Minutes – Executive Policy Committee – December 8, 2010

Minute No. 51
Report – Standing Policy Committee on Property and Development – December 6, 2010

Item No. 13 Rezoning – 488 Henderson Highway
(North Kildonan Ward)
File DAZ 213/2010 [c/r DAV 130394/2010D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213/2010 dated September 20, 2010, to "RMF-S" Residential Multi-Family District – Small subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        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 there shall not be more than 17 Residential Units permitted on "the land."

2. 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 – December 6, 2010

3. 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.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

Minutes – Executive Policy Committee – December 8, 2010

Report – Standing Policy Committee on Property and Development – December 6, 2010

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 6, 2010, 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 September 28, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Add the following Recommendation 1. A. ii.

  "1. A. ii. That there shall not be more than 17 Residential Units permitted on "the land.""

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

RE: **Rezoning – 488 Henderson Highway**
File DAZ 213/2010 [c/r DAV 130394/2010D]

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 4, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 28, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213/2010 dated September 20, 2010, to "RMF-S" Residential Multi-Family District – Small subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        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 there shall not be more than 17 Residential Units permitted on "the land.

2. 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.

3. 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.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

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. This lot has been vacant for a while.

2. This is going to be a positive development.

3. This will make Henderson an even more exclusive enclave.

PUBLIC HEARING SUMMARY

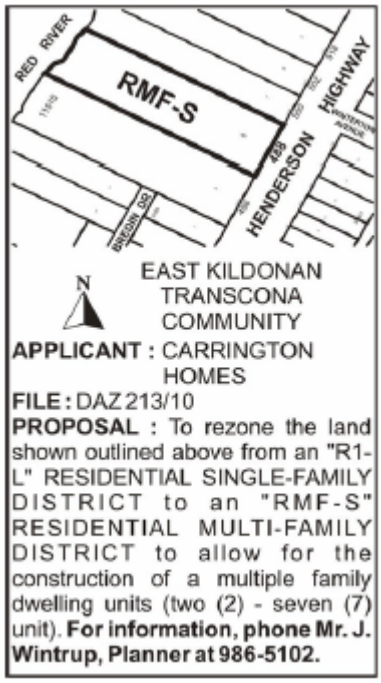
File: DAZ 213/2010 [c/r DAV 130394/2010D]

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

Public Hearing: September 28, 2010
The Royal Canadian Legion, Transcona Branch
117 Regent Avenue East

Applicant: Carrington Homes Inc.
(Karl Devlin)

Subject:



Premises Affected: 488 Henderson Highway

Exhibits Filed:
1. Application dated June 3, 2010
2. Notification of Public Hearing dated July 20, 2010
3. Manitoba Status of Title 1375075
4. Letter of authorization dated May 5, 2010 from Pier Property Inc. to Carrington Homes Inc.
5. Plans (2 pages)

6. Report from the Planning and Land Use Division dated September 20, 2010
7. Inspection Report
8. Communication in opposition to the application dated September 29, 2010 form Lorrie Sigurdson, submitted at the public hearing by Loretta Minsky
9. Audio Recording of representations

In Support:

Karl Devlin, Carrington Homes Inc.

In Opposition

Della and Albert Hartwig
Edward and Joanne Kaletzke
Loretta Minsky
Lorrie Sigurdson

For Information:

Nil

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 213/2010 [c/r DAV 130394/2010D]

ADMINISTRATIVE REPORT

Title: DAZ 213/2010 – 488 Henderson

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow the construction of 15 unit multiple-family dwellings.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213/10 dated September 20, 2010, to RMF-S Residential Multi-Family District – Small subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      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.

2. 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.

3. 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.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The applicant intends to construct (2) multiple family buildings, each having seven (7) units, on a vacant 35,794 sq. ft lot lots for new single family dwellings zoned **R1-L Residential Single-Family District – Large** on Henderson Hwy.
- The proposed use will enhance the variety of housing forms and sizes available to residents in the community.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, twenty-seven (27) single - family dwellings on fully serviced lots will be allowed for construction on the lands.

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 Wintrup
Date:	September 20, 2010
File No.	DAZ 213/10

List of Schedules and Attachments

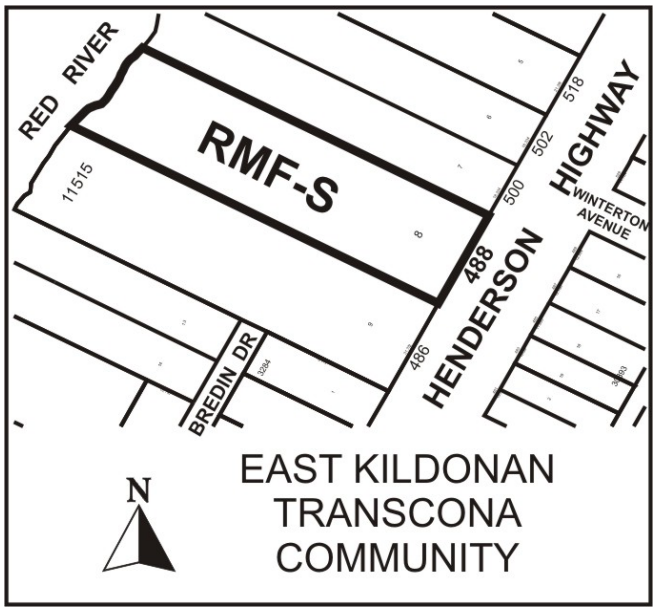
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 213/2010

