Agenda – Executive Policy Committee – July 4, 2012

REPORTS

Item No. 4 Subdivision and Rezoning – 486 Henderson Highway (North Kildonan Ward) File DASZ 7/2012 [c/r DAV 117989/2012D]

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 7/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2012 dated June 11, 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 7/2012 dated June 11, 2012, to a "RMF-S" 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 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 486 Henderson Highway**
File DASZ 7/2012

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 19, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

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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.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. This development rejuvenates the area.
2. This development is quality work.
3. Concerns raised regarding drainage will be reviewed.

PUBLIC HEARING SUMMARY

File: DASZ 7/2012

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

Public Hearing: June 18, 2012
Transcona Legion
117 Regent Avenue East

Applicant: Karl Devlin, Carringtom Homes Inc.

Subject:



Premises Affected: 486 Henderson Highway

Exhibits Filed:

1. Application dated April 4, 2012
2. Notification of Public Hearing dated April 25, 2012
3. Manitoba Status of Title 2379859/1
4. Letter of authorization dated January 13, 2012 from Thomas and Kipkouson Lee to Karl Devlin, Carrington Homes Inc.
5. Surveyor's Building Location Certificate and sketch dated April 4, 2012
6. Plans (5 pages)
7. Report from the Planning and Land Use Division dated June 11, 2012
8. Inspection Report
9. Communication dated June 17, 2012, from Edward and Joanne Kaletzke with respect to the application
10. Plan and photographs (2) in support of the application submitted by the applicant at the Public Hearing.

REPRESENTATIONS:

In Support:

Karl Devlin, Carringtom Homes Inc.

In Opposition

Nil

For Information:

Daniel Sitar
Edward and Joanne Kaletzke

For the City:

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

Exhibit "7" referred to in File DASZ 7/2012

ADMINISTRATIVE REPORT

Title: DASZ 7/2012 – 486 Henderson Hwy

Issue: For consideration at the public hearing to rezone to accommodate one 8-unit multifamily residential building

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 7/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2012 dated June 11, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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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 split the subject property. On the rear property, the applicant intends to maintain the existing dwelling with access off Bredin Dr. On the property with access to Henderson, the applicant intends to develop one, eight-unit multifamily building on the subject property. The proposed building will be two storeys tall.
- The applicant is also proposing to rezone the subject property from “R1” Residential Single Family district to “RMF-S” Residential Multi-Family district.
- While the Urban Planning Division is broadly supportive of intensification along Henderson, it cannot support the existing site plan due to the location of the accessory surface parking lot.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will not be rezoned and subdivided.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

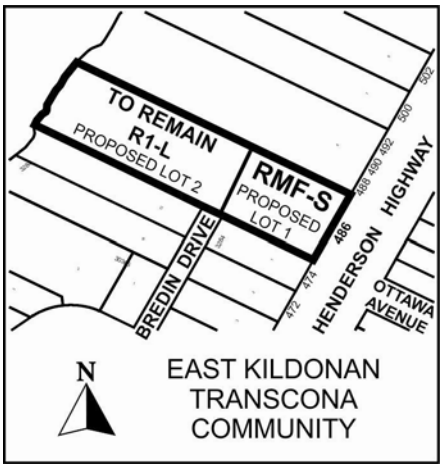
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	June 11, 2012
File No.	DASZ 7/2012

APPENDIX 'A'

DATE: June 11, 2012
FILE: DASZ 7/2012
RELATED FILES: DAV 12-117989D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.411

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Mixed Use district.

LOCATION: 486 Henderson Hwy



APPLICANT: Karl Devlin
Carrington Homes
2 Kristine Pl
East St. Paul MB R2E 0M1

OWNER: Kipkouson Lee and Thomas Lee
486 Henderson Hwy
Winnipeg, MB R2K 2H8

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to split the subject property. On the rear property, the applicant intends to maintain the existing dwelling with access off Bredin Dr. On the property with access to Henderson, the applicant intends to develop one, eight-unit multifamily building on the subject property. The proposed building will be two storeys tall.
- The applicant is also proposing to rezone the subject property from "R1" Residential Single Family district to "RMF-S" Residential Multi-Family district.
- While the Urban Planning Division is broadly supportive of intensification along Henderson, and is therefore able to support the proposed rezoning, it cannot support the existing site plan due to the

location of the accessory surface parking lot. As a result, it is recommending that the concurrent variances (DAV 12-117989D) for the “RMF-S” site be rejected.

