Agenda – Council – February 27, 2013

Report – Executive Policy Committee – February 6, 2013

Item No. 7 Rezoning – South side of Tu-Pelo Avenue, West of Molson Street (Elmwood-East Kildonan Ward)
File DAZ 237/2012

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 6, 2013, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 237/2012 dated January 8, 2013, to an "RMF-S" Residential Multi Family district 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 or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, 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 maximum number of units on the land shall not exceed four (4).

        iii. That no front approaches shall be permitted.

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.

Report – Executive Policy Committee – February 6, 2013

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 the 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 things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

Report – Executive Policy Committee – February 6, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 6, 2013, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2013, 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: **Rezoning – South side of Tu-Pelo Avenue, West of Molson Street**
File DAZ 237/2012

For submission to: **Executive Policy Committee**

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

Report date: **January 24, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 22, 2013, 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 Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 237/2012 dated January 8, 2013, to an "RMF-S" Residential Multi Family district 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:

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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.

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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 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. There is no opposition.

2. The proposal will not affect the area.

PUBLIC HEARING SUMMARY

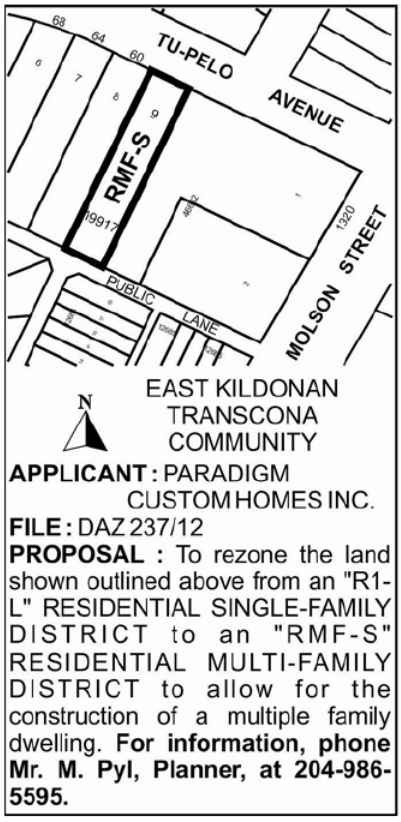
File: DAZ 237/2012

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

Public Hearing: January 22, 2013 (most recent date)
West Committee Room
Council Building, 510 Main Street

Applicant: Paradigm Custom Homes Inc. (Jeff Baertsoen)

Subject:



Premises Affected: South side of Tu-Pelo Avenue, West of Molson Street

Exhibits Filed:
1. Application dated November 8, 2012
2. Notification of Public Hearing dated November 23, 2012
3. Manitoba Status of Title 2283398/1
   Certificate of Title 1046115

4. Letter of authorization dated October 16, 2012 from Richard and Jennifer Mymko to Paradigm Custom Homes Inc.
5. Plans (7 pages)
6. Report from the Planning and Land Use Division dated January 8, 2013
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jeff Baertsoen, Paradigm Custom Homes Inc.
Rick Mymko

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DAZ 237/2012

ADMINISTRATIVE REPORT

Title: DAZ 237/12 – Tu-Pelo Av

Issue: For consideration at the public hearing to rezone to allow for the establishment of a multifamily dwelling

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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 237/2012 dated January 8, 2013, to an "RMF-S" Residential Multi Family district 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 or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, 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 maximum number of units on the land shall not exceed four (4).
        iii. That no front approaches shall be permitted.

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 the 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 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” to “RMF-S” in order to construct a two storey four-plex.
- The proposed development complies with the dimensional standards of the “RMF-S” zoning district as prescribed in Zoning By-law No. 200/06.
- Access will be provided from the existing back lane.

