Minute No. 268
Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 1 Subdivision and Rezoning – 1310 Henderson Highway (North Kildonan Ward) File DASZ 44/2013 [c/r DAV 155523/2013D]

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 44/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the applicant enter into a Servicing Agreement with the City to construct, at no expense to the City, a Portland cement reinforced concrete lane pavement including land drainage and related works as required, from the north limit of the subject property, southerly to the existing street pavement in Irving Place. All to the satisfaction of the Director of Public Works.

3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 44/2013 dated December 3, 2013, to a "RMF-S" 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, accessory parking areas, 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 no front approaches shall be permitted.
        iii. That the maximum number of units permitted on the site shall be limited to five.

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COUNCIL DECISION (continued):

4. 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.

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.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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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 February 19, 2014, 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 February 18, 2014, 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 January 21, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Add the following new recommendation:

  "2. That the applicant enter into a Servicing Agreement with the City to construct, at no expense to the City, a Portland cement reinforced concrete lane pavement including land drainage and related works as required, from the north limit of the subject property, southerly to the existing street pavement in Irving Place. All to the satisfaction of the Director of Public Works.",

- Renumber the remaining recommendations accordingly,

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

Report – Standing Policy Committee on Property and Development – February 18, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On December 10, 2013, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 21, 2014, to allow the Winnipeg Public Service to:

1. Provide more information on the costs and options of a Local Improvement.
2. Consult with the applicant on the configuration of the back lane and garbage and recycling.

RE: **Subdivision and Rezoning – 1310 Henderson Highway**
File DASZ 44/2013

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: **January 22, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 21, 2014, 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 44/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. ***That the applicant enter into a Servicing Agreement with the City to construct, at no expense to the City, a Portland cement reinforced concrete lane pavement including land drainage and related works as required, from the north limit of the subject property, southerly to the existing street pavement in Irving Place. All to the satisfaction of the Director of Public Works.***

~~2.~~3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 44/2013 dated December 3, 2013, to a "RMF-S" 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, accessory parking areas, 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 no front approaches shall be permitted.

iii. That the maximum number of units permitted on the site shall be limited to five.

~~**3.**~~**4.** 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.**~~**5.** That the Director of Planning, Property, and Development be authorized to certify any documents in connection therewith.

~~**5.**~~**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.

~~**6.**~~**7.** That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

~~**7.**~~**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.

~~**8.**~~**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.

~~**9.**~~**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.

~~**10.**~~**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 development provides the needed density along Henderson Highway and is appropriate for the area.

PUBLIC HEARING SUMMARY

File:	DASZ 44/3
Before:	East Kildonan-Transcona Community Committee Councillor Steen, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	January 21, 2014 Council Building, 510 Main Street
Applicant:	Broadway Title Inc. (Bob Doolan)
Subject:	



Premises Affected: 1310 Henderson Highway

Exhibits Filed:

1. Application dated October 31, 2013
2. Notification of Public Hearing dated November 4, 2013
3. Manitoba Status of Title(s) 2651193/1 and 2651194/1
4. Letter of authorization dated July 30, 2013 from Global Homes Ltd. and 4713096 Manitoba Ltd. to Broadway Title Inc.
5. Plans (3 pages)
6. Report from the Urban Planning Division dated December 3, 2013
7. Inspection Report

8. Plans (4 pages), in support of the application, submitted by the applicant at the public hearing.
9. Audio Recording of representations
10. Notice of Adjournment dated December 13, 2013
11. Plans (2 pages), in support of the application, submitted by the applicant at the public hearing
12. Audio Recording of representations of public hearing held on January 21, 2014

REPRESENTATIONS:

In Support:

Bob Doolan, Broadway Title Inc.
Bernhard Goertzen
Josh Smith

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

Exhibit "6" referred to in File DASZ 44/2013

ADMINISTRATIVE REPORT

Title: DASZ 44/13 – 1310 Henderson Hwy

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

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 44/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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        ii. That no front approaches shall be permitted.

iii. That the maximum number of units permitted on the site shall be limited to five.

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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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 to “RMF-S” Residential Multifamily district to enable the development of a five-unit townhouse development.
- The subject property is currently zoned “R1-L” Residential Single Family district.

