Minutes – Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

Item No. 4 Subdivision and Rezoning – 400-408 Regent Avenue West (Transcona Ward)
File DASZ 9/2015 [c/r DAV 116759/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 9/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 2 shown on Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 to an "RMF-M" Residential Multiple-Family Medium Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, building elevations and colour on all four sides, must be submitted to the East Kildonan-Transcona Community Committee and the Director of Planning, Property and Development for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That every balcony shall include a securely fastened loop, or equivalent, to lock a bicycle to.

        iii. That an opaque fence or wall, at least six (6) feet in height shall be erected between along the western limit of proposed Lot 2, extending from the northern limit of the west side-yard to the southern limit of proposed Lot 2.

Report – Standing Policy Committee on Property and Development – September 15, 2015

iv. That the maximum building height, as defined in Zoning By-law 200/2006, shall be 40 feet.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force and effect when the Plan of Subdivision and the Zoning Agreement are registered in the Winnipeg Land Titles Office by caveats against the subject lands within one year from the date the by-law is passed, failing which the by-law will expire and 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

Minutes – Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

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

Report – Standing Policy Committee on Property and Development – September 15, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2015, 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 July 14, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- That recommendation 2. A. i. be amended by adding "building elevations and colour on all four sides," after "showing their design and location,", and adding "East Kildonan-Transcona Community Committee and the" after "must be submitted to the"

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

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2015, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 14, 2015 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 400-408 Regent Avenue West**
File DASZ 9/2015

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2015, 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 under File DASZ 9/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 2 shown on Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 to an "RMF-M" Residential Multiple-Family Medium Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location***, building elevations and colour on all four sides,*** must be submitted to the ***East Kildonan-Transcona Community Committee and the*** Director of Planning, Property and Development for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That every balcony shall include a securely fastened loop, or equivalent, to lock a bicycle to.

        iii. That an opaque fence or wall, at least six (6) feet in height shall be erected between along the western limit of proposed Lot 2, extending from the northern limit of the west side-yard to the southern limit of proposed Lot 2.

iv. That the maximum building height, as defined in Zoning By-law 200/2006, shall be 40 feet.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force and effect when the Plan of Subdivision and the Zoning Agreement are registered in the Winnipeg Land Titles Office by caveats against the subject lands within one year from the date the by-law is passed, failing which the by-law will expire and 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This is on a major thoroughfare that is identified in OurWinnipeg as mixed-use corridor.
2. There is a need for housing in community.
3. There is a concrete constructed multi-family senior's block across the street as well as R2 zoned row housing on Regent Avenue.
4. There have been similar rezoning's on Regent Avenue West from this address to Plessis Road and those project have worked well.
5. Full transit services will be available for residents.
6. Servicing will be upgraded by 2016.
7. The applicants are long-time community residents of the community who take pride in what they're doing and it's great to see local builders and developers reinvesting in our community.
8. More density will facilitate and help the central business district for Transcona to continue to thrive.
9. Residents will be within walking distance of downtown Transcona.

PUBLIC HEARING SUMMARY

File:	DASZ 9/2015
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	July 14, 2015 June 16, 2015 Council Building, 510 Main Street
Applicant:	Building Block Developments Inc. (Jeremy Kehler and Michael Martel)
Subject:	



Premises Affected: 400 - 408 Regent Avenue West

Exhibits Filed:

1. Application dated April 22, 2015
2. Notification of Public Hearing dated May 6, 2015
3. Manitoba Status of Titles 1329979/1, 1329982/1, 2720112/1 and 2726545/1
4. Letter of authorization dated September 15, 2014 from Robert Martel to Building Block Developments Inc.
5. Surveyor's Building Location Certificate and sketch dated September 3, 2014
6. Plans (5 pages)
7. Report from the Urban Planning Division dated June 3, 2015
8. Inspection Report
9. Notice of Adjournment dated June 19, 2015
10. Recording of Representations of public hearing held on July 14, 2015

REPRESENTATIONS:

In Support:

