Minute No. 351
Report – Standing Policy Committee on Property and Development – March 11, 2014

Item No. 3 **Subdivision and Rezoning – Part of 1963, 1977 and 1987 Henderson Highway; 234 and 236 Bonner Avenue (North Kildonan Ward)**
File DASZ 51/2013 [c/r SPA 6/2013 and DAV 175256/2013D]

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 proposed under File DASZ 51/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 51/2013 dated February 11, 2014 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 January 30, 2014, as amended:

        A. Plan Considerations

        The Developer shall transfer to the City and legally open, property for a 2.438m widening to the Bonner Avenue right-of-way for the full length of the Planned Area abutting Bonner Avenue to the satisfaction of the Director of Public Works.

        B. Servicing Conditions and Payments

            1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk along the south side of Bonner Avenue from the proposed private approach serving proposed Lot 2 to Henderson Highway as determined by and to the satisfaction of the Director of Public Works.

            2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – March 11, 2014

COUNCIL DECISION (continued):

3. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall be responsible to control and to initiate the 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 substantial completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

5. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works. No construction access shall be permitted to and from the public lane adjacent to the subject property.

6. Following 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 & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

Report – Standing Policy Committee on Property and Development – March 11, 2014

COUNCIL DECISION (continued):

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

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 51/2013 dated February 11, 2014, to a "C2" Commercial Community District and an "RMF-M" 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, bicycle parking, 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 Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That no vehicular access shall be permitted from the subject property to the public lane north of Strood Avenue.

iv. That a six foot screen fence shall be erected along the south property line adjacent to the public lane north of Strood Avenue.

Report - Standing Policy Committee on Property and Development – March 11, 2014

COUNCIL DECISION (continued):

v. That for the 170 feet closest to Bonner Avenue, a minimum yard of 40 feet shall be provided to the east property line.

vi. That all windows on the south building wall on any building on Lot 2 shall be opaque to the satisfaction of the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee.

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 88-5899/1 be withdrawn in relation to Lot 1, Plan 21856, as it affects Schedule "A" for File DASZ 51/2013 dated February 11, 2014.

5. That Caveat 257742/1 be withdrawn in relation to Lot 51, Plan 20247, as it affects Schedule "A" for File DASZ 51/2013 dated February 11, 2014.

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

7. 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.

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

9. 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.

10. 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.

Report – Standing Policy Committee on Property and Development – March 11, 2014

COUNCIL DECISION (continued):

11. 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.

12. 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 – March 11, 2014

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 March 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 March 11, 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 February 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment,

Planner's Report

- Add the following new recommendation:
  "2.A.vi. That all windows on the south building wall on any building on Lot 2 shall be opaque to the satisfaction of the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee."

ACG Report

- Recommendation B.5, add the following:
  "No construction access shall be permitted to and from the public lane adjacent to the subject property",

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

RE: **Subdivision and Rezoning – Part of 1963, 1977 and 1987 Henderson Highway; 234 and 236 Bonner Avenue File DASZ 51/2013**

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: **February 20, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 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 51/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 51/2013 dated February 11, 2014 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 January 30, 2014, ***as amended***:

        A. Plan Considerations

        The Developer shall transfer to the City and legally open, property for a 2.438m widening to the Bonner Avenue right-of-way for the full length of the Planned Area abutting Bonner Avenue to the satisfaction of the Director of Public Works.

        B. Servicing Conditions and Payments

            1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk along the south side of Bonner Avenue from the proposed private approach serving proposed Lot 2 to Henderson Highway as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

3. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall be responsible to control and to initiate the 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 substantial completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

5. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works. ***No construction access shall be permitted to and from the public lane adjacent to the subject property.***

6. Following 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 & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office,

$1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

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 51/2013 dated February 11, 2014, to a "C2" Commercial Community District and an "RMF-M" 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, bicycle parking, 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 Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

      iii. That no vehicular access shall be permitted from the subject property to the public lane north of Strood Avenue.

      iv. That a six foot screen fence shall be erected along the south property line adjacent to the public lane north of Strood Avenue.

      v. That for the 170 feet closest to Bonner Avenue, a minimum yard of 40 feet shall be provided to the east property line.

vi. That all windows on the south building wall on any building on Lot 2 shall be opaque to the satisfaction of the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee.

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 88-5899/1 be withdrawn in relation to Lot 1, Plan 21856, as it affects Schedule "A" for File DASZ 51/2013 dated February 11, 2014.

5. That Caveat 257742/1 be withdrawn in relation to Lot 51, Plan 20247, as it affects Schedule "A" for File DASZ 51/2013 dated February 11, 2014.

