Minute No. 608
Report – Standing Policy Committee on Property and Development – September 10, 2013

Item No. 7 Subdivision and Rezoning – 1425, 1429, 1435 Molson Street (Elmwood-East Kildonan Ward)
File DASZ 26/2013 [c/r DAV 120884/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 26/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 2013, with the following amendment:

        i. Recommendation 3A:
        Delete the word "$430" and replace with the word "$150".

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 26/2013 dated July 9, 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, bicycle parking, 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.

Report – Standing Policy Committee on Property and Development – September 10, 2013

COUNCIL DECISION (continued):

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 execution by the City of Winnipeg of the Servicing Agreement.

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 form 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 – September 10, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2013, 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 July16, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in with the following amendment:

Report of the Administrative Coordinating Group

- Recommendation 3A
  Delete the word “$430” and replace with the word “$150”,

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

RE: **Subdivision and Rezoning – 1425, 1429, 1435 Molson Street**
File DASZ 26/2013

For submission to: **The Standing Policy Committee on Property and Development**

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

Report date: **July 18, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 16, 2013, The East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 26/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 2013, ***with the following amendment:***

        i. Recommendation 3A:
        Delete the word "$430" and replace with the word "$150".

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 26/2013 dated July 9, 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, bicycle parking, 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 execution by the City of Winnipeg of the Servicing Agreement.

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 form 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This is a great project that will beautify and improve the area.

2. Costs associated with the surface improvements of Molson Street follow the rules in place.

PUBLIC HEARING SUMMARY

File: DASZ 26/2013

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

Public Hearing: July 16, 2013
Council Building, 510 Main Street

Applicant: Carrington Homes (Karl Devlin)

Subject:



Premises Affected: 1425, 1429, 1435 Molson Street

Exhibits Filed:

1. Application dated May 21, 2013
2. Notification of Public Hearing dated June 6, 2013
3. Manitoba Status of Titles 2601440/1 and 2609122/1
4. Plans (5 pages)
5. Report from the Urban Planning Division dated July 9, 2013
6. Inspection Report
7. Site Plan (1 page) submitted by the applicant at the public hearing in support of the application

REPRESENTATIONS:

In Support:

Karl Devlin

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 26/2013

ADMINISTRATIVE REPORT

Title: DASZ 26/13 – 1425-1429-1435 Molson

Issue: For consideration at the public hearing to rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Multi Family district and to consolidate it with the property to the south to allow for the expansion of a multifamily residential 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 26/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 2013.

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 26/2013 dated July 9, 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, bicycle parking, 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 execution by the City of Winnipeg of the Servicing Agreement.

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 form 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.

REASON FOR THE REPORT

- The applicant intends to rezone the subject property from “R1” to “RMF-S” and to consolidate it with the property adjacent to the south in order to accommodate an expansion of a multifamily residential development. This proposal represents the second phase of this multifamily residential development.

- The applicant intends to build two additional buildings on the expanded site. One eight-unit building will be located up against Molson while an additional four-unit building will be located at the rear.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

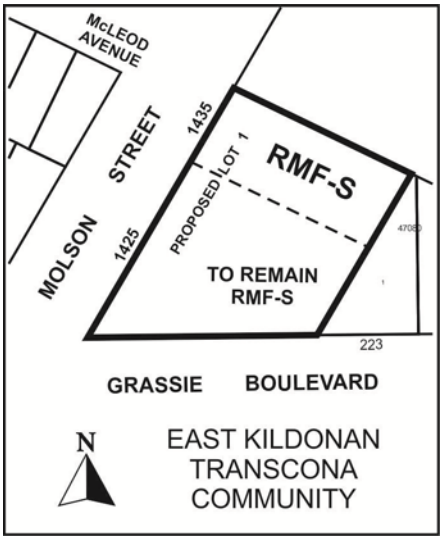
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	July 9, 2013
File No.	DASZ 26/13

APPENDIX 'A'

DATE: July 9, 2013
FILE: DASZ 26/13
RELATED FILES: DAZ 217/12, DAV 12-128159D, DAV 13-120884D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.423

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Multi Family district and to consolidate it with the property to the south to allow for the expansion of a multifamily residential development

LOCATION: 1425, 1429, and 1435 Molson St



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

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from “R1” to “RMF-S” and to consolidate it with the property adjacent to the south in order to accommodate an expansion of a multifamily residential development. This proposal represents the second phase of this multifamily residential development.
- The applicant intends to build two additional buildings on the expanded site. One eight-unit building will be located up against Molson while an additional four-unit building will be located at the rear.

