Minute No. 559
Report – Executive Policy Committee – June 11, 2014

Item No. 2 Rezoning – 367 Poplar Avenue
(Elmwood-East Kildonan Ward)
File DAZ 209/2014 [c/r DAV 109550/2014D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee 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 209/2014 dated May 13, 2014, to an "RMF-L" Residential Multi Family district subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, bicycle parking, fencing, 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 parking plan shall be approved by a registered traffic engineer and submitted to the Director of Planning, Property, and Development prior to the issuance of any building permits.

        iii. That the maximum building height shall be limited to 40 feet.

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.

Report – Executive Policy Committee – June 11, 2014

COUNCIL DECISION (continued):

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.

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 – Executive Policy Committee – June 11, 2014

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2014, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 20, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning – 367 Poplar Avenue**
File DAZ 209/2014

For submission to: **Executive Policy Committee**

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

Report date: **May 21, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 20, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

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 209/2014 dated May 13, 2014, to an "RMF-L" Residential Multi Family district subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, bicycle parking, fencing, 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 parking plan shall be approved by a registered traffic engineer and submitted to the Director of Planning, Property, and Development prior to the issuance of any building permits.

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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 is a building that is in need of renovations.
2. This development helps an area that needs improvements.
3. The only issues were with parking and those plans will be coming back to this committee for approval.

PUBLIC HEARING SUMMARY

File: DAZ 209/2014

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

Public Hearing: May 20, 2014
Council Building, 510 Main Street

Applicant: Daniel Serhal Architecture Inc. (Daniel Serhal)

Subject:



Premises Affected: 367 Poplar Avenue

Exhibits Filed:
1. Application dated March 5, 2014
2. Notification of Public Hearing dated March 17, 2014

3. Manitoba Status of Title 2380552/1
4. Letter of authorization dated December 5, 2013 from 5854360 Manitoba Ltd. to Daniel Serhal Architecture Inc.
5. Plans (5 pages)
6. Report from the Urban Planning Division dated May 13, 2014
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Paul Arsenault
Glen Collins
Patrick Penner
Daniel Serhal

In Opposition

Nil

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 209/2014

ADMINISTRATIVE REPORT

Title: DAZ 209/14 – 367 Poplar Av

Issue: For consideration at the public hearing to rezone to allow for the redevelopment of an existing building to a multifamily use

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 209/2014 dated May 13, 2014, to an "RMF-L" Residential Multi Family district subject to the following:

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

        i. That, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, bicycle parking, fencing, 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 parking plan shall be approved by a registered traffic engineer and submitted to the Director of Planning, Property, and Development prior to the issuance of any building permits.

        iii. That the maximum building height shall be limited to 40 feet.

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.

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.

REASON FOR THE REPORT

- The applicant intends to repurpose an existing industrial/manufacturing building for a 60 unit multifamily residential building. This will necessitate a rezoning from “M1” Manufacturing Light district to “RMF-L” Residential Multifamily district.
- The applicant is not proposing any exterior expansion to the building; the building footprint will remain the same.
- The majority of the parking will be provided in the basement of the existing building. A parking ratio of 1:1 is being proposed.

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

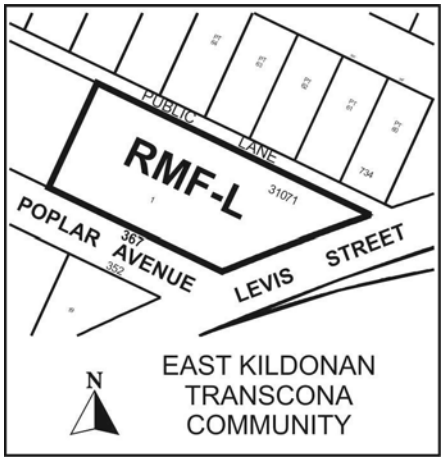
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	May 13, 2014
File No.	DAZ 209/14

APPENDIX 'A'

DATE: May 13, 2014
FILE: DAZ 209/14
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.401

SUBJECT: To rezone the subject property from "M1" Manufacturing Light district to "RMF-L" Residential Multifamily district to allow for the conversion of a warehouse into a multifamily dwelling building with underground parkade

LOCATION: 367 Poplar Av



APPLICANT: Danny Serhal
Daniel Serhal Architecture Inc.
102-990 Lorimer Blvd
Winnipeg MB R3P 0Z9

OWNER: 5854360 Manitoba Ltd.
367 Poplar Av
Winnipeg MB R2L 0K1

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant intends to repurpose an existing industrial/manufacturing building for a 60 unit multifamily residential building. This will necessitate a rezoning from "M1" Manufacturing Light district to "RMF-L" Residential Multifamily district.