SITE DESCRIPTION

- The subject property is located on the west side of Henderson Hwy just north of Bredin Dr in the Kildonan Drive neighbourhood of the North Kildonan ward.
- The subject property is 37,350 sq. ft. in area, with 104 ft. of frontage along Henderson Hwy. It is currently occupied by a 3,573 sq. ft., two-and-a-half storey single family dwelling.
- Adjacent properties include single family dwellings to the south off Bredin Dr zoned “R1-M” and “R1-L” Residential Single Family districts, single family dwellings zoned “R1-M” and commercial retail units zoned “C2” Commercial Community district to the east along Henderson, and a 14 unit multifamily development to the north zoned “RMF-S” Residential Multi-Family district.

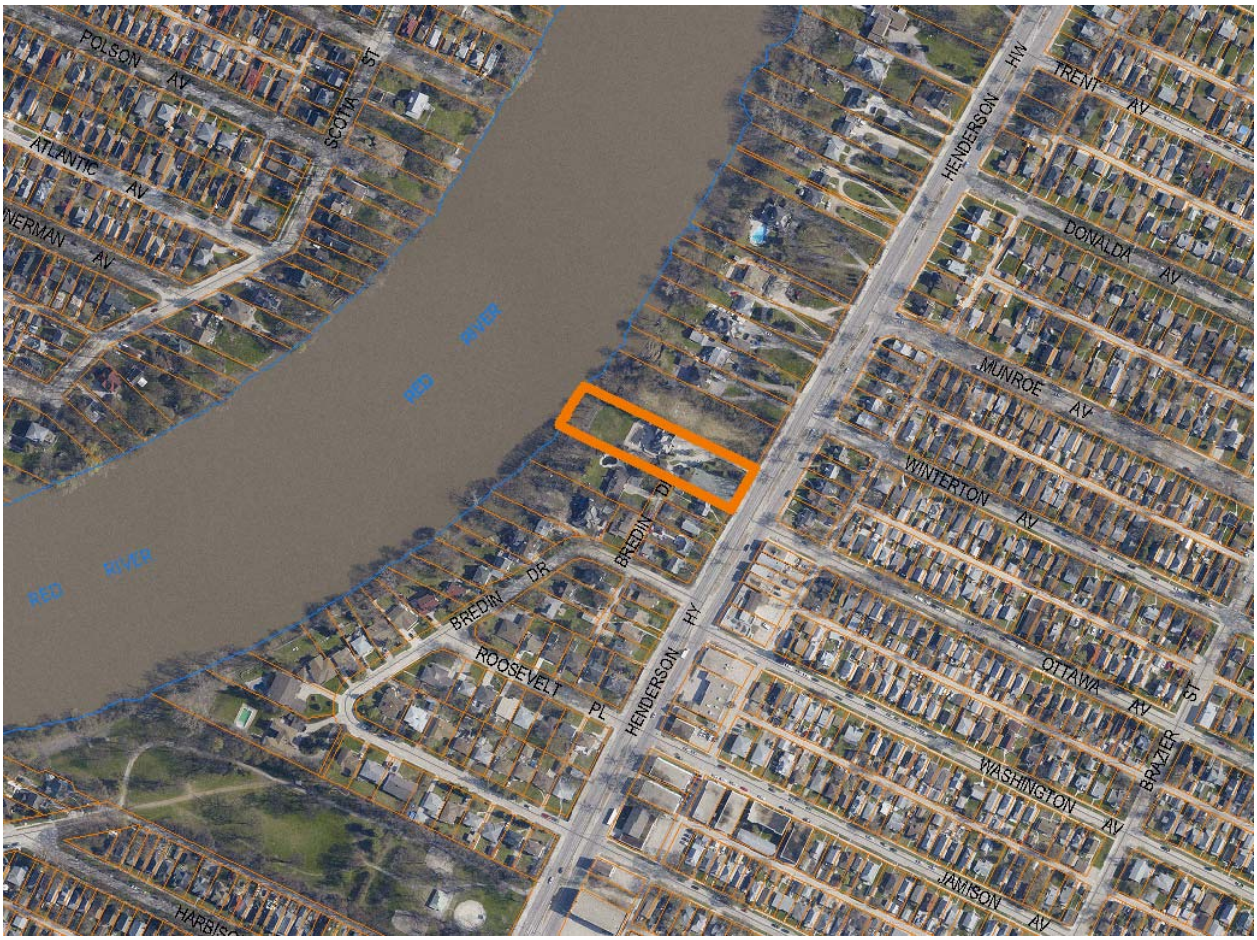


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to split the subject property. On the rear property, the applicant intends to maintain the existing dwelling with access off Bredin Dr. On the property with access to Henderson, the applicant intends to develop one, eight-unit multifamily building on the subject property. The proposed building will be two storeys tall.

