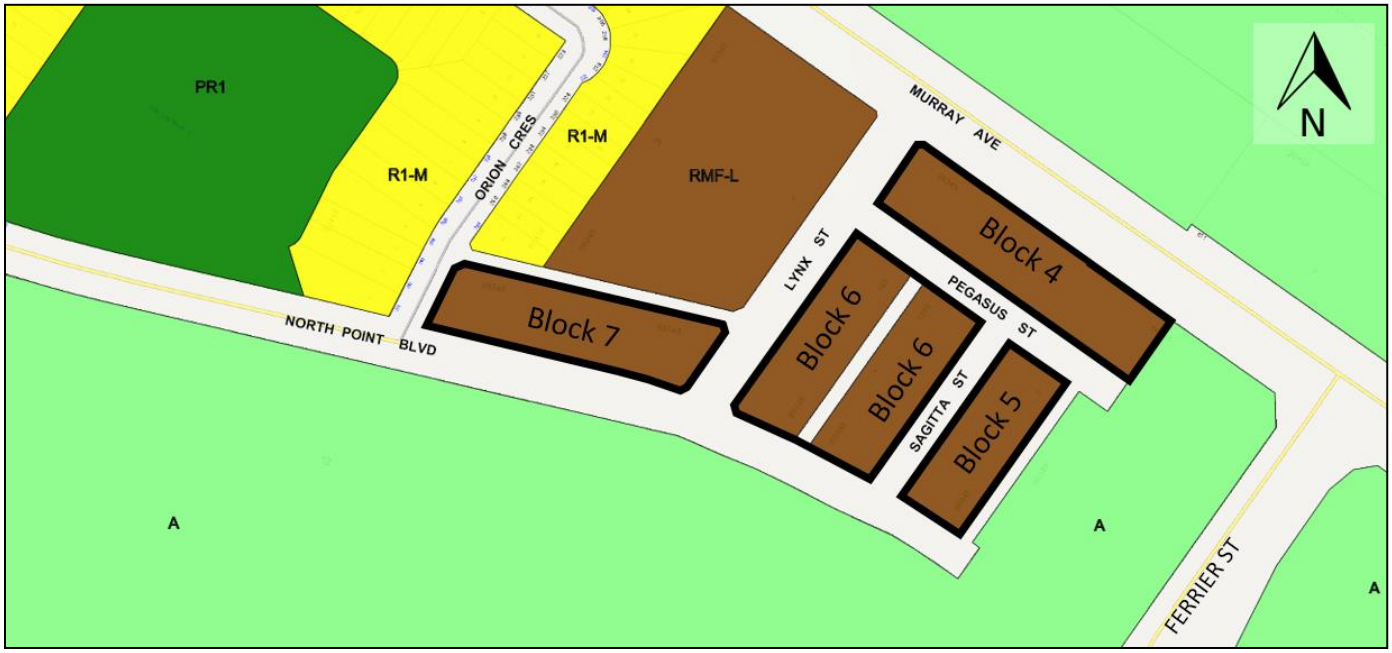


Figure 3: Close up image showing subject blocks.

Additional Considerations:

- While the subject application involves an amendment to the existing Zoning Agreement caveat effecting the subject lands, if approved, the applicant is still required to submit a formal Short Form Subdivision Application (DASSF) and a Variance application (DAV).
- The DASSF application would be required in order to subdivide each of the subject blocks into lots for development of single-, two-, and multi-family dwellings (69 in total).
- The DAV application would be required to vary lot area requirements in order to accommodate proposed development on Block 4 and Block 6.
- The DAV application will be scheduled for a future Public Hearing for consideration at the Lord Selkirk-West Kildonan Community Committee.

- The Public Service will prepare a report detailing the proposed subdivision and associated variances and submit a report for the Committee's consideration at a future public hearing.
- The subject Zoning Agreement Amendment application is necessary in order for the applicant to proceed with the proposed subdivision and related variances.