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

7. 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.

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

9. 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.

10. 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.

11. 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.

12. 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. The Secondary Plan has been modified over the years as it dates to the 1970s.
2. The developer has worked with the neighbourhood to address issues.
3. Improvements to tax base will help work on the issues raised regarding Henderson Highway.
4. Parking will occur on Bonner Avenue and not on Strood Avenue where concerns have been raised.
5. Construction traffic is not to use the Strood Avenue lane.
6. There would be more opposition if this development were to occur further down the street.
7. Property values in the long term will benefit the neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ 51/2013

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

Public Hearing: February 18, 2014
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Donovan Toews)

Subject:



Premises Affected: part of 1963, 1977 and 1987 Henderson Highway;
234 and 236 Bonner Avenue

Exhibits Filed:

1. Application dated November 25, 2013
2. Notification of Public Hearing dated January 15, 2014
3. Manitoba Status of Titles 1090837/1, 1276578/1, 2454181/1, 2552913/1, 2552915/1, 2665132/1, 2671102/1 and 2671105/1
4. Letter of authorization dated May 30, 2013 from B. & L. Mobile Brake Service Ltd. to Irwin Homes Ltd. (6598090 Manitoba Ltd.)
5. Letter of authorization dated August 26, 2013 from 6598090 Manitoba Ltd. to Landmark Planning & Design Inc.
6. Letter of authorization dated August 28, 2013 from Passages Incorporated to Landmark Planning & Design Inc.
7. Letter of authorization dated August 28, 2013 from L.N.R. Development Corp. to Landmark Planning & Design Inc.
8. Letter of authorization dated September 4, 2013 from B. & L. Mobile Brake Service Ltd. to Landmark Planning & Design Inc.
9. Letter of authorization dated October 17, 2013 from Gardan Gas Bar Inc. to 6598090 Manitoba Ltd.
10. Surveyor's Building Location Certificate and sketch dated June 25, 2013
11. Caveat 257742
12. Plans (3 pages)
13. Report from the Urban Planning Division dated February 11, 2014
14. Inspection Report
15. Communication dated February 14, 2014, from William Nadurak in opposition to the application
16. Audio Recording of representations

REPRESENTATIONS:

In Support:

Otto Cheng
Andrew Koop
Joel Neufeld
Donovan Toews

In Opposition:

Judith Balabas
J. Kilpatrick
Mark and Judith Mueller
Hans Regier
Darlene Wesewak

For Information:

Herb Giesbrecht
Troy Watkins

For the City:

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

Exhibit "14" referred to in File DASZ 51/2014

ADMINISTRATIVE REPORT

Title: DASZ 51/13 – 1963-1987 Henderson Hwy and 234-236 Bonner Av

Issue: For consideration at the public hearing to rezone the subject property from "R1-L" Residential Single Family district and "C2" Commercial Community district to "RMF-M" Residential Multi Family district and "C2" Commercial Community 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 51/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 51/2013 dated February 11, 2014 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 January 30, 2014.

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 51/2013 dated February 11, 2014, to a "C2" Commercial Community District and an "RMF-M" 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, bicycle parking, 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 Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.
iii. That no vehicular access shall be permitted from the subject property to the public lane north of Strood Avenue.
iv. That a six foot screen fence shall be erected along the south property line adjacent to the public lane north of Strood Av.
v. That for the 170 feet closest to Bonner Avenue, a minimum yard of 40 feet shall be provided to the east property line.

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 88-5899/1 be withdrawn in relation to Lot 1, Plan 21856, as it affects Schedule “A” for File DASZ 51/2013 dated February 11, 2014.

5. That Caveat 257742/1 be withdrawn in relation to Lot 51, Plan 20247, as it affects Schedule “A” for File DASZ 51/2013 dated February 11, 2014.

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

7. 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.

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

9. 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.

10. 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.

11. 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.

12. 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 consolidate the numerous subject lots to create two new ones. This is intended to accommodate a commercial office/retail use and a new 72-unit multifamily development.
- The subject property is proposed to be rezoned “C2” Commercial Community district and “RMF-M” Residential Multi-Family district.
- This proposal also requires an amendment to the North Henderson Highway Secondary Plan, which has been applied for under a concurrent application (SPA 6/13).

