Minutes - Executive Policy Committee – April 18, 2012

Minute No. 228
Report - Standing Policy Committee on Property and Development – April 10, 2012

Item No. 3 Subdivision and Rezoning – 1967 and 1977 Henderson Highway (North Kildonan Ward)
File DASZ 50/2011

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 plan of subdivision proposed under File DASZ 50/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2011 dated March 6, 2012 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 50/2011 dated March 6, 2012, to a "C2" Commercial Community 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 Lot 1 shall have a minimum rear yard of 30 feet.

        iii. That Lot 2 shall have a minimum rear yard of 30 feet.

Report - Standing Policy Committee on Property and Development – April 10, 2012

iv. That there shall be no advertising signs, mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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 two years 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 the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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 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 an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That the Director of Legal Services and City Solicitor 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 – April 10, 2012

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

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 April 10, 2012, 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 March 13, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Recommendation 2. A. iii by deleting “130 feet” and replacing it with “30 feet”,

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

RE: **Subdivision and Rezoning – 1967 and 1977 Henderson Highway**
File DASZ 50/2011

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: **March 15, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 13, 2012, 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 proposed under File DASZ 50/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2011 dated March 6, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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        ii. That Lot 1 shall have a minimum rear yard of 30 feet.
        iii. That Lot 2 shall have a minimum rear yard of ~~***130 feet***~~ 30 feet.
        iv. That there shall be no advertising signs, mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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10. That the Director of Legal Services and City Solicitor be requested to do all things 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. The residents of North Kildonan are always commenting that they would like to see more commercial development on Henderson Highway.

PUBLIC HEARING SUMMARY

File: DASZ 50/2011

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

Public Hearing: March 13, 2012
Bronx Park Community Centre
720 Henderson Highway

Applicant: Roy Robertson, Passages Incorporated

Subject:



Premises Affected: 1967 & 1977 Henderson Highway

Exhibits Filed:

1. Application dated January 6, 2012
2. Notification of Public Hearing dated January 17, 2012
3. Manitoba Status of Title(s) 2454181, 2552913 and 2552915
4A. Letter of authorization dated October 12, 2011 from Passages Incorporated to Roy Robertson
4B. Letter of authorization dated October 12, 2011 from L.N.R. Development Corp. to Roy Robertson
5. Surveyor's Building Location Certificate and sketch dated November 23, 2011
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated March 6, 2012
8. Inspection Report

REPRESENTATIONS:

In Support:

Roy Robertson, Passages Incorporated

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 50/2011

ADMINISTRATIVE REPORT

Title: DASZ 50/11 – 1967 Henderson Hwy

Issue: For consideration at the public hearing to rezone and subdivide three properties to enable future commercial development

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 plan of subdivision proposed under File DASZ 50/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 50/2011 dated March 6, 2012 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 50/2011 dated March 6, 2012, to a "C2" Commercial Community District subject to the following:

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      ii. That Lot 1 shall have a minimum rear yard of 30 feet.
      iii. That Lot 2 shall have a minimum rear yard of 130 feet.

iv. That there shall be no advertising signs, mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

REASON FOR THE REPORT

- The applicant intends to rezone the subject property from “R1-L” Residential Single Family district to a “C2” Commercial Community district to enable future commercial development.
- At the time of application, the applicant has not determined what land uses will be established on-site; this rezoning would permit them to establish any land use that is permitted in the “C2” district.
- The applicant is also proposing to consolidate Lot 47, the landlocked parcel, with Lot 49. This is being proposed at the request of the Urban Planning Division to avoid the ongoing maintenance of landlocked parcels.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

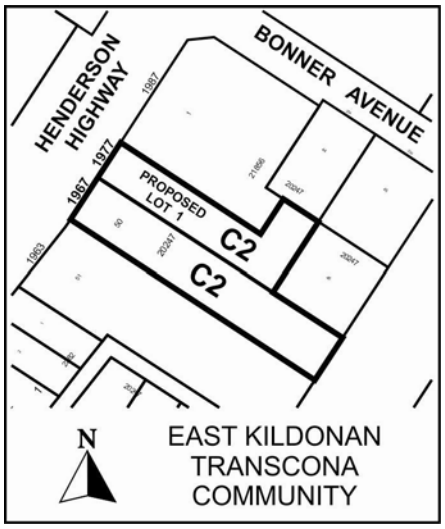
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	March 6, 2012
File No.	DASZ 50/11

APPENDIX 'A'

DATE: March 6, 2012
FILE: DASZ 50/11
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.418

SUBJECT: To rezone the subject properties from "R1-L" Residential Single Family district to "C2" Commercial Community district and to consolidate Lots 47 and 49.