SITE DESCRIPTION

- The subject property is located along Molson St just north of Grassie Blvd in the Eaglemere neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 14,848 sq. ft. in area, with approximately 78 ft. of frontage along Molson. It is currently zoned “R1-L” Residential Single Family district. It is occupied by a 1,161 sq. ft., one storey single family dwelling built in 1956.
- Adjacent properties include single family dwellings to the west and east zoned “R1-M” and “R1-L”, a multifamily development currently under construction to the south zoned “RMF-S”, and a River East School Division maintenance facility to the north zoned “M1” Manufacturing Light 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” to “RMF-S” and to consolidate it with the property adjacent to the south in order to accommodate an expansion of a multifamily residential development. This proposal represents the second phase of this multifamily residential development.
- The applicant intends to build two additional buildings on the expanded site. One eight-unit building will be located up against Molson while an additional four-unit building will be located at the rear. At its closest point, the eight-unit building will be set back 7.8 ft. from the north property line while the four-unit building, at its closest point, will be set back 10.7 ft. from the east property line.
- Both buildings will be similar in style to those already under construction to the south, clad in stucco and cultured stone. Each building will be two storeys (25.6 ft.) tall.
- In total, the consolidated site will have 28 units. The applicant is proposing 42 parking spaces to accommodate these units.

BACKGROUND

DAV 13-120884D

- In concurrence with this application, the applicant has also applied for the following variances:
    - A rear yard of 7.8 ft. instead of 25 ft. to the 8 unit multiple family dwelling.
    - A rear yard of 15.2 ft. instead of 25 ft. to the 4 unit multiple family dwelling.

DAZ 217/12

- On September 27, 2012, Council approved a rezoning of the land adjacent to the south comprising the first phase of this proposed development from “R1-L” to “RMF-S”.
- As a condition of this approval, the applicant was required to enter into a zoning agreement with the City of Winnipeg requiring the following:
    - That plans showing the location and design of proposed buildings, accessory parking areas, garbage enclosures, long term bicycle parking, 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.
- In concurrence with this application, the applicant also received a variance (DAV 12-128159D) to vary the front yard requirement of 20 ft. down to 13.5 ft.

Plan approvals

- On November 29, 2012, the East Kildonan-Transcona Community Committee approved site plans for the first phase of the proposed development.
- As a condition of approval, the applicant is required to remove and replace the existing fence that runs along the north property line (south property line of subject property line) by December 31, 2014. If the second phase of the proposed development proceeds, the replacement of this fence would not be required.

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.

