Minute No. 503
Report – Executive Policy Committee – July 10, 2013

Item No. 12 Rezoning – 4 Elkhorn Street
(St. James-Brooklands Ward)
File DAZ 207/2013 [c/r DCU 112097/2013D & DAV 112105/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2013 dated June 6, 2013 to an "RMF-M" Residential Multi-Family Medium District, subject to the following conditions:

    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 new building or structure, plans shall be submitted showing the location and design of proposed buildings, bicycle lock-up facilities, fencing, garbage enclosure and landscaping of the site to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the maximum height of the building shall be limited to 40 feet.

        iii. That the maximum number of dwelling units on the land shall not exceed six (6) dwelling units.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

Report – Executive Policy Committee – July 10, 2013

COUNCIL DECISION (continued):

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 the same to Council for all three (3) readings.

5. 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.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Assiniboia 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 – 4 Elkhorn Street**
File DAZ 207/2013

For submission to: **Executive Policy Committee**

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2013 dated June 6, 2013 to an "RMF-M" Residential Multi-Family Medium District, subject to the following conditions:

    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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        ii. That the maximum height of the building shall be limited to 40 feet.

        iii. That the maximum number of dwelling units on the land shall not exceed six (6) dwelling units.

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 the same to Council for all three (3) readings.

5. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Urban Planning Division dated July 3, 2013.

PUBLIC HEARING SUMMARY

File: DAZ 207/2013

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding
Councillor Havixbeck

Public Hearing: July 9, 2013
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting
(John Wintrup)

Subject:



Premises Affected: 4 Elkhorn Street

Exhibits Filed:

1. Application dated April 17, 2013
2. Notification of Public Hearing dated May 29, 2013
3. Manitoba Status of Title 2459906/1
4. Letter of authorization dated March 8, 2013 from 6094369 Manitoba Ltd. to John Wintrup
5. Surveyor's Building Location Certificate and sketch dated July 23, 2012
6. Plans (2 pages)
7. Report from the Urban Planning Division dated July 3, 2013
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:
John Wintrup, J. Wintrup Consulting Ltd.

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 207/2013

ADMINISTRATIVE REPORT

Title: DAZ 207/13 – 4 Elkhorn Street Public Hearing

Issue: An application for consideration at the public hearing for a rezoning from 'R1-M' Residential Single Family Medium to 'RMF-M' Residential Multiple Family Medium to allow the establishment of a six (6) unit multi-family dwelling on the subject lot.

Critical Path: Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2013 dated June 6, 2013 to an "RMF-M" Residential Multi-Family Medium District, subject to the following conditions;

   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 new building or structure, plans shall be submitted showing the location and design of proposed buildings, bicycle lock-up facilities, fencing, garbage enclosure and landscaping of the site to the Assiniboia Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That, the maximum height of the building shall be limited to 40 feet.

      iii. That, the maximum number of dwelling units on the land shall not exceed six (6) dwelling units.

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 the same to Council for all three (3) readings.
5. 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 is proposing to rezone the site from "R1-M" Residential Single-Family Medium to "RMF-M" Residential Multi-Family Medium in order to construct a two-storey, six (6) unit multi-family dwelling on the property.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- There are two associated applications with the subject rezoning that will be heard at the same public hearing;
    - DAV 13-112105/D for a reduction to lot area, yard setbacks and parking,
    - DCU 13-112097/D to allow a density greater than 35 units per acre as required by the Airport Vicinity Plan Area II, (6 units instead of 3.89 units).
- The Reports are being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from "R1-M" Residential Single Family - Medium to "RMF-M" Residential Multi-Family Medium.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by:	James Veitch
Date:	July 3, 2013
File No.	DAZ 207/13

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 207/13

APPENDIX 'A'

DATE: July 3, 2013

FILE: **DAZ 207/13**
RELATED FILES: DAV 13 – 112105/D, DCU 13 – 112097/D

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.124

SUBJECT: To rezone the subject land from "R1-M" Residential Single Family - Medium to "RMF-M" Residential Multi-Family Medium.

