Agenda – Council – February 27, 2013

Report – Executive Policy Committee – February 6, 2013

Item No. 8 Subdivision and Rezoning – 2131 Henderson Highway (North Kildonan Ward) File DASZ 34/2012 [c/r DAV 173822/2012D]

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 plan of subdivision proposed under File DASZ 34/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2012 dated January 15, 2013 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 34/2012 dated January 15, 2013, to a "C1" Commercial Neighbourhood 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, accessory parking areas, garbage enclosures, fencing, landscaping, bicycle parking, 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 be no advertising signs or mobile 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.

Report – Executive Policy Committee – February 6, 2013

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 – 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: **Subdivision and Rezoning – 2131 Henderson Highway**
File DASZ 34/2012

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 plan of subdivision proposed under File DASZ 34/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2012 dated January 15, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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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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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.

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

1. The development is consistent with that section of Henderson Highway.

2. The development is an improvement to area.

PUBLIC HEARING SUMMARY

File: DASZ 34/2012

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: Concord Projects Ltd. (Nolan Ploegman)

Subject:



Premises Affected: 2131 Henderson Highway

Exhibits Filed:
1. Application dated November 5, 2012
2. Notification of Public Hearing dated November 20, 2012
3. Manitoba Status of Title 2588721/1

4. Letter of authorization dated October 31, 2012 from CPL Developments Ltd. to Concord Projects Ltd.
5. Surveyor's Building Location Certificate and sketch dated June 5, 2012
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated January 15, 2013
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Nolan Ploegman
Chris Slota

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 34/2012

ADMINISTRATIVE REPORT

Title: DASZ 34/12 – 2131 Henderson Hwy

Issue: For consideration at the public hearing to rezone the subject property to allow for a one storey office 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 34/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2012 dated January 15, 2013 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 34/2012 dated January 15, 2013, to a "C1" Commercial Neighbourhood 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:

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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 “C1” Commercial Neighbourhood district to facilitate the construction of a 3,000 sq. ft. one storey professional office building.
- The development will also require the consolidation of two underlying lots, Lots 2 and 3 of Block 14, Plan 1950.

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 15, 2012
File No.	DASZ 34/12

APPENDIX 'A'

DATE: January 15, 2012
FILE: DASZ 34/12
RELATED FILES: DAV 12-162960D, DEMO 12-162960
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.418

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district to "C1" Commercial Neighbourhood district and to consolidate two underlying lots

LOCATION: 2131 Henderson Hwy



APPLICANT: Nolan Ploegman
Concord Projects Ltd.
200-1277 Henderson Hwy
Winnipeg MB R2G 1M3

OWNER: CPL Developments Ltd.
200-1277 Henderson Hwy
Winnipeg MB R2G 1M3

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from "R1-L" Residential Single Family district to "C1" Commercial Neighbourhood district to facilitate the construction of a 3,000 sq. ft. one storey professional office building.

- The development will also require the consolidation of two underlying lots, Lots 2 and 3 of Block 14, Plan 1950.

SITE DESCRIPTION

- The subject property is located on the east side of Henderson Hwy between Emerson Av and Knowles Av in the River East neighbourhood of the North Kildonan ward.
- The site is zoned “R1-L” Residential Single Family district and is currently vacant. It was recently occupied by an abandoned one storey, 786 sq. ft. single family dwelling built in 1912. The subject property is approximately 98.8 ft. wide, 120 ft. deep, and 11,851 sq. ft. in area.
- Adjacent properties include single family dwellings to the east and west zoned “R1-L” and commercial properties to the north and south zoned “C1” Commercial Neighbourhood district.