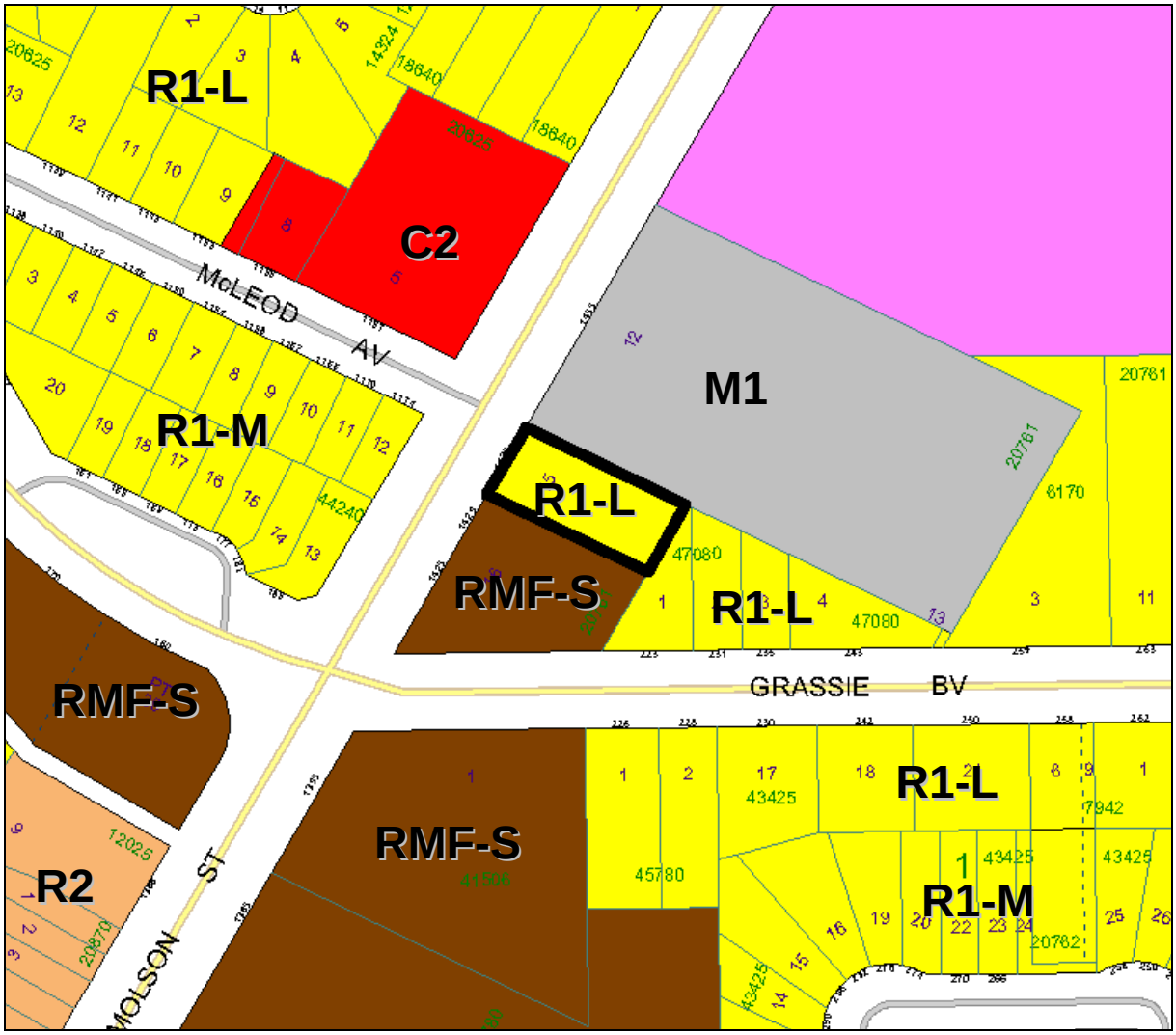


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 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.

Public Transit

- The intersection of Grassie and Molson is serviced by Winnipeg Transit routes 44 and 77.

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.
- In its report for DAZ 217/12, the Urban Planning Division articulated the following reasons to support the initial phase of the proposed development:
    - The proposed development is located at the corner of two collector streets.
    - There is a precedent for other nearby multifamily uses.
    - The proposed plan is compatible in scale with surrounding development.
- The Urban Planning Division reemphasizes this rationale, further noting that the proposed expansion is minor in scale and is still compatible with the surrounding neighbourhood.

Site design issues

- The Urban Planning Division is recommending plan approval as a condition of approval to align with the requirements on the rest of the site.
- Additional site plan details should address the location and design of fencing, landscaping, garbage enclosures, pedestrian connections, and bicycle parking.