- The proposed building will be set back 61.8 ft. from Henderson, with a 9.3 ft. south side yard, a 10.7 ft. north side yard, and a 20.2 rear yard. The applicant is proposing an 11-stall parking lot in the front yard.
- The proposed development is to be clad in both stucco and cultured stone. Balconies will be provided on both the first and second storeys of the façade facing Henderson. Access to the units will be provided on the north and south building walls.
- Along the south property line, the applicant is proposing a 4 ft. wood fence adjacent to the parking lot, increasing to 8 ft. adjacent to the building.

BACKGROUND

DAZ 213/2010 (488 Henderson)

- On December 15, 2010, Council approved a rezoning application on the property adjacent to the north of the subject property at 488 Henderson to rezone from "R1-L" to "RMF-S" to accommodate two, seven-unit multifamily buildings.
- The proposal was approved, subject to the applicant entering into a zoning agreement with the City of Winnipeg requiring:
    - Site plan approval for the location and design of the proposed buildings, 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.
    - A restriction limiting the site's development to a maximum of 17 units.
- This application was processed in concurrence with an application for a variance (DAV 10-130394D) to permit a front yard of 32 ft. instead of 180 ft.

DAZ 201/12

- Earlier in 2012, the applicant had applied to rezone the subject property with the intention of building two, eight-unit multifamily buildings. One building would have been located at the front of the site towards Henderson Hwy, set back approximately 25 ft. from the front property line. The other building would have been located in the rear of the property, separated from the first building by the site's parking lot. Access to the property was to have been provided by Bredin Dr.
- The applicant withdrew the application prior to the public hearing after having been informed that the Public Works Department would not support access off Bredin Dr or, if Council were to allow this access, upgrades to Bredin would be required at the applicant's expense.
- In concurrence with this application, the applicant had also applied for a variance (DAV 12-104129D) to allow for the following:
    - For the construction of two multifamily dwellings (16 units total) to permit a front yard of 21 ft. instead of 41 ft.
    - For the construction of four accessory structures (carports) to permit north and south side yards of 2 ft. instead of 4 ft.
    - For the establishment of an accessory parking area to permit 20 parking stalls instead of 24 stalls.

DAV 12-117989D

- In concurrence with this application, the applicant has also applied for a variance to allow for the following:
    - For the maintenance of a single family dwelling to permit:
        - a rear yard of 4.2 ft. instead of 25 ft.

        - the maintenance of a detached garage with a front yard of 4.4 ft. instead of 20 ft.
        - the maintenance of a detached shed to permit a front yard of 6 ft. instead of 60 ft.
    - For the construction of a multiple family dwelling to permit:
        - 11 parking stalls instead of 12 stalls.
        - The establishment of an accessory parking area with a front yard of 4 ft. instead of 41 ft.
        - The construction of a garbage enclosure to permit no north side yard instead of 4 ft. and a front yard of 26 ft. instead of 41 ft.
        - The construction of a fence, in the required side and rear yards, to permit a height of 8 ft. instead of 6.5 ft.

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. By offering high frequency and direct transit service to major Centres and the Downtown, Regional Mixed Use Corridors have sufficient opportunities to support long-term expansion through comprehensively planned intensification. Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.
        - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.
    - Where appropriate, develop corridors in accordance with transit-oriented development principles.

Henderson Highway Corridor Action Area Plan

- The subject property falls within the boundaries of the Henderson Highway Corridor Secondary Plan.
- However, the main objective of the plan is to protect against the conversion of single family dwellings along Henderson to commercial uses. Given that this is not the nature of this application, the proposed development is compatible with the plan.

Transit-Oriented Development Handbook

- The Complete Communities Direction Strategy advises that corridors should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.

- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
    1. Medium to high density development that is greater than the community average.
    2. A mix of uses.
    3. Compact, high quality pedestrian-oriented environment.
    4. An active, defined centre.
    5. Innovative parking strategies.
    6. Public leadership.
- As the Handbook relates to the proposed development, its direction relating to site design is important to consider. Characteristics of Principle no. 3 include:
    - Entrances oriented to be easily accessible from the public sidewalk.
    - Centrally located, secure, and convenient bicycle parking.
    - Street trees to soften the urban environment by blending natural features with built features.
    - Pedestrian-scale lighting to enhance visibility and safety.
    - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.

Infill Guidelines for Multiple-Family Development

- In 2008, the City of Winnipeg produced infill development guidelines to help inform the design of multiple-family developments. Below are a number of guidelines pulled from this document:
    - Site selection:
        - Encourage development along streets with sufficient capacity to accommodate the anticipated traffic generated by the development. For example, medium-density, multiple family infill housing that has the potential to generate a significant volume of vehicular traffic should be located on Artertial or Collector Streets to minimize the potential for traffic impact on Local Streets.
        - Encourage development on sites with reasonable access to Transit, AT pathways, public green space, and other public services and amenities.
    - Building setbacks:
        - Where the proposed infill building does not exceed the maximum allowable height for the existing adjacent zoning district, maintain the minimum (or greater) allowable side yard setback for that adjacent, existing zoning district.
        - Front yard setbacks should respect the established street pattern by providing setback typical of the neighbourhood.
    - Building orientation:
        - The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street.
        - Main building entrances should be clearly identifiable, visible, and accessible from the public street.
    - Vehicular access and circulation:
        - Vehicular access and egress for medium-density, multiple-family infill housing developments should be oriented on Arterial or Collector streets, where possible.

        - The location and orientation of vehicle access and egress should minimize the impact on the pedestrian environment, pedestrian safety, and adjacent properties.
        - Limit the width and quantity of curb cuts as much as possible.
    - Parking and service areas:
        - Reduce the prominence and extent of parking areas by incorporating them into building design, locating them in smaller clusters, locating them behind or between buildings, or screening them from public streets and adjacent properties.
        - Allow for greater amounts of landscaped open space by making driveways, garages, and parking lots as compact and discrete as possible.
    - Built form guidelines:
        - Encourage building design and use details that emphasize human scale and are pedestrian friendly at grade.
        - Reduce the perception of mass and height of large multiple-family buildings through the balanced use of colour, texture, and materials.

Transportation Master Plan

- Henderson Hwy is identified as a quality transit corridor in the City of Winnipeg's Transportation Master Plan.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