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

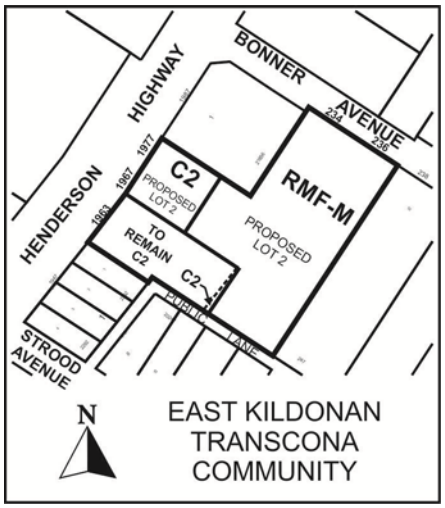
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	February 11, 2014
File No.	DASZ 51/13

APPENDIX 'A'

DATE: February 11, 2014
FILE: DASZ 51/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.418

SUBJECT: To rezone the subject property from "R1-L" Residential Single Family district and "C2" Commercial Community district to "RMF-M" Residential Multi Family district and "C2" Commercial Community district to allow for commercial and multifamily residential development on two lots

LOCATION: 1963, 1967, 1977, and 1987 Henderson Hwy, 234 and 236 Bonner Av



LEGAL DESCRIPTION: Lots 44, 45, 46, 47, 49, 50, & 51, Plan 20247
Lot 1, Plan 21856

APPLICANT: Donovan Toews
Landmark Planning and Design Inc.
298 Waterfront Dr
Winnipeg MB R3B 0G5

OWNER: B.+L. Mobile Brake Service (Lot 51), Passages Incorporated (Lot 50), L.N.R. Development Corp. (Lots 49 and 47), 6598090 Manitoba Ltd. (Lot 46)

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to consolidate the numerous subject lots to create two new ones. This is intended to accommodate a commercial office/retail use and a new 72-unit multifamily development.
- The subject property is proposed to be rezoned “C2” Commercial Community district and “RMF-M” Residential Multi-Family district.
- This proposal also requires an amendment to the North Henderson Highway Secondary Plan, which has been applied for under a concurrent application (SPA 6/13).

SITE DESCRIPTION

- The subject property is located on the east side of Henderson Hwy between Strood Av and Bonner Av in the River East neighbourhood of the North Kildonan ward.
- The majority of the site is zoned “R1-L” Residential Single Family district, with two small portions of it zoned “C2” Commercial Community district. It is comprised of a number of different lots – Lots 44, 45, 46, 47, 49, and 50 of Plan 20247, Lot 1 of Plan 21856, and Lot 51 of Plan 2282. The site is occupied by single family dwellings at 1977 Henderson and 234 and 236 Bonner and an existing office building at 1967 Henderson. In total, the T-shaped site is 80,955 sq. ft. (1.8 acres) in area, with 110 ft. of frontage along Henderson.
- Adjacent properties include a gas bar zoned “C2” at the southeast corner of Henderson and Bonner, a commercial strip mall development zoned “C2” across Bonner, multifamily residential dwellings zoned “RMF-S” across Henderson, an auto repair use zoned “C2” to the south along Henderson, and single family dwellings zoned “R1-L” along Bonner and Strood Avs.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to consolidate the numerous subject lots to create two new ones.
- Proposed Lot 1 is comprised of portions of Lots 49 and 50 of Plan 20247 and will be 110 ft. wide, 12,557 sq. ft. in area, and will be zoned “C2”.
- Proposed Lot 2 is comprised of portions of all lots related to this application and will be 375 ft. wide at its largest point, 68,398 sq. ft. in area, and will be zoned “RMF-M”.
- Lot 1 is intended to be used for an office/retail use. The applicant has noted that they intend on retaining the existing building at least in the short term to be used as a display suite and construction office.
- Lot 2 is intended to accommodate the construction of a 72 unit, four storey multifamily residential building oriented north-south at the back of the property.
- Plans submitted with the application for this multifamily development indicate a staggered built form whereby the north half is set back 40 ft. from the east property line (closest to the existing single family dwelling on the adjacent property) while the south half is set back 25 ft. The building will provide 104 parking spaces, including 60 underground spaces. The

north building wall, which will provide access to the underground parkade, will be set back 25 ft. from Bonner while the south building wall will be set back 26 ft. from the existing public lane (access will not be provided to this back lane).

- Plans for the office building on Proposed Lot 1 indicate a 5 ft. set back to the south property line and a 35 ft. front yard setback to Henderson.
- Most of the property will be surrounding by a 6 ft. tall wood fence, although the height will be reduced down to 4 ft. in the Bonner front yard.

