Agenda - Council - June 20, 2007

Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 8 Subdivision and Rezoning - 210 Fortier Avenue (North Kildonan Ward) File DASZ 41/2006

STANDING COMMITTEE RECOMMENDATION:

On June 13, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 41/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2006 dated May 2, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2006 dated May 2, 2007, to a "RM-1" Multiple Family Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the number of residential dwelling units be limited to four (4).

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

Report - Standing Policy Committee on Property and Development – May 22, 2007

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services 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 has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report - Standing Policy Committee on Property and Development – May 22, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 22, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 210 Fortier Avenue**
(North Kildonan Ward)
File DASZ 41/2006 [c/r DAV 110463/2007D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **May 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 14, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 41/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 41/2006 dated May 2, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 41/2006 dated May 2, 2007, to a "RM-1" Multiple Family Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the number of residential dwelling units be limited to four (4).

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services 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 has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The subject application adds value and is an improvement to the neighbouring community.

2. The subject application allows for on-site parking.

PUBLIC HEARING SUMMARY

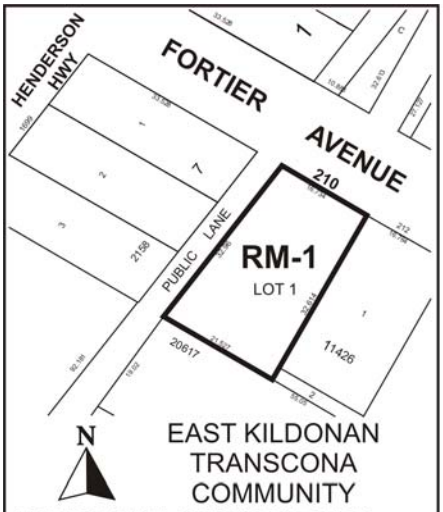
File: DASZ 41/2006 [c/r DAV 110463/2007D]

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: May 14, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Wally Arndt

Subject:



Premises Affected: 210 Fortier Avenue

Exhibits Filed:

1. Application dated January 25, 2007
2. Notification of Public Hearing dated April 11, 2007
3. Manitoba Status of Title 2111281
4. Drawings (2 pages) of subject property
5. Plans (4 pages)
6. Report from the Planning and Land Use Division dated May 2, 2007
7. Inspection Report
8. Petition in support of the application purporting to contain the signatures of 70 area residents, submitted by Wally Arndt at the public hearing

REPRESENTATIONS:

In Support:

Wally Arndt

In Opposition:

Rudy Hintz
Gary Milne

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Wally Arndt, the applicant, appeared in support of the application and gave a brief overview of the proposal. He indicated that he canvassed the neighbourhood with respect to the proposal, and in this connection, submitted a petition in support of the application, filed as Exhibit 8.

Gary Milne appeared in opposition to the application. He expressed concern regarding parking and felt that the premises should not be rezoned and remain an "R1-5.5 Residential District".

Rudy Hintz appeared in opposition to the application, and advised that he has resided two houses east of the subject property for approximately 20 years and hopes to continue residing at his

property for the long-term. He felt that the application is a significant change to what currently exists, and expressed concern regarding parking.

In rebuttal, Wally Arndt purported that he had made an effort to contact neighbouring residences on more than one occasion, and acknowledged that there is a demand for parking.

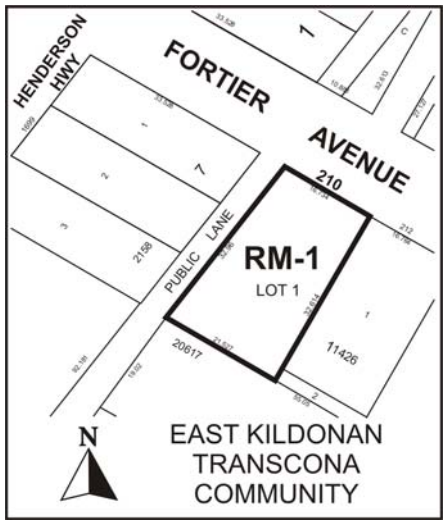
Exhibit "6" referred to in File DASZ 41/2006 [c/r DAV 110463/2007D]