LOCATION: 1967 Henderson Hwy



APPLICANT: Roy Robertson
Passages Incorporated
159(B) Lilac St
Winnipeg MB R2M 2S1

OWNER: Passages Incorporated (Lot 50)
159(B) Lilac St
Winnipeg MB R2M 2S1

L.N.R. Development Corp. (Lots 47 and 49)
159(B) Lilac St
Winnipeg MB R2M 2S1

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from “R1-L” Residential Single Family district to a “C2” Commercial Community district to enable future commercial development.
- At the time of application, the applicant has not determined what land uses will be established on-site; this rezoning would permit them to establish any land use that is permitted in the “C2” district.
- The applicant is also proposing to consolidate Lot 47, the landlocked parcel, with Lot 49. This is being proposed at the request of the Urban Planning Division to avoid the ongoing maintenance of landlocked parcels.

SITE DESCRIPTION

- The subject property is located on the east side of Henderson Hwy between Strood Av and Bonner Av in the River East neighbourhood of the North Kildonan ward.
- The subject property is comprised of Lots 47, 49, and 50 of Plan 20247. Lot 49 is 10,000 sq. ft. in area, with 50 ft. of frontage along Henderson. It is occupied by a 1,541 sq. ft., 1 ½ storey single family dwelling. Lot 50 is 21,000 sq. ft. in area, with 60 ft. of frontage along Henderson. It is occupied by a 998 sq. ft., one storey single family dwelling. Lot 47 is a 5,009 sq. ft. landlocked parcel located behind Lot 49.
- Adjacent properties include a gas station to the north zoned “C2” Commercial Community district, an auto service station to the south zoned “C2”, a nursing home to the west across Henderson zoned “RMF-S” Residential Multi-Family district, and the rear yards of single family properties to the east zoned “R1-L” Residential Single Family district.