LOCATION: 4 Elkhorn Street

LEGAL DESCRIPTION: EXC W 8F LOTS 7 & 8 BLOCK 4 PLAN 749 10B ST J OTM



APPLICANT: J. Wintrup Consulting Ltd. (John Wintrup)
301 – 139 Roslyn Rd.
WINNIPEG MB R3L 0G7

OWNER: 6094369 Manitoba Ltd.
186 Henderson Highway
WINNIPEG MB R2L 1L6

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject property is located on the north-west corner of Elkhorn Street, and Pacific Avenue intersection in the Brooklands neighbourhood of the St. James - Brooklands Ward.
- The existing one-storey home on the property has a living area of 650 square feet and was built in 1915. The existing dwelling is to be demolished for the construction of a 6 unit multi-family dwelling.
- The subject property is 4,849 square feet in area.
- There is a large school and recreational park located across the rail line to the west of the subject site, (Brooklands School).
- Under the *Complete Communities Direction Strategy*, the subject site is located within the Area of Stability - Mature Communities Policy Area. The property is currently zoned "R1-M" Residential Single-Family district.
- The subject site is also within Area II of the Airport Vicinity Protection Plan limiting multiple family residential development to a maximum of 35 units per acre, subject to change through a conditional use application.

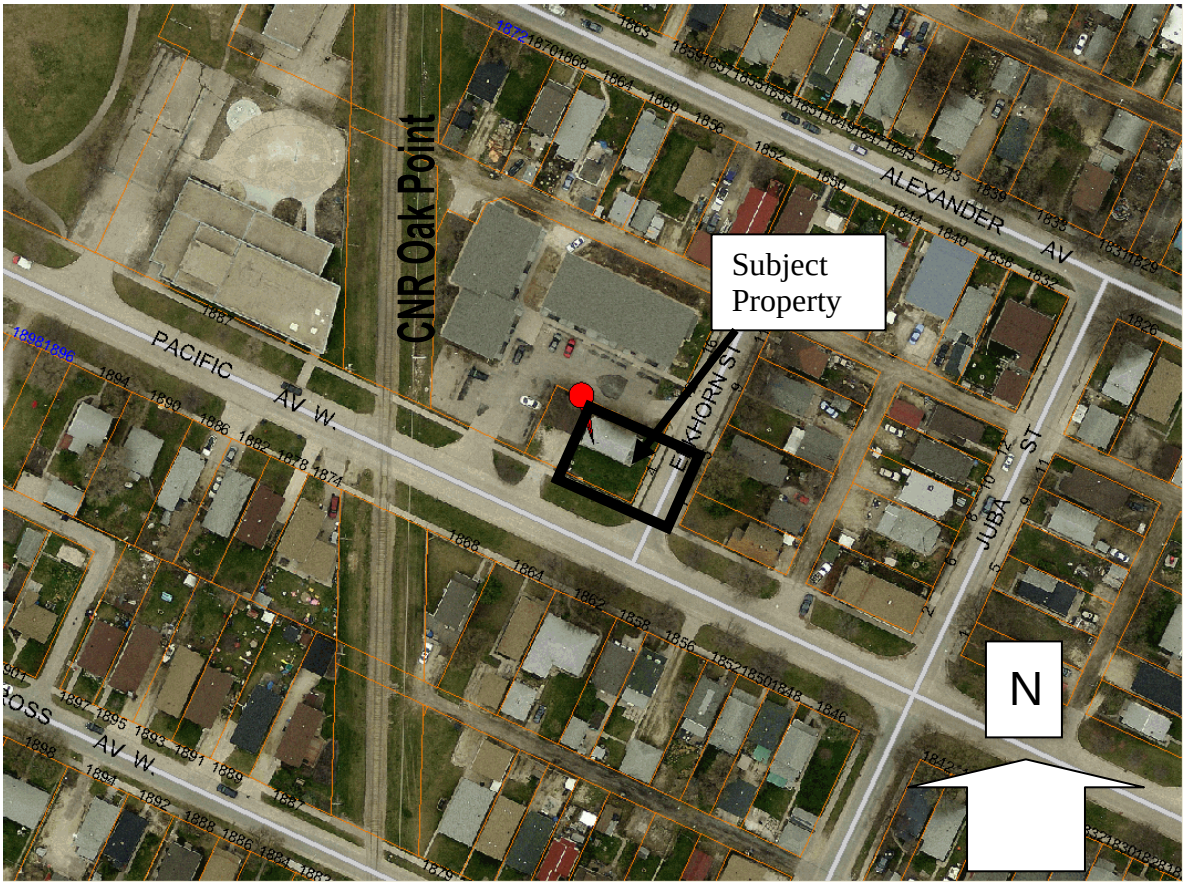

Figure 1: Aerial photograph showing subject property (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Multi-family dwellings zoned "R1-M" Residential Single-Family Medium, (existing Multiple Family development)

South: Pacific Avenue then Detached single-family homes zoned "R1-M" Residential Single-Family Medium.

East: Elkhorn Street then Detached single-family homes zoned "R1-M" Residential Single-Family Medium.

West: "R1-M" Residential Single-Family Medium, then rail line followed by 'PR2' Parks and Recreation

