Minutes – East Kildonan-Transcona Community Committee – November 17, 2015

PUBLIC HEARINGS

Item No. 3 Subdivision and Rezoning – 1914 Henderson Highway (North Kildonan Ward) File DASZ 17/2015 [c/r SPA 4/2015 & DAV 130129/2015D]

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on December 7, 2015 at 6:00 p.m. in the Council Building at 510 Main Street.

DECISION MAKING HISTORY:

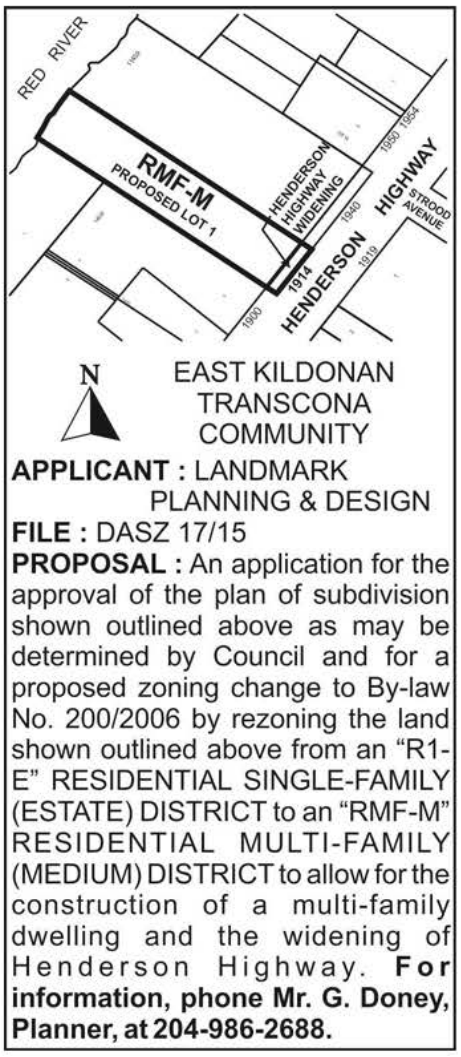
Moved by Councillor Schreyer,

That no representation be heard on the application, and the public hearing be adjourned to the East Kildonan-Transcona Community Committee meeting on December 7, 2015 at 6:00 p.m. in the Council Building at 510 Main Street.

Carried

PUBLIC HEARING SUMMARY

File:	DASZ 17/2015
Before:	East Kildonan-Transcona Committee Councillor Wyatt, Chairperson Councillor Schreyer
Hearing:	November 17, 2015 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc. (Donovan Toews)
Subject:	



Premises Affected:	1914 Henderson Highway

Exhibits Filed:

1. Application dated June 11, 2015
2. Notification of Public Hearing dated September 3, 2015
3. Manitoba Status of Title 2493618/1
4. Letter of authorization dated May 5, 2015 from 6077561 Manitoba Ltd. to Landmark Planning & Design Inc.
5. Plans (12 pages)
6. Report from the Urban Planning Division dated November 6, 2015
7. Inspection Report

Exhibit "6" referred to in File DASZ 17/2015

ADMINISTRATIVE REPORT

Title: DASZ 17/2015, 1914 Henderson Highway

Issue: application for approval of a proposed plan of subdivision and rezoning to create one lot and widen the Henderson Highway Right-of-Way and to rezone the proposed lot from "R1-E" Residential Single-Family Estate to "RMF-M" Residential Multi-Family Medium

Critical Path: East Kildonan – Transcona 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	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 17/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 17/2015 dated November 6, 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 the subject land shown on Schedule "B" for File DASZ 17/2015 dated November 6, 2015, to an "RMF-M" Residential Multi-Family Medium District and to a "PR1" Parks and Recreation 1 (Neighourhood) District, subject to the following:

   A. That the Developer be required to fulfill all the conditions outlined in Schedule "C," the report of the Administrative Coordinating Group dated August 12, 2015.

   B. 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, parking area, private approach, walkway, plaza garbage enclosure, fencing and other landscaping, exterior lighting, bicycle parking and exterior signage on on proposed Lot 1 (of Schedule "B" for File DASZ 17/2015), plans, showing the location and appearance of these aspects of the development, shall be submitted to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be developed in substantial conformance with the

approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no more than 23 dwelling units shall be on proposed Lot 1 (of Schedule "B" for File DASZ 17/2015).

iii. That no building on proposed Lot 1 (of Schedule "B" for File DASZ 17/2015) shall have more than five floors, where each floor is a storey or a mezzanine.