- The applicant is not proposing any exterior expansion to the building; the building footprint will remain the same.
- The majority of the parking will be provided in the basement of the existing building. A parking ratio of 1:1 is being proposed.

SITE DESCRIPTION

- The subject property is located on the north side of Poplar Av immediately west of Levis St in the Chalmers neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 28,511 sq. ft. in area, with 192 ft. of frontage along Poplar Av. The building is currently assessed as a manufacturing/warehouse use zoned "M1" Manufacturing Light district but is currently vacant. The building was originally constructed in the early 20th century and was added onto in two subsequent additions in the 1960s and 1980s. At its tallest point, the building is 34 ft. tall.
- Adjacent properties include a warehouse use to the north zoned "M1", an auto service use to the south zoned "M1", a 2 ½ storey multifamily building to the west zoned "R2" Residential Two Family district, and City-owned land to the east informally comprising the Levis/Stadacona right-of-way zoned "M1" and "C2" Commercial Community district.

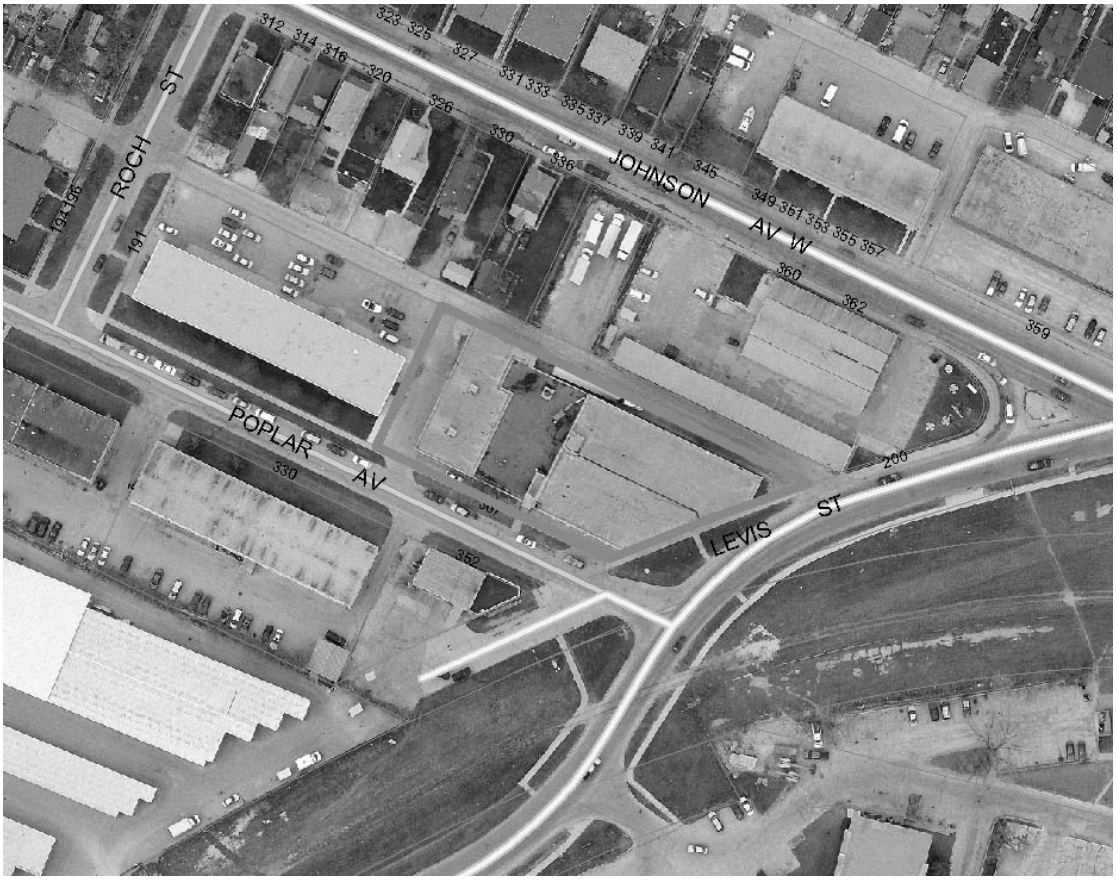


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to convert the existing industrial/manufacturing building and repurpose it for a residential multifamily use. This will necessitate the rezoning of the subject property from "M1" Manufacturing Light district to "RMF-L" Residential Multifamily district.
- The building will be developed to accommodate 60 units.
- The applicant is proposing to provide underground parking in the basement of the existing building. Access will be taken directly off Poplar Av. A limited amount of surface parking will also be provided primarily as parallel stalls adjacent to the west and north building walls.
- The applicant has not indicated an intention to expand the existing footprint of the building; it will remain as-is.
- At its tallest point, the existing building is approximately 34 ft. in height.