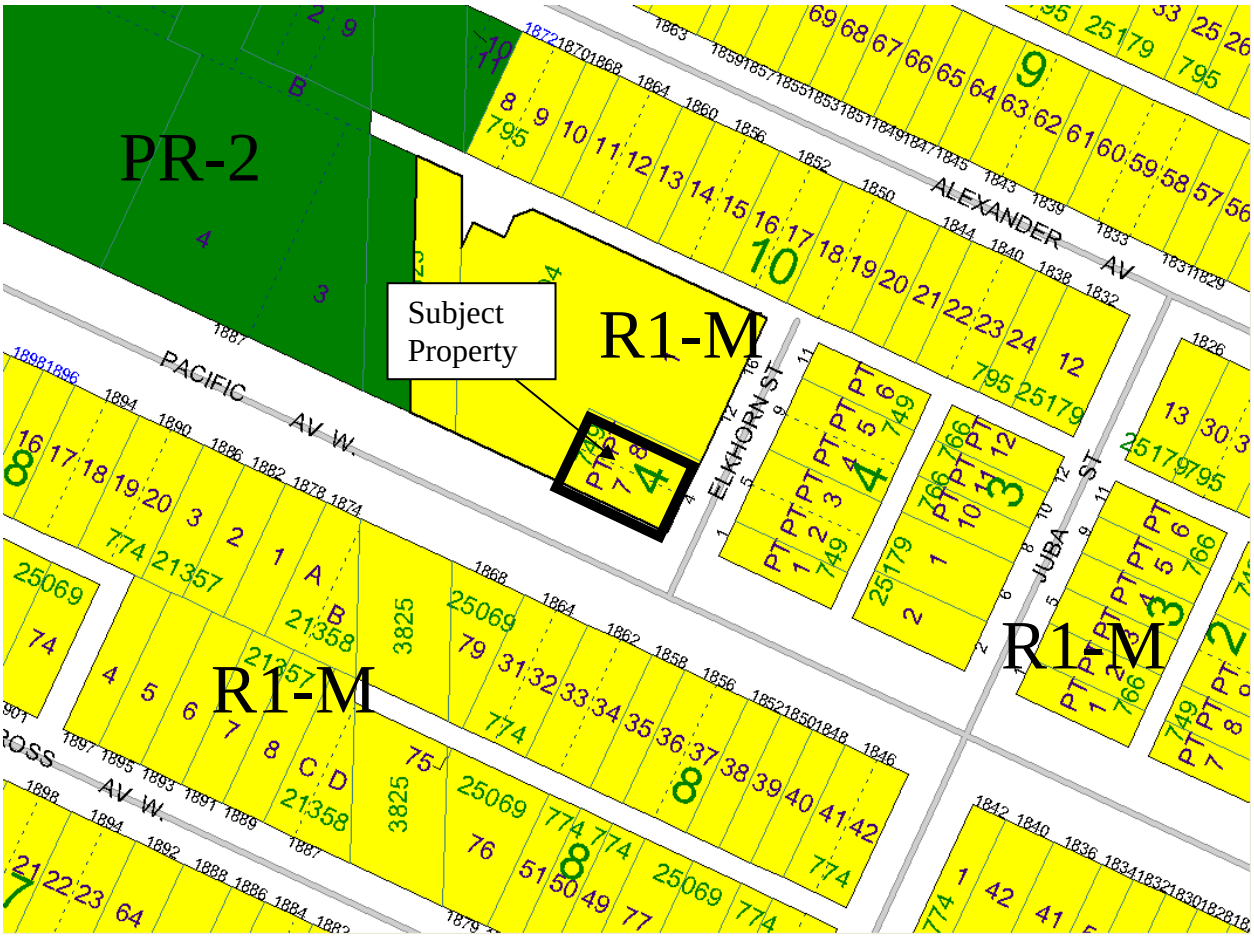

Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from "R1-M" Residential Single-Family Medium to "RMF-M" Residential Multi-Family in order to construct a six (6) Unit multi-family dwelling on the property.
- The subject property is 4,849 square feet in area.
- The proposed development is a six unit, two storey (40 foot tall) building.
- An associated Variance application, (DAV 13-112105/D) has also been applied for to allow reduced side and rear yard setbacks, as well as no parking.
- An associated DCU (DCU 13-112097/D) application has been applied for to accommodate additional multiple family units per acre beyond what is allowed by the Area II PDO Airport Vicinity Plan, (6 units instead of 3.89).

ANALYSIS AND ISSUES

A. Policies:

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone the land from R1-M to RMF-M to accommodate the development of a six (6) unit multi-family dwelling on the subject lot. Multi-family dwellings are not permitted in the R1 zones, but are permitted in the RMF zone.

The dimensional standards for RMF-M zoning district is as follows:

- *The Residential Multi-Family (RMF) district*
  The RMF district is intended to accommodate primarily multi-family residential development in medium-high density neighbourhoods. RMF-M Residential Multi-Family District – Medium requires:
    - Minimum lot sizes of 9,000 square feet.
    - Side yards of 8 feet are required. For multi-family dwellings, the side yards increase by 2 feet for every additional storey above the ground.
    - Front yard requirements are 25 feet; rear yard requirements are 25 feet.

- Maximum building height is 60 feet

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located within a Mature Community under the *Complete Communities Direction Strategy*. Policies guiding development in this area encourage modest intensification that is context sensitive. The proposed increase in density from a single family dwelling to a two-storey, six (6) unit multi-family dwelling is thus consistent with this policy.
- The subject property is surrounded immediately to the north by compatible development - multi-family use.