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

4. 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.

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

6. 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.

7. 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 land 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.

8. 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.

9. 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.

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

REASON FOR THE REPORT

This report provides information on, and makes recommendations regarding, Subdivision and Rezoning Application DASZ 17/2015. This report is available for consideration at the public hearing that is required as per the Development Procedures By-law and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, a new lot and a public reserve can be created and rezoned to “RMF-M” and “PR1,” respectively, and the Henderson Highway Right-of-Way can be widened.

CONSULTATION

The City’s Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	November 6, 2015
File No.	DASZ 17/2015

Attachments

Appendix “A,” Planning Discussion

Schedule “A” for File DASZ 17/2015, East Kildonan – Transcona Community Committee, dated November 6, 2015

Schedule “B” for File DASZ 17/2015, East Kildonan – Transcona Community Committee, dated November 6, 2015

Schedule “C,” Report of The Administrative Coordinating Group – Aug.12, 2015

Appendix "A," Planning Discussion

DATE:	November 6, 2015
FILE:	DASZ 17/2015
RELATED FILES:	SPA 4/2015 & DAV 15-130129D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.421
SUBJECT:	application for approval of a proposed plan of subdivision and rezoning to create one lot and widen the Henderson Highway Right-of-Way and to rezone the proposed lot from "R1-E" Residential Single-Family Estate to "RMF-M" Residential Multi-Family Medium
LOCATION:	1914 Henderson Highway
LEGAL DESCRIPTION:	Special Plot Lot 4, Plan 11459 WLTO



APPLICANT:	Donovan Toews Landmark Planning and Design 298 Waterfront Drive Winnipeg, MB R3B 3P1
OWNER:	6077561 Manitoba Ltd.
RECOMMENDATION:	Approval with Conditions

SUBJECT SITE DESCRIPTION

The subject site, identified on Figures 1, 2 and 3, is:

- along the west side of Henderson Highway (which has high frequency public transit service) and the east bank of the Red River and south of Strood Avenue;
- in the Valhalla Neighbourhood and the North Kildonan Ward;
- approximately 100 feet wide and has an assessed land area of 30,250 square feet;
- undeveloped, other than a gravel driveway; and

- in an “R1-E” District of Zoning By-law 200/2006, a Regional Mixed-Use Corridor Policy Area of *OurWinnipeg* and *Complete Communities* and a Low Density Residential Policy Area of the *North Henderson Highway Secondary Plan*.

Figures 1, 2 and 3 show the subject site and vicinity. Figure 1 identifies existing land uses on 2014 aerial photography. Figure 2 is an oblique view derived from 2014 aerial photography. Figure 3 shows existing lots and existing zoning.

The properties along the east bank of the river zoned “PR-1” Parks and Recreation 1 (Neighbourhood) and the care home site are owned by the City. The “PR-1” properties and the rear portion of the care home site are lands that have been assembled to-date by the City to extend and complete the Kildonan Parkway, which is one of six linear parks flanking the Red or the Assiniboine River that is to extend to

Figure 1: Existing Uses, 2014 Aerial Photography **North↑**



The Forks. Establishing these parks is a Council-approved concept that includes incrementally acquiring riverbank lands and establishing bicycle and pedestrian paths.

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING AND DEVELOPMENT

As previously stated, the application that is the subject of this report is a proposed plan of subdivision and rezoning to create one lot and widen the Henderson Highway Right-of-Way and to rezone the proposed lot from “R1-E” Residential Single-Family Estate to “RMF-M” Residential Multi-Family Medium. Table 1 shows the dimensional requirements of the “RMF-M” District. In addition, given that several properties next to or near the site are zoned "RMF-S” Residential Multi-Family Medium, it is of note that the use regulations are the same in all “RMF” Districts.

Applications to amend the *North Henderson Highway Secondary Plan*, under File SPA 4/2015, and to

Table 1, RMF-M Dimensional Requirements, from Table 5-4 of By-law 200/2006

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.