Collaborative Planning:

- **The applicant consulted with the Urban Planning and Design Division prior to submitting the subject application.**
- **The Division advised the applicant to consider modifying the proposal and avoid amending the Zoning Agreement, if possible.**
- **The applicant was also advised to provide the Urban Planning and Design Division with a copy of the draft proposed plan of subdivision, so that it could be reviewed to ensure proposal would be consistent with the Precinct 'G' Secondary Plan, and that the overall number of units that could be established across all of the subject blocks would still be the same as the number of units that would be established without amending the Zoning Agreement.**
- **The applicant provided the Division with a draft copy of the plan of subdivision as well as additional details such as proposed building footprints and locations of driveways.**
- **After review, the Division advised the applicant that the Zoning Agreement Amendment would likely be supported.**

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY:

- **Under *OurWinnipeg* and *Complete Communities* t**he proposed development is within the "New Communities" Policy Area (Precinct 'G') where the following policy applies:
    - *The development of New Communities will be supported by a planning process and organized within planning precincts.*
- A Planning Process has occurred and the Precinct 'G' Secondary Plan has been adopted by Council as By-law 5/2018.

PRECINCT 'G' SECONDARY PLAN:

- Under the Precinct 'G' Secondary Plan Land Use Policy, the subject site is within an area designated "Medium Density Neighbourhood" policy area. Key policies include:
    - *Multi-family and two-family residential developments shall be the predominant uses of land.*
    - *Medium Density Neighbourhood Policy Areas shall achieve a minimum net density of 15 units per acre.*

- *Single-family housing is discouraged, but may be accommodated when it has been demonstrated that a net density of 15 units per acre can be achieved.*
- *A variety of multi-family housing types and tenures to enable aging in place and affordable options for residents should be provided.*
- *To provide a range of medium density housing types, such as Multi-Family and Two-Family dwellings.*
- *A minimum net density of 15 units per acre is required.*
- *Single-Family dwellings are discouraged unless a net density of 15 units per acre can be achieved.*

- The Precinct 'G' Land Use Policy Map is shown on Figure 4 on the following page.

