Agenda – Council – October 23, 2013

Report – Standing Policy Committee on Property and Development – October 8, 2013

Item No. 3 Subdivision and Rezoning – 455 Edison Avenue (North Kildonan Ward) File DASZ 32/2013

STANDING COMMITTEE RECOMMENDATION:

On October 16, 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 following to Council:

1. That the plan of subdivision under File DASZ 32/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2013 dated September 10, 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 32/2013 dated September 10, 2013, to a "RMF-L" Residential Multifamily 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, 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, and landscaping 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 building height on the subject property shall be limited to 105 feet.

        iii. That the site shall not be developed to a density greater than 400 square feet of lot area per dwelling.

Report – Standing Policy Committee on Property and Development – October 8, 2013

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 That Caveat 3537731 be withdrawn as it affects Lots 45 and 46, Plan 20935.

5. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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.

10. 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.

11. 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 – October 8, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 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 October 8, 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 September 17, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Recommendation 2.A.ii
  Delete the word “60” and replace with the word “105”

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

RE: **Subdivision and Rezoning - 455 Edison Avenue**
File DASZ 32/2013

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: **September 18, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 17, 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 proposed under File DASZ 32/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2013 dated September 10, 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 32/2013 dated September 10, 2013, to a "RMF-L" Residential Multifamily 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, 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, and landscaping 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 building height on the subject property shall be limited to ~~***60***~~ ***105*** feet.

        iii. That the site shall not be developed to a density greater than 400 square feet of lot area per dwelling.

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 Caveat 3537731 be withdrawn as it affects Lots 45 and 46, Plan 20935.

5. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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.

10. 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.

11. 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 application is consistent with other developments in area.
2. There is no opposition to the application.

PUBLIC HEARING SUMMARY

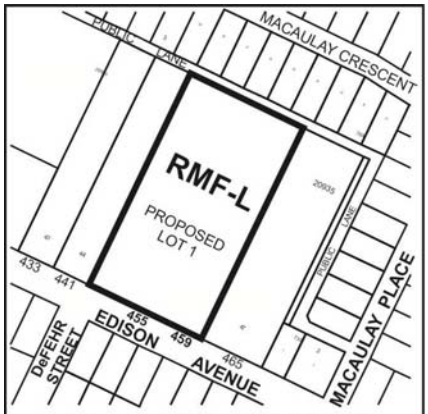
File: DASZ 32/2013

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

Public Hearing: September 17, 2013
Council Building, 510 Main Street

Applicant: J Wintrup Consulting Ltd. (John Wintrup)

Subject:



APPLICANT : J. WINTRUP CONSULTING LTD.
FILE : DASZ 32/13
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the future development of a multiple family dwelling and to consolidate two underlying lots. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected: 455 Edison Avenue

Exhibits Filed:

1. Application dated July 17, 2013
2. Notification of Public Hearing dated August 12, 2013
3. Manitoba Status of Title(s) 2616975/1 and 2616976/1
4. Letter of authorization dated May 9, 2013 from Mematt Developments Ltd. to John Wintrup
5. Surveyor's Building Location Certificate and sketch dated May 8, 2013
6. Caveat 3537731
7. Plans (10 pages)
8. Report from the Urban Planning Division dated September 10, 2013
9. Inspection Report

REPRESENTATIONS:

In Support:

Bob Kozminski
John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DASZ 32/2013

ADMINISTRATIVE REPORT

Title: DASZ 32/13 – 455 Edison Av

Issue: For consideration at the public hearing to rezone the subject property from "RMF-M" Residential Multi Family district to "RMF-L" Residential Multi Family district

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 32/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2013 dated September 10, 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 32/2013 dated September 10, 2013, to a "RMF-L" Residential Multifamily 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, 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, and landscaping 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 building height on the subject property shall be limited to 60 feet.

iii. That the site shall not be developed to a density greater than 400 square feet of lot area per dwelling.

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 Caveat 3537731 be withdrawn as it affects Lots 45 and 46, Plan 20935.

5. That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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.

10. 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.

11. 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 “RMF-M” Residential Multi-Family to “RMF-L” Residential Multi-Family district.
- The applicant has indicated to the Urban Planning Division that they do not intend to develop the site, but rather intend to sell it with additional “RMF-L” entitlements.
- There is an existing zoning agreement on the subject property that currently limits maximum building heights to four storeys.