Figure 2: 2014 Aerial Photography, Oblique View Looking North

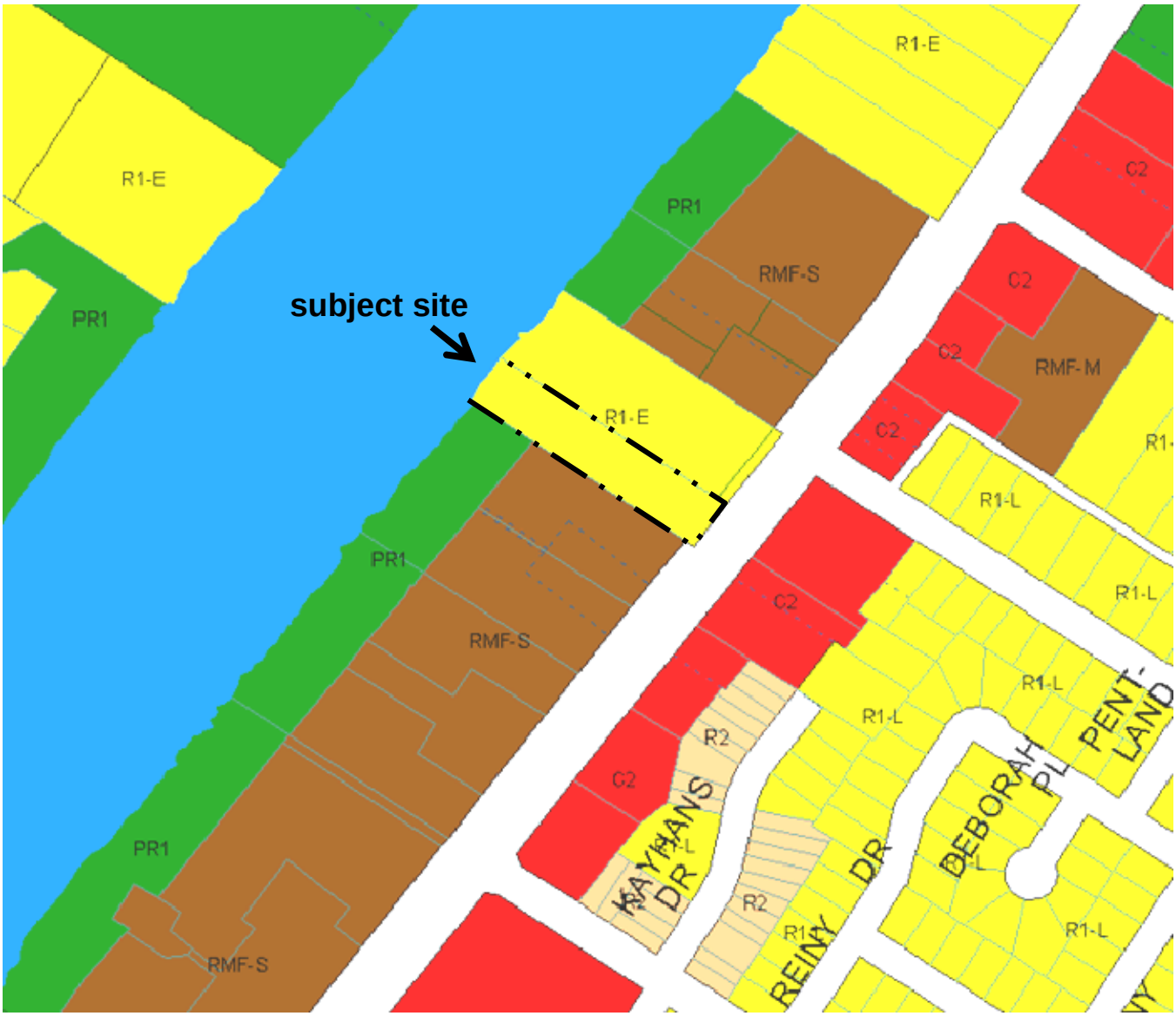


vary Zoning By-law 200/2006 requirements, under File DAV 15-130129D, have also been submitted to accommodate the proposed development.

The proposed development, illustrated on the submitted plans and shown conceptually on Figure 4, would consist of:

- one principal building – a five storey apartment building that includes
  - on the ground floor, a parking garage with 40 motor-vehicle parking spaces and a garage door facing east, a garbage storage room, a gym with windows facing east and a lobby with the entrance and windows facing east;
  - on the second floor, five dwelling units, a patio at the west end of the building shared by two dwelling units, a common room and balconies on the north and east sides of the building and
  - six dwelling units and balconies on all sides of the building on each of the next three floors;

Figure 3 Existing Lots and Existing Zoning **North↑**



- a landscaped front yard containing nine parking spaces, the parking garage entrance, a garbage pick-up pad and a pedestrian walkway from the public sidewalk just east of the site to the lobby entrance;
- landscaped side-yards; and
- a rear yard extending to the riverbank.

It is of particular note that there are two, slightly different, site plans.