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **May 2, 2007**
File: **DASZ 41/06**
Related Files: **DAV 07-110463/D**
Subject: **Rezone and consolidate into one lot.**

Location: **210 Fortier Avenue**
Legal Description: LOT 4/5 BLOCK 7 PLAN 2158 49 K LOT 1 PLAN 20617 49/51K



Applicant: **Waldemar Arndt**
Owner: **Waldemar Arndt**

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant is proposing to develop a four (4) unit residential structure.
- A two story, 40 foot by 57 foot structure will be constructed with three (3) parking stalls in the rear yard and a front driveway.
- The existing single family dwelling will be demolished.

Site Description

The subject property is **54 feet by 100 feet (6,718.33 square feet)** located on the south side of Fortier Avenue, east of Henderson Hwy in the River East neighbourhood of the North Kildonan Ward. The site is zoned "R1-5.5" Residential District. Adjacent properties include residential dwellings to the east and south zoned "R1-5.5". Surrounding lands include commercial properties to the north across Fortier and east across a public lane zoned "C2" Commercial District.

Background

The existing 450 square foot single family dwelling fronting Fortier was constructed in 1940.

Description of the Proposed Development

The owner has applied to rezone and consolidate two lots in order to demolish the single family dwelling and construct a quadplex. The lot is irregular shaped: 54 feet along the front property line and 70 feet along the rear property line.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

SECONDARY PLAN
In 1976, the North Henderson Highway Secondary Plan was adopted to establish a land-use plan and policies for the improvement of the North Henderson Hwy District. The background information provided in the Secondary Plan file indicates there was conflict in the community in the 1970's between those who wished to preserve the single-family, residential characteristics of Henderson Hwy as opposed to those who wanted to construct high-rise apartment buildings. The Secondary Plan attempts to balance these different interests with land-use plan and policies that essentially restrict the continued development of high rise apartment buildings to specified areas based on density.

Applications to amend the secondary plan (AAP 07/1979; AAP 10/1979; SPA 41/1995) were made for the purpose of increasing the permitted density for specific land parcels. These applications were for large scale developments (30-40 dwelling units) on large land parcels (+20,000 square feet). Today's proposal is for 4 units per acre, on +6,000 square feet of land. The significant difference between the current proposal and the previous amendments is the size of the land parcel (6,718 square feet vs. +20,000), and the scale of development (4 units vs. 30 units).There has been no similar amendments in the last 30 years in terms of scale and land size for the development of a triplex or quadplex.

It is clear the intention of the Secondary Plan is to address larger scale, multi-family unit developments that have occurred along North Henderson Hwy. Triplexes and quads, which are common throughout North Kildonan and Winnipeg, can be conceived as being similar in scale (height, floor area, lot size) with single family and two family homes as opposed to high rise apartment buildings. Therefore, the proposed development can be considered consistent with the Secondary Plan policies to protect the existing single-family neighbourhoods from the intrusion of commercial or multiple family uses.

ZONING

- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses (including multiple family dwellings) that are generally orientated to a community wide market. There is no front yard requirement and the maximum building height is 45 feet.
- The **"R1-5.5" Single Family Residential District** requires a minimum lot size of 5,500 square feet and a minimum lot width of 50 feet. A side yard of 5 feet is required and a maximum of building height of 30 feet.
- **"RM-1" Multiple Family District** requires a minimum lot area of 9,000 square feet and a minimum lot width of 75 feet. A side yard of 8 feet is required and a maximum building height of 30 feet. The area per dwelling unit (density) minimum is 2,000 sq.ft per dwelling unit.

LAND USE BY-LAW ISSUES

The proposed development does not meet all the "RM-1" bulk regulations. A variance application has been made (DAV 07-110463/D) for substandard lot width, area, and yards. The variance order, if granted, may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

TRANSPORTATION AND SITE ACCESS

The current site has an approach from the adjacent public lane. New approaches will be constructed on Fortier Avenue and along the public lane to the east.