BACKGROUND

DAZ 231/78 (1963 Henderson)

- In 1978, Council approved a rezoning at 1963 Henderson to a "C2" commercial district.
- In fulfillment of a condition of approval of this application, the applicant entered into a zoning agreement with the City requiring the following:
    - The following uses shall not be permitted on the land:
        - Advertising signs on structures and billboards;
        - Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, theatre, and the like;
        - Auditorium;
        - Car wash and gasoline pumps;
        - Automobile and trailer sales area;
        - Baseball or other stadium;
        - Commercial club;
        - Drive-in businesses where persons are served in automobiles such as refreshment stands, restaurants, food stores, banks, and the like;
        - Drive-in theatre;
        - Flour and feed store;
        - Hotel;
        - Ice storage house, not more than five (5) tons capacity;
        - Public garage involving body and fender work, painting and upholstering;
        - Tire shop operated wholly within a building;
        - Tourist court;
        - Trailer or public camp.
    - It is understood and agreed that no building or structure shall be erected on the land and no building permit issued for construction on the land until plans showing the location and design of the proposed structures, parking, landscaping, driving aisles and screening including a six-foot ornamental fence screening and the parking area from the adjacent "R1" zoned land, together with proposals for location of signs and other advertising devices, specifications for size and species of landscaping and material for fencing are submitted to and approved by the Urban Design Coordinator of the City of Winnipeg and thereafter identified by the signature of the Commissioner of Environment of the City under the designation "Schedule 'A' to Zoning Agreement No. DAZ 231/78".

DAZ 320/86 (1987 Henderson)

- In 1986, Council approved a rezoning at 1987 Henderson from an "R1" residential district and an "A1" agricultural district to a "C2" commercial district to allow for the establishment of a gas station with a car wash and the retail sale of food and automotive accessories.
- In fulfillment of a condition of approval of this application, the applicant entered into a zoning agreement with the City requiring the following:
    - That the land and any building or structure thereon shall not be used, nor any building or structure erected, altered, or enlarged on the land for any of the following uses:
        - Theatre;
        - Bowling alley;
        - Auction room;
        - Automotive sales or rentals;
        - Pre-fabricated home and or shed display and sales;
        - Beverage rooms or restaurants operating between the hours of 12:00 midnight and 6:30am;
        - Motorcycle, power toboggan, outboard motor or lawn mower sales, repairs, or rentals.
    - No building shall be erected or located on the land exceeding one storey in height.
    - The owner shall landscape a minimum ten (10) foot yard along the most westerly property line of the land, except at points of ingress and egress, and a minimum ten (10) foot yard along the northerly property line of the land.
    - No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until plans indicating the design and location of the proposed building (including exterior materials and colours), any exhaust fans or vents, accessory parking, fencing, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee and the Urban Design Coordinator of the City and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designation "Schedule 'A' to Zoning Agreement DAZ 320/86", and no buildings or structures or works shall be erected or located on the land except in accordance with that Schedule "A" to this agreement.

DASZ 50/11 (1967 and 1977 Henderson)

- On April 25, 2012, Council approved a subdivision and rezoning application on a portion of the subject property to rezone two properties from "R1-L" to "C2" to enable future commercial development as per Figure 2 below:

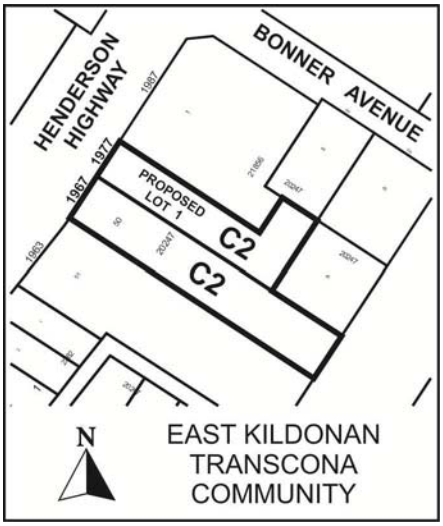


Figure 2: Map associated with DASZ 50/11

- It was approved subject to the applicant entering into a zoning agreement with the City requiring the following:
    - That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, 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.
    - That Lot 1 shall have a minimum rear yard of 30 feet.
    - That Lot 2 shall have a minimum rear yard of 30 feet.
    - That there shall be no advertising signs, mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.
- This application was never adopted by Council as a by-law and the zoning agreement was never registered.

SPA 6/13

- In concurrence with this application, the applicant has also applied to amend the North Henderson Highway Secondary Plan from a “Commercial” proposed land use and a “Low Density Residential” proposed land use to a “High Density Residential” proposed land use.
- Council gave this application first reading on November 20, 2013, and designated the East Kildonan-Transcona Community Committee to conduct the public hearing.