Site Plan "a" shows the north and south side yards the same depth – 13.5 feet (measured to the proposed building's exterior walls). This version shows the south corner of each diagonal outside parking space and the garbage pad abutting the south property line and the parking spaces to the north approximately five feet from the north property line.

Site Plan "b" shows the south and north side yard depths, measured to the proposed building's exterior walls, 18 feet and nine feet, respectively. This version shows the northerly parking spaces abutting the north property line and the southerly ones approximately five feet from the south property line.

ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city. The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to Centres and Corridors (including Regional Mixed-Use Corridors) states: "Focus a significant share of growth to centres and corridors in a manner that:

- provides compact, mixed-use, high-quality urban development.
- concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
- concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
- encourages a built form that supports a pedestrian-friendly environment…"

The proposed subdivision and rezoning are consistent with this direction because they would accommodate a development that would:

- provide a significant concentration of dwelling units that would enhance opportunities for a variety of commercial uses alongside Henderson Highway to expand and for new ones to establish;
- be largely street-oriented, which would enhance the pedestrian environment along Henderson Highway;
- be well-served by public transit; and
- utilize existing municipal infrastructure.

Also of note is that Section 01-1b of *OurWinnipeg* provides Key Directions for the entire city, one of which is to "Create a transportation system that supports active, accessible and healthy lifestyle

options." If the proposed subdivision and rezoning is modified such that the rear portion of the subject site becomes a public reserve that is zoned "PR-1," as shown on Schedule "B," another segment of land would be added to the Kildonan Parkway, which is consistent with this Key Direction.
In addition, *Complete Communities'* Section 07, Direction 3, the fourth policy, states: "Protect and enhance public access to our riverbanks…" If the proposed subdivision and rezoning are modified such that the rear portion of the subject site becomes a public reserve that is zoned "PR-1," it would comply with this policy as well.

Compatibility with the Area

Figures 1 and 2 show that two two-storey townhouses, together containing 24 dwelling units, are on a property immediately south of the subject site and that the main buildings on the care home site are 1 ½ storeys and two storeys. They also show that three apartment buildings, ranging from three to six storeys and from 24 to 29 dwelling units, are close to the subject site, and other apartment buildings are nearby.

Given that the apartment building on the subject site would be five storeys and would contain 23 dwelling units, it is compatible with the larger context of the site, characterized by the existing apartment buildings along the west side of Henderson Highway. The proposed rezoning to "RMF-M" is also compatible with the larger context because:

- it is the most restrictive zoning district that would accommodate the proposed development;
- a zoning agreement, limiting the number of storeys and dwelling units to what are proposed (five and 23, respectively) can be entered into; and
- all the "RMF" Districts have the same use regulations.

In addition, the aforementioned modification to create a public reserve zoned "PR-1" along the riverbank would be consistent with other public reserves along the east bank, as shown in Figure 3.

Regarding the two site plans, version "a" is more compatible with the property to the north and version "b" is more compatible with the property to the south. Given that the rear yards of five townhouses to the south are abutting the subject site, the development should be closer to the northern limit of the site than the southern limit. However, space should be provided for a fence between the northern limit of the site and the outside parking area.

This could be achieved with a north side-yard, measured to the proposed building's exterior wall, of 9.5 feet (in depth) and a corresponding south side-yard depth of 17.5 feet deep, as illustrated conceptually on Figure 4. This would result in the outside parking area being 0.5 feet south of the northern site limit and approximately four feet from the southern site limit. These side-yard depths, and sufficient landscaping along the south side of the outside parking area, can be assured by modifying Variance Application DAV 15-130129D and approving the variance application as modified.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities* and are compatible with the area in which the subject land is located.

Figure 4: Conceptual Site Plan of Proposed Development, 2014 Aerial Photography **North↑**



The recommended condition to enter into a zoning agreement:

- that requires any proposed building, parking area, private approach, walkway, plaza garbage enclosure, fencing and other landscaping, exterior lighting, bicycle parking and exterior signage, to be developed in accordance with plans approved by the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee; and
- that limits the number of storeys to five and dwelling units to 23;

are to ensure the proposed development and land use will be generally compatible with its context.

