Agenda – Council – November 16, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 11 Subdivision and Rezoning – 567 - 573 Talbot Avenue (Elmwood-East Kildonan Ward) File DASZ 5/2016 [c/r DCU 104726/2016D and DAV 104731/2016D]

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 5/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 5/2016 dated September 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer shall, at no expense to the City, legally open property required for a 0.687 m widening to the south side of the existing east-west Public Lane right-of-way, along the full length of the Planned Area, abutting the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning a portion of the subject land shown on Schedule "A" of File DASZ 5/2016 dated September 6, 2016, to "R2" Residential Two-Family.

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of 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.

12. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 October 18, 2016, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete "Schedule B" and replace it with "Schedule A" in Recommendations 1 and 2.

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

On September 20, 2016, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on Tuesday, October 18, 2016 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 567 - 573 Talbot Avenue**
File DASZ 5/2016

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

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

Report date: **October 20, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 2016, 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, Heritage and Downtown Development:

1. That the plan of subdivision under File DASZ 5/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "B"***~~ ***Schedule "A"*** of File DASZ 5/2016 dated September 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer shall, at no expense to the City, legally open property required for a 0.687 m widening to the south side of the existing east-west Public Lane right-of-way, along the full length of the Planned Area, abutting the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning a portion of the subject land shown on ~~***Schedule "B"***~~ ***Schedule "A"*** of File DASZ 5/2016 dated September 6, 2016, to "R2" Residential Two-Family.

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 shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of 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.

12. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

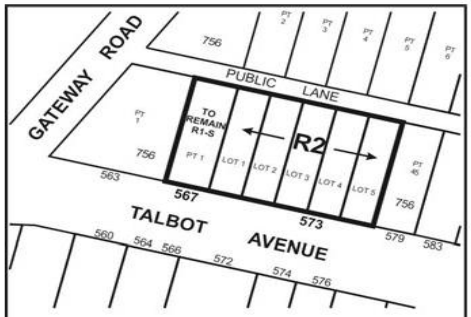
Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This application is part of the infill evolution in the area.
2. This is a new idea in terms of density as opposed to an apartment building.
3. It's being done professionally, creatively and aesthetically.
4. It seems like something that is worth trying as presented.

PUBLIC HEARING SUMMARY

File:	DASZ 5/2016
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Schreyer Councillor Wyatt
Public Hearing:	October 18, 2016 September 20, 2016 Council Building, 510 Main Street
Applicant:	Affinity Architecture Inc. (Andrew Skelton)
Subject:	



APPLICANT : AFFINITY ARCHITECTURE INC.
FILE : DASZ 5/16
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown above from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multi-family dwelling (triplex) on each of the proposed new lots to be established.
For information, phone Mr. G. Doney, Planner, at 204-986-2688.

Premises Affected: 567 - 573 Talbot Avenue

Exhibits Filed:

1. Application dated June 14, 2016
2. Notification of Public Hearing dated August 16, 2016
3. Manitoba Status of Titles 1143609/1 and 2795790/1
4. Letter of authorization dated December 10, 2015 from Potts Bros. Ltd. to Affinity Architecture Inc.
5. Letter of authorization dated February 23, 2016 from J. Loppe Properties Inc to Affinity Architecture Inc.
6. Surveyor's Building Location Certificate and sketch dated October 8, 2015
7. Plans (8 pages)
8. Report from the Urban Planning Division dated September 6, 2016
9. Inspection Report
10. Recording of Representations of public hearing held on September 20, 2016
11. Notice of Adjournment dated September 23, 2016
12. Recording of Representations of public hearing held on October 18, 2016

REPRESENTATIONS:

In Support:

Patrick Penner
Daniel Serhal

In Opposition

Nil

For Information:

Nil

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit “8” referred to in File DASZ 5/2016

ADMINISTRATIVE REPORT

Title: DASZ 5/2016, 567 and 573 Talbot Avenue

Issue: proposed plan of subdivision and rezoning that would:
- create five lots from one property and part of another; and
- rezone the proposed lots from “R1-S” Residential Single-Family Small to “R2” Residential Two-Family

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 5/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “ B” of File DASZ 5/2016 dated September 6, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer shall, at no expense to the City, legally open property required for a 0.687 m widening to the south side of the existing east-west Public Lane right-of-way, along the full length of the Planned Area, abutting the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning a portion of the subject land shown on Schedule “B” of File DASZ 5/2016 dated September 6, 2016, to “R2” Residential Two-Family.