BACKGROUND

DAV 14-109550D

- In concurrence with this application, the applicant has also applied for the following variances:
    - For the establishment of a multifamily dwelling to permit:
        - A front yard of 9 ft. instead of 25 ft.
        - No east corner side yard instead of 20 ft.
        - No rear yard instead of 25 ft.
        - 60 parking spaces instead of 90 spaces.
        - 25 small car parking spaces instead of 20 spaces, being the maximum amount permitted.
        - No visitor spaces
        - 1 handicap space instead of 3 spaces
    - For an outdoor accessory parking area to permit:
        - No east corner side yard instead of 20 ft.
        - Parking directly off a public lane instead of an aisle or driveway
        - Parking spaces within 10 ft. of a window to a habitable room
        - No landscaping or buffering along the west side and rear.

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.

- 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.
    - Support Complete Communities by ensuring 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.
- Beyond this, Complete Communities directs higher levels of intensification to Centres and Corridors. These include Regional Mixed Use Centres such as Henderson Hwy.
- Complete Communities identifies Employment Lands in several different categories – Business Park, Institutional Campus, and General Manufacturing – to be the land use designation primarily accommodating jobs. The subject property is not designated as an area of Employment Lands.

Zoning

- The Manufacturing Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.
- The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

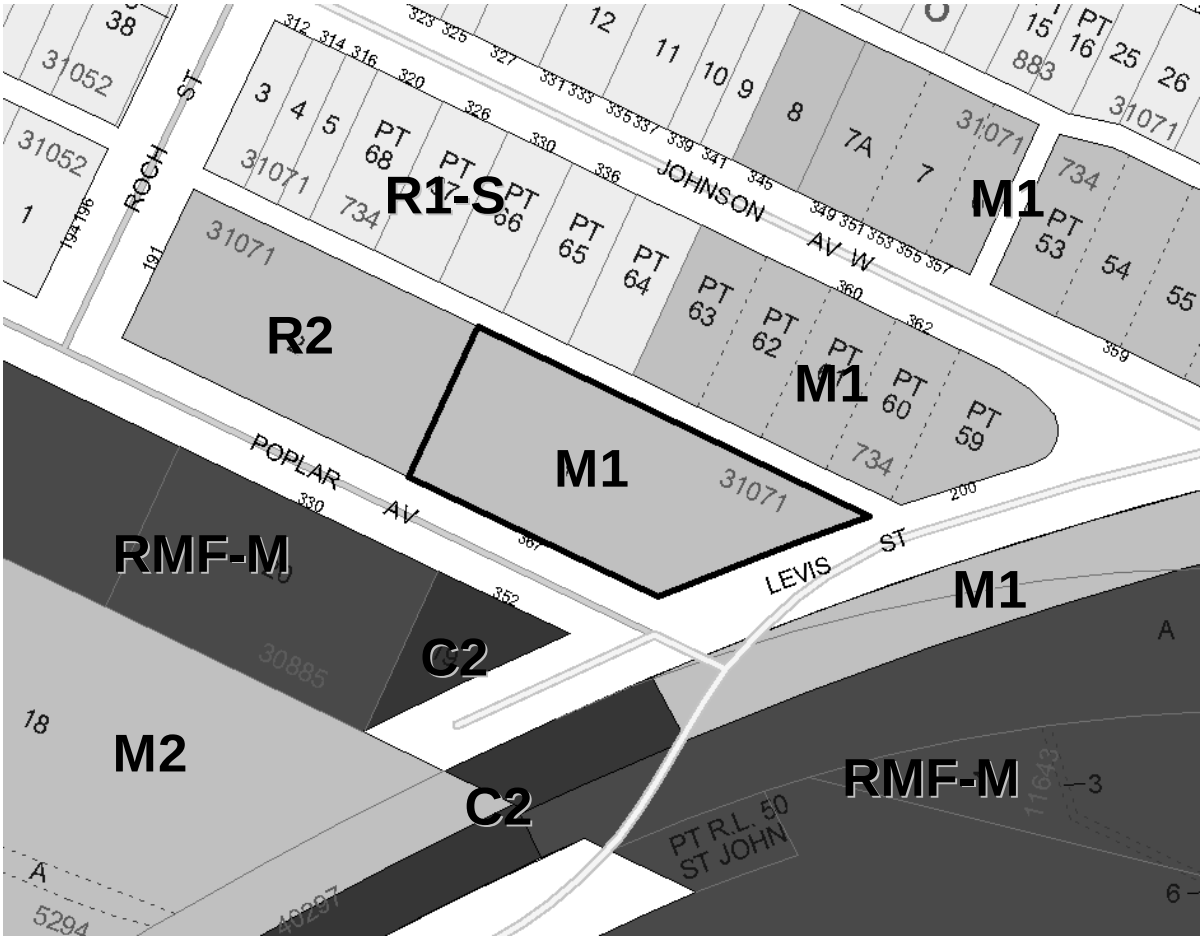


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of the zoning by-law prescribes all permitted and conditional uses in each zoning district.
    - Permitted uses in the "M1" district include industrial and private motor vehicle related uses as well as a number of community facility and commercial service uses.
    - Permitted uses in the "RMF" districts primarily include residential uses, with community facilities such as community/recreation and day care centres and places of worship commonly listed as conditional uses.
- Section 143 of the zoning by-law prescribes the following dimensional standards for the "RMF-L" zoning 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-L	20,000	400	25	25	8**	20	8	150

* - For buildings taller than 35 ft., the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 ft.

** - 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 a maximum of 20 feet.

Figure 3: Dimensional standards for the "RMF-S" and "RMF-L" districts

- Section 161 of the zoning by-law prescribes parking requirements for each land use. A multifamily residential use requires 1.5 parking spaces per unit.
    - Ten percent of the required parking spaces must be unassigned guest parking, designated as such, to the satisfaction of the Director, and readily available to the entrance of the building served.