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

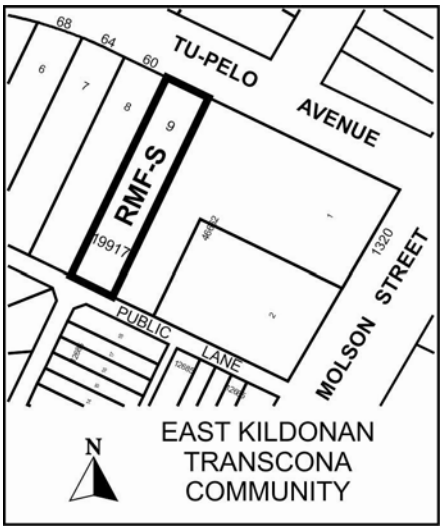
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	January 8, 2013
File No.	DAZ 237/12

APPENDIX 'A'

DATE: January 8, 2013
FILE: DAZ 237/12
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.422

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Two Family district to allow for the establishment of a multi-family dwelling

LOCATION: South side of Tu-Pelo Av, west of Molson St



APPLICANT: Jeff Baertsoen
Paradigm Custom Homes
42 Main St, Box 1110
LaSalle MB R0G 1B0

OWNER: Rick Mymko
Copp's Garden Centre Ltd.
1320 Molson St
Winnipeg MB R2K 3Y4

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from "R1-L" to "RMF-S" in order to construct a two storey four-plex.
- The proposed development complies with the dimensional standards of the "RMF-S" zoning district as prescribed in Zoning By-law No. 200/06.

- Access will be provided from the existing back lane.

SITE DESCRIPTION

- The subject property is located on the south side of Tu-Pelo Av west of Molson St in the Valley Gardens neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 50 ft. wide, 236 ft. deep, and 11,800 sq. ft. in area. It is zoned “R1-L” Residential Single Family district and is currently vacant.
- Adjacent properties include single family dwellings to the north and west zoned “R1-L”, multifamily townhouse units and duplexes to the south zoned “RMF-S” Residential Multifamily district and “R2” Residential Two Family district respectively, and a small commercial building to the east zoned “C2” Commercial Community district.