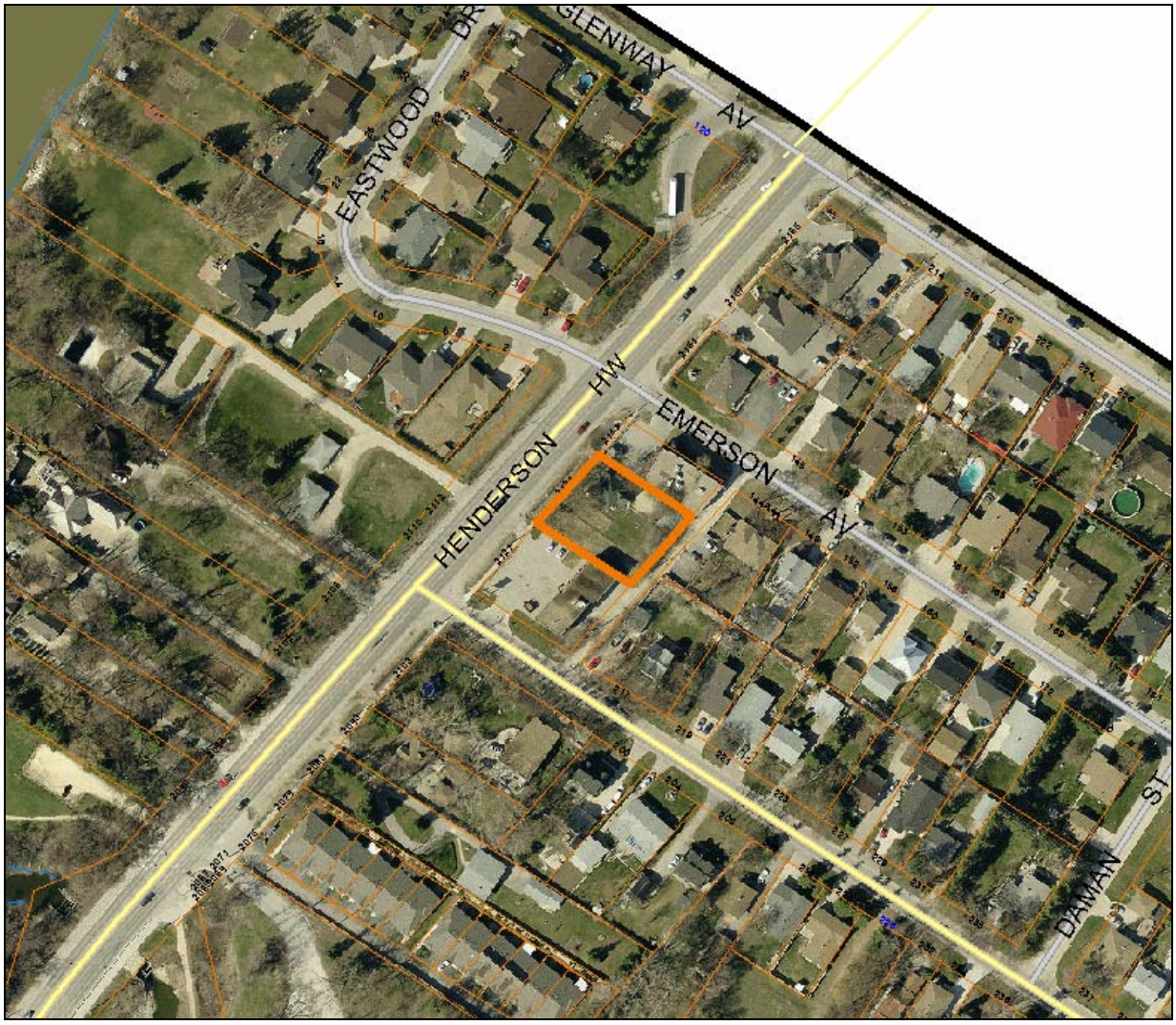

Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from "R1-L" Residential Single Family district to "C1" Commercial Neighbourhood district to facilitate the construction of a 3,000 sq. ft. one storey professional office building.
- The building will be centrally located on the middle of the site. Eight parking stalls will be provided at the front of the property, while nine will be provided in the rear with access directly off the back lane.
- The site's garbage will be stored at the rear of the property.
- The development will also require the consolidation of two underlying lots, Lots 2 and 3 of Block 14, Plan 1950.

BACKGROUND

DEMO 12-162960

- On October 16, 2012, the East Kildonan-Transcona Community Committee approved an application to demolish an existing single family dwelling on the subject property prior to the issuance of a building permit as per Part 3, Section 6 of the Development Procedures By-law No. 160/2011. It was granted subject to the following condition:
    - That should construction of a new building not be underway within nine (9) months of the date of demolition of the dwelling, that the lot be graded and either seeded or sodded to the satisfaction of the Director of Planning, Property, and Development Department, and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development Department.

DAV 12-173822D

- In concurrence with this application, the applicant has proposed to vary the "C1" dimensional standards for the establishment of an accessory parking area to permit as follows:
    - Parking directly from a lane instead of an aisle or driveway.
    - No buffering of a parking area within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district.