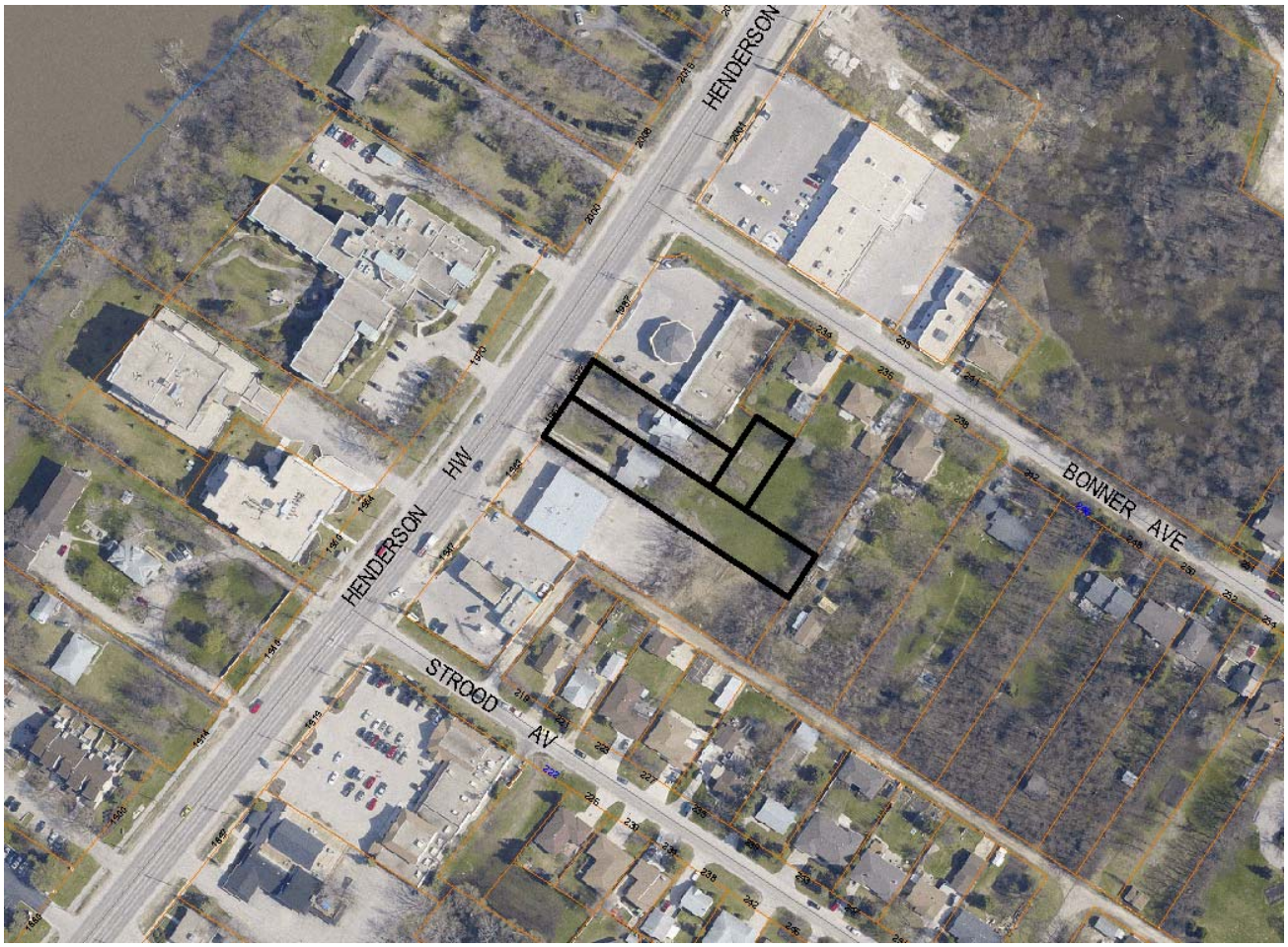


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from "R1-L" Residential Single Family district to a "C2" Commercial Community district to enable future commercial development.
- At the time of application, the applicant has not determined what land uses will be established on-site; this rezoning would permit them to establish any land use that is permitted in the "C2" district.
- The applicant is also proposing to consolidate Lot 47, the landlocked parcel, with Lot 49. This is being proposed at the request of the Urban Planning Division to avoid the ongoing maintenance of landlocked parcels.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, Henderson Hwy is designated as a "Regional Mixed Use Corridor". While corridors such as Henderson serve as major transportation routes, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work, and play. Through their residential, employment, and commercial intensification, people will be able to access a greater number of goods and services with one trip. Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.

North Henderson Highway District Plan

- The subject property falls within the boundaries of the North Henderson Highway District Plan.
- The subject property falls within Sub-Area 1 of the Plan, which designates the entire frontage on the east side of Henderson between McIvor Av and Bonner Av as commercial to a depth of 220 ft.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Commercial Community (C2) district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.