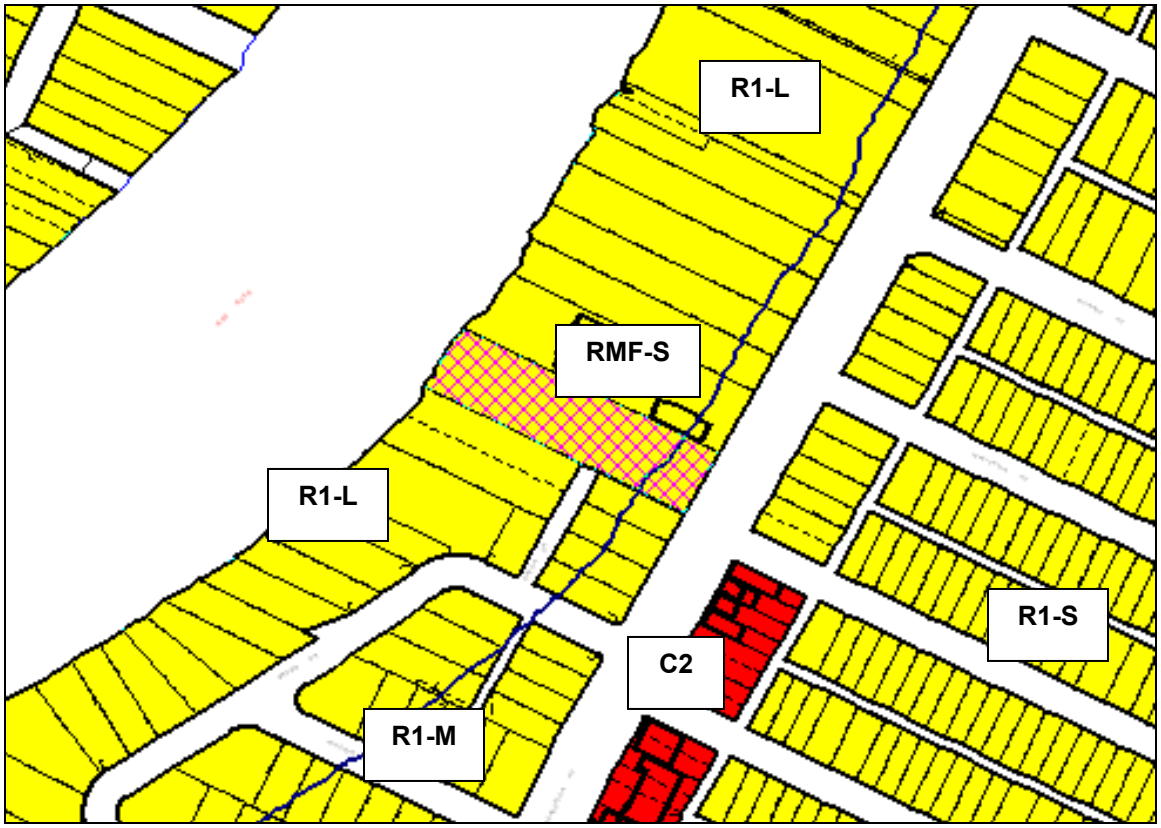


Figure 2: Zoning map of subject property and surrounding neighbourhood

- 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
Dwelling, multi-family Dwelling, single-family detached Dwelling, two-family Assisted living facility Care home* Single room occupancy* Protection and emergency services Community gardens Park/plaza/square/playground Utility facility, minor*	Dwelling, live-work* Dormitory Neighbourhood rehabilitation home* Community/recreation centre Library College or university Elementary or junior high school* Senior high school* Boat dock, public access Day care centre* Place of worship* Transit station
* - Subject to use-specific standards	

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

- Section 143 of the zoning by-law prescribes dimensional standards for the "RMF-S" district.

	Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Principal Building Separation (ft.)	Max. Building Height (ft.)
RMF-S	9,000	1,250	20	25	4	5	8	35

Figure 4: Dimensional standards for the "RMF-S" district

- Note that, as per Section 143 above, the maximum number of units on the proposed front lot in the "RMF-S" district is 12.
- Section 144 of the zoning by-law requires that where a multi-family dwelling building is proposed within a street block or a portion of a street block, and the front yard required in the relevant zoning district is inconsistent with the existing front yards of a majority of the principal buildings on the street block, the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of the block.
- Section 161 of the zoning by-law prescribes minimum parking standards for different land uses. Multi-family dwellings require 1.5 parking spaces per dwelling unit, where 10% must be unassigned guest parking.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of intensification along corridors such as Henderson Hwy for a number of reasons:
    - A mix of housing types encourage people to stay in the same community as their housing needs change.
    - More efficient use of existing infrastructure and community facilities.
    - Reduced expense on new infrastructure and transit systems.
    - Lower energy requirements for transportation due to reduced automobile travel and more opportunities for public transport, walking, and cycling.
    - Reduced rate of encroachment on undeveloped areas.
- This support is further articulated and strengthened by Council policy in the form of the Complete Communities Direction Strategy and the Transit Oriented Development Handbook, as well as the Infill Guidelines for Multiple-Family Development.
- Issues relating to the screening of the development against its immediate neighbours can be handled through a plan approval process, touching on landscaping, fence design, etc.

Site design issues

- The Urban Planning Division cannot support the site plan as currently proposed, namely because the applicant has sited their parking lot in the front yard along Henderson. The Urban Planning Division has established this position for a number of reasons:
    - There is a strong policy framework for supporting this. Complete Communities encourages corridors such as Henderson to be developed in a pedestrian-oriented manner as per the TOD Handbook. Characteristics of this include:
        - Entrances oriented to be easily accessible from the public sidewalk.
        - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment.

- The City's Infill Guidelines for Multiple-Family Development also include a number of guidelines relating to parking lot and building orientation. This includes:
    - Reduce the prominence and extent of parking areas by incorporating them into building design, locating them in smaller clusters, locating them behind or between buildings, or screening them from public streets and adjacent properties.
    - Allow for greater amounts of landscaped open space by making driveways, garages, and parking lots as compact and discrete as possible.
    - Encourage building design and use details that emphasize human scale and are pedestrian friendly at grade.
- Traditionally, development along this portion of Henderson has been sited close to the sidewalk. While examples of front yard parking lots can be found, they are more the exception than the norm, and further, were approved in the absence of the policies noted above.
- Likewise, the existing single family dwellings adjacent to the south of the proposed development establish a pattern of green front yards. Locating a parking lot in the front yard will detract from the development's compatibility with the surrounding context.