DAV 13-175256D

- In concurrence with this application, the applicant has also applied to vary the proposed "C2" and "RMF-M" dimensional standards of the zoning by-law as follows:
    - For the construction of a commercial building on Proposed Lot 1 to permit a rear yard of 5 ft. instead of 25 ft.
    - For the establishment of an accessory parking lot on Proposed Lot 2 to permit no west, north, and south side yards instead of 8 ft.
    - For the construction of two garbage enclosures to permit no west and south side yards instead of 8 ft.

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.

North Henderson Highway Secondary Plan

- The front portion of the subject property is designated "Commercial" in the North Henderson Highway Secondary Plan to a depth of 220 ft., while the balance of the site is designated "Low Density Residential".

- The plan has three different categories of residential development, sorted by density:
    - The “Low Density Residential” designation limits any development to a maximum density of 12 units per acre. Based on a lot area of 68,398 sq. ft., a maximum of 18 units are currently permitted under this existing designation.
    - The “Medium Density Residential” designation limits any development to a maximum density of 30 units per acre. Based on a lot area of 68,398 sq. ft., a maximum of 47 units would be permitted under this designation.
    - The “High Density Residential” designation does not have any density maximums.
- In order to accommodate the proposed 72 unit multifamily development, Proposed Lot 2 will need to be re-designated to “High Density Residential”. This will see the depth of the “Commercial” land use designation reduced from 220 ft. to the proposed property line, set back 114 ft. from Henderson.
- The North Henderson Highway Secondary Plan does not have any specific policies related to the “Commercial” land use designation.

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.

Zoning

- The Commercial Community (C2) district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
- The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