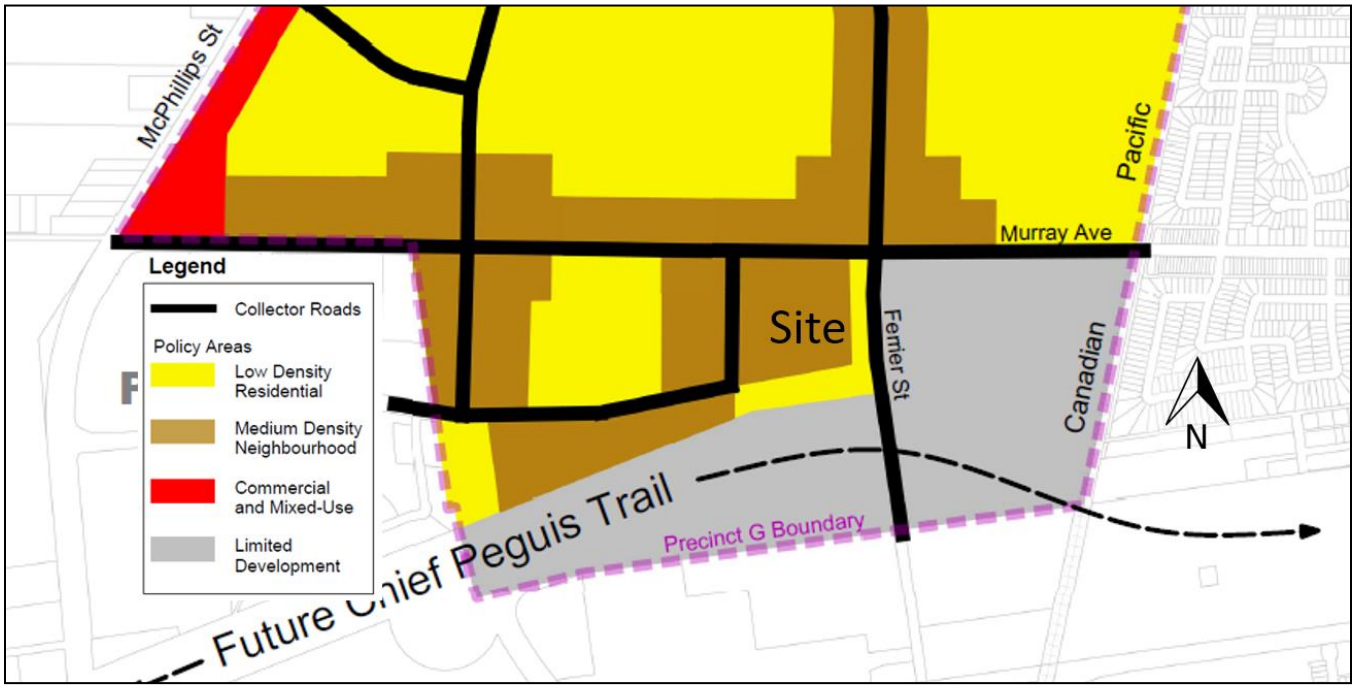


Figure 4: Precinct 'G' Land Use Policy Map.

ZONING AGREEMENT AMENDMENT REVIEW

- **As described, the density on blocks with two-family and multi-family uses would exceed the minimum density requirement on Block 5 and 6. However, it is on Block 4 and 7, where single-family dwellings are proposed, that the minimum residential density requirement would not be met.**
- **The existing Zoning Agreement was approved under file DASZ 10/2019. Under this previous application, the proposed plan of subdivision did not provide any indication as to what the proposed future development intent would be nor what level of density would be achieved on the subject blocks. Therefore, in order to ensure the applicable policies under the Precinct 'G' Secondary Plan were**

adhered to, the Public Service recommended that each block meet the requisite net density requirement, on a per block basis.

- **With respect to the subject application, a conceptual plan of subdivision has been shared with the Public Service and this proposed plan contains sufficient information to demonstrate that under a future short form subdivision application, the subject lands would meet the requisite density of 15 units per acre. The proposed conceptual subdivision plan cannot be submitted unless the Zoning Agreement is successfully amended and the revised Zoning Agreement is registered on the property titles.**
- **The proposed conceptual subdivision plan shows that 69 dwelling units would be constructed across the subject blocks, which is the same number of units that would be developed if each of the blocks achieved a net density of 15 units per acre individually.**
- **In other words, with or without the subject application, the subject lands would still be developed with 69 dwelling units (albeit in a slightly different manner, depending on whether the Zoning Agreement is amended or not).**
- **Therefore, the Public Service recommends that the Zoning Agreement Amendment Application be approved.**