APPENDIX 'A'

DATE: September 20, 2010
FILE: DAZ 213/10
RELATED FILES: DAV 10-130394/D
COMMUNITY: Kildonan Drive
NEIGHBOURHOOD #: 4.411

SUBJECT: Rezoning to allow the construction of 15 unit multiple-family dwellings.

LOCATION: 488 Henderson Hwy



APPLICANT: Carrington Homes (Karl Devlin)
2 Kristie Place
East St. Paul, MB

OWNER: Pier Property Inc.
2595 Inkster Blvd.
WINNIPEG MB

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to construct (2) multiple family buildings, each having seven (7) units, on a vacant 35,794 sq. ft lot lots for new single family dwellings zoned **R1-L Residential Single-Family District – Large** on Henderson Hwy.
- The proposed use will enhance the variety of housing forms and sizes available to residents in the community.

SURROUNDING LAND USES AND ZONING

- The subject property is 35,794 sq. ft located on the west side of Henderson Hwy between Ottawa Street and Winterton Ave in the Kildonan Drive neighbourhood of the North Kildonan ward.
- The site is zoned **R1-L Residential Single-Family District – Large**.
- The site is roughly rectangular-shaped and is vacant land.
- Adjacent properties include single family dwellings to the north and south along Henderson Hwy zoned "R1-L" Single Family Residential.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct (2) multiple family buildings, each having seven (7) units, on a vacant 35,794 sq. ft lot lots for new single family dwellings zoned **R1-L Residential Single-Family District – Large** on Henderson Hwy.
- The building adjacent to Henderson Hwy will be 32.07 feet from the east property line.
- The buildings will not be any taller than 35 feet in height.
- An ingress / egress will be located on the north side of the property.

ANALYSIS AND ISSUES

PLAN WINNIPEG

Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

This development meets several key goals of Plan Winnipeg including *infilling of vacant lands* (3A-02 iv) and *supporting new development which is adjacent to, and compatible with, existing development and designed to minimize the spatial use of land* (3A-02v).

There is a demonstrated need for a mix of residential housing types in the City and a growing recognition that infill lands, with existing services in place, are the best place to accommodate it.

The Conference Board of Canada has projected a substantial shift in the share of new units, away from single-family, and towards apartment/condo multiple-family units, over the next 20+ years. As per the Conference Board forecast from 2009 to 2031:

- Single-family is projected to decrease from a 71% share to a 35% share of housing starts
- Multiple-family is projected to rise from a 29% share to a 65% share of housing starts.

A key assumption in the Conference Board projections is that, as the 'boomer' generation ages, they will generally leave their single-family homes and move into condos or apartments.
By providing a variety of different housing types in each neighbourhood, people have an opportunity to "age in place" – staying in familiar surroundings and keeping the same networks of friends.

HENDERSON HIGHWAY CORRIDOR SECONDARY PLAN (By- Law NO. 3215/82)
Henderson Highway Corridor Secondary Plan was approved by City Council on February 2, 1983.

The Secondary Plan was initiated in response to a number of rezoning requests along the northwest portion of Henderson Hwy. The rezoning proposals involved lands zoned for and occupied by low-density residential uses, but proposed to be rezoned for commercial uses.

The intent of the secondary plan is to promote the orderly development on Henderson Hwy and to preserve and maintain the stable residential neighbourhoods presently abutting Henderson Hwy within the Plan Area. Commercial land-uses are viewed as 'incompatible' with single-family residential land-uses. The plan policies objectives are for single-family dwellings/zoned lots to be retained and not redeveloped into commercial land-uses unless it involved the complete block.

On July 5, 2001, Standing Policy Committee on Property and Development directed the administration to proceed with a review of the Henderson Highway Corridor Action Area Plan.

On December 4, 2001, The East Kildonan – Transcona Community Committee concurred in and forwarded to the Standing Policy Committee on Property and Development the recommendation from the Administration:

That the existing interpretation of the Plan continue to be recognized, this being to prohibit commercial redevelopment of single-family residential properties on Henderson Highway in order to preserve the existing neighbourhoods and to maintain the stability of the residential development presently existing on Henderson Highway.

ZONING (BY-LAW 200/2006)

- **RMF- S Residential Multi-Family District - Small** 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 35 feet.
    - The minimum lot area per dwelling unit is 1,250 square feet per dwelling unit.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 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.

LAND-USE BY-LAW

- The variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.

- Variances are required for substandard front yard as the established setback for buildings along this section of Henderson Hwy is 180 feet.