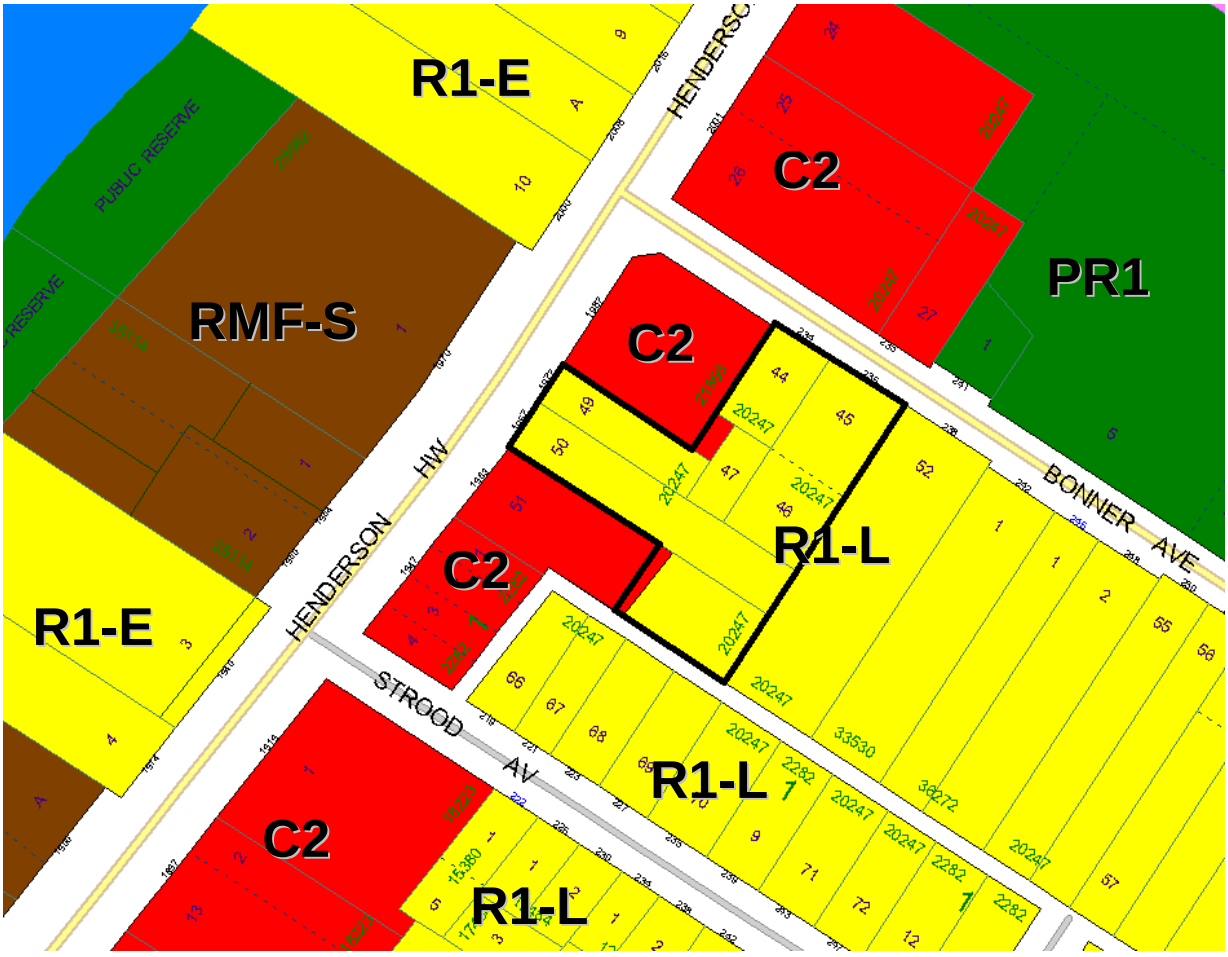


Figure 3: Zoning map of subject property and surrounding neighbourhood

- Section 143 of the zoning by-law prescribes the following dimensional standards for the "RMF-M" and 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-M	9,000	800	25	25	8*	20	8	60
* - In the RMF-M, RMF-L, and RMU zoning 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 maximum of 20 feet.								

Figure 4: Dimensional standards for the "RMF-M" district

- Section 148 of the zoning by-law prescribes the following dimensional standards for the "C2" district:

	Min/Max Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)*	Min. Corner Side Yard (ft.)	Max. Height of Building (ft.)	Max. Floor Area Ratio
C2	0 / NA	25	0	0	49	3.0
* - Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side yard must be landscaped pursuant to sections 188 through 193 of the zoning by-law and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.						

Figure 5: Dimensional standards for the "C2" district

- 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 while an office requires 1 space for each 750 sq. ft. of floor area, but not less than 2 spaces per tenant. A retail sales use requires 1 parking space for each 250 sq. ft. of floor area over 2,000 sq. ft. (1 space minimum).

Pentland St infill concept plan

- In the past, the Urban Planning Division has prepared concept plans to illustrate ways how large, underdeveloped pieces of land could intensify. Figure 6 illustrates how infill development might be accommodated east of the subject property. As is apparent, the proposing subdivision and rezoning application will not hinder this.