- The Urban Planning Division is supportive of the proposed use, but changes should be made to the proposed form. Development on this site should reflect the following design principles:
    - Provide a streetscape that is inviting, safe, and accessible, emphasizing the ground floor and street façade of buildings with principal entries, windows, porches, balconies, and key internal uses at street level. This will encourage opportunities for informal surveillance and human activity on the street.
    - Main building entrances should be clearly identifiable, visible, and accessible from the public street. It should be emphasized in the front façade.
    - Locate the parking area to the rear of the property, hidden from the public realm.
    - Maintain the established pattern of green front yards along Henderson.
    - Front yard landscaping should be designed to enhance the pedestrian environment along the Henderson Hwy sidewalk.
    - Screen the proposed development from the existing single family dwelling to the south using a combination of fencing and landscaping.

RECOMMENDATION

The Urban Planning Division is broadly supportive of intensification along corridors such as Henderson Hwy; this position is strengthened through policies in the Complete Communities Direction Strategy, the TOD Handbook, and the City's Infill Guidelines for Multiple-Family Developments. However, the applicant is proposing a form that is problematic. Locating the site's surface parking in the front of the development runs contrary to many policies in the aforementioned documents and is inconsistent with the established character of this portion of Henderson. As a result, it is recommending approval of this DASZ application but cannot support the concurrent variances for the "RMF" lot.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 7/2012

APPENDIX 'B'

Schedule "A" for File No. DASZ 7/2012, East Kildonan-Transcona Community Committee, dated June 11, 2012.

By-Law No. _____

File No. **DASZ 7/12**

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 486 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 (8 units) as shown outlined below.

Atlas Sheet No. **W27**

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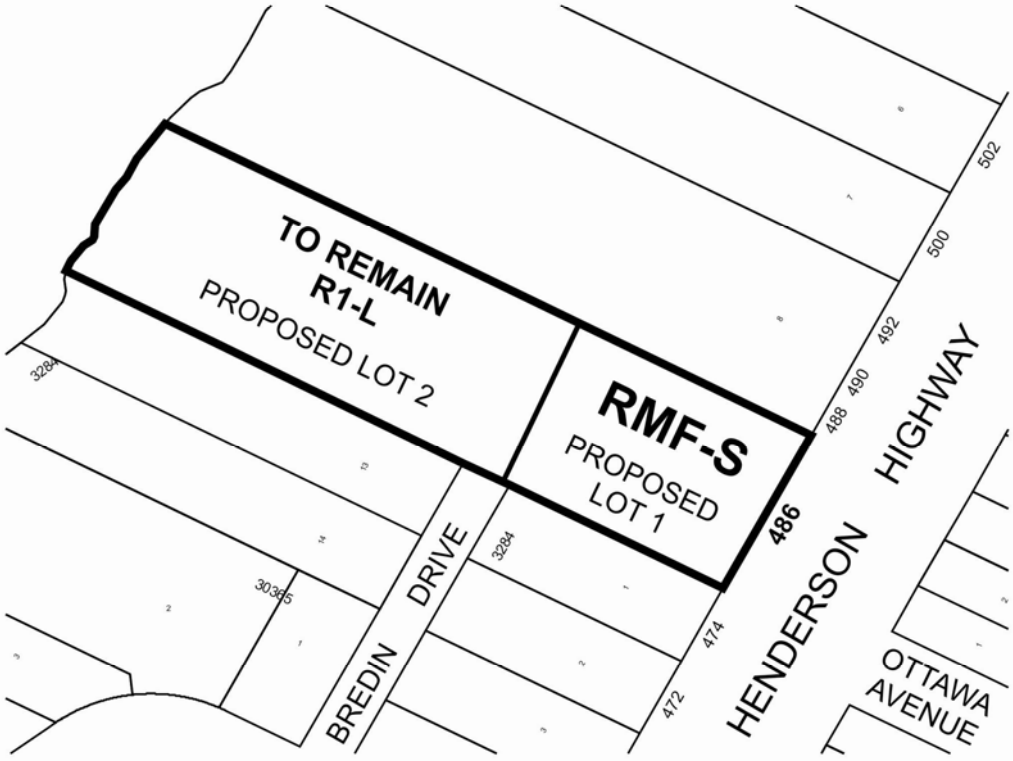
EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____