Minute No. 506
Report – Standing Policy Committee on Property and Development – May 13, 2014

Item No. 7 Rezoning – 293 Kimberly Avenue
(Elmwood-East Kildonan Ward)
File DAZ 207/2014 [c/r DCU 107828/2014D and DAV 107843/2014D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2014 dated April 15, 2014, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, 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.

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

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

Report – Standing Policy Committee on Property and Development – May 13, 2014

COUNCIL DECISION (continued):

5. That the zoning section of the by-law comes into force when 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 from the date the by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 – May 13, 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 May 21, 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 May 13, 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 April 22, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 293 Kimberly Avenue**
File DAZ 207/2014

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: **April 22, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 22, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2014 dated April 15, 2014, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, 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.

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

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4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 from the date the by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

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

1. This application meets Our Winnipeg, increases the density in our city and helps the housing prices in area.

2. There are similar developments in the area.

PUBLIC HEARING SUMMARY

File: DAZ 207/2014

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

Public Hearing: April 22, 2014 (most recent date)
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



Premises Affected: 293 Kimberly Avenue

Exhibits Filed:

1. Application dated February 14, 2014
2. Notification of Public Hearing dated March 5, 2014
3. Manitoba Status of Title 2589196/1
4. Letter of authorization dated February 10, 2014 from Kelly and Bridget Glowasky to John Wintrup of Richard Wintrup and Associates
5. Plans (2 pages)
6. Report from the Urban Planning Division dated April 15, 2014
7. Inspection Report
8. Communication dated April 21, 2014, from Bert Silva and Linda Matias in opposition to the application
9. Communication dated April 21, 2014, from Adeline and Bill Shoup in opposition to the application
10. Communication dated April 22, 2014, from Helmut Schmidt in opposition to the application
11. Communication dated April 22, 2014, from Rick Hutcheon in opposition to the application
12. Communication dated April 22, 2014, from Jim Blain in opposition to the application
13. Photographs (8), in opposition to the application, submitted by Rodger Lepinsky
14. Audio Recording of representations

REPRESENTATIONS:

In Support:
John Wintrup, Richard Wintrup & Associates
Kelly Glowasky

In Opposition
Jim Blain
Carolyn Holowaty
Rick Hutcheon
E. Marion and Rodger Lepinsky
Helmut Schmidt
Adeline and Bill Shoup
Bert Silva and Linda Matias

For Information:
Nil

For the City:

Mr. G. Jasper, Land Development Engineer,Planning, Property and Development Department
Mr. J. Platt, Senior Planner, Planning Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 207/2014

ADMINISTRATIVE REPORT

Title: DAZ 207/14 – 293 Kimberly Av

Issue: For consideration at the public hearing to rezone to allow for the construction of a three-unit multifamily building

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 Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 207/2014 dated April 15, 2014, to an "R2" Residential Two Family district subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, 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.

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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to rezone the subject property from “R1-M” Residential Single Family district to “R2” Residential Two Family district to accommodate the construction of a three-unit townhouse development.
- Each unit will be oriented towards Brazier.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be 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:	April 15, 2014
File No.	DAZ 207/14

APPENDIX 'A'

DATE: April 15, 2014
FILE: DAZ 207/14
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.434

SUBJECT: To rezone the subject property from "R1-M" Residential Single Family district to "R2" Residential Two-Family district to allow for the construction of a three-unit multifamily development

LOCATION: 293 Kimberly Av



APPLICANT: John Wintrup
Richard Wintrup & Associates
29 Benson Blvd
Oak Bluff MB R4G 0A2

OWNER: Kelly and Bridget Glowasky
PO BOX 38076
East St. Paul MB R2E 1H3

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from “R1-M” Residential Single Family district to “R2” Residential Two Family district to accommodate the construction of a three-unit townhouse development.
- Each unit will be oriented towards Brazier.

SITE DESCRIPTION

- The subject property is located at the northwest corner of Kimberly Av and Brazier St in the Rossmere-B neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 42 ft. wide, 127 ft. deep, and 5,334 sq. ft. in area. It is currently occupied by a one storey, 640 sq. ft. single family dwelling built in 1923 and is zoned “R1-M” Residential Single Family district.
- Adjacent properties include single family dwellings on all sides zoned “R1-M”.