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

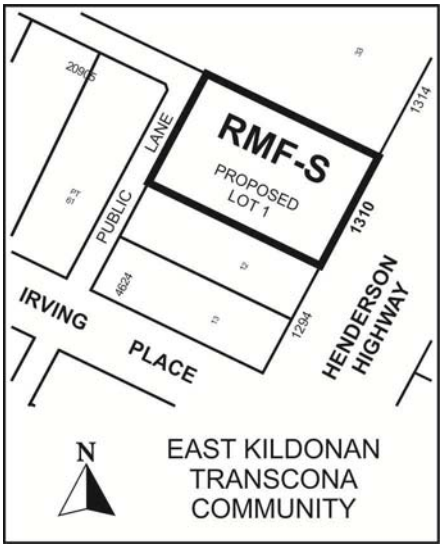
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	December 3, 2013
File No.	DASZ 44/13

APPENDIX 'A'

DATE: December 3, 2013
FILE: DASZ 44/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.413

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Multi Family district to allow for the development of a multifamily dwelling and to consolidate two underlying lots into one

LOCATION: 1310 Henderson Hwy



APPLICANT: Bob Doolan
Broadway Title Inc.
1695 Henderson Hwy Suite 230
Winnipeg MB R2G 1P1

OWNER: 4713096 Manitoba Ltd./Global Homes
1695 Henderson Hwy Suite 230
Winnipeg MB R2G 1P1

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property to “RMF-S” Residential Multifamily district to enable the development of a five-unit townhouse development.
- The subject property is currently zoned “R1-L” Residential Single Family district.

SITE DESCRIPTION

- The subject property is located on the west side of Henderson Hwy between Irving Pl and Slater Av in the Kildonan Drive neighbourhood of the North Kildonan ward.
- The site is zoned “R1-L” Residential Single Family district and is occupied by a one storey, 660 sq. ft. single family dwelling. The property is approximately 91 ft. wide, 141 ft. deep, and 12,813 sq. ft. in area.
- Adjacent properties include a church to the north and single family dwellings to the west and south zoned “R1-M” Residential Single Family district and a commercial strip mall to the east across Henderson zoned “C2” Commercial Community district.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from "R1-L" Residential Single Family district to "RMF-S" Residential Multi Family district to enable the development of a five-unit townhouse development.
- Conceptual plans submitted with the application indicate a row of five townhouses, all sharing party walls, setback 35 ft. from Henderson. A 53 ft. deep backyard amenity space is to be provided, following which 10 parking spaces taking access directly from the back lane are provided.
- Building plans show peaked roofs with what appears to be a combination of stucco and decorative stone cladding.
- The subject property is currently comprised of two underlying lots; the applicant is proposing to consolidate them.

BACKGROUND

DAV 13-155523D

- In concurrence with this application, the applicant has also applied for a variance to allow for the establishment of a parking area accessory to a proposed multifamily dwelling to permit parking directly from a public lane and not an aisle-way or driveway.

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 guides 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. Given their prominence in daily life, corridors are ideal for transformative change. Through their residential, employment, and commercial intensification, people will be able to access a greater number of goods and services with one trip. By expanding the number and range of amenities and housing options within existing neighbourhoods, intensifying mixed use development along corridors will help to complete communities.
- There are three main types of corridors, corresponding to their intended scale of development intensity. Ordered from most to least intensely developed, they are: 1) Regional Mixed Use Corridors, 2) Community Mixed Use Corridors, and 3) Neighbourhood Mixed Use Corridors.
- Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.

- Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.
- Develop corridors in accordance with Transit Oriented Development principles.