TRANSPORTATION AND SITE ACCESS

The Division reviewed the possibility of Bredin Drive being extended north through the adjacent property to the south, to facilitate the creation of additional single family dwellings. Bredin Drive, upon site inspection, appears to have a rough surface (gravel / chip seal). There are no underground services in Bredin with the exception of water. The location of the single family dwelling at 486 Henderson and the houses north of the subject property, make it unlikely Bredin can be extended without alternating the course of the road to the east, significantly reducing the buildable lots that would back onto Henderson Hwy/front Bredin. However, should Bredin be extended north, the road can be connected to Henderson Hwy via 486 Henderson.

SITE DESIGN ISSUES

A preliminary building and site plans has been submitted. The plans indicate a two story row house walk ups located on the along the south side of the property with parking and ground floor garages. A two story building will be located on the west side of the property, parallel to the Red River with a parking area for seven (7) located in front.

PUBLIC CONSULTATION

On May 20, 2010, the applicant held a public open house at the Bronx Community Centre regarding this development application.

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 to the City for parks purposes.
- The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %.
- 'Cash in lieu' of land will be required under this development application.

RECOMMENDATIONS

The Planning and Land-Use Division supports rezoning the property to residential to allow the construction of a multiple family residential dwellings:

- The proposed use will enhance the variety of housing forms and sizes available to residents in the community.
- The proposed development is near local shops, and along a major transit corridor with connections to Downtown & shopping centres.

- The proposed development helps to meet this growing trend in the City of Winnipeg of providing multiple family dwellings in the communities where people are familiar with the area.

The Division is furthering recommending that a Zoning Agreement be placed on the title to address the final design of the building to be reviewed by the EKTCC is necessary to ensure the landscaping, fencing, building; etc addresses the concerns of the adjacent neighbours.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DAZ 213/10

Schedule “A” for File No. DAZ 213/10, East Kildonan – Transcona Community Committee, dated September 20, 2010.

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By–Law No. _____

File No. **DAZ 213/10**

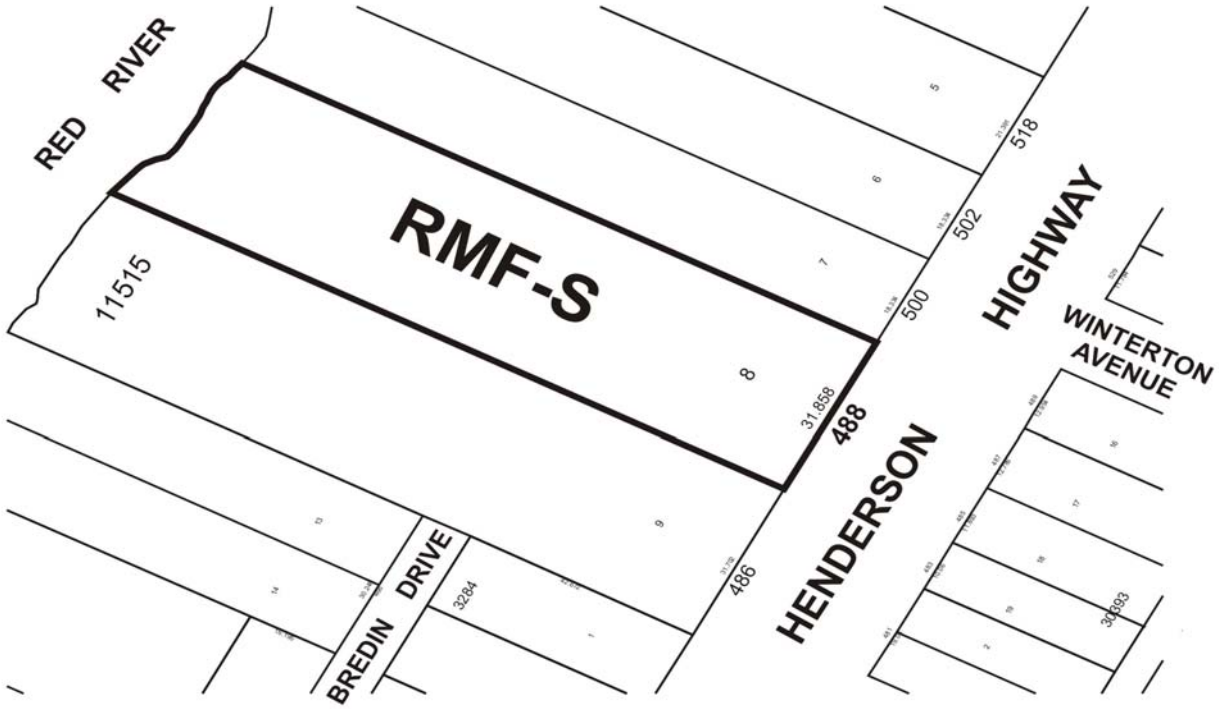
Atlas Sheet No. **W27**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 488 Henderson Highway from an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multiple family dwelling units (two (2) - seven (7) unit) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Existing Zoning for subject property and Surrounding Area.



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