SITE PLAN

The applicant is proposing a two story, 40 foot by 57 foot structure. There will be a shared driveway and a two-car garage fronting Fortier. Parking for three additional vehicles will be in the rear yard adjacent to the public lane.

Recommendation

The Planning and Land-Use Division supports the rezoning application. The additional three (3) units will provide a mixture of residential dwellings in the neighbourhood. The scale and density of the proposed structure is consistent with the character of the surrounding area that includes story-and-a-half homes along Fortier and high rise commercial tower along Henderson. The multiple family development at this location is considered appropriate transition from the a high-rise apartment buildings and commercial buildings along Henderson Hwy to the low-rise single

family dwellings along Fortier. The irregular lot shape and location adjacent to a commercial parking lot and public lane makes the lot somewhat relatively less attractive for single family residential development. Thus, the proposal for a multiple family structure compared to other single family residential dwellings in the vicinity is considered to be a reasonable response to the locational characteristics of the site.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 41/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 41/06, attached hereto and dated May 2, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 41/06 attached hereto and dated May 2, 2007, to a "RM-1" Multiple Family Residential District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 41/06

Schedule "A"

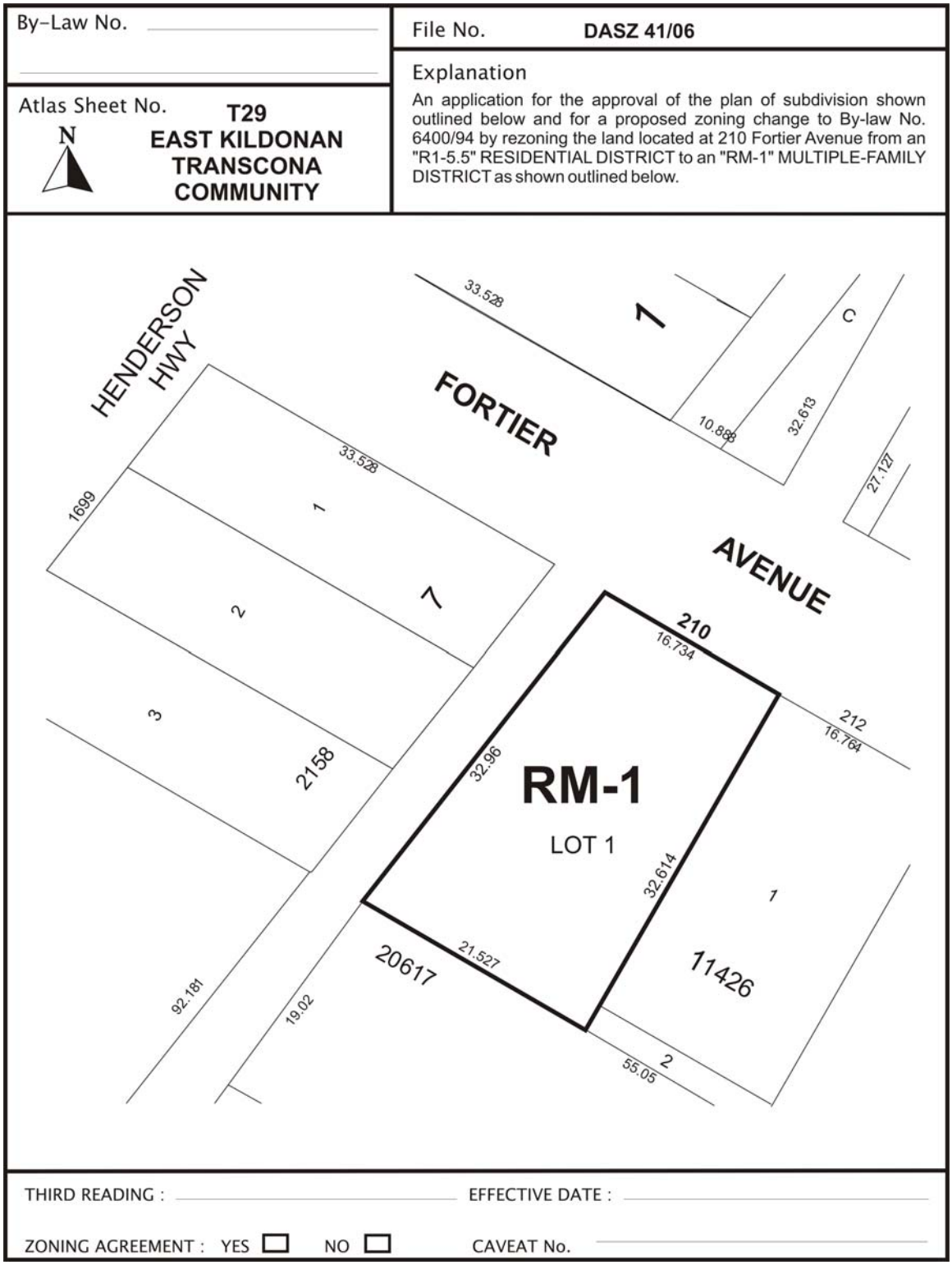

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 41/2006, dated May 2, 2007.