    - Sections 161 and 169 require that the owner must provide 1 lockable bicycle space per 10 required automobile parking spaces.
- Section 168 requires that 3 accessible parking spaces are required when between 51 and 75 total vehicular spaces are required.
- Section 172 prescribes development standards for parking areas. It requires that:
    - A maximum of 33 percent of the total number of parking spaces for multifamily residential uses may be reduced in length to 16 ft. and designated for small cars only.
    - No parking space may be permitted within 10 ft. of a sill of a window to a habitable room that is located 5 ft. or less from grade.
    - An accessory off-street parking area must be provided with a parking driveway with a minimum width of 8 ft.
- Section 190(7) requires that all required parking spaces accessory to a multifamily residential or a non-residential use must comply with the requirements of Sections 188 through 193, Landscaping and Buffering, which prescribe standards for street edge, building foundation, parking lot interior, and side and rear site edge landscaping as well as buffering of parking and loading areas.

Public transit

- The subject property is in close proximity to relatively good transit service, as the table below notes. There are three routes (20 Academy-Watt, 43 Munroe, and 44 Grey) within one block of the site that all provide weekend access; if a resident were willing to walk greater distances, there are additional routes four blocks (45 Talbot) and six blocks (47 Transcona) to the south at Talbot and Nairn, as well the busiest transit route in the City (11 Portage-Kildonan) three long blocks to the west at Henderson Hwy.

Route	***Service description***	***Weekday Frequency***	***Weekend service?***	***Weekend frequency***
Levis and Johnson (one block north, 2 mins walking)				
20 Academy-Watt	Connects East Kildonan/Elmwood to downtown via Main St, continuing along Academy	20-30 mins	Y	30 mins

	Rd to Polo Park			
44 Grey	Connects downtown to Kildonan Place Mall through East Kildonan via Louelda/London	15-20 mins peak	Y	25-30 mins
43 Munroe	Connects downtown to Kildonan Place Mall via Regent/Nairn	20 mins peak 35-45 mins non-peak	Y	45-60 mins
Talbot Av (four blocks south, 6 mins walking)				
45 Talbot	Connects downtown to Kildonan Place Mall via Talbot Av	30 mins	Y	45 mins
Nairn Av (six blocks south, 9 mins walking)				
47 Transcona	Connects downtown to Transcona via Nairn/Regent	10-20 mins	Y	20-30 mins
Henderson Hwy (three blocks west, 9 mins walking)				
11 Portage-Kildonan	Connects Henderson Hwy to Portage Av via downtown	10 mins	Y	10 mins

Figure 4: List of nearby transit routes

Land use by-law issues

- This administrative report only speaks to issues relating to the rezoning of the subject property. Further discussion relating to the variances will be addressed in the concurrent variance report.