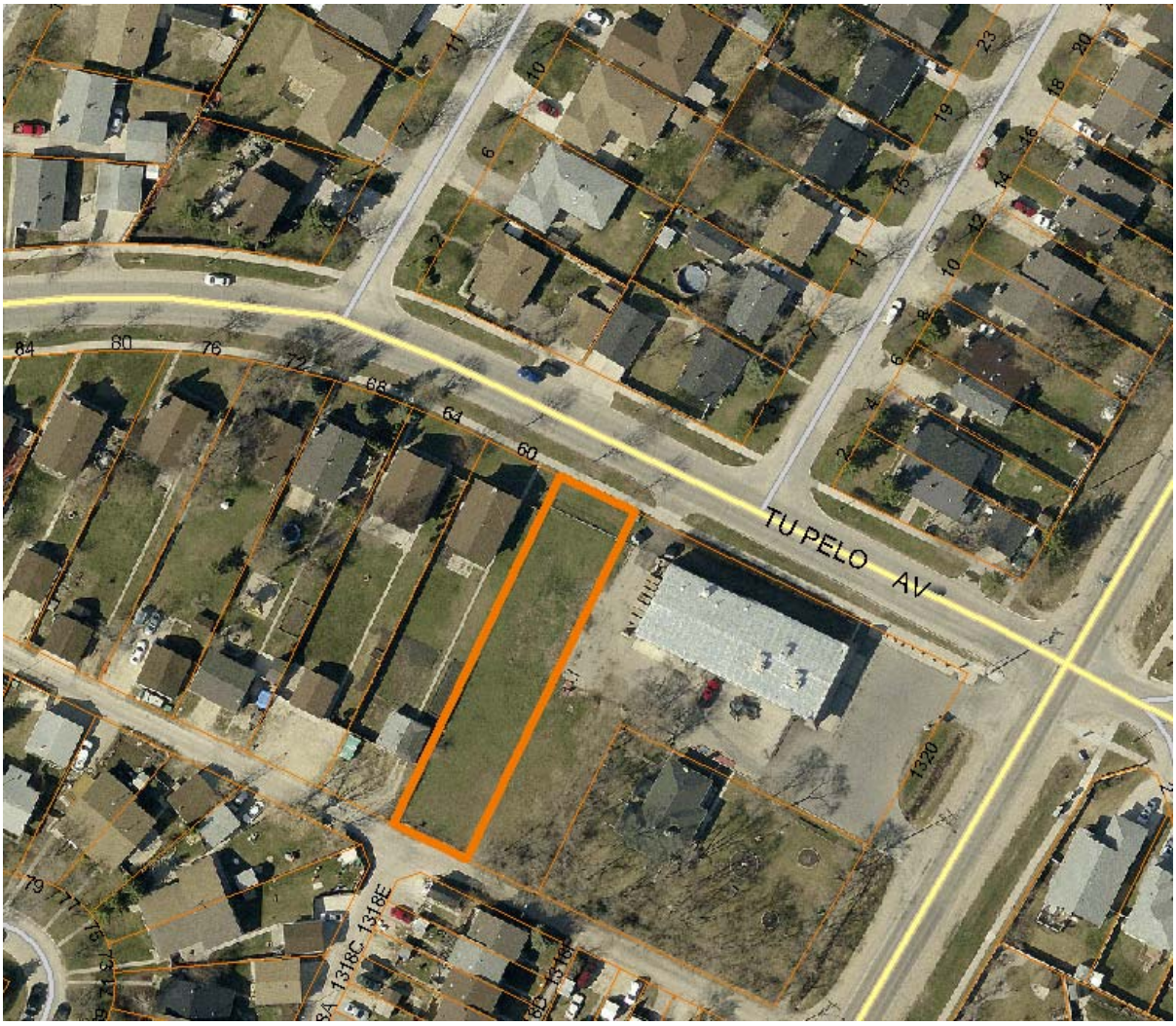


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from “R1-L” to “RMF-S” in order to construct a two storey four-plex.

- The applicant submitted preliminary plans in concurrence with this rezoning application. According to these plans:
    - Each unit will be two storeys and will have 1,406 sq. ft. in living area.
    - The site plan indicates the provision of 5 ft. side yards and a 32 ft. front yard.
    - The front two units will take access from the front of the property while the back two units will take access from the rear.
    - Six parking spaces will be provided with access from the rear lane. A 23 ft. wide drive aisle will be provided to access these spaces.
    - The site's garbage will be stored in an enclosure adjacent to the parking spaces at the far south end of the site.

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 has statutory authority as a secondary plan. The strategy serves 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.
- The subject property is classified as an "Area of Stability" in Complete Communities' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.

Zoning

- The "R1" Residential Single Family 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.