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

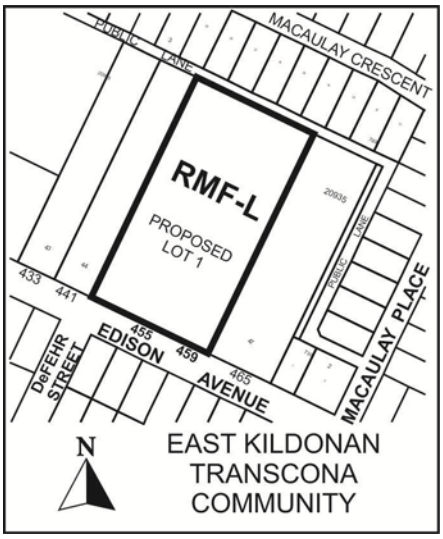
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	September 10, 2013
File No.	DASZ 32/13

APPENDIX 'A'

DATE: September 10, 2013
FILE: DASZ 32/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.413

SUBJECT: To rezone the subject property from "RMF-M" Residential Multi Family district to "RMF-L" Residential Multi Family district to allow for the future development of multiple family dwellings and to consolidate two underlying lots

LOCATION: 455 Edison Av



APPLICANT: John Wintrup
J. Wintrup Consulting Ltd.
301-139 Roslyn Rd
Winnipeg MB R3L 0G7

OWNER: Mematt Developments Ltd. (Bob Kozminski)
451 Park Blvd E.
Winnipeg MB R3P 0H2

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from "RMF-M" Residential Multi-Family to "RMF-L" Residential Multi-Family district.
- The applicant has indicated to the Urban Planning Division that they do not intend to develop the site, but rather intend to sell it with additional "RMF-L" entitlements.

- There is an existing zoning agreement on the subject property that currently limits maximum building heights to four storeys.

SITE DESCRIPTION

- The subject property is located on the north side of Edison Av between Rothesay St and Macaulay Pl in the Rossmere-A neighbourhood of the North Kildonan ward.
- The site is zoned “RMF-M” Residential Multi-Family district and is currently vacant, with the exception of a temporary condo sales display suite in the southeast corner of the property. The property is approximately 248 ft. wide, 468 ft. deep, and 116,064 sq. ft. in area.
- Adjacent properties include a 2 ½ storey multifamily building to the west zoned “RMF-M”, single family dwellings to the north and south zoned “R1-L” Residential Single Family district, and a commercial office to the east zoned “C2” Commercial Community district.

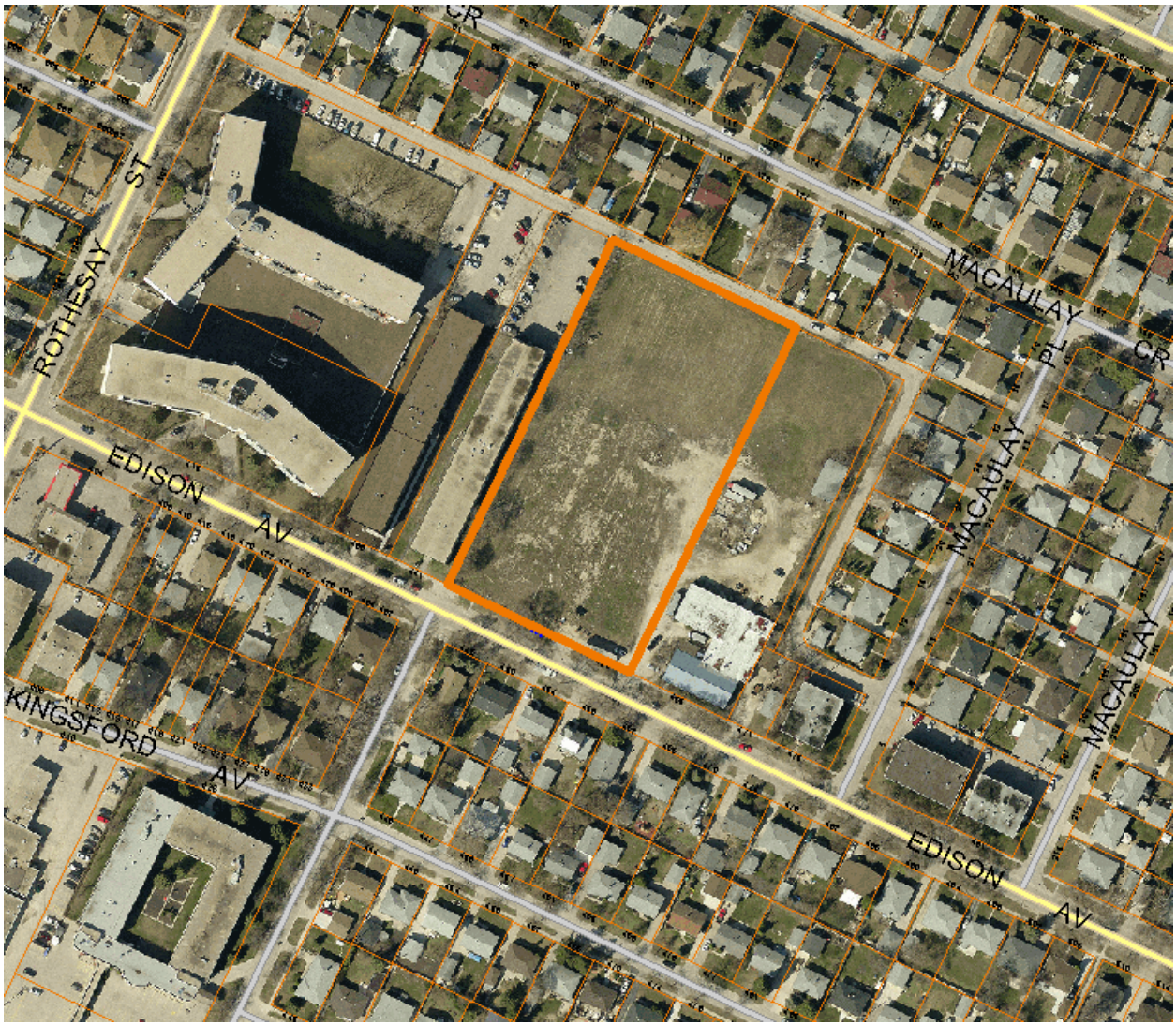


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from “RMF-M” Residential Multi-Family to “RMF-L” Residential Multi-Family district.
- The applicant has submitted conceptual site plans with the application indicating two L-shaped multifamily buildings with heights tiered down from as high as 12 and 11 storeys to nine and six. These plans indicate that the proposed south building will have 155 units while the proposed north building will have 131 units.
- In spite of these plans, in correspondence with the Urban Planning Division, the applicant has indicated they do not intend to develop the site in accordance with them, but rather intend to sell the site with additional “RMF-L” entitlements.
- The subject property is currently comprised of two underlying lots; the applicant is proposing to consolidate them.

BACKGROUND

DAV 12-171215C

- On November 7, 2012, the Board of Adjustment approved a variance on the land to permit the following:
    - For the construction of a multiple family dwelling to permit a west side yard of 5.5 ft. to the balcony and 13.5 ft. to the building instead of 14 ft.
    - For the establishment of an accessory parking area to permit no front yard instead of 20 ft. and no east side yard instead of 8 ft.
- This variance was applied for in concurrence with plans to build a 66-unit, H-shaped multifamily building.
- Plans for this development were approved by the East Kildonan-Transcona Community Committee on November 5, 2012.

DAZ 211/07

- In 2007, Council approved a rezoning of the subject property from a “C2” Commercial district to a “RM-4” Residential Multifamily district. This rezoning was to accommodate a multifamily residential development whose plans were not submitted at the time of this application.
- This application was approved subject to the landowner entering into a zoning agreement with the City requiring the following:
    - That plans for the location and design of the proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage be approved by the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee prior to the issuance of any building permit.
    - That the maximum number of stories shall not exceed four.

Previous history

- The subject property was previously used for industrial/manufacturing purposes dating back to 1960.
- When Zoning By-law No. 4440 came into effect in 1986, consolidating the different zoning by-laws for East Kildonan, Transcona, and North Kildonan, the property was rezoned “CF” Commercial Fabrication district, whose purpose was to provide a transitional zone between an industrial area and surrounding residential properties.

- When Zoning By-law No. 6400 came into effect in 1994, the property became zoned “C2” Commercial district. At this time, two manufacturing uses occupied the building on the site without necessary approvals.
- In 2005, an application (DAZ 209/2005) was made to use the existing structure and land for the warehousing and manufacturing of plastic products with outside storage. The Public Service indicated to the applicant they would not be supportive of this proposed rezoning, as it would not be compatible with the surrounding residential land uses. The applicant subsequently withdrew the application prior to it going to public hearing.

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.
- Edison Av and Rothesay St, particularly in close proximity to their intersection, would be considered Neighbourhood Mixed Use Corridors in the Complete Communities Direction Strategy. These streets tend to be located within the neighbourhood level and allow for specific neighbourhood focal points serving the local population. They are primarily residential with intermittent commercial uses clustered at intersections. Commercial uses are generally small-scale retail sales and services, serving the immediate neighbourhood. These streets provide feeder route access to the broader primary transit network.
- Supporting Direction and Enabling Strategies for Neighbourhood Mixed Use Corridors and Centres include:
    - Encourage moderate intensification through the development of a mix of uses and a broad range of ground-oriented and mid-density housing.
    - Support the minor intensification of Neighbourhood Mixed Use Corridors keeping in character with the surrounding neighbourhood.

Zoning

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

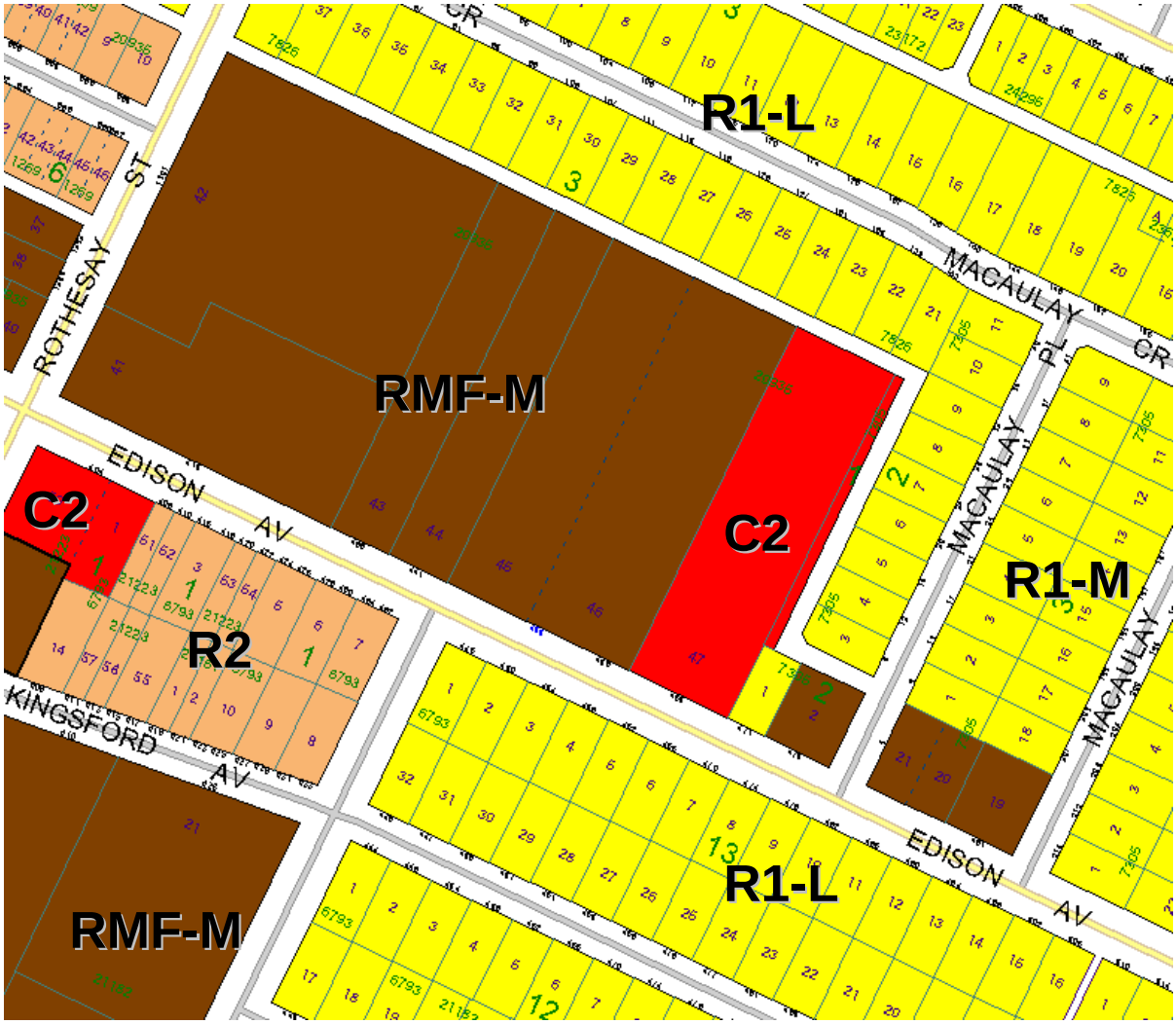


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 143 of the zoning by-law prescribes the following dimensional standards for the "RMF-M" and "RMF-L" districts:

	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-M	9,000	800	25	25	8	20	8	60
RMF-L	20,000	400	25	25	8	20	8	150
* - In the RMF-M and RMF-L districts, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.								