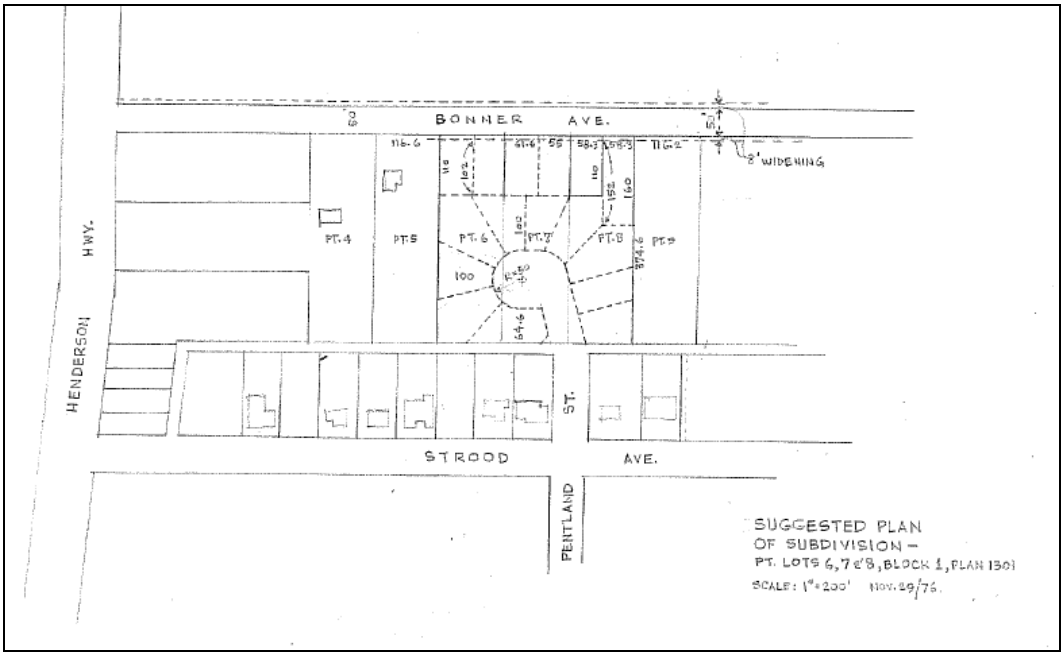


Figure 6: A concept plan for the lands adjacent to the east

Public consultation

- In December 2013, the applicant submitted a public consultation report to the Urban Planning Division. The following information is derived from this report.
- Three rounds of public consultation were conducted:
    - For the first round, adjacent residents were provided a personal invitation letter to attend one of five personal meeting times between June 10 and 18, 2013. 27 residents chose to respond to this invitation. At this meeting, the applicant explained that this meeting was being held early in the process and that at least two different land use options were being considered – one being commercial and the other being mixed use (multifamily residential and commercial in two separate buildings). A preliminary site plan illustrating each option formed the basis of discussion.
    - For the second round, adjacent residents were invited to attend a follow-up meeting time between August 26 and 28, 2013. 14 residents chose to respond to this invitation. At the meetings, the applicant presented a site plan illustrating the preferred mixed use development concept, explaining how the design did or did not respond to concerns expressed during the first round of meetings.
    - For the third round, a public open house was held on September 23, 2013 at Maple Leaf School. It was held in a traditional open house format, with a series of display boards illustrating various project parameters and project representatives available to respond to questions. Display boards contained information regarding site context, draft site plan, building and site renderings, traffic information, and next steps. This open house was advertised via direct

notification mailings to approximately 300 households in the immediate area as well as in the local Herald newspaper. 37 people attended the open house.

- Concerns voiced at the end of this public open house include:
    - Numerous concerns voiced about taking access off the Strood Av back lane adjacent to the south of the property.
    - Concerns over loss of privacy from the south building wall of the multifamily building. Opaque windows and balcony walls were discussed.
    - A desire to maintain as many existing mature trees as possible.
    - Concerns over introducing a multifamily use into a largely single family area.
    - Concerns expressed over potential retail uses on the proposed commercial site.

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.
- With this in mind, this site represents one of the better opportunities to intensify Henderson Highway north of Chief Peguis, as there are few other sites of this size with the opportunity to be redeveloped.
    - On the west side of Henderson: With the exception of the cluster of single family-zoned river lots around Bunn's Creek, the vast majority of properties have already been intensified for multifamily residential purposes; the prospects of demolishing these existing buildings for their higher density reconstruction save one or two exceptions is likely not economically realistic.
    - On the east side of Henderson: A large portion of the east side of Henderson is comprised of lots with depths limited to approximately 120 ft. where it may be challenging to accommodate development of this scale. The larger sites, such as the commercial strip mall and the Nor-Villa Hotel at Henderson and McIvor, are successfully operating as commercial uses and are unlikely to redevelop in the short-to-medium term.
- The applicant is proposing a staggered setback from the east property line. Since the north half of the proposed building aligns with the single family dwelling on the property adjacent to the east at 238 Bonner, a larger 40 ft. setback is proposed. Since the south half of the building does not align with any principal structures on this adjacent property, a 25 ft. setback is proposed here, which complies with zoning by-law requirements.
- No access is being provided to the existing public lane adjacent to the south.

- Plan approval is being recommended as a condition of approval to further ensure compatibility with the surrounding neighbourhood and to maximize the functionality of the site. Detailed plans should address:
    - Sidewalks should be provided internal to the site to connect Henderson and Bonner with the front entrance of the multifamily dwelling. Where these sidewalks cross drive aisles, they should be raised and delineated with a different paving texture.
    - Dense landscaping should be provided along the south and east property lines to help screen the development from adjacent single family properties.
    - While the Urban Planning Division can support the location of the garbage enclosure next to Bonner, it is only on the condition that it is built to a high standard and is screened well. The enclosure should be clad in materials that match the exterior of the multifamily building.
- As per comments received through the applicant's public consultation process, Council may also consider requiring privacy screens on the south-facing portions of balconies closest to the south property line.
- A condition is recommended that will require the applicant to establish a cross-access agreement between Proposed Lots 1 and 2 to ensure ease of travel between the two properties.