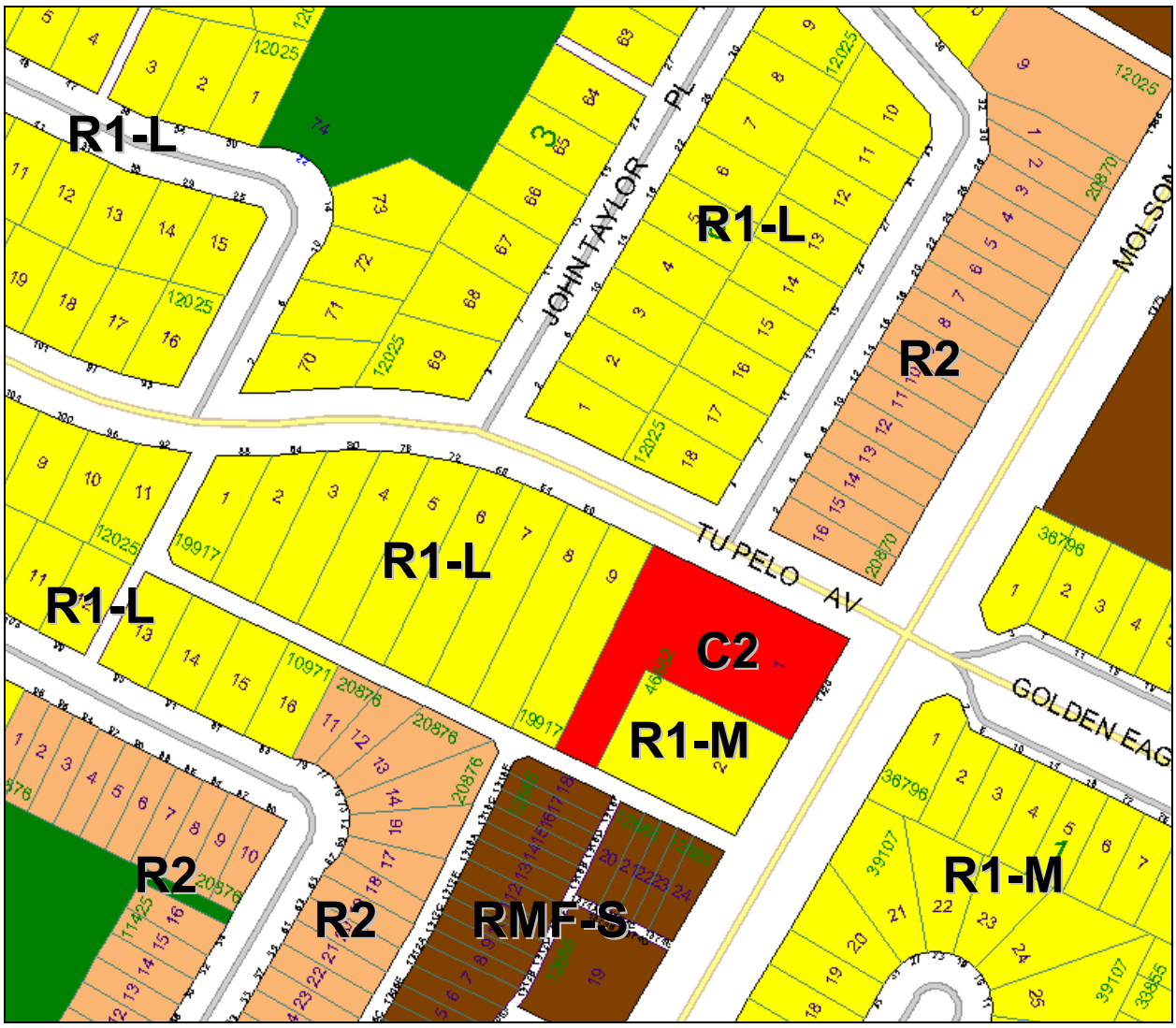


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional uses in each zoning district. In the “RMF-S” district, a “Dwelling, multi-family” use is permitted.
- Section 143 of the zoning by-law prescribes the following 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 3: Dimensional standards for the “RMF-S” districts

- Section 161 of the zoning by-law prescribes vehicular parking requirements for each use. A multi-family residential use requires 1.5 parking spaces per unit.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood. This is strongly supported by Complete Communities.
- It is advantageous to locate the higher densities of a neighbourhood at street corners as opposed to mid-block for a number of reasons:
    - Any potential negative impacts of larger massing on single family dwellings are reduced.
    - It is consistent with traditional patterns of urban form, and is therefore more compatible with the surrounding neighbourhood.
- The Urban Planning Division is supportive of the proposed rezoning for the following reasons:
    - The subject property is located at the end of the block adjacent to a commercially-zoned property, reducing its impact on the surrounding single family neighbourhood.
    - There is a variety of different multifamily developments in the vicinity of the Tu-Pelo/Molson intersection.
    - The form and massing of the proposed development (two storeys in height, 5 ft. side yards, a front yard consistent with others along Tu-Pelo, no front approaches) is compatible with the adjacent single family development.
- Due to the unusual depth of the subject property, the applicant would be entitled to build up to nine units under the proposed “RMF-S” zoning. It is recommended that the maximum number of units be restricted to what the applicant has requested.
- A restriction on front approaches is also recommended to ensure compatibility with the rest of the single family properties along Tu-Pelo.
- The Urban Planning Division is recommending plan approval as a condition of approval. Additional information should be provided on any proposed fencing, landscaping, and garbage enclosures, as well as the front façade of the building. The Urban Planning Division encourages the use of multiple cladding materials and colours, as well as building features such as bay windows and/or porches. For these sorts of ground-oriented multifamily units, it also encourages treating each unit as a separate building through design strategies that may include different building materials, roof lines, and/or windows, or even staggering one unit from the other.

RECOMMENDATION

The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood. It is supportive of this particular application for a number of reasons:

- The subject property is located at the end of the block adjacent to a commercially-zoned property, reducing its impact on the surrounding single family neighbourhood.
- There is a variety of different multifamily developments in the vicinity of the Tu-Pelo/Molson intersection.
- The form and massing of the proposed development (two storeys in height, 5 ft. side yards, a front yard consistent with others along Tu-Pelo, no front approaches) is compatible with the adjacent single family development.

Restrictions on additional units beyond what has been requested, as well as restrictions on front approaches, are recommended as a condition of approval to help ensure compatibility with the

surrounding neighbourhood. Plan approval is also recommended. Additional detail on any proposed fencing, landscaping, building design, and garbage enclosures should be provided prior to the issuance of any building permit.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 237/2012

APPENDIX 'B'

Schedule "A" for File No. DAZ 237/12, East Kildonan-Transcona Community Committee, dated January 8, 2012.