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.

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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.*

12. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

This report provides information, and makes recommendations, regarding the subject application (DASZ 5/2016) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy*.

IMPLICATIONS OF THE RECOMMENDATIONS

If the above recommendations are concurred in, and the associated conditional use and variance applications are approved in accordance with Urban Planning's recommendations, the proposed lots can be created as shown on Schedule "B" of DASZ 5/2016 and four three-unit multiple-family dwellings can be developed.

CONSULTATION

Consultation was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	September 6, 2016
File No.	DASZ 5/2016

Attachments

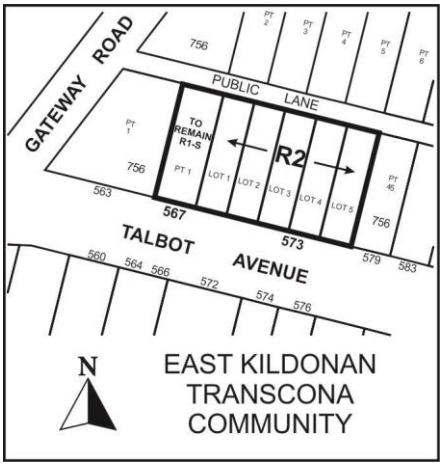
Appendix “A,” Planning Discussion

Schedule “A,” of File DASZ 5/2016, East Kildonan – Transcona Community Committee, dated September 6, 2016

Schedule “B,” of File DASZ 5/2016, East Kildonan – Transcona Community Committee, dated September 6, 2016

Appendix "A," Planning Discussion

DATE:	September 6, 2016
FILE:	DASZ 5/2016
RELATED FILES:	DCU 16-104726D & DAV 16-104731D
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.403
SUBJECT:	proposed plan of subdivision and rezoning that would: - create five lots from one property and part of another; and - rezone the proposed lots from "R1-S" Residential Single-Family Small to "R2" Residential Two-Family
LOCATION:	567 & 573 Talbot Avenue, east of Gateway Road
LEGAL DESCRIPTION:	Part Lots 1 & 46 to 49, Plan 756 WLTO (status of titles contain detailed legal descriptions)



APPLICANT:	Andrew Skelton, Affinity Architecture 200 – 4 Fort Street Winnipeg, MB R3C 1C4
OWNERS:	JLOPPE Properties and Potts Brothers
RECOMMENDATION:	Approval with Conditions and Modifications

SITE DESCRIPTION

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

- at 567 and 573 Talbot Avenue and is east of Gateway Road;
- in the Talbot-Grey Neighbourhood and the Elmwood East-Kildonan Ward;
- approximately 15,400 square feet;
- two parcels – the westerly one comprised of parts of Lot 1 and Lot 49, Plan 756 WLTO and the easterly one comprised of parts of Lots 46 to 48, Plan 756 WLTO;