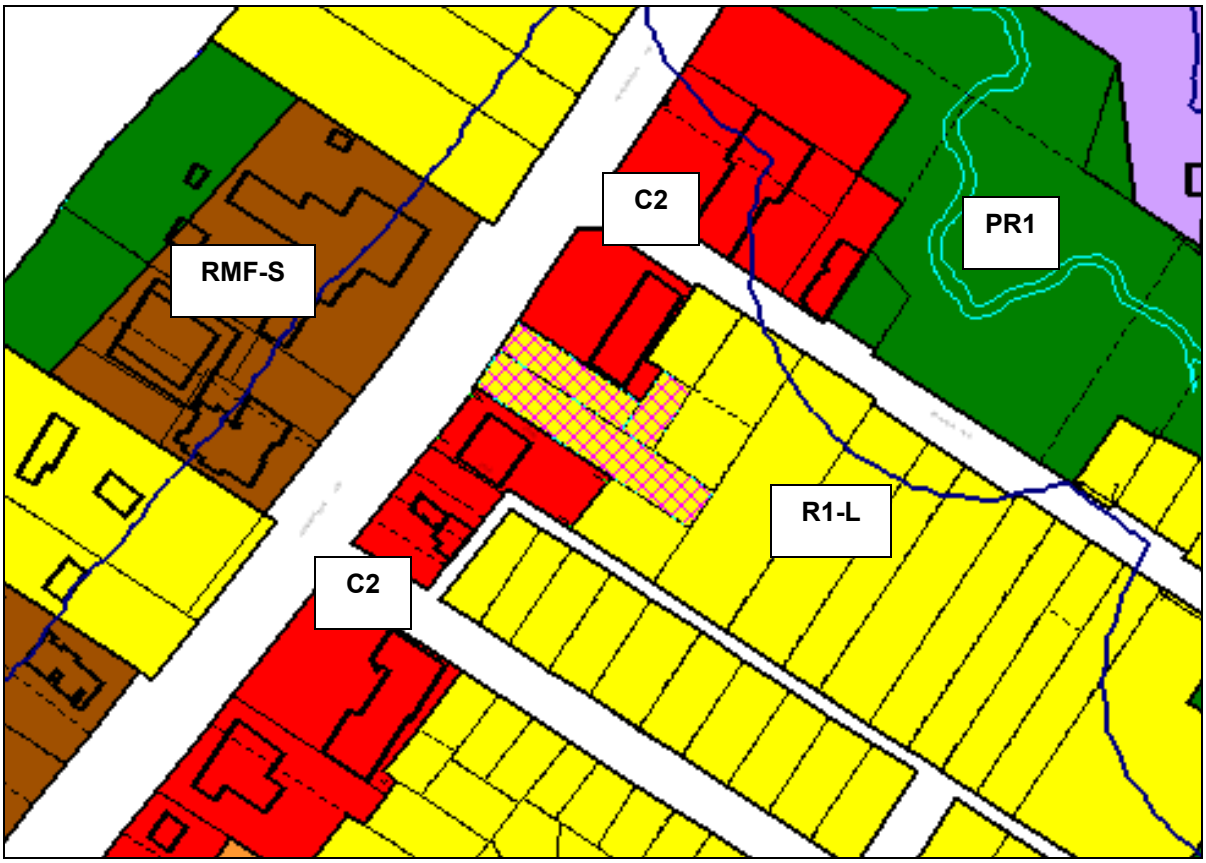


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional principal uses in each zoning district. The following uses are either permitted or conditional in the "RMF-S" district:

Permitted	Conditional
Assisted living facility	Dwelling, live-work*
Care home*	Dwelling, multi-family
Neighbourhood rehabilitation home*	Dwelling, single-family detached
Single room occupancy*	Dwelling, two-family
Community/recreation centre	Boat dock, public access
Library	Hospital*
Post office/carrier depot	Cultural centre
Protection and emergency services	Hall rental
Social service facility	Private club, not licensed*
College or university	Amusement enterprise, outdoor
Commercial school	Body modification establishment
Community gardens	Cheque-cashing facility*
Park/plaza/square/playground	Funeral chapel or mortuary
Day care centre*	Auction room
Place of worship*	Pawnshop*
Gallery/museum	X-rated store*

Amusement enterprise, indoor* Auditorium/concert hall/theatre/cinema* Studio, radio/TV/motion picture broadcast and production Hostel Hotel or motel Animal hospital or veterinary clinic Kennel* Drinking establishment* Restaurant* Office Personal services (unless otherwise listed)* Medical/dental/optical/counseling clinic Retail sales* Landscape or garden supplies Supermarket* Auto/light truck/motorcycle, repair and service* Auto/light truck/motorcycle, sales and rental* Auto parts and supplies, sales Drive-in or drive-thru* Fuel sales* Parking, structured Utility facility, minor* Contractor's establishment Recycling collection centre	Advertising sign Car wash Parking, surface Bus depot Commercial marina Transit station Fleet services
* - Subject to use-specific standards	

Figure 3: Permitted and conditional uses in the "RMF-S" district

- Section 148 of the zoning by-law prescribes dimensional standards for the "C2" district.

	Min/Max Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.) *	Min. Corner Side Yard (ft.)	Max. Height of Building (ft.)	Max. Floor Area Ratio
C2	0 / NA	25	0	0	49	3.0
* - Where a side or rear lot line in a commercial zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 ft. must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 ft. side yard must be landscaped pursuant to sections 188 through 193*, Landscaping and Buffering*, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.						

Figure 4: Dimensional standards for the "C2" district

Pentland St infill concept plan

- In the past, the Urban Planning Division has prepared concept plans to illustrate ways for large, vacant pieces of land to development. Figure 5 illustrates how infill development

might be accommodated east of the subject property. As is apparent, the proposing subdivision and rezoning application will not hinder this.