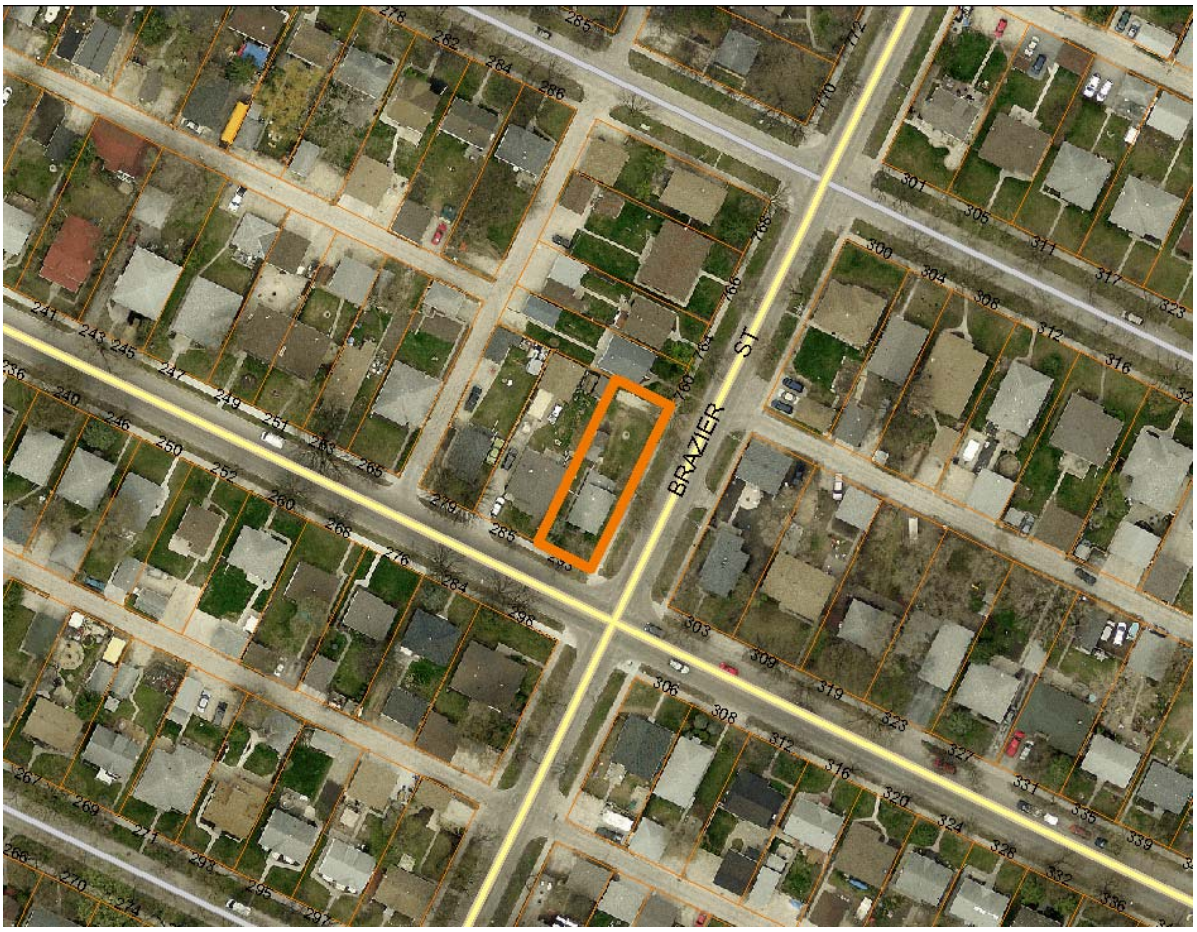

Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property from “R1-M” Residential Single Family district to “R2” Residential Two Family district to accommodate the construction of a three-unit townhouse development.
- Each unit will be oriented towards Brazier. They are all two storeys and 1,186 sq. ft. in floor area.
- Six foot yards will be provided to the west and east while a 20 ft. front yard will be provided to Kimberly.
- Parking will be provided in the north portion of the property with three stalls accessed by a 22 ft. wide drive aisle.

BACKGROUND

DAV 14-107834D

- In concurrence with this application, the applicant has also applied for a variance for the construction of a multiple family dwelling to permit an east corner side yard of 6 ft. instead of 10 ft.

DCU 14-107828D

- In concurrence with this application, the applicant has also applied for a conditional use to permit the establishment of a multiple family dwelling use.

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” is 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring a diverse and high quality housing stock.

- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.

Zoning

- The “R1” Residential Single Family district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Residential Two-Family (R2) district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods.

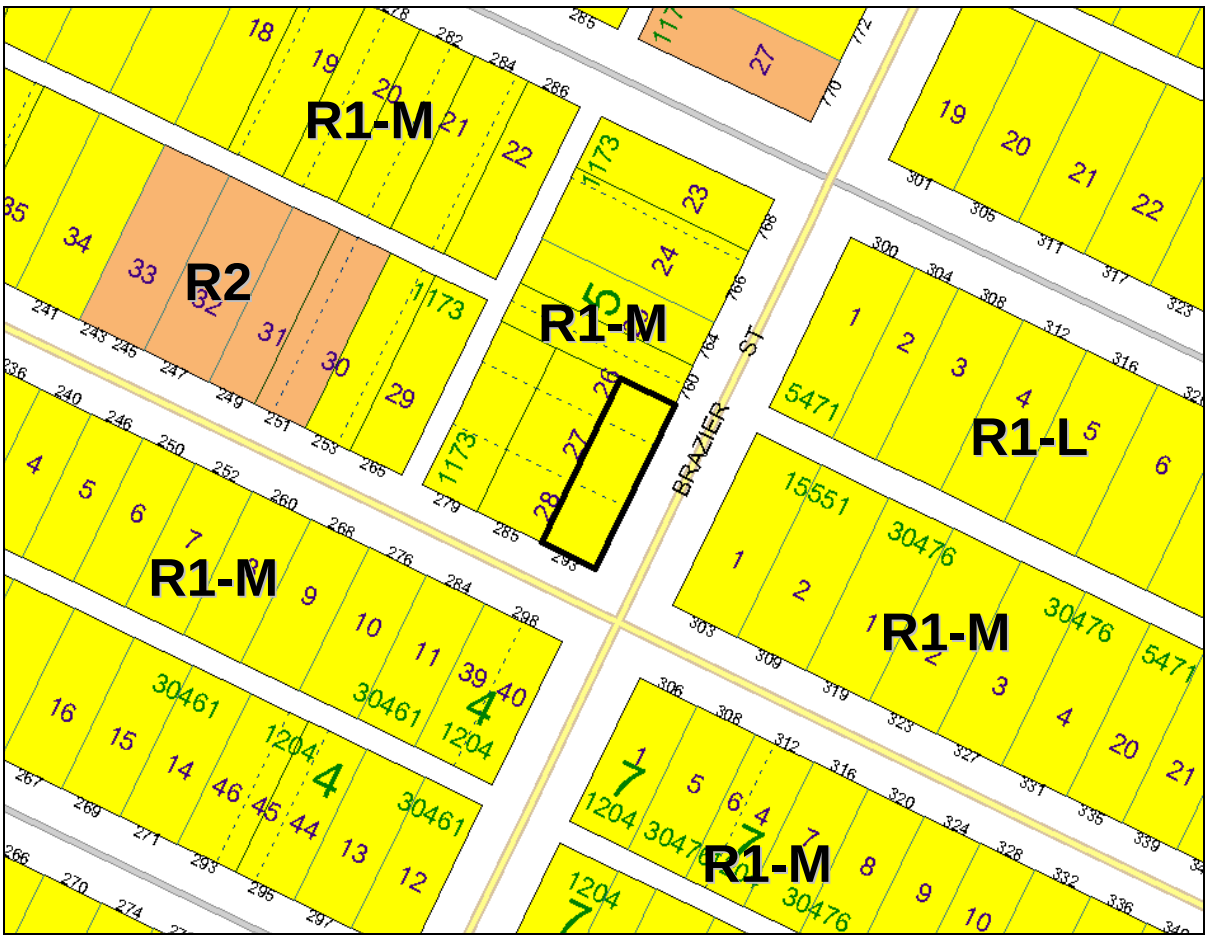

Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional uses in each zoning district. In the “R2” district, a “Dwelling, multi-family” use is conditional.
- Section 137 of the zoning by-law prescribes the following dimensional standards for the “R2” district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
2,500 per unit for two-family; 800 per unit for multi-family	25	20	25	4	10	35	NA

Figure 3: Dimensional standards for the "R2" district

- Section 159 of the zoning by-law prescribes permitted projections in each zoning district. Landings are permitted in all districts and can project no closer than 2 ft. to a side lot line to a maximum area of 36 sq. ft. Walks and steps are permitted in all districts.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.
- As Figure 4 below indicates, while the surrounding neighbourhood is largely comprised of single-family dwellings, there are a lot of small-scale multifamily dwellings scattered throughout as well. This includes two triplexes located in the middle of the subject block between Brazier and Henderson (this map also excludes a duplex at the corner of Helmsdale and Brazier that was rezoned by Council in April 2012 as per DAZ 200/12).



Figure 4: Map indicating the number of dwelling units in the surrounding neighbourhood

- It is advantageous to locate the higher densities of a neighbourhood at street corners as opposed to mid-block for a number of reasons:
    - Any potential negative impacts of larger massing on single family dwellings are reduced.
    - It helps limit additional vehicular traffic on existing back lanes.
    - It is consistent with traditional patterns of urban form, and is therefore more compatible with the surrounding neighbourhood.
- The subject property is located just over 300m from Henderson Hwy. Henderson is designated as a “Regional Mixed Use Corridor” in the Complete Communities Urban Structure Map. While such corridors 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. By offering high frequency and direct transit service to major Centres and the Downtown, Regional Mixed Use Corridors have sufficient opportunities to support long-term expansion through comprehensively planned

intensification. Complete Communities calls for Regional Mixed Use Corridors to be developed in accordance with transit-oriented development principles.
    - Speaking further to this, Council adopted a Transit Oriented Development Handbook in February, 2012. It outlines a number of core TOD principles, one of which is "Medium to high density development that is greater than the community average". The Handbook notes that TOD is more than an individual parcel or development project; it includes the entire area surrounding transit, between 400 to 800 metres (5 to 10 minute walk) from the transit stop.
- The proposed development satisfies the minimum parking requirements of the zoning by-law.
- It is recommended that the development of the site be limited to a maximum number of three units. This ensures that one parking space can be provided per unit.

Site design issues

- The Urban Planning Division is recommending plan approval as a condition of approval. Future plans should address the following:
    - The parking area at the rear of the site should be well-screened through the use of landscaping and ornamental fencing.
    - It is encouraged that the front façade of each unit be made more distinguishable from each other through the use of different cladding materials and colours. Doing so will help reduce the perception of length along Brazier and will be more compatible with the single family "rhythm" of the neighbourhood".This can also be accomplished by varying each roofline and staggering the front building walls.
    - Plans should indicate the location of garbage and recycling bin storage.

RECOMMENDATION

The proposed development is compatible with the surrounding neighbourhood which, despite being predominantly comprised of single family dwellings, has many small-scale multifamily dwellings scattered throughout. Its location at the corner of the block is advantageous for a number of reasons, including minimizing traffic impacts on neighbouring properties. The subject property also falls within 400m of Henderson Highway, where Complete Communities and the Transit Oriented Development Handbook encourage intensification greater than the community average.

Plan approval is recommended as a condition of approval to further ensure compatibility with the surrounding neighbourhood. It is also recommended that a maximum number of three units be permitted on the subject property to ensure that one parking space can be provided for each unit.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 207/2014

APPENDIX 'B'

Schedule "A" for File No. DAZ 207/14, East Kildonan-Transcona Community Committee, dated April 15, 2014.