The recommended condition to approve the subdivision and rezoning in accordance with Schedule “B” instead of what was proposed (and shown on Schedule “A”) is to ensure the proposed subdivision and rezoning will be consistent with *OurWinnipeg* and *Complete Communities* and generally compatible with the area.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Glen Doney

PPD File #:
DASZ 17/2015

Schedule "A" for File DASZ 17/2015, East Kildonan – Transcona Community Committee, dated November 6, 2015

By-Law No. _____

File No. **DASZ 17/15**

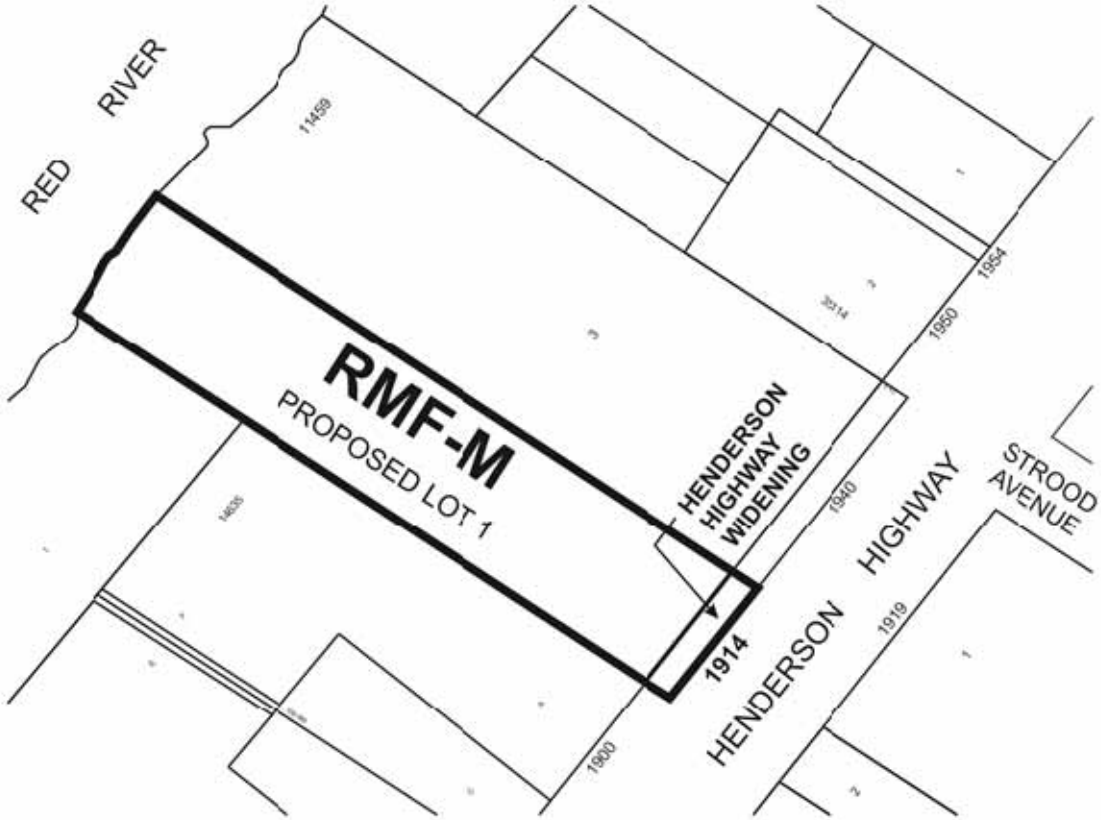
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EAST KILDONAN TRANSCONA COMMUNITY