- The lands are separated from adjacent single family development by public rights-of-ways.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

ZONING AGREEMENT CONDITIONS

SITE DESIGN

- 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:
    - 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.
    - 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.
    - Landscaping:
        - Use landscaping to define the development's pedestrian and vehicle entry ways, walkways, and driveways.

BUILDING HEIGHT

The applicant has indicated that they will be building a two-storey building that is a maximum of 40 feet tall. With the rezoning of the property from R1-M to RMF-M, the property is able to be developed with structures up to a maximum of 60 feet tall.

The Urban Planning Division feels that because the neighbourhood is primarily characterized as single family residential, the condition to limit height to a maximum of 40 feet will help preserve the character of the neighbourhood while accommodating this multi-family development.

NUMBER OF UNITS

The Urban Planning Division is prepared to support the application for a six (6) unit multi family dwelling on this site. Because the applicant is applying for a variance to allow for no associated parking with this development, the Urban Planning Division feels that six (6) units is the maximum number that can be supported without any parking facility.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- Increasing residential density and helping to achieve a compact urban form are key policies of *OurWinnipeg* and *Complete Communities Direction Strategy* that are fulfilled by this application.
- The proposed intensification can be built on the subject site with variances for lot area and lot area per dwelling unit with no significant effect on surrounding properties.
- The scale and form of the proposed multi-family dwelling units can be built in a manner that is compatible with the neighbouring R1-zoned properties.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared By: James Veitch
PPD File # DAZ 207/13

Schedule "A" for File No. DAZ 207/2013, Assiniboia Community Committee, dated June 6, 2013