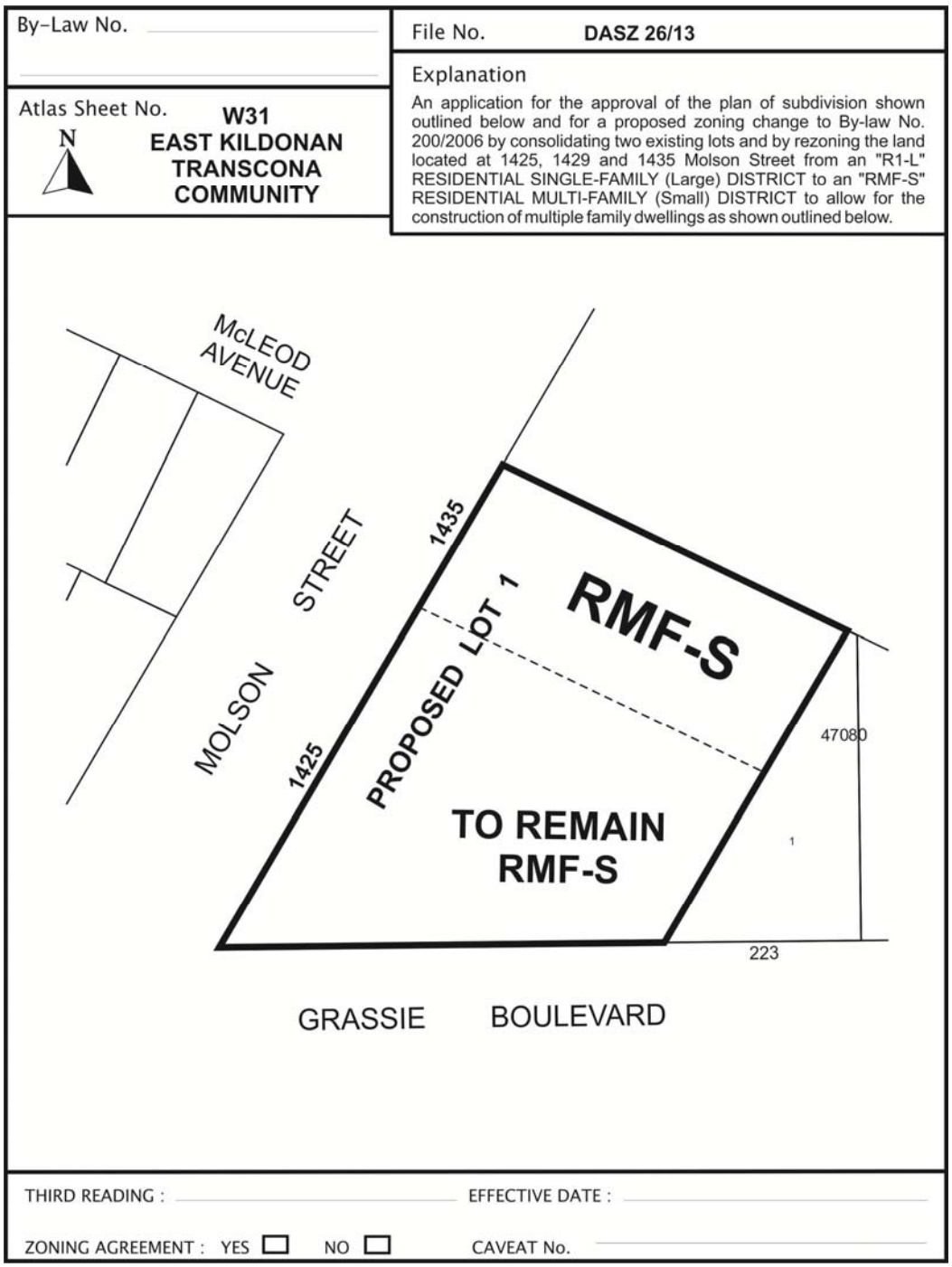
RECOMMENDATION

The Urban Planning Division is broadly supportive of this proposal as it represents a modest expansion of an existing multifamily development that is compatible with the surrounding neighbourhood. Further, it is located at the corner of two collector streets where there is an existing precedent for other nearby multifamily uses.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 26/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 26/13, East Kildonan-Transcona Community Committee, dated July 9, 2013.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – July 4, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1435 MOLSON STREET - DASZ 26/2013

It is recommended that the approval of DASZ 26/2013, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall pay its share of the regional land drainage system (2013 Rate = $9,997.00/acre).

2. The Developer shall pay its share of the following underground improvements in Molson Street.

    a. Land Drainage Sewer Laterals: (2013 rate = $40.00/frontage foot x 80 frontage feet)
    b. Wastewater Sewer: (2013 rate = $116.00/frontage foot x 80 frontage feet)
    c. Watermain: (2013 rate = $93.00/frontage foot x 80 frontage feet)

    All as determined by the Director of Water and Waste.

3. The Developer shall, pay to the City, in cash, on demand, its share of the cost of the following surface improvements to be installed, in the future by the City, in Molson Street along the full length of the subject property abutting Molson Street:

    a. A 5.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works; (2013 rate = $430.00/frontage foot x 80 frontage feet)
    b. Street lighting in the east boulevard; (2013 rate = $40.00/frontage foot x 80 frontage feet)
    c. Landscaping in the east boulevard; (2013 rate = $33.00/frontage foot x 80 frontage feet)
    d. A 1.5m in width by 100mm in thickness portland cement concrete sidewalk; (2013 rate = $50.00/frontage foot x 80 frontage feet)

    All as determined by the Director of Public Works.

4. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground, to the satisfaction of the Director of Public Works.

5. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by , and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes as determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets; all until building construction, including landscaping, is complete, and all as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, initiate and control the regular clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

8. Following the completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

9. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre (minimum $1,650.00) of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2013
July 4, 2013

"Original signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.
Land Development Branch

"Original signed by C.J. Desjardine M.Sc., P.Eng."
C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

"Original signed by F.C. Mazur, P.Eng."
F. C. Mazur, P. Eng.
Water & Waste Department