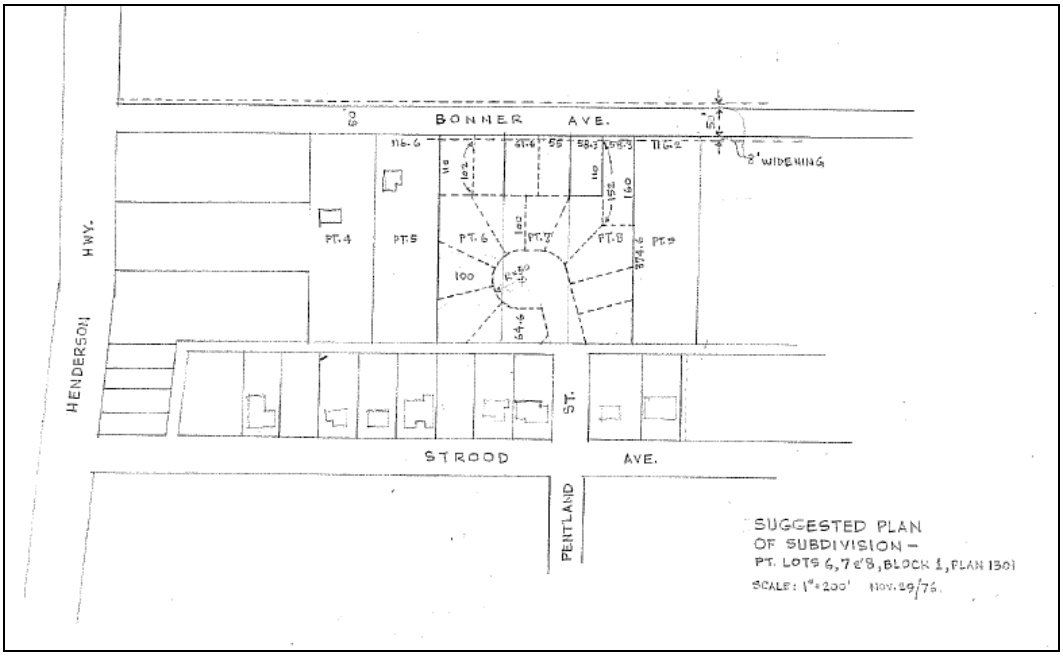


Figure 5: A concept plan for the lands adjacent to the east

Compatibility with the surrounding neighbourhood

- Over time, the east side of Henderson Hwy has evolved into a commercial character, to the point where the subject property is the only single family residential property for a considerable distance. A "C2"-zoned property is compatible with the rest of the commercially-zoned properties along Henderson. It is also consistent with the North Henderson Highway District Plan.
- The Urban Planning Division is slightly concerned about rezoning the subject property without seeing plans for the site's development. However, plan approval is recommended as a condition of approval to provide an opportunity for review.
- The Urban Planning Division also has some concern with the depth of the proposed commercial zoning, given its proximity to residential dwellings. The North Henderson Highway District Plan designates the subject property as Commercial to a depth of 220 ft. The proposed north lot, Lot 1, will have a depth of 250 ft. and the proposed south lot, Lot 2, will have a depth of 350 ft. In order to ensure compatibility with the residential properties in the rear, a larger rear yard requirement is being recommended as a condition in the zoning agreement – 30 ft. for Lot 1 and 130 ft. for Lot 2. A rear yard can still accommodate surface parking[1], as well as a few other permitted projections as per Section 159 of the zoning by-law, but development otherwise will be significantly restricted.

[1] A landscaped buffer must be installed where a side or rear lot line of a lot in a commercial or institutional or manufacturing zoning district abuts a lot in a single, two-family, or multi-family residential zoning district, as per Section 190(7) of Zoning By-law No. 200/06.

- A restriction on excessive signage, such as mobile signs, advertising signs, and electronic message centre signs, are also recommended as a condition in the zoning agreement to ensure the provision of an attractive Henderson Hwy streetscape.

RECOMMENDATION

The Urban Planning Division recommends approval of the proposed subdivision and rezoning, as a “C2”-zoned property is compatible with the rest of the commercially zoned properties along Henderson. However, a number of provisions are recommended as conditions of the approval to be included in the zoning agreement, which were elaborated upon in the section above.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 50/2011

APPENDIX 'B'

Schedule "A" for File No. DASZ 50/11, East Kildonan-Transcona Community Committee, dated March 6, 2012.

By-Law No. _____

File No. **DASZ 50/11**

Atlas Sheet No. **S30**

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 1967 & 1977 Henderson Highway from an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____