Jeremy Kehler
Michael Martel

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. R. Mahe, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. J. Carter, Solicitor, Legal Services

Exhibit "8" referred to in File DASZ 9/2015

ADMINISTRATIVE REPORT

Title: DASZ 9/2015 – 400, 404 & 408 Regent Avenue West

Issue: Application for Approval of

- a proposed plan of subdivision that would replace three parcels with two lots and
- a proposed rezoning of one of the proposed lots from "R1-M" Residential Single-Family Medium to "RMF-M" Residential Multi-Family Medium

Critical Path: EKT Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council, as per the Development Procedures By-law and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning proposed Lot 2 shown on Schedule "A" to File DASZ 9/2015 dated June 3rd, 2015 to an "RMF-M" Residential Multiple-Family Medium Zoning 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, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, must be submitted to the Director of Planning, Property and Development for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That every balcony shall include a securely fastened loop, or equivalent, to lock a bicycle to.

iii. That an opaque fence or wall, at least six (6) feet in height shall be erected between along the western limit of proposed Lot 2, extending from the northern limit of the west side-yard to the southern limit of proposed Lot 2.

iv. That the maximum building height, as defined in Zoning By-law 200/2006, shall be 40 feet.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2)-year period and Council approves the extension.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force and effect when the Plan of Subdivision and the Zoning Agreement are registered in the Winnipeg Land Titles Office by caveats against the subject lands within one year from the date the by-law is passed, failing which the by-law will expire and 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

This report is required because the subject properties cannot be redeveloped as proposed without approval of the application to subdivide and rezone them. This report analyses the proposed subdivision, rezoning and development in terms of compliance with *Complete Communities* and makes recommendations accordingly.

Variances are also required and so an application was submitted under File DAV 15-116759D. A second report, analyzing the proposed variances in terms of compliance with Section 247(3) of *The City of Winnipeg Charter* and making recommendations accordingly, has also been provided.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject properties can be reconfigured into two lots and one of them can be rezoned to RMF-M Residential Multi-Family Medium, in accordance with Schedule "A" to this report.

However, the wastewater system that the proposed development would connect to is at capacity. Therefore, permits for the construction of the proposed multi-family dwelling will not be issued until sufficient capacity is achieved.

Sufficient capacity would be achieved through upgrades planned under the Combined Sewer Overflow and Basement Flood Management Strategy. The upgrades would be funded from the 2016 Capital Budget, subsequent to Council approval.

CONSULTATION

In preparing this report there was consultation with the Departments of:

- Water and Waste; and
- Public Works.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Glen Doney
Date	June 3rd, 2015
File No.	DASZ 9/2015

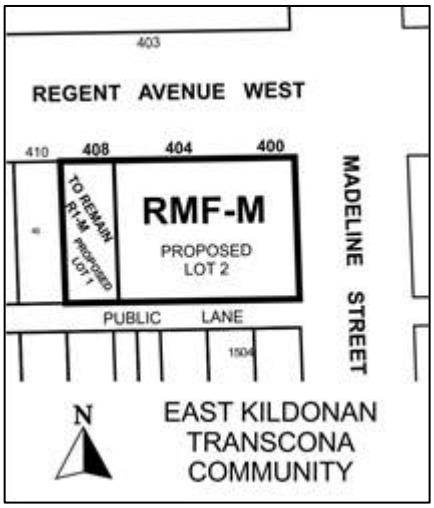
Attachments and Schedules

Appendix “A,” Planning Discussion

Schedule “A” of File No. DASZ 9/2015, East Kildonan – Transcona Community Committee, dated June 3rd, 2015

APPENDIX "A," PLANNING DISCUSSION

DATE:	June 3rd, 2015
FILE:	DASZ 9/2015
RELATED FILE:	DAV 15-116759D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.402
SUBJECT:	Application for Approval of • a proposed plan of subdivision that would replace three parcels with two lots and • a proposed rezoning of one of the proposed lots from R1-M Residential Single-Family Medium to RMF-M Residential Multi-Family Medium
LOCATION:	400, 404 and 408 Regent Avenue West
LEGAL DESCRIPTION:	Lots 50 to 54, Block 18, Plan 1504