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 is designated as a “Commercial” land use as per a plan amendment in 1980 (By-law No. 1905/78).
    - This application was made to facilitate the rezoning of 2141 Henderson Hwy, the property adjacent to the north, to a “C1” zoning district to accommodate a commercial building (DAZ 305/77). The property adjacent to the south of the subject property, 2121 Henderson, was already zoned for commercial uses. In order to provide for a more consistent designation and to reduce one-off amendments, the entire east side of the block between Knowles and Emerson was amended.

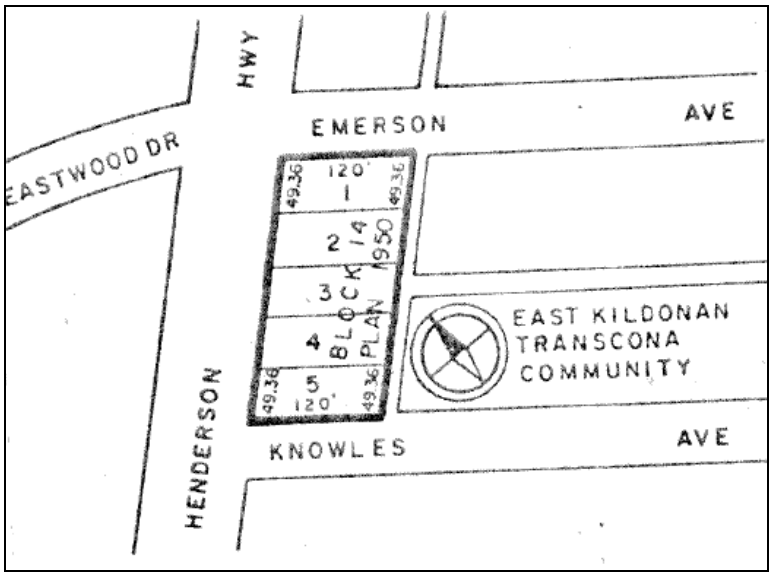

Figure 2: Map of previous North Henderson Highway plan amendment (By-law No. 1905/78)

- The block adjacent to the north (east side of Henderson between Emerson and Glenway) was also amended from a “Low Density Residential” designation to a “Commercial” designation (By-law No. 2524/80).

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Commercial Neighbourhood (C1) district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local streets or at local/collector intersections.