RECOMMENDATION

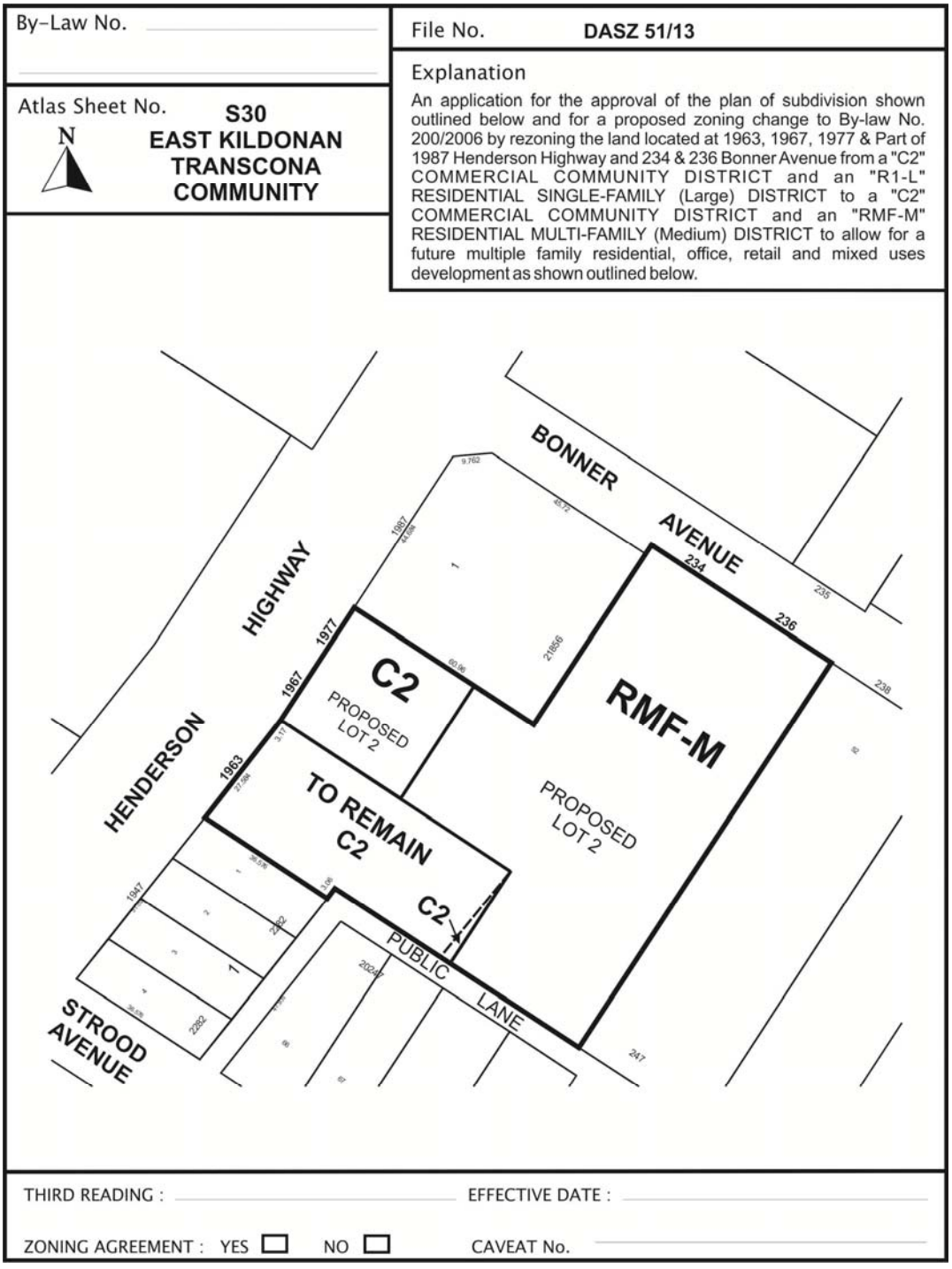
The Complete Communities Direction Strategy strongly advocates for intensification along Henderson Highway, while the subject property is one of few available sites to accommodate multifamily development of this scale, particularly north of Chief Peguis Trail. Other properties have either shallow depths or are already occupied by other well-established uses with limited opportunities for redevelopment in the short-to-medium term.

Through a combination of required building setbacks and landscaping, this relatively modest in scale development can be made more compatible with the adjacent single family properties to the east and south.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 51/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 51/13, East Kildonan-Transcona Community Committee, dated February 11, 2014.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – January 30, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE EAST SIDE OF HENDERSON HIGHWAY, BETWEEN STROOD AND BONNER AVENUES, 1963, 1967 & 1977 HENDERSON HIGHWAY AND 234 & 236 BONNER AVENUE – DASZ 51/2013

It is recommended that the approval of DASZ 51/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following conditions;

A. Plan Considerations

The Developer shall transfer to the City and legally open, property for a 2.438m widening to the Bonner Avenue right-of-way for the full length of the Planned Area abutting Bonner Avenue to the satisfaction of the Director of Public Works.

B. Servicing Conditions and Payments

1. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk along the south side of Bonner Avenue from the proposed private approach serving proposed Lot 2 to Henderson Highway as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

3. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall be responsible to control and to initiate the 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 substantial completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

6. Following 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 & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 51/2013
January 30, 2013

"Original Signed by G. Jasper, P.Eng."

G.V. Jasper, P. Eng.
Land Development Branch

"Original Signed by C. Desjardine, P.Eng."

C. Desjardine, P.Eng.
Public Works Department, Transportation Division

GJ/gv