APPLICANT:	Building Block Developments Inc. (Jeremy Kehler And Michael Martel) 30 Sarcee Cove Winnipeg, MB R2C 0B1
OWNER:	Building Block Developments Inc. 30 Sarcee Cove Winnipeg, MB R2C 0B1 Robert Martel 359 Pandora Avenue West R2C 1M6
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

The site is at the southwest corner of Regent Avenue West and Madeline Street, in the Melrose Neighbourhood and the Transcona Ward. It is approximately 16,500 square feet and consists of four parcels of land at three addresses: 400, 404 and 408 Regent Avenue West. Three single-family dwellings, and accessory structures, are on the site.

The site is in an "R1-M" Residential Single-Family Medium District and two policy areas of *Complete Communities* – Recent Community (which is type of Area of Stability) and Community Mixed-Use Corridor (which includes Regent Avenue West, the properties along Regent West and other public right-of-ways abutting those properties).

Public transit service is provided on Regent Avenue West.

As stated in the body of this report:

- the wastewater system that the proposed development would connect to is at capacity;
- permits for the construction of the proposed multi-family dwelling will not be issued until sufficient capacity is achieved;
- sufficient capacity would be achieved through upgrades planned under the Combined Sewer Overflow and Basement Flood Management Strategy; and
- the upgrades would be funded from the 2016 Capital Budget, subsequent to Council approval.

SURROUNDING LAND USE AND ZONING

North of the site are row houses, a six-storey multi-family dwelling and single-family dwellings. East of the site is a single-family dwelling. To the south are single-family dwellings and two-family dwellings. To the west are single-family dwellings with shallow side yards (as shown in Figure 2.

As shown in Figure 3, properties west, south and east of the site are in "R1-M" Districts. Properties to the north are in an "RMF-M" Residential Multi-Family Medium District and an "RMF-L" Residential Multi-Family Large District.

Figure 1: Looking Southwest at the Site



DESCRIPTION OF THE PROPOSED SUBDIVISION, REZONING AND DEVELOPMENT

PROPOSED SUBDIVISION AND REZONING

The proposal would reconfigure four parcels of land into two lots. Both lots would be 100.0 feet deep, which is the depth of the existing parcels. Proposed Lot 1(the westerly proposed lot) would be 29.0 feet wide and proposed Lot 2 (the easterly proposed lot) would be 136.0 feet wide. Presently, the most westerly parcel of land is 49.5 feet wide. Proposed Lot 1 would remain "R1-M" but proposed Lot 2 would be rezoned to "RMF-M."

Figure 4 shows that the maximum building height requirements in "R1-M" and "RMF-M" are 35 feet and 60 feet, respectively. It also shows that the minimum lot area per dwelling unit

Figure 2: 2014 Aerial Photography



requirement in “RMF-M” is 800 square feet, which means that 17 dwelling units would be allowed on proposed Lot 2.

