Minute No. 526
Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 9 **Subdivision and Rezoning - 702 Regent Avenue West (Transcona Ward) File DASZ 13/2008**

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 13/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 2, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 13/2008 dated June 2, 2008, to an "RMF-M" Residential Multi-Family 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.

    B. That the site shall be limited to a maximum of a two (2) storey building under the zoning, with no more than eight (8) dwelling units.

    C. That the front and rear yards shall not be less than 25 feet.

    D. That there shall be a minimum of eleven (11) parking stalls provided on the site.

Report - Standing Policy Committee on Property and Development - June 24, 2008

COUNCIL DECISION (continued):

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 matter is not proceeded with expeditiously and the by-law is not passed 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 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one 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 year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 - June 24, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, namely:

- Amend Recommendation 2.B. by deleting "seven (7)" and replacing it with "eight (8)"
- Delete Recommendation 2.C. in its entirety and replace with the following:

  "2. C. That the front and rear yards shall not be less than 25 feet."
- Amend Recommendation 2.D. by deleting "nine (9)" and replacing it with "eleven (11)"

and submitted the matter to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - June 24, 2008

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- That the site shall be limited to a maximum of a two (2) storey building under the zoning, with no more than seven (7) dwelling units.

- That, as a minimum, the east side yard shall be no less than 9.75 feet, the front yard no less than 25 feet, the west side yard no less than 12 feet, and the rear yard no less than 27 feet.

- That there shall be a minimum of nine (9) parking stalls provided on the site.

and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 702 Regent Avenue West**
File DASZ 13/2008 [c/r DAV 111794/2008D]

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

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 12, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 13/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 2, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 13/2008 dated June 2, 2008, to an "RMF-M" Residential Multi-Family 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.

    B. That the site shall be limited to a maximum of a two (2) storey building under the zoning, with no more than seven (7) dwelling units.

C. That, as a minimum, the east side yard shall be no less than 9.75 feet, the front yard no less than 25 feet, the west side yard no less than 12 feet, and the rear yard no less than 27 feet.

D. That there shall be a minimum of nine (9) parking stalls provided on the site.

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 matter is not proceeded with expeditiously and the by-law is not passed 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 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one 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 year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. While this site will now be zoned for multiple-family, with the 100 foot lot width the site could have easily been developed as two (2) lots, or possibly three (3), with a maximum of two (2) units on each lot if duplexes were constructed, for a total of four (4) or possibly six (6) units.

2. The multiple family dwelling will be limited to two (2) stories in height which is permitted on all lots on the south side of Regent Avenue and Melrose Avenue.

3. The two (2) storey height will keep the building to a liveable level compared to other homes in the area.

4. The two (2) storey building will be in keeping with the character of the neighbourhood, and will allow for some change to the area and neighbourhood renewal.

5. Renewal is important for older neighbourhoods, and allows for young families to stay or return to the neighbourhood.

6. The site plan approval by the Community Committee will ensure that concerns expressed with regards to landscaping, green space, garbage enclosures and sightlines may be addressed.

7. Parking for nine (9) vehicles will be required on the site, which is more than the number of units permitted.

8. Commercial development of this site would not be appropriate for the area.

9. The rezoning as recommended is a reasonable compromise that is fair for the Developer, and works for the Community as well.

PUBLIC HEARING SUMMARY

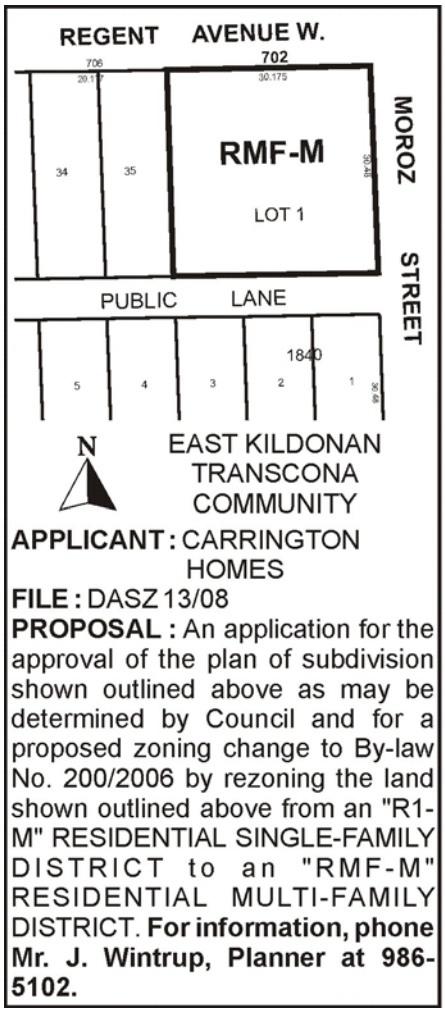
File: DASZ 13/2008 [c/r DAV 111794/2008D]

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

Public Hearing: June 9, 2008
755 Henderson Highway

Applicant: Carrington Homes

Subject:



Premises Affected: 702 Regent Avenue West

Exhibits Filed:

1. Application dated April 4, 2008
2. Amended application dated May 9, 2008
3. Notification of Public Hearing dated April 10, 2008
4. Manitoba Status of Titles 1957427 and 1957428
5. Letter of authorization dated March 28, 2008, from Edouard Gerard Joseph Bourgouin and Deborah Jo-Ann Bourgouin to Carrington Homes Inc.
6. Drawings of subject property
7. Plans (5 pages)
8. Revised plans (2 pages)
9. Report from the Planning and Land Use Division dated June 2, 2008
10. Inspection Report
11. Brief regarding Carrington Homes request for rezoning of land at 702 Regent Avenue West from "R1-M" to an "RMF-M" Residential Multi-Family District, submitted at the Public Hearing by Bill Thiessen
12. Communication signed by G. Basarab, submitted at the Public Hearing by Bill Thiessen
13. Petition purporting to contain 76 signatures of area residents in opposition to the application submitted at the Public Hearing by Gladys Dubell
14. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Gerald Basarab
Karl and Carla Devlin
Morley and Charlotte Macfarlane
Brian Mansky
Bill Thiessen

In Opposition:

Lionel R. Callow
Ronald Capp
Ted and Gladys Dubell
Clyde and Miriam Green
Les and Lena Mitchell
Bernice Porter

Gary Porter
Curtis Possig
Nelson and Mary Anne Whitehead
Donalda Wilde

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File DASZ 13/2008

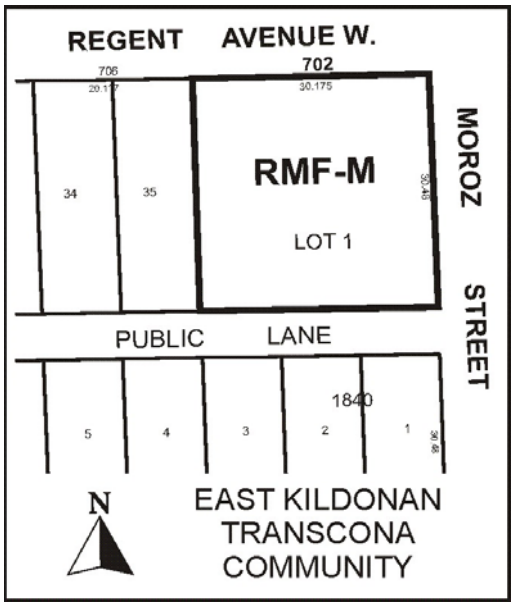
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 2, 2008**
File: **DASZ 13/08**
Subject: **Rezone and consolidate two lots into one lot to construct a 9 unit multiple family dwelling.**

Location: 702 Regent AVE W
Legal Description: LOT 36/38 BLOCK 129 PLAN 1840 NW 5 11 4E



Applicant: Karl Devlin Carrington Homes
2 Kristine Place
East St Paul MB R2E 0M1

Owner: EDOUARD G J BOURGOUIN
DEBORAH J BOURGOUIN

Recommendation: **Approve**

Report Summary:

- Carrington Homes has applied to rezone and consolidate two lots to facilitate the construction of a nine (9) unit multiple family dwelling.
- The building will be three stories in height, with one story partially sunk below grade with nine (9) separate front entrances all fronting Regent.
- Parking for nine (9) vehicles will be from the rear public lane.

Site Description

- The subject property is **9,900 square feet** located on the south west corner of Regent Avenue and Moroz Street in the Melrose neighbourhood of the Transcona Ward.
- The site is zoned **"R1-M" Residential Single-Family Medium District** and has a one story, single-family dwelling.
- Adjacent properties include residential dwellings to the east zone "R1-M" Residential Districts.
- Surrounding lands include single family dwellings zoned "R1-M" along Regent; multiple family dwellings along Regent zoned "RMF-M"; and commercial land-uses to the north east zoned 'C3' Commercial (Regent Park Shopping Centre).

Background

The existing 972 square foot single family dwelling was constructed in 1955.

Description of the Proposed Development

Carrington Homes has applied to rezone and consolidate two lots to facilitate the construction of a nine (9) unit multiple family dwelling.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- **"R1-M" Residential Single-Family District** minimum lot sizes of 3,500 square feet are required. Side yards of 4 feet are required. Front yard requirements are 15 feet; rear yard requirements are 25 feet. Maximum building height is 35 feet.
- **"RMF-M" Residential Multi-Family District** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front & rear yard requirement of 25 feet and the maximum building height is 60 feet. The minimum lot width is 25 feet and lot area 9,000 square feet (800 square feet per dwelling unit).

LAND USE BY-LAW ISSUES

- The development also requires variances related to substandard front yard, east side yard and parking directly from a lane (DAV 08-111794/D).
- The variances 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.
- The property is 9,900 square feet and under the proposed RMF-M zone, would permit 12 dwelling units.
- There are two land titles that need to be consolidate to allow a building to be constructed on the property: lots 36/37 will be consolidate with lot 38 for one lot under a new plan of subdivision.
- A front yard alignment was done: the front yard is 25 feet as the property next door at 706 has a 25 foot front yard; 740 has a 24 foot front yard.

TRANSPORTATION AND SITE ACCESS

- The existing rear lane between Moroz and Plessis Road will be used to access the property.
- Parking for nine (9) vehicles will be from the rear public lane.
- Garbage pick-up will be from the public lane.
- There is a public sidewalk on north side of the property, adjacent Regent Avenue; and on the east side of the property, adjacent Moroz Street.
- Front walks will connect the entrance of each unit to the public sidewalk on Regent.
- Bicycle parking will be provide on the west side of the property, adjacent to the parking area.

SITE DESIGN ISSUES

- The building will be located near the middle of the lot with a 12 foot west side yard and 9.7 foot east side yard.
- There will be a 7 foot strip of grass in the rear yard between the building and the 20 foot long parking stalls (27 foot rear yard).
- A 25 foot front yard will be provided from the front property line to the façade of the building.
- the building will be three stories in height, with one story partially sunk below grade with nine (9) separate front entrances all fronting Regent.
- Three units will have access below grade with below grade patios.
- The front façade of the building will be ‘bay and gable’ style, reminiscent of residential dwellings from the 19th Century, Victorian Era.

LAND DEDICATION

It will be recommended that the Developer pay cash in lieu of dedication of land for public open space.

Recommendation

The Planning and Land-Use Division supports the rezoning and subdivision.

The proposed zoning designation will further diversify the type of dwellings available in the neighbourhood providing a mix of lot sizes and types.

The only concern is in regards to the possibility of the applicant changing the house design. The applicant should be encouraged to use the proposed façade as design has strong residential characteristics to enhance the streetscape. The applicant may also be requested to construct a wood barrier, privacy fence against the neighbour to the west if such a fence does not exist. And the garbage containers need to be fully enclosed with screening. Requirement for site plan approval from the East Kildonan – Transcona Community Committee will address these issues.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 13/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated June 2, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 13/2008/2008 dated June 2, 2008, to a "RMF-M" Residential Multi-Family 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.

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10. 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.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 13/2008

Schedule "A"

By-Law No. _____

File No. **DASZ 13/08**

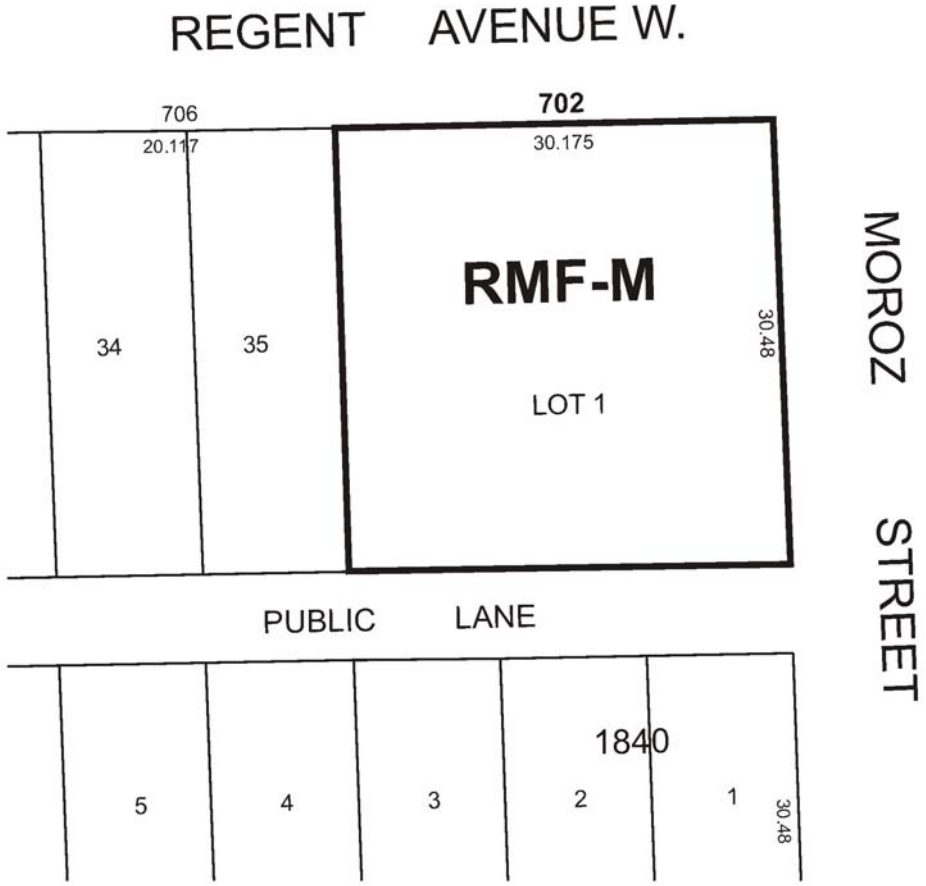
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 702 Regent Avenue West from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. **Z33**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 10/2008, dated May 6, 2008.

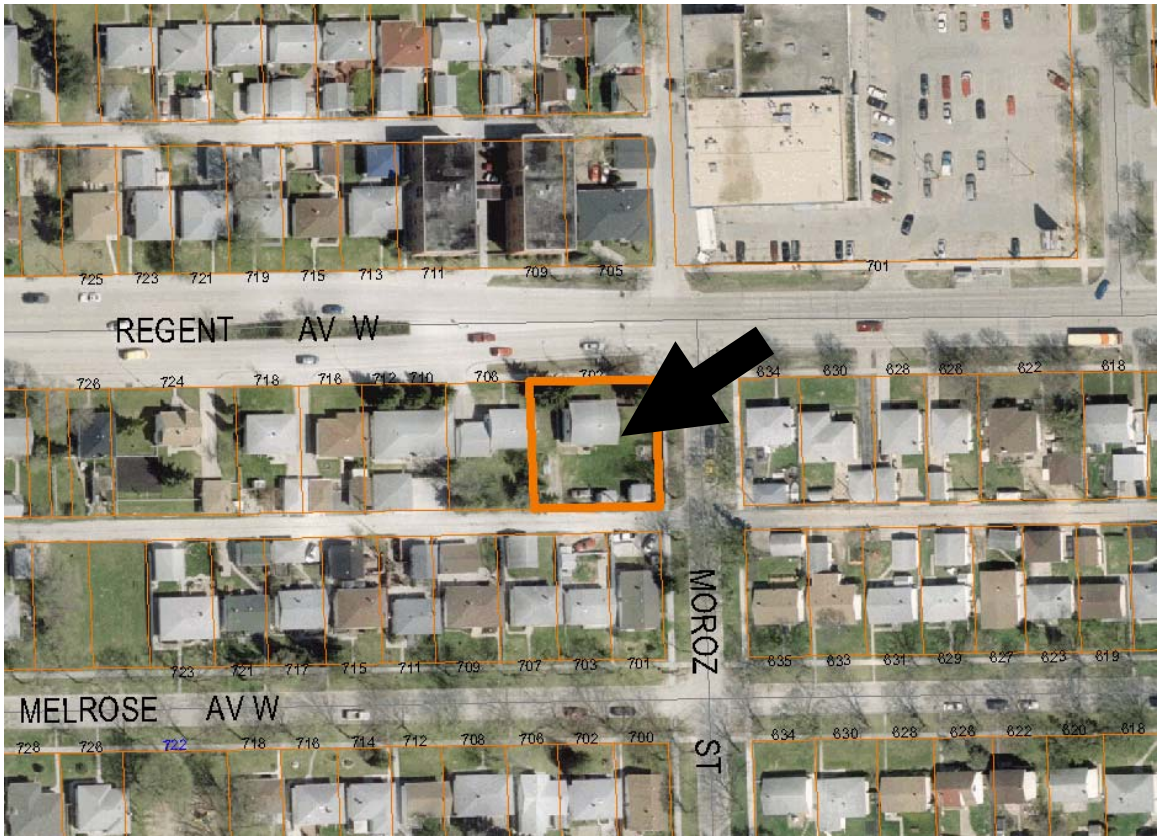


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

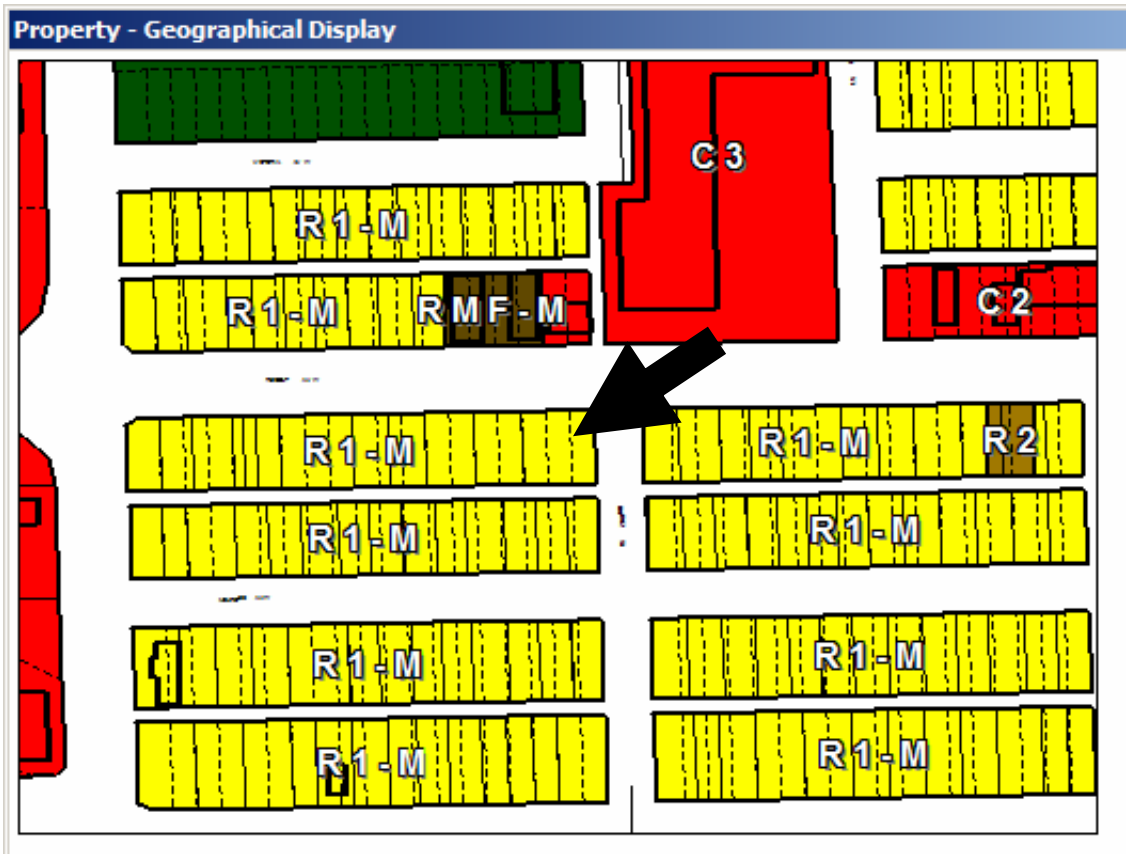
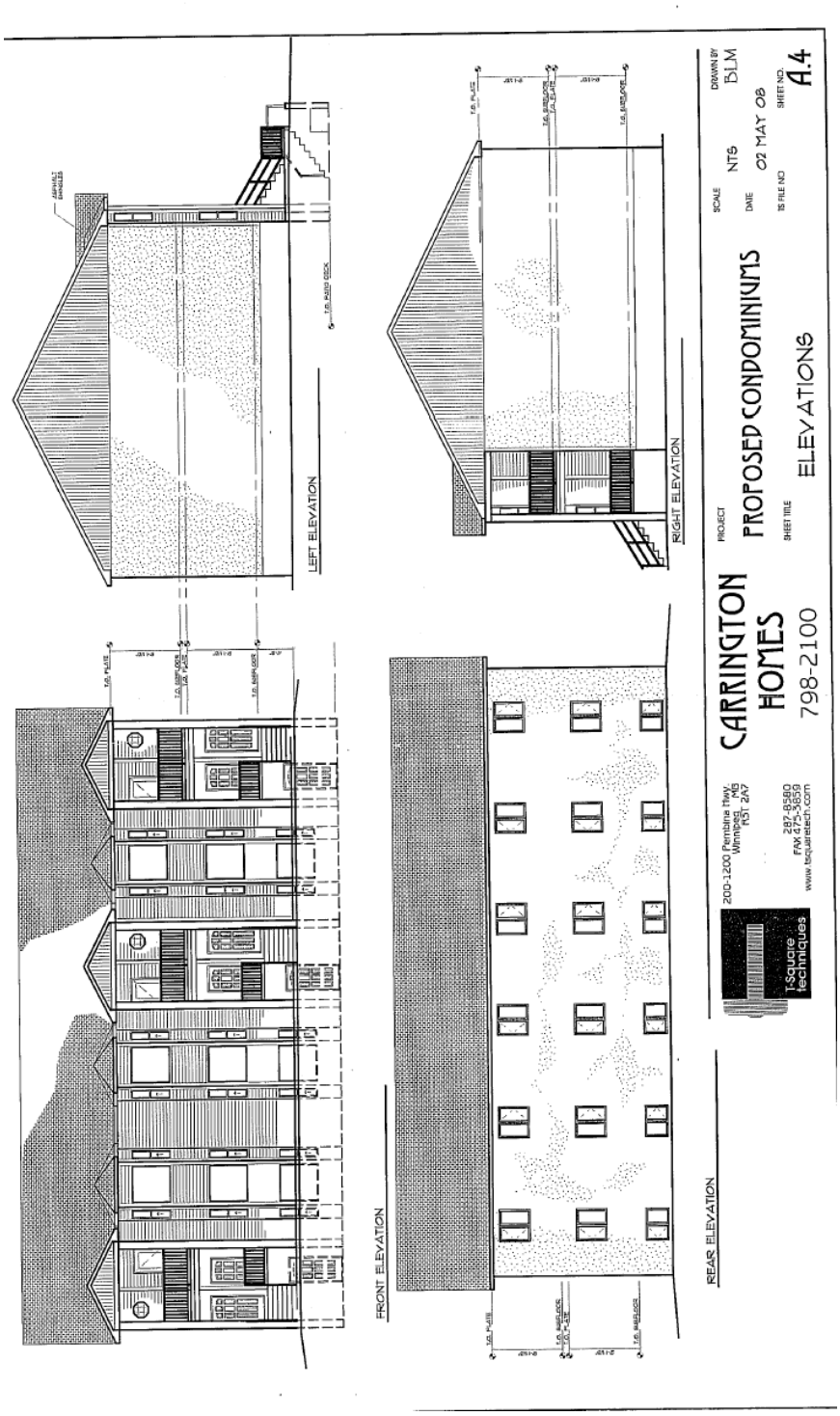
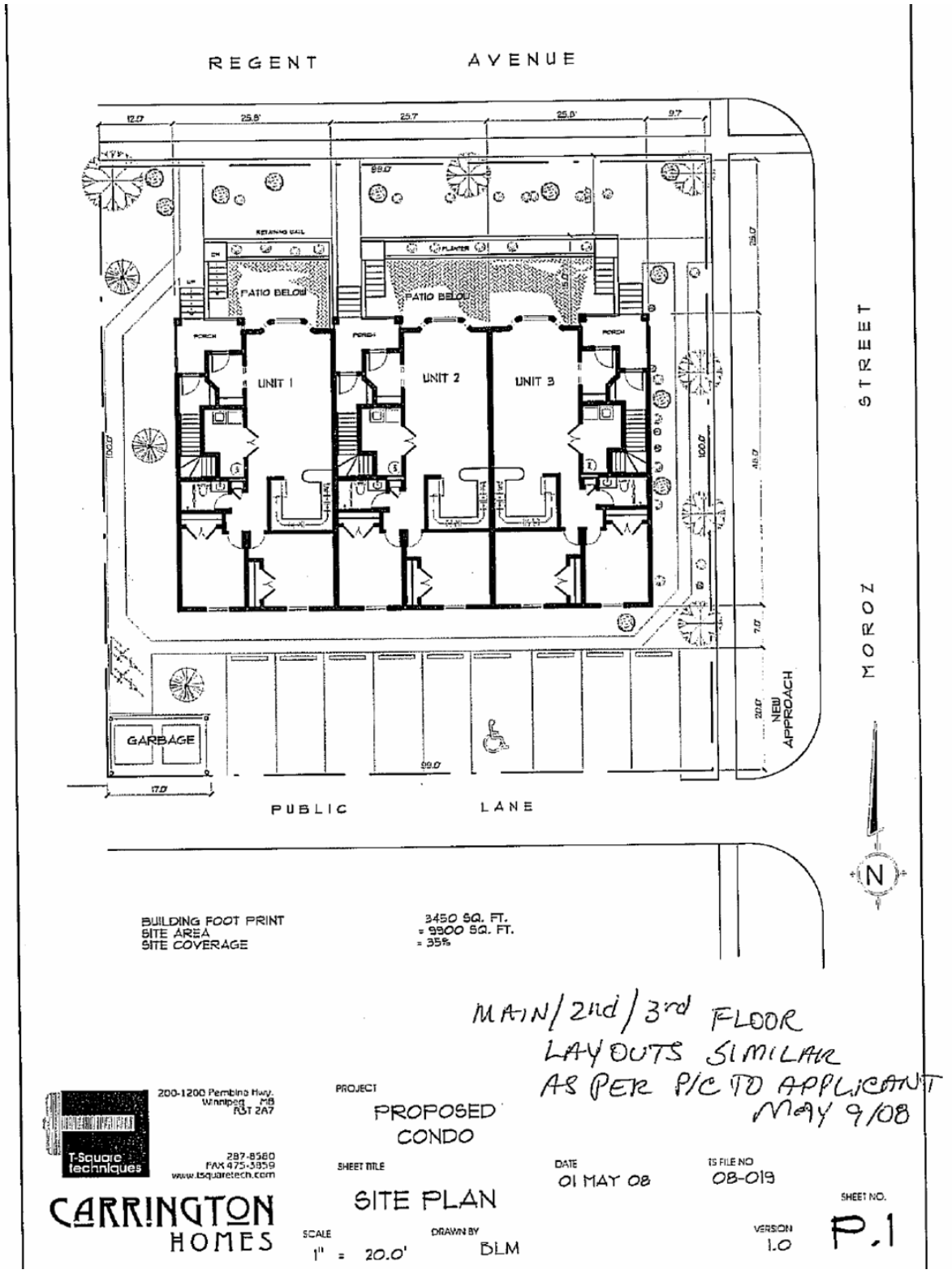


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "8" referred to in File DASZ 13/2008




REGENT AVENUE
MOROZ STREET
PUBLIC LANE
PATIO BELOW
PATIO BELOW
UNIT 1
UNIT 2
UNIT 3
GARBAGE
NEW APPROACH
N
BUILDING FOOT PRINT 3450 SQ. FT.
SITE AREA = 9900 SQ. FT.
SITE COVERAGE = 35%
MAIN/2nd/3rd FLOOR LAYOUTS SIMILAR AS PER P/C TO APPLICANT MAY 9/08
T-Square techniques
200-1200 Pembina Hwy. Winnipeg MB R3T 2A7
287-8560 FAX 475-3859 www.tsquaretech.com
CARRINGTON HOMES
PROJECT
PROPOSED CONDO
SHEET TITLE
SITE PLAN
DATE
01 MAY 08
TS FILE NO
08-019
SHEET NO.
P.1
SCALE
1" = 20.0'
DRAWN BY
BLM
VERSION
1.0