REASONS FOR RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

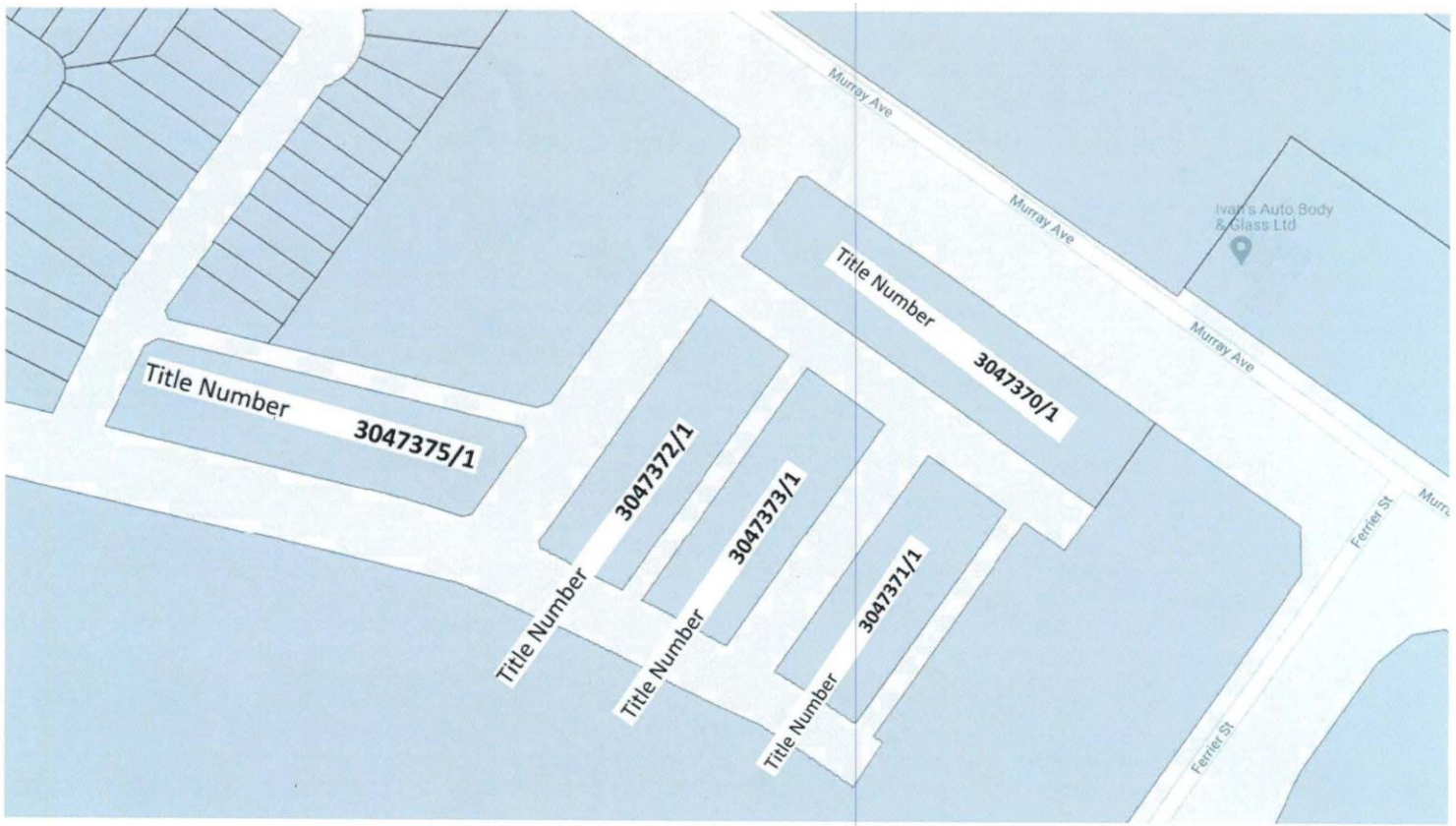
- The proposed amendment is in line with the Precinct G Secondary Plan for development in the “Medium Density Neighbourhood” policy area.
- The overall number of units, with or without the subject application, would still be at least 69 units. The applicant is simply proposing to establish these units in a different manner, where the density is higher on some blocks and lower on others.
- The subject application is unlikely to create an adverse effect on the surrounding area and the proposed development would be considered compatible with the neighbourhood.

RECOMMENDATION

1. That the Zoning Agreement under File DASZ 10/2019 (By-law No. 71/2010), dated July 18 2019, be amended in respect of the subject property (Blocks 4 through 7 inclusive Plan 66345) by deleting the words “on each block” from Clause 5.
2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1, and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).
3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.
4. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: R. Hayer, MCP
PPD File # ZAA 1/2021

Exhibit "7" referred to in File ZAA 1/2021



Title Plot