Explanation

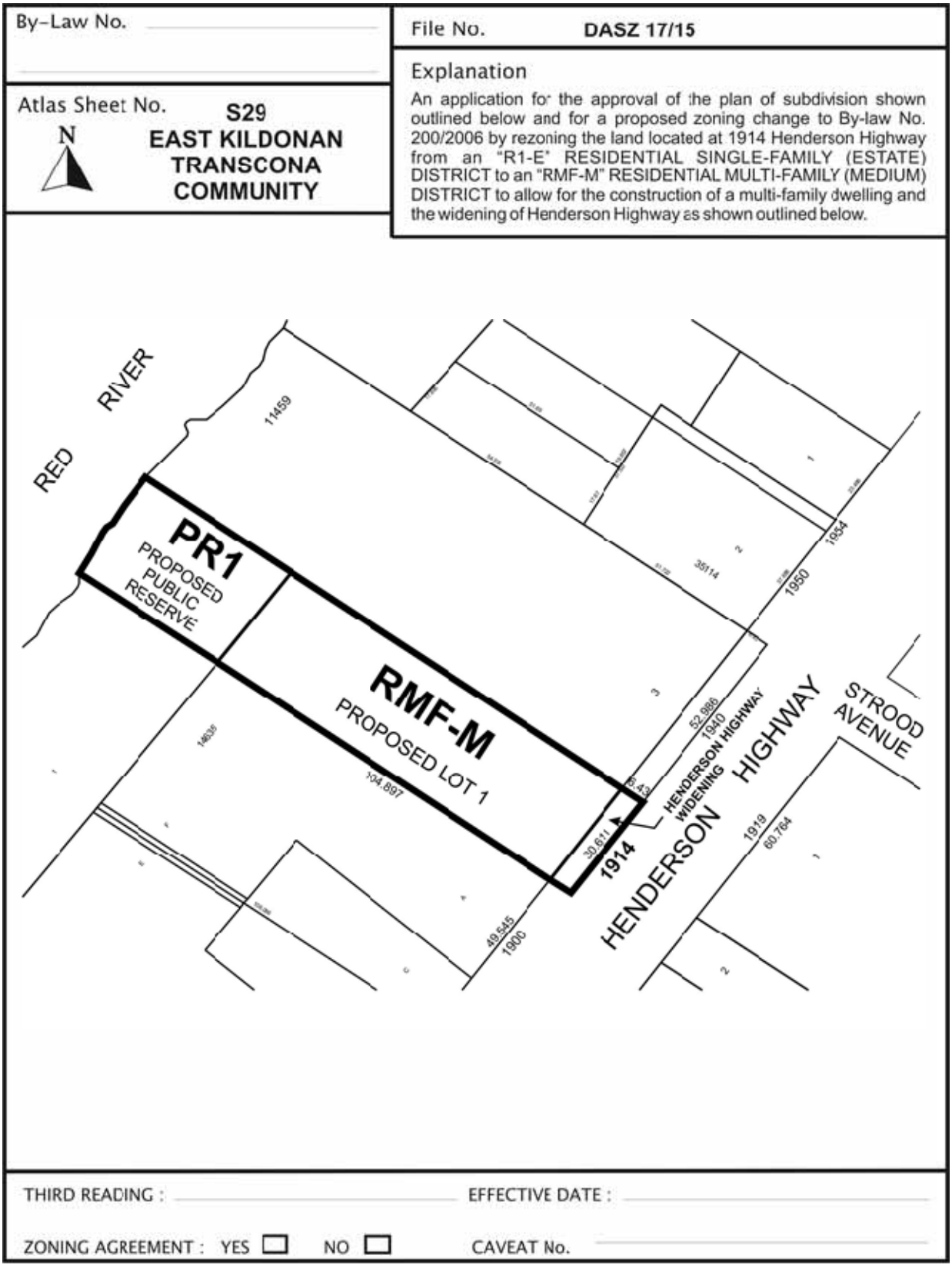
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1914 Henderson Highway from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to allow for the construction of a multi-family dwelling and the widening of Henderson Highway as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File DASZ 17/2015, East Kildonan – Transcona Community Committee, dated November 6, 2015



Schedule "C"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Aug.12, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1914 HENDERSON HIGHWAY – DASZ 17/2015

1) It is recommended that the approval of DASZ 17/2015, if granted, be subject to the applicant addressing the following:

2) The Developer shall transfer to the City and legally open, property for a 6.23m widening to the Henderson Highway right-of-way for the full length of the Planned Area abutting Henderson Highway to the satisfaction of the Director of Public Works.

3) That Schedule A be replaced with Schedule B, to include the establishment of a Public Reserve parcel along the riverbank, the specific limits of which shall be an alignment consistent with and connecting the east limit of the Public Reserve parcel to the south with the Public Reserve parcel further north as determined and approved by the Director of Property and Planning.

4) The Developer shall at no expense to the City address any damage or impacts to the proposed Public Reserve area resulting from the development of the RMF property. This could include the provision of grading and sodding if required to ensure positive drainage and smooth transition for any grade changes between the two properties as determined by and to the satisfaction of the Director of Public Works.

5) The Developer shall at no expense to the City provide property line delineation between the public and private lands, in the form of a fence, which at a minimum may be bollards spaced equally starting from the north property limit to the south, approximately 20' on centre. Said fence shall be located on the private property and established by caveat to become the ongoing responsibility of the property owner for maintenance, repairs and replacement.

6) The Developer shall provide the City with a letter of credit or other acceptable security to ensure remedial work within the proposed public reserve and installation of fencing is completed to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 17/2015
November 10, 2015

"*Original Signed by"*
G.V. Jasper P. Eng.,
Land Development Branch

"Original signed by"
D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj