Minute No. 438
Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 10 Subdivision and Rezoning - 540 Regent Avenue West (Transcona Ward) File DASZ 6/2009

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 6/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 6/2009 dated May 12, 2009, 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.

        ii. That the proposed development shall be limited to a maximum height of 3 storeys.

        iii. That the proposed development shall be limited to a maximum of 12 units.

        iv. That the slope of the flat roof shall be limited to a maximum rise/run ratio of 1:3.

Report - Standing Policy Committee on Property and Development - June 2, 2009

COUNCIL DECISION (continued):

3. 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.

4. 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.

5. 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.

6. 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.

7. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

8. That the Acting 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.

9. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development – June 2, 2009

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, the Executive Policy Committee concurred in the recommendation 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 June 2, 2009, 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 19, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service dated May 12, 2009 with the following amendments, namely:

- Add the following Recommendations 2 A. ii. to 2. A. iv. inclusive, namely:

  "2. A. ii. That the proposed development shall be limited to a maximum height of 3 storeys

  iii. That the proposed development shall be limited to a maximum of 12 units

  iv. That the slope of the flat roof shall be limited to a maximum rise/run ratio of 1:3,"

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 540 Regent Avenue West**
File DASZ 6/2009 [c/r DAV 109208/2009D]

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **May 20, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 19, 2009, 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 6/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 6/2009 dated May 12, 2009, 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.

        ii. That the proposed development shall be limited to a maximum height of 3 storeys.

iii. That the proposed development shall be limited to a maximum of 12 units.

iv. That the slope of the flat roof shall be limited to a maximum rise/run ratio of 1:3.

3. 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.

4. 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.

5. 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.

6. 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.

7. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

8. That the Acting 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.

9. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

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. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 12, 2009.

2. The applicant held two open houses, there is support from the community for the project and the project will enhance the area.

PUBLIC HEARING SUMMARY

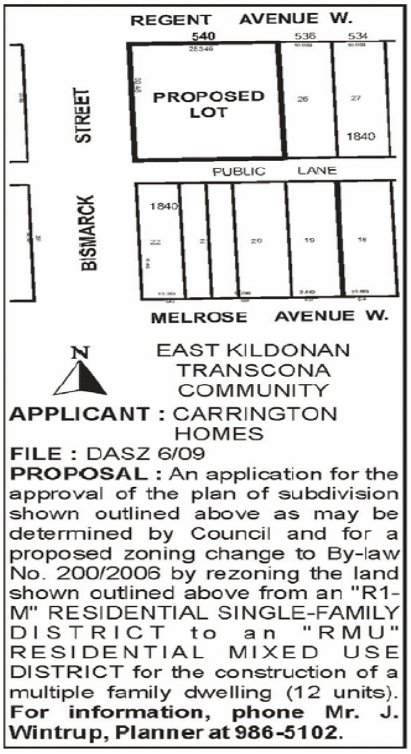
File: DASZ 6/2009 [c/r DAV 109208/2009D]

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

Public Hearing: May 19, 2009
Community Committee Chamber
755 Henderson Highway

Applicant: Carrington Homes
(Karl Devlin)

Subject:



Premises Affected: 540 Regent Avenue West

Exhibits Filed:
1. Application dated March 5, 2009
2. Notification of Public Hearing dated March 13, 2009

3. Manitoba Status of Titles 2350239 and 2350240
4. Surveyor's Building Location sketch dated March 4, 2009
5. Plans (5 pages)
6. Report from the Planning and Land Use Division dated May 12, 2009
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Carla and Karl Devlin
Brian Mansky
Maggie Ozarko
W. Porter

In Opposition

Jason Savage

For the City:

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

Exhibit "6" referred to in File DASZ 6/2009 [c/r DAV 109208/2009D]

ADMINISTRATIVE REPORT

ISSUE: **540 Regent – DASZ 6/2009 – May 12, 2009**

For Submission to: **East Kildonan – Transcona Community Committee**

AUTHORIZATION

Author	Department Head	CFO	CAO
John S. Wintrup Principal Planner			

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 6/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated May 12, 2009 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 6/2009 dated May 12, 2009, 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.

3. 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.

4. 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.

5. 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.

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8. 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.

9. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

APPLICANT:	Karl Devlin Carrington Homes 2 Kristine Place East St Paul MB R2E 0M1
OWNER:	CARRINGTON HOMES INC. 2 KRISTINE PL EAST ST PAUL MB R2E 0M1
LOCATION:	southeast corner of Bismarck Street and Regent Avenue West in the Melrose neighbourhood (4.402) of the Transcona Ward.
LEGAL DESCRIPTION:	LOT 23/25 BLOCK 127 PLAN 1840 NW 5 11 4E
SITE DESCRIPTION: Size:	 4,967 sq. ft

Plan Winnipeg: Neighbourhood Policy Area

Zoning: "R1-M" Single Family District - Medium

CURRENT LAND USE: one story, 641 square feet single family dwelling constructed in 1947 dwelling with vehicle access from the rear public lane (Attachment "1").

SURROUNDING LAND USES AND ZONING:

North: across Regent Avenue, commercial strip mall and gas station zoned C2, single family dwellings zoned R1-M (Attachment "2").
South: across rear public lane, single family dwellings zoned R1-M.
East: single family dwellings zoned R1-M.
West: across Bismarck, single family dwellings zoned R1-M and two-family dwellings zoned R2.

DESCRIPTION OF THE DEVELOPMENT:

- The single family dwelling will be removed and a 12 unit, 3 story multiple family dwelling constructed.
- Exterior balconies will be constructed on the north and south elevations.
- Common entrances will include a main front door, and a rear door – stair case will be internal to the building.
- There will be 9 parking stalls at the rear of the lot with direct access to the public lane.
- Preliminary site plans show a 9 foot west side yard, 8.95 east side yard, 20 foot front yard.
- The building will be 50 feet by 74 feet.
- The applicant is considering an office space for one of the units.

A. DEVELOPMENT CONSIDERATIONS

1. <u>Land Use By-Law</u>

- The Variance may be appealed to the Appeals Committee for a new public hearing.
- The mixture of residential and office space is only allowed under the RMU zoning.
- **RMU Commercial Mixed Use District** is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development.
    - The area, site, or building should retain a predominantly residential character.
    - Development in the RMU district should facilitate and encourage pedestrian travel between residential and nonresidential uses.
    - This district is often adjacent and incidental to a town centre, neighbourhood commercial centre, or other type of mixed use or major employment centre.
    - There is a front yard requirement of 20 feet & rear yard requirement of 25 feet and the maximum building height is 100 feet.
    - The minimum lot area per dwelling unit is 500 square feet per dwelling unit.

  - The size of the lot, 9,306.51 square feet at a density of 500 square feet per dwelling unit would allow 19 dwelling units.
  - Offices, restaurants, retail sales and Personal Services are permitted uses.

- **"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).
  - The size of the lot, 9,306.51 square feet at a density of 800 square feet per dwelling unit would allow 12 dwelling units
- The development also requires variances related to substandard front yard, east side yard and parking directly from a lane (DAV 09-109208/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 variances are for substandard front yard, west corner side yard, and parking.
- There are two land titles that need consolidating to allow a building to be constructed on the property: lots 23/24 will be consolidate with lot 25 for one lot under a new plan of subdivision.

2. **Public Consultation**

- The applicant held a public open house on March 29, 2009 at Canad Inns Regent from 2:00pm to 5:00 pm.
- Ten residents signed the attendance sheet, 8 filled out an Information Survey all of whom indicated support for the project.

3. Transportation And Site Access

- The existing rear lane between Bismarck and Hoka Street 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 and located in the south east corner of the Planned Area.
- There is a public sidewalk on north side of the property, adjacent Regent Avenue; and on the west side of the property, adjacent Bismarck Street.
- Front walks will connect the main entrance of the building to the public sidewalk on Regent.
- Bicycle parking will be provided on the east side of the property, adjacent to the parking area.

4. Site Design

- The applicant may also be requested to construct a wood barrier, privacy fence against the neighbour to the east if such a fence does not exist.
- The garbage containers need to be fully enclosed with screening.
- Bicycle parking should include a lockable bike facility such as a screened cage to properly secure bicycle over night.
- Requirement for site plan approval from the East Kildonan – Transcona Community Committee will address these issues.

5. Land Dedication

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

B. REASONS FOR RECOMMENDATION

- The proposed zoning designation will further diversify the type of dwellings available in the neighbourhood providing a mix of lot sizes and types.
- The proposed RMU does not seem appropriate at this location given the zoning definition of this category under the Zoning By-law.
- RMU has been conceived as an intense mixture of residential and commercial land-uses on one lot or possibility in a 'Main Street' scenario of the traditional ground floor retail with residential above.
- The uses allowed under RMU include office spaces as well as restaurants, retail sales, post office, and drinking establishments, which may have not been effectively communicated to the nearby residents.
- The residential characteristics along the south side of Regent are strong, and prevail from Plessis Road to Winona Street.
- Therefore, the Division is recommending the RMF-M zone – which is less intense zone then RMU – that matches the proposed residential development.

HISTORY

FINANCIAL IMPACT

Financial Impact Statement **Date:**

Project Name: **First Year of Program**

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -
Additional Comments:					

original signed by
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup
PPD File No.	DASZ 6/09

Appendix:
1. Schedule “A” for File No. DASZ 6/09, East Kildonan – Transcona Community Committee, dated May 12, 2009.
2. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands
3. Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

Schedule "**A**" for File No. DASZ 6/09, East Kildonan – Transcona Community Committee, dated May 12, 2009.

By–Law No. _____

File No. **DASZ 6/09**

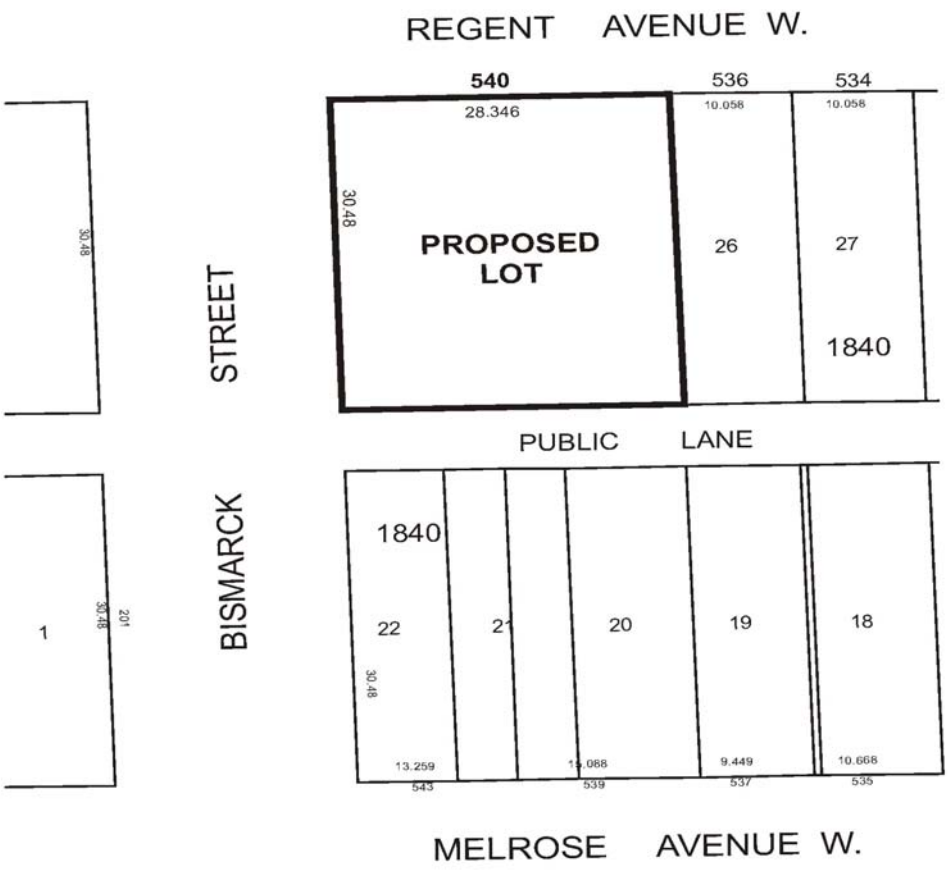
Atlas Sheet No. **Z34**

N

EAST KILDONAN TRANSCONA COMMUNITY

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 540 Regent Ave W. from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.