PROPOSED DEVELOPMENT

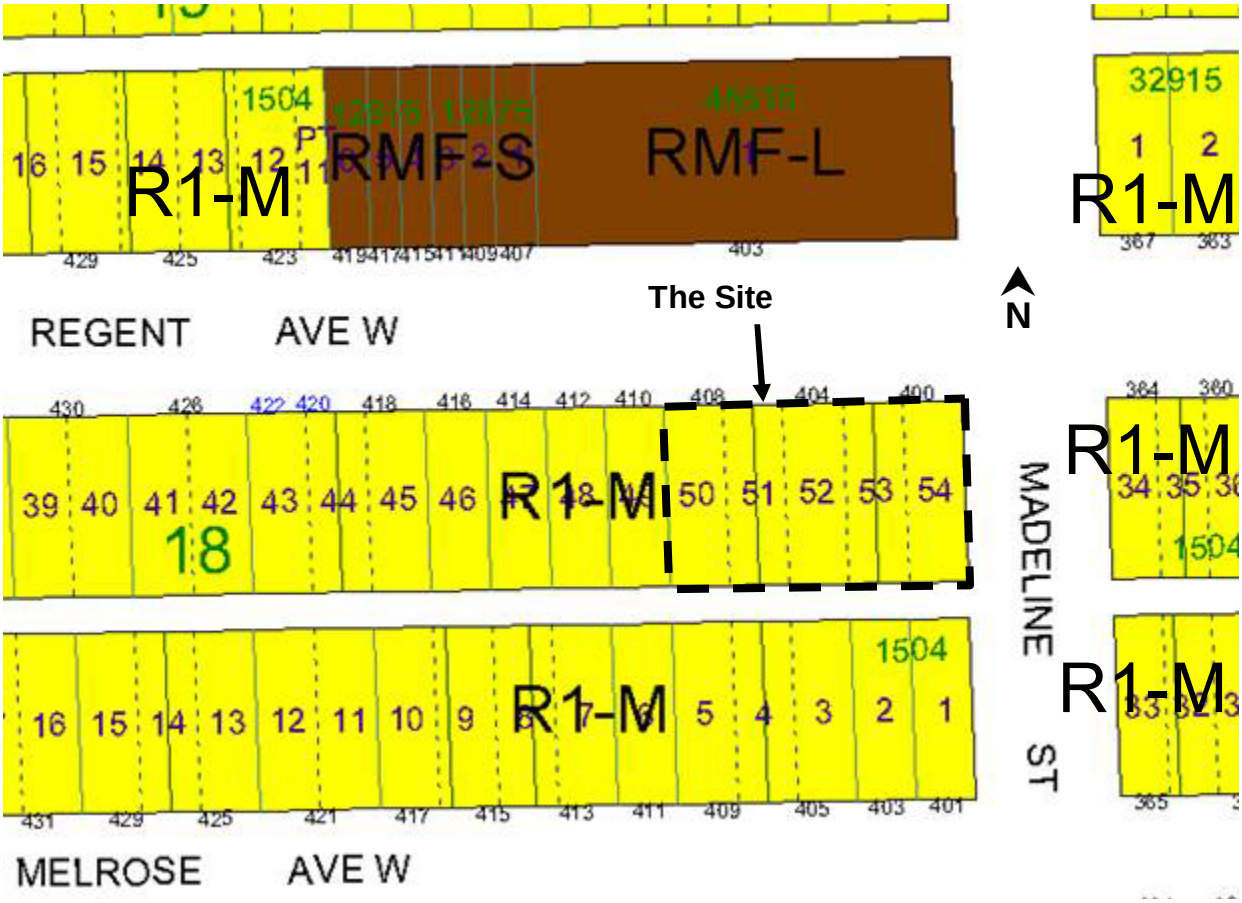
The dwelling at 408, which has a front yard depth of 11.4 feet and a rear yard depth of 42.7 feet, would remain but a shed and the portion of the deck that is east of the dwelling would be would be removed. The east side yard would be reduced by 20.5 feet to 4.8 feet.

The dwellings at 400 and 408 (shown in Figure 1), and their accessory structures, would be removed and a 3 ½ storey, 16 unit, multiple-family dwelling and accessory structures, including 19 surface parking spaces would be developed on proposed Lot 2

The multi-family dwelling would:

- be 11.0 feet, 4.0 feet, 29.0 feet and 44.1 feet from the front, east, south and west property lines, respectively;
- have a roof that slightly slopes down to the front and to the rear (to the north and to the south) that would have a mean height of 36.8 feet;

Figure 3: Existing Zoning



- be 88 feet wide and 60 feet deep (where width is parallel to Regent Avenue West and depth is perpendicular to Regent Avenue West);
- include balconies on its north and south sides;
- include a north entrance, well defined by canopies less than two storeys high, and a south entrance with a small overhang;
- clearly show each floor by windows, doors and balconies framed in white; and
- have north and south exterior walls that are not flat and are clad in materials that differ in colour and texture which would result in the building appearing to consist of three sections.

Figure 4: Dimensional Standards of the R1-M and the RMF-M Districts

TABLE 5-2: Dimensional Standards for the RR5, RR2, R1, R2 and RMH Zoning Districts
amended 121/2008; 146/2008

Zoning District and Designation	Minimum Lot Area (Sq. Ft.) [Notes a, e] *amended 95/2014*	Minimum Lot Width (Ft.) (Note e) *amended 95/2014*	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.) [Note b]	Minimum Reverse Corner Street Side Yard (Ft.)	Maximum Height of Bldg. (Ft.)	Maximum Lot Coverage (%)
Principal Residential Structure								
R1-Medium	3,500	25	15 [note c & d]	25	4	4	35	45

NOTES:
a. Where the lot is serviced by a private sewage disposal system with a septic field, the minimum lot area is that required by the *Sewer By-law* (7070/97) or that shown in dimensional standards table, whichever is greater. In other cases where residential uses are not served by municipal water and/or sewer, the minimum lot area is 11,000 sq. ft.
b. Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet for principal residential structures
amended 95/2014
c. Portions of the front façade that do not include garages or carports must have a minimum front yard of 15 feet; where a driveway leads from the street to a garage or carport located on the front facade of the house, such driveway must be a minimum of 18 feet in length, unless the provisions of subsection 140(2), *Auto Courts*, apply. Driveway length is measured between the garage door or the edge of the carport closest to the street and the front property line.
d. If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 feet, unless the provisions of subsection 140(3), *Loop Lanes*, apply.
e. Section 138, Special Boundary Conditions, applies to the minimum lot area and lot width for the subdivision of new lots in all R1 and R2 zoning districts
added 95/2014

TABLE 5-4: Dimensional Standards for Multi-Family Districts

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-M	9,000	800	25	25	8 **[note b]**	20	8	60

NOTES:
a. 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 feet.
b. 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.

Accessory surface parking would be in the west side-yard and the rear yard of proposed Lot 2. The portion that would be in the west side-yard would be 16.0 feet from the north property line. Bicycle racks and a garbage enclosure would also be in the rear yard. A four foot high fence would be alongside the west property line. (Front and rear yards extend the full width of a property and side yards are between the front and rear yards.)

Secure and weather protected bicycle parking (for residents) is not proposed.

In addition to the proposed subdivision and rezoning, and upgrades to the wastewater sewer, variances to the dimensional standards of the "RMF-M" District are required. These proposed

Figure 5: Proposed Multi-Family Dwelling

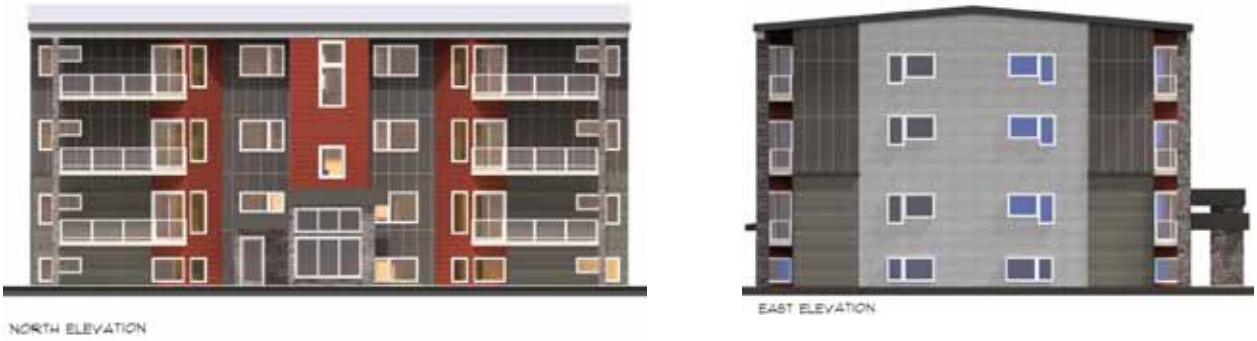
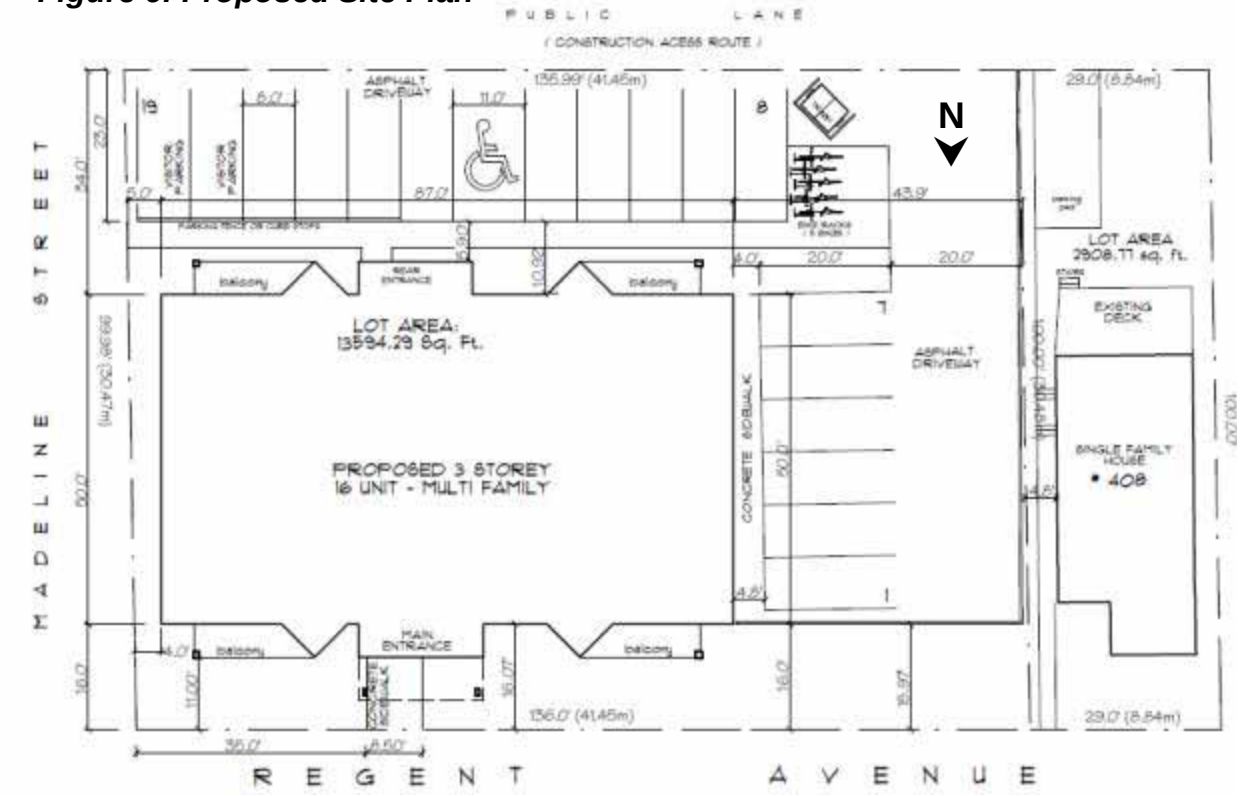


Figure 6: Proposed Site Plan



variances are considered in the planner's report on Variance Application DAV 15-116759D.

ANALYSIS

Given that *Complete Communities* states, in Section 02, that the policies of the Corridor Policy Areas take precedence over the policies of the Areas of Stability Policy Area, this analysis will focus on the policies of the Community Mixed-Use Corridor policy area and the general Centres and Corridors policies.

Complete Communities states:

- under Direction 1 of Section 03-2f, "Promote the enhancement of existing Community Mixed-use Corridors through moderate intensification"; and
- under Direction 1 of Section 03-2, "Provide… higher-density residential opportunities... that… respect the context of adjacent Communities;

SUBDIVISION AND REZONING ANALYSIS

Other than the maximum height requirement in the "RMF-M" District of 60 feet, the proposed subdivision and rezoning are consistent with *Complete Communities*

- one "R1-M" lot large enough to retain one of the existing dwellings; and
- one "RMF-M" lot that would accommodate a development that would be at a scale and intensity of use (up to 17 dwelling units) that would be compatible with the area in which it would be located, particularly so because across Regent Avenue West from the site are an "RMF-S" Residential Multi-Family Small District and an "RMF-L" Residential Multi-Family Large District.

If the maximum building height requirement applying to the "RMF-M" lot is reduced to approximately 40 feet (which is only five feet greater than the requirement in the "R1-M" and "RMF-S" Districts), the "RMF-M" lot would be consistent with *Complete Communities.*

DEVELOPMENT ANALYSIS

As shown in the submitted plans and described above, proposed Lot 1 would have an adequate east side-yard depth because it would be similar to that of nearby single-family dwellings and would be sufficient in terms of building code requirements regarding exterior wall openings.

The submitted plans and the descriptions above also show that proposed Lot 2:

- would have front yard, west side-yard and rear yard depths that would be similar to, or more than, that of existing dwellings;
- would have an adequate east side-yard depth because it would be next to a public street; and
- would include surface parking in the west side-yard that would be adequately setback from the front property line but only separated from the west property line by a four foot high fence.

The proposed four foot high fence would not provide much of a buffer between proposed Lot 1 and the accessory parking that would be immediately east of it.

The proposed multiple-family dwelling, shown in the submitted plans and described above, would be visually interesting and at a human scale because:

- the north entrance would be well defined by canopies that are less than two storeys high;
- each floor would be well defined by windows, doors and balconies; and
- the north and south exterior walls would have some articulation and would be clad in materials that differ in colour and texture, resulting in the building seeming to consist of three buildings, side-by-side, rather than one, larger building.

That a secure, weatherproof bicycle parking area would not be provided for the residents is a deficiency that should be addressed.

REASONS FOR RECOMMENDATIONS

As stated in the body of the report, the Urban Planning Division recommends approval subject to the condition that the applicant enter into a Zoning Agreement with the City to include the conditions:

1. that, prior to the development of any building, exterior lighting, parking area, loading area, freestanding sign, private approach, landscaping, fencing, path, sidewalk, plaza, bicycling parking area or garbage enclosure, plans, showing their design and location, must be submitted to the Director of Planning, Property and Development for approval, prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development;
2. that every balcony shall include a securely fastened loop, or equivalent, to lock a bicycle to;
3. That an opaque fence or wall, at least six (6) feet in height shall be erected between along the western limit of proposed Lot 2, extending from the northern limit of the west side-yard to the southern limit of proposed Lot 2.
4. That the maximum building height, as defined in Zoning By-law 200/2006, shall be 40 feet.

The first condition is to ensure that the development would be in substantial conformity with the submitted plans. This condition is warranted because the submitted plans show a development that, with the aforementioned modifications, would be in compliance with *Complete Communities.*

The second condition is to ensure each suite has a secure, somewhat weather protected place, to put a bicycle. This condition is warranted because the number accessory parking spaces proposed is less than the zoning by-law requirement and there is no common area in the building to place secure bicycle parking.

The third condition is to ensure that the development in proposed Lot 2 would be generally compatible with the residential use in proposed Lot 1.

The fourth condition is to ensure that the development in proposed Lot 2 would be generally compatible with adjacent and nearby developments.

Lastly, if plans were not in place to upgrade the wastewater system, the proposed development would not be provided the "full range of municipal services," as defined and required in *OurWinnipeg*. Had that been the case, the proposal would not have complied with *OurWinnipeg.*

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by:
Glen Doney

PPD File # DASZ 9/2015

SCHEDULE "A" OF FILE NO. DASZ 9/2015, EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE, DATED JUNE 3RD, 2015

By-Law No. _____

File No. **DASZ 9/15**

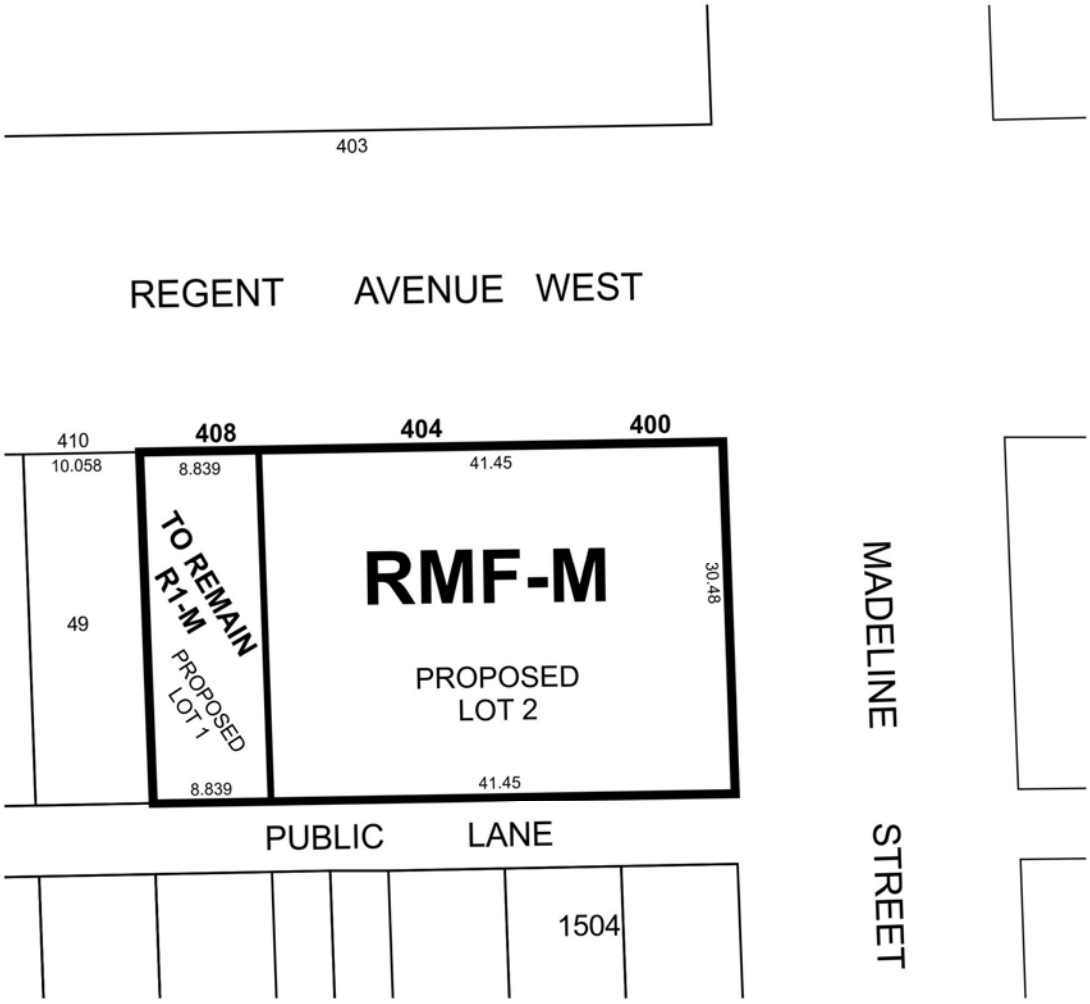
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 400 – 408 Regent Avenue West from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands to allow for the construction of a multi-family dwelling on proposed Lot 2 as shown outlined below.

Atlas Sheet No. **Z34**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____