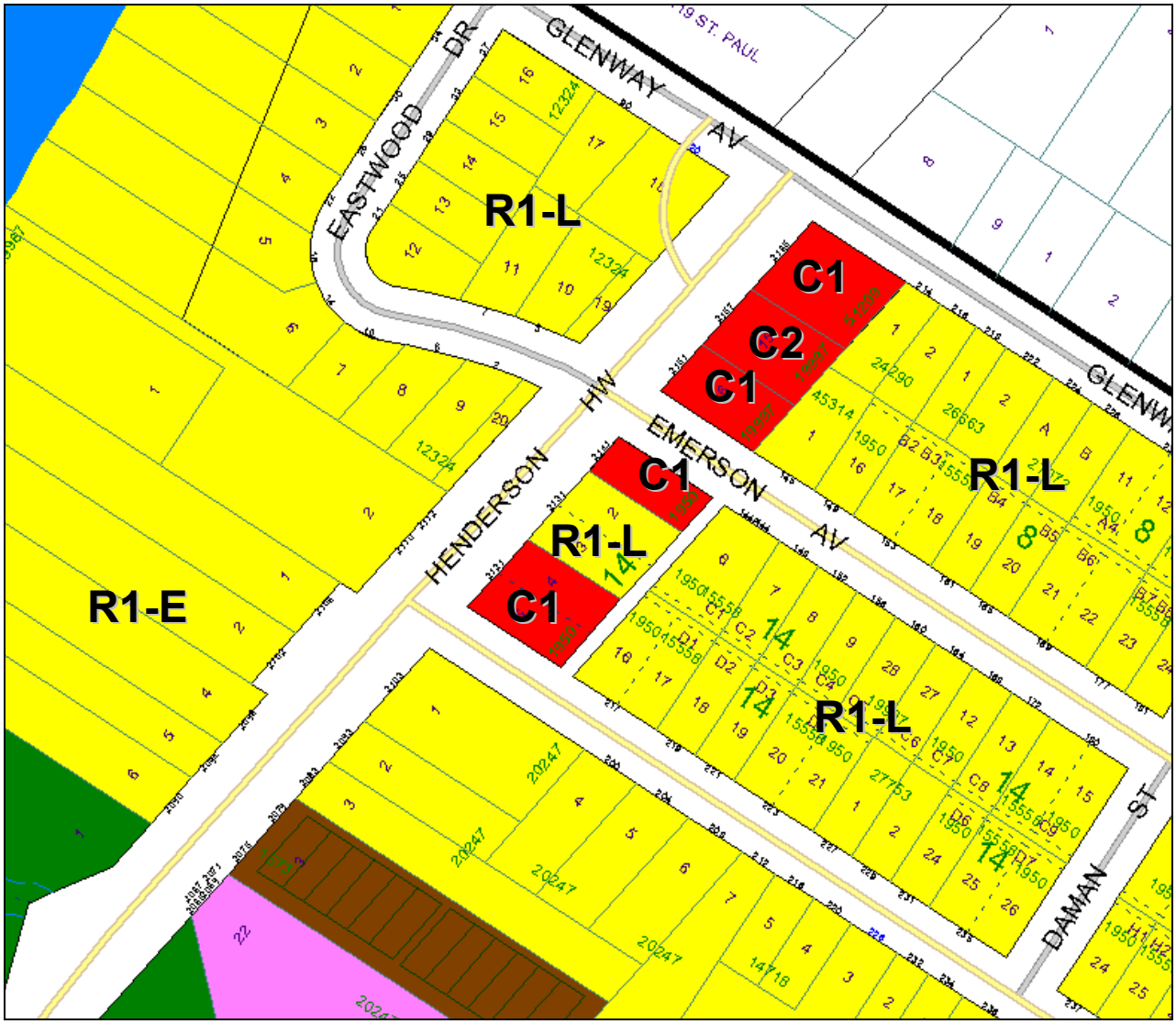

Figure 3: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional principal uses in each zoning district.
    - An "office" use is a permitted use in the "C1" district, subject to use-specific standards as outlined in Section 87, which limits the maximum office square footage to 5,000 sq. ft. in this district.
- Section 148 of the zoning by-law prescribes dimensional standards for the "C1" 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
C1	0 / NA	0	0	0	39	1.0

* - 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 "C1" district

- Section 161 of the zoning by-law prescribes parking standards for different land uses. Offices require 1 parking space for each 750 sq. ft. of floor area, but not less than 2 spaces.
- Section 172(3) requires that an accessory off-street parking area must be provided with a parking driveway with a minimum width of 8 feet, having access to a street or, where permitted, to a public lane.

Land use by-law issues

- This administrative report only speaks to issues relating to the rezoning and subdivision of the subject property. Further discussion relating to the variances for parking directly off the rear lane and insufficient buffering of a parking area will be addressed in the concurrent variance report.

Compatibility with the surrounding neighbourhood

- The east side of this portion of Henderson Hwy has a distinct commercial character. Between Knowles and Glenway, the subject property is the only remaining property that is still residential. A commercially-zoned property is compatible with the rest of this portion of Henderson. It is also consistent with the North Henderson Highway District Plan.
- A "C1" zoning district is the least intensive commercial zoning district in the zoning by-law. As per its permitted uses and dimensional standards, its scale is intended to ensure compatibility with surrounding residential uses. As a result, the Urban Planning Division has no concerns about the compatibility of the rezoning.
- The Urban Planning Division is recommending that plan approval be included as a condition of approval. The site plan submitted with the application is fairly basic; more detail should be provided prior to the applicant obtaining a building permit. A plan approval submission should include:
    - A detailed landscaping plan, including a plant list. A mix of both coniferous and deciduous landscaping should be provided to minimize the potential effects of disease and to provide year-round greenery to the site.
    - Building elevations should be provided indicating the use of multiple cladding materials to provide articulation to the front façade.
    - A universally-accessible pedestrian pathway should be provided to connect the front entrance with the sidewalk along the east side of Henderson.
    - Details on any on-site fencing. Any fencing in front of the proposed building should be no taller than 4 ft. in height and should be ornamental in nature. The use of wrought iron-style material is strongly encouraged.
    - The garbage bin in the rear of the site should be fully enclosed.
    - Bicycle parking facilities should be provided.
- A restriction on excessive signage, such as mobile signs and advertising 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 "C1"-zoned property is compatible with the rest of the commercially zoned properties along Henderson and adjacent residential development. 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 34/2012

APPENDIX 'B'

Schedule "A" for File No. DASZ 34/12, East Kildonan-Transcona Community Committee, dated January 15, 2013.