Henderson Highway Corridor Secondary Plan

- The subject property falls within the boundaries of the Henderson Highway Corridor Secondary Plan, which has statutory authority as a secondary plan.
- This plan was adopted by Council in 1983 with the intent of promoting orderly development on Henderson Hwy and to preserve and maintain the stable residential neighbourhoods abutting Henderson within the plan area.
- The entire plan itself consists solely of three main policies:
    - To encourage the retention of the existing low density residential areas within the plan area.
    - Notwithstanding the policy aforesaid, sensitive development proposals may be entertained for the remaining single family properties on the east side of Henderson Hwy between Edison Av and McKay Av.
    - Subject to the policies aforesaid, to encourage the following minimum design criteria when evaluating proposals for commercial development:
        - Commercial redevelopment should only involve complete block redevelopment.
        - Access to commercial sites should only occur from the fronting arterial streets; and
        - Commercial buildings should only be located at the rear of the site with parking orientated to the front of the site.
- In 2001, the Public Service was directed to conduct a review on this secondary plan and concluded that, overwhelmingly, the character of Henderson Highway had not changed very much since 1980. The East Kildonan-Transcona Community Committee concurred with the recommendation of administration, which was:

"That the existing interpretation of the Plan continue to be recognized, this being to prohibit commercial redevelopment of single family residential properties on Henderson Highway in order to preserve the existing neighbourhoods and to maintain the stability of the residential development presently existing on Henderson Highway."

Transit Oriented Development Handbook

- The Complete Communities Direction Strategy advises that development along corridors such as Henderson Highway should be developed in accordance with transit oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.

- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
    1. Medium to high density development that is greater than the community average.
    2. A mix of uses.
    3. Compact, high quality pedestrian-oriented environment.
    4. An active, defined centre.
    5. Innovative parking strategies.
    6. Public leadership.
- Among these above-noted Principles, some key supporting points include:
    - "Active" first floor uses oriented to serve pedestrians along key street edges.
    - Land uses that emphasize pedestrians and de-emphasize motorists within 400 metres (1/4 mile) of transit.
    - Discourage the introduction of new auto-oriented uses nearest to transit.
    - Entrances oriented to be easily accessible from the public sidewalk.
    - High quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.
    - Buildings are typically taller than the surrounding area, oriented close to the street with window displays and main entrances.

Zoning

- The Residential Single-Family (R1) 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.