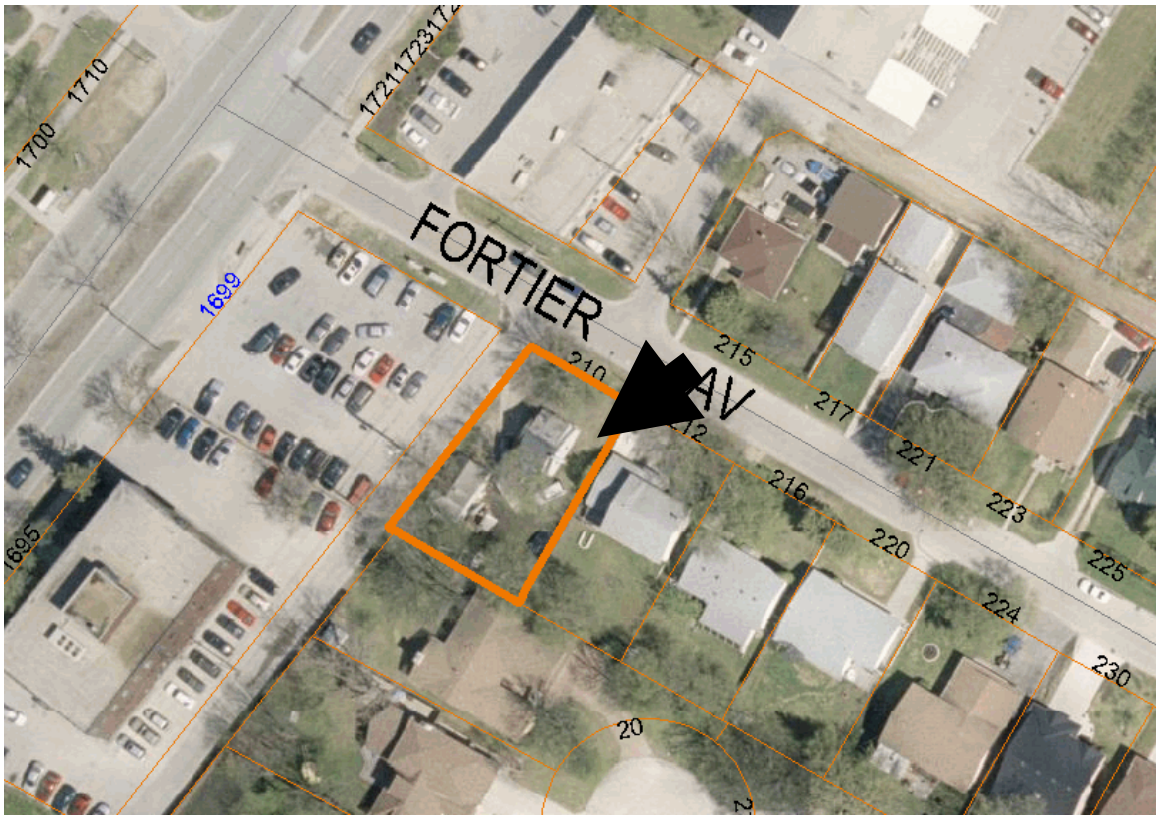

Figure 2: Existing Land-Uses for subject property and Surrounding Area.