Figure 3: Dimensional standards for the "RMF-M" and "RMF-L" 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.

Potential development rights

- Given that the applicant has indicated a desire to sell the subject property with additional "RMF-L" entitlements rather than develop it himself with basic plans already formulated, it is important to understand the increase in development rights requested by the applicant.
- The chart below illustrates the difference in development rights under a number of different scenarios. Note that the maximum number of units is based on a lot area of 2.7 acres (117,612 sq. ft.).

	Max. building height	Max. number of units	Parking spaces required at full build out
Scenario 1 – RMF-M with existing height restriction remaining	4 storeys	147	220
Scenario 2 – RMF-M with existing restriction removed	60 ft.	147	220
Scenario 3 – RMF-L with new 60 ft. height restriction	60 ft.	294	441
Scenario 4 – RMF-L with no height restriction	150 ft.	294	441

Figure 4: Potential development rights as per different scenarios

Future traffic studies

- Upon review, the Public Works Department determined that a development built in accordance to the standards of the "RMF-L" zoning district would not necessitate a traffic study. However, if a variance is ever sought to build to densities greater than what is allowed in this district (400 sq. ft. of lot area per dwelling unit), one would be necessary.
- As a result, it is recommended that this density maximum be entrenched in the zoning agreement so that if a future developer ever wanted to exceed this maximum, the City could require the traffic study it deems necessary, as well as potential infrastructure improvements that may be required (a zoning agreement amendment can allow for this, while a variance application cannot).

Compatibility with the surrounding neighbourhood

- The Complete Communities Direction Strategy is broadly supportive of intensification of existing neighbourhoods, as it minimizes the spatial use of land, maximizes existing infrastructure, and provides a wider range of housing options as the City accommodates 180,000 new residents over the next 20 years.
- That being said, the impetus for intensification must be balanced with neighbourhood compatibility. There is an existing 10 storey building at the northeast corner of Edison and Rothesay, as well as a 10 storey multifamily development currently under construction one block to the south at Kingsford Av. These densities reinforce the Rothesay/Edison intersection as the centre of a neighbourhood-scaled node. However, the subject property is at the edge of this node

as it transitions towards predominantly single family dwellings further east (as well as to the south and north).

- Given this need for neighbourhood sensitivity, it is felt that an unencumbered “RMF-L” zoning designation would be inappropriate due to potential building height. The “RMF-L” district allows for building heights of up to 150 ft. While the Urban Planning Division is open to increasing the maximum permitted building height beyond the existing four storey restriction, it should not exceed what is otherwise allowed in the “RMF-M” district.
- Within a maximum building height of 60 ft., the Urban Planning Division is open to “RMF-L” densities. Any development on-site will be required to provide a minimum of 1.5 parking stalls per dwelling unit. The Urban Planning Division is supportive of development that can fit within a building shell compatible with surrounding development and that is able to provide an appropriate amount of vehicular parking.

Site design issues

- Plan approval is a condition in the existing zoning agreement. It is recommended that this condition be retained to further help ensure future development will be compatible with the surrounding neighbourhood.

RECOMMENDATION

While the Urban Planning Division is broadly supportive of intensification in existing neighbourhoods, it must be balanced with neighbourhood compatibility. It is open to loosening the existing four storey height restriction as per DAZ 211/07, but would be reluctant to support a building height exceeding 60 feet, the maximum permitted building height of the “RMF-M” zoning district. That being said, it would be open to “RMF-L” densities within this building height maximum, provided an appropriate amount of vehicular parking can be provided.

It is recommended as a condition of the zoning agreement that a maximum density of 400 sq. ft. of lot area per dwelling unit be placed on the subject property. Public Works has indicated that a traffic study would be required if any future development exceeded this density. As a result, an amendment to the zoning agreement would be required if this was ever proposed; this application would allow the City to ask for a traffic study, whereas it could not with a variance application. Plan approval is also recommended as a condition of approval in the zoning agreement to ensure whatever future development is built would be compatible with the surrounding neighbourhood.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 32/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 32/13, East Kildonan-Transcona Community Committee, dated September 10, 2013.