Compatibility with the surrounding neighbourhood

- Complete Communities provides a certain level of protection on lands designated as Employment Lands against residential rezoning. However, the subject property is designated as an Area of Stability, not Employment Lands.
- There are numerous examples of multifamily residential developments in the nearby neighbourhood, including several 2 ½ storey buildings along Poplar and 5 storey multifamily blocks across the Levis/Stadacona right-of-way. The proposed use and building massing is compatible within this context.
- The proposed development is a creative repurposing of an existing building. The Urban Planning Division is broadly supportive of maintaining existing structures where possible.
- As the subsection above notes, the surrounding area is serviced by a bevy of fairly high-frequency transit routes, making it a good location for multifamily residential development. It is also located in relative proximity to Henderson Hwy, which is identified as a Regional Mixed Use Corridor targeted for significant intensification.

- An "RMF-L" rezoning is required in order to provide the 60 units the applicant has provided for. Other multifamily residential zoning districts would allow up to a maximum of 22 units (RMF-S) and 35 units (RMF-M).
    - This potential density is enabled by the footprint of the existing building. A typical, newly constructed multifamily building would provide required yards, land dedicated to parking, garbage and recycling storage, etc. In this case, the building's footprint covers most of the lot. As a result, if a desire to keep the existing building is accepted, it should be recognized that a greater number of units per lot area is likely appropriate.
- A maximum height of 40 ft. is recommended as a condition of approval. This should be more than sufficient to accommodate the maintenance of the building but will trigger a public hearing at some point in the future should the existing building be removed with the intent of replacing it with a taller building.
- The Urban Planning Division has potential concerns with some of the parking spaces provided in the basement parkade plan submitted with this application. Given the difficulties in retrofitting an existing basement to a parking garage, a number of the proposed spaces may not be accessible in a way that does not compromise safe vehicular circulation.
    - As a result, it is recommended as a condition of approval that the parking plan shall be approved by a registered traffic engineer and submitted to the Director of Planning, Property, and Development prior to the issuance of any building permits. This will help inform whether PP&D can recognize all the parking spaces provided.
    - This may necessitate the removal of a number of the parking spaces proposed, which would necessitate a new parking variance. As per the Development Procedures By-law, a parking variance can be approved administratively as a "tolerance" up to 5%. This means that the number of parking spaces could be reduced down to 57 through this process without necessitating another public hearing.
    - In its discussions with the applicant, the Urban Planning Division has always indicated that it expects a parking ratio of 1 space per unit. It may be flexible to allow for up to 5% of the building's units not to provide a parking space but, if larger parking stall reductions are required beyond that, it would expect that the number of residential units be reduced accordingly.
- The Urban Planning Division recommends plan approval as a condition of approval in which through this process it expects the following items to be addressed:
    - Opportunities to enhance the aesthetic appearance of the site through landscaping. This site was originally developed for an industrial/manufacturing use and, as a result, was designed accordingly. Now that it is being repurposed for residential use, the Urban Planning Division expects aesthetic improvements to be made where possible. The existing building is set back nearly 10 ft. from Poplar; soft and hard landscaping could be incorporated in this space, and likewise the triangular-shaped piece of land in the northeast corner of the site. This latter area may necessitate the removal of one or two of the parking spaces being shown.
    - Opportunities to enhance the existing building façade are encouraged to be explored.

- As a condition of approval in the concurrent variance, the Urban Planning Division is recommending that indoor bicycle parking be provided for the use of tenants, the function and design of which should be provided in the plan approval submission package.
- The applicant has not indicated how garbage and recycling storage will be accommodated on-site. This will have to be demonstrated. This may necessitate the removal of a parking space.

RECOMMENDATION

The Complete Communities Direction Strategy provides a certain level of protection against residential rezonings for lands designated as Employment Lands. However, the subject property is designated as an Area of Stability, which allows for a broader mix of uses, including residential. Otherwise, the proximity of good transit and other multifamily residential buildings support this proposed rezoning.

The potential density of the "RMF-L" district is enabled by the footprint of the existing building. The requirements of the zoning by-law cut down on the developable area of a lot through the requirement for yards, etc. In this case, however, the existing building's footprint covers most of the lot. As a result, if a desire to keep the existing building is accepted, it should be recognized that a greater number of units per lot area is likely appropriate. A restriction on height is recommended should the building be torn down at some point in the future and replaced with new construction; putting a cap on height will trigger a public hearing should a future applicant wish to exceed what currently exists on-site.

As a result of the difficulties in retrofitting an existing basement to a parking garage, the Urban Planning Division has concerns that a number of parking stalls being provided in the parking plan may not be functional. As a result, it is recommended as a condition of approval that the applicant have a registered traffic engineer sign off on the parking plan prior to the issuance of any building permit. This may trigger the need for an additional parking variance.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 209/2014

APPENDIX 'B'

Schedule "A" for File No. DAZ 209/14, East Kildonan-Transcona Community Committee, dated May 13, 2014.