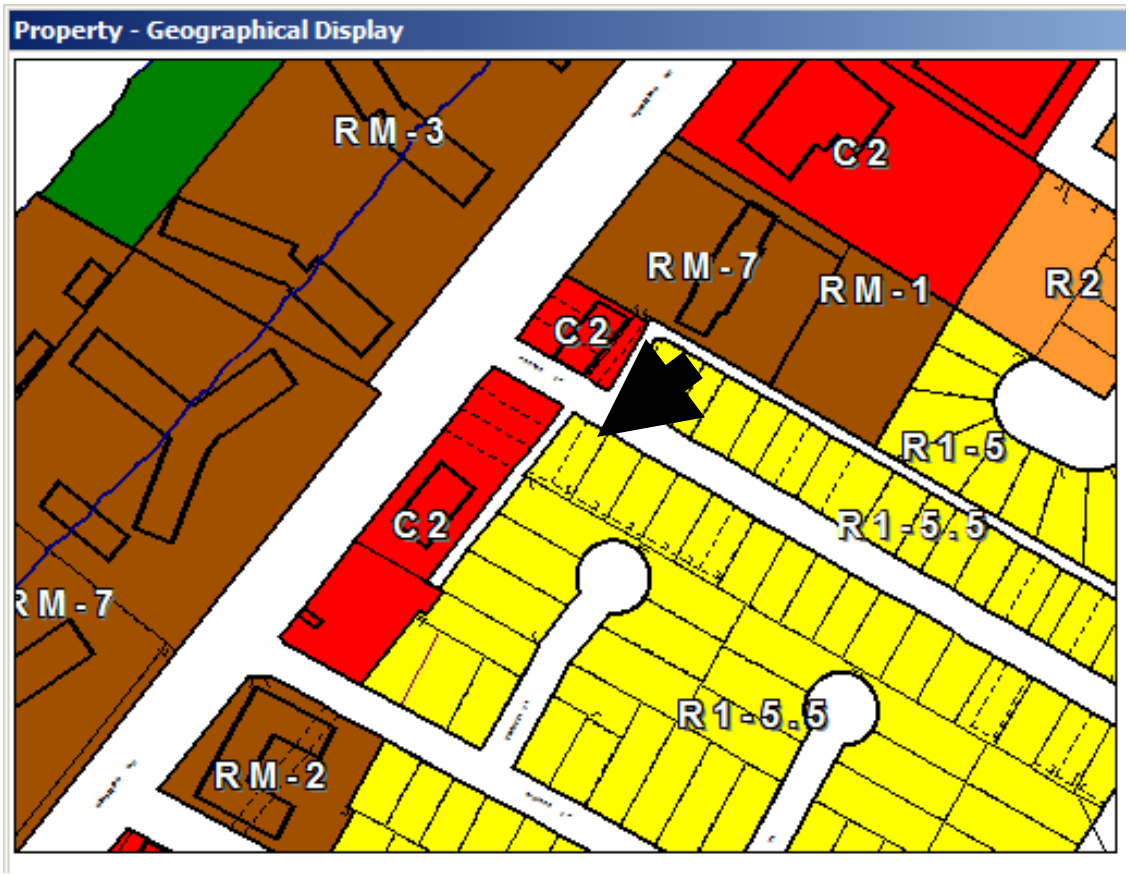

Figure 3: Existing Zoning for subject property and Surrounding Area.