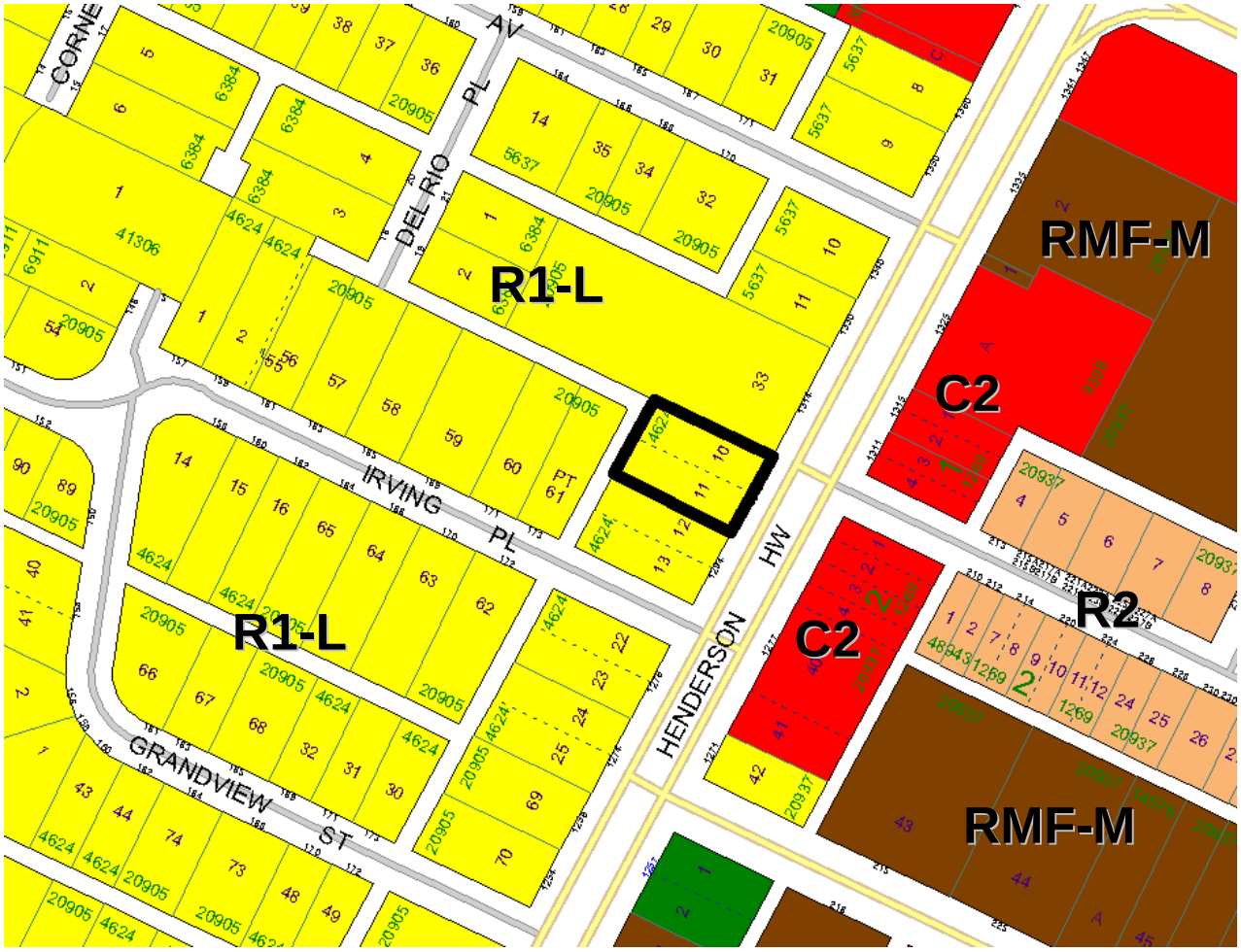


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 143 of the zoning by-law prescribes the following dimensional standards for the "RMF-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-S	9,000	1,250	20	25	4	5	8	35

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.

- Section 172 of the zoning by-law prescribes development standards for parking areas. It requires that an accessory off-street parking area must be provided with a parking driveway with a minimum width of 8 ft., having access to a street or, where permitted, to a public lane.

Compatibility with the surrounding neighbourhood

- The Complete Communities Direction Strategy encourages significant intensification along Henderson Hwy, given that it is a Regional Mixed Use Corridor. It is advantageous for intensification for a number of reasons:
    - Henderson Hwy is served by Winnipeg Transit Route 11, connecting the neighbourhoods abutting this street with downtown through to Polo Park Shopping Centre. It is the busiest transit route in Winnipeg.
    - It is a regional road well suited to handle large volumes of vehicular traffic.
    - North-south Active Transportation facilities exist on parallel streets such as Roch St.
    - It is well-served by existing commercial amenities and infrastructure.
- However, as Figure 4 indicates below, the existing low density nature of the corridor, particularly south of the Chief Peguis Trail, fails to fully capitalize upon its inherent advantages. Given that such a significant amount of the corridor is comprised of single family homes, intensification will require the rezoning of single family lots for multifamily development.

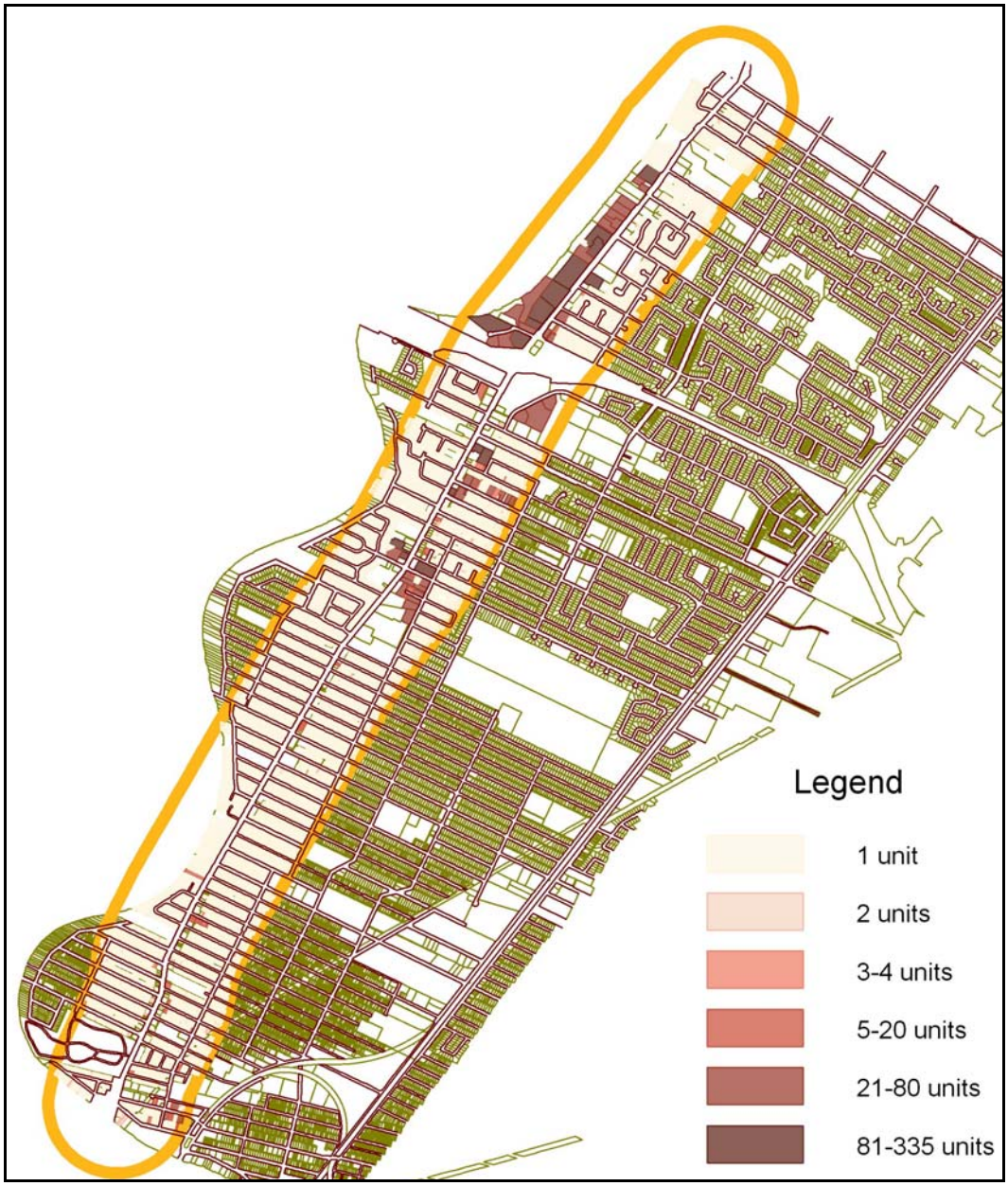


Figure 4: Map indicating residential dwellings within 400m of Henderson Hwy, sorted by number of units

- In this context, the proposed development is very sensitive to the surrounding uses since its heights and yards are consistent with dimensions typical of single family lots. It also provides more vehicular parking beyond the standard for both multi-family residential dwellings and single family dwellings.
- It is recommended as a condition of approval that plans for building location and design, fencing, landscaping, and garbage enclosures be approved by the Director of Planning, Property, and

Development and the East Kildonan-Transcona Community Committee prior to the issuance of any building permits.

- Of particular note is that consideration should be given for the storage of garbage and recycling. The applicant may need to eliminate at least one parking space to accommodate this. This should not be a problem however, since the site plan submitted with the application already provides more parking beyond what is required in the zoning by-law.

- A restriction on front approaches off Henderson is also recommended as a condition of approval.
- The existing back lane is currently surfaced with gravel. Given the modest number of units proposed, Public Works cannot justify requiring the developer to pave the lane. This is why a maximum number of five units is recommended as a condition of approval (whereas the site could potentially be developed up to 10 units). If in the future a proposal to develop additional units was received, a zoning agreement amendment application could provide Public Works with an opportunity to reconsider any potential upgrades.

RECOMMENDATION

The Complete Communities Direction Strategy strongly advocates for intensification along Henderson Highway which, particularly south of Chief Peguis Trail, is largely comprised of single family dwellings. Intensifying this corridor will necessitate rezoning at least some of these single family lots to multifamily zoning districts. The proposed multifamily development is modest in scale and 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 44/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 44/13, East Kildonan-Transcona Community Committee, dated December 3, 2013.