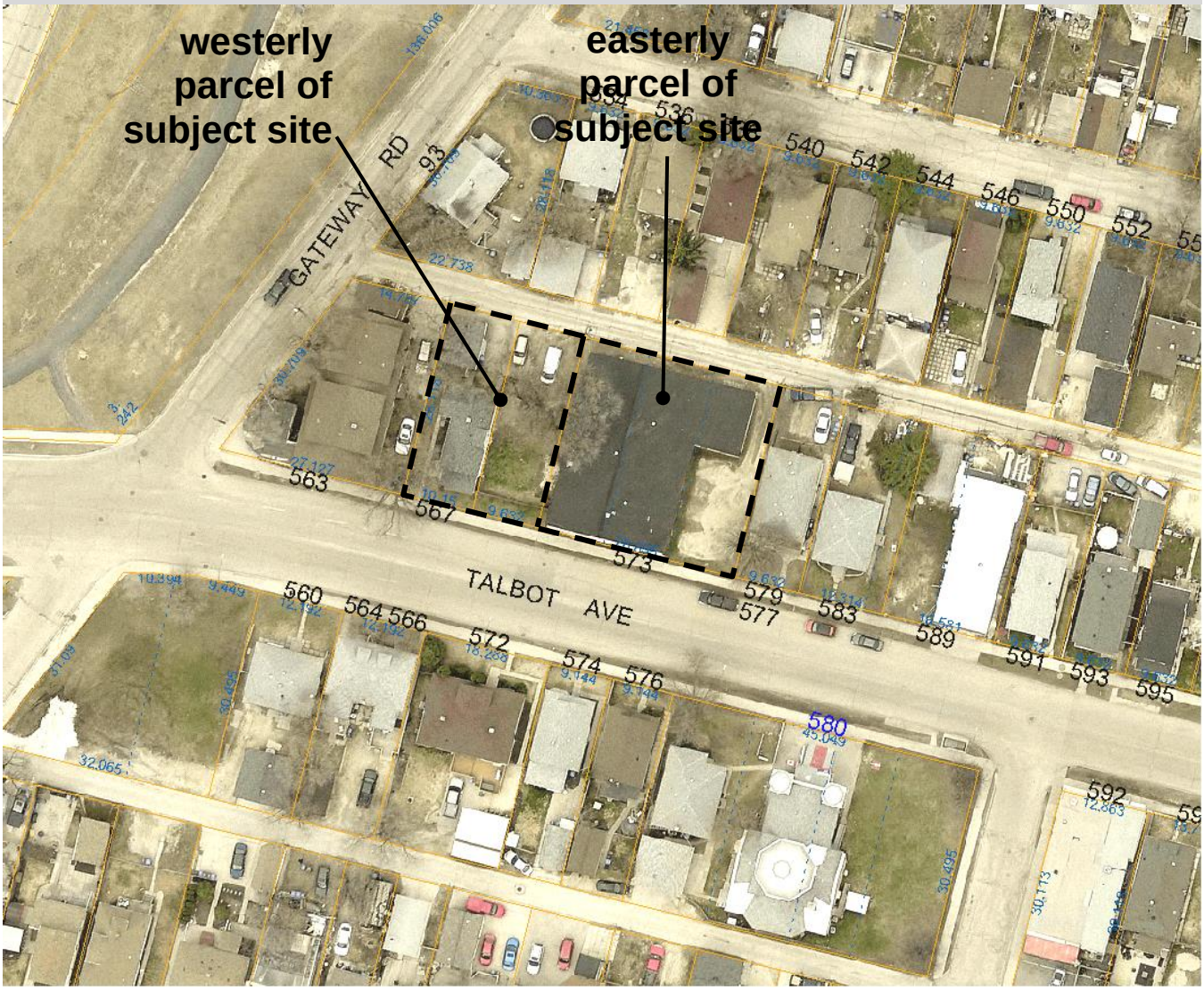
- encompassing a single-family dwelling (SFD) and a garage on the westerly parcel and a vacant industrial building on the easterly parcel;
- in an “R1-S” Residential Single-Family Small District of Zoning By-law 200/2006; and
- in a Mature Communities policy area, which is a type of Areas of Stability policy area of *OurWinnipeg* and *Complete Communities* as well as a Neighbourhood Mixed-Use Corridor of *Complete Communities.*

It is of note that the existing SFD has a west side-yard of 9.6 feet, a front yard of 9.6 feet (measured from the enclosed porch), an east side yard of 32.5 feet and windows on the east exterior wall.

SITE CONTEXT

A public lane is immediately north of the site. Single-and two-family dwellings in an “R1-S” Zoning District are north of that public lane.

Figure 1: 2016 Assessed Land Areas & 2016 Aerial Photography **North↑**



Along the south side of Talbot Avenue is an undeveloped parcel in an “RMF-S” Residential Multi-Family Small District. Also along the south side of Talbot are single- and two-family dwellings ranging from one to 1½ storeys, and a place of worship, all in an “R1-S” District;

Immediately east of the site is a property in an “R1-S” District that contains a two-storey two-family dwelling which is over 20 feet from the front property line and nearly 30 feet from the rear property line. Further east is a property containing a convenience store and a dwelling in an “R1-S” District.

Immediately west of the site is a property in an “R1-S” District that contains an 11 unit multi-family dwelling, a portion of which is two-storeys. Further west are Gateway Road and Elmwood Road and, between them, a multi-use path (the Northeast Pioneers Greenway) that connects to a cycling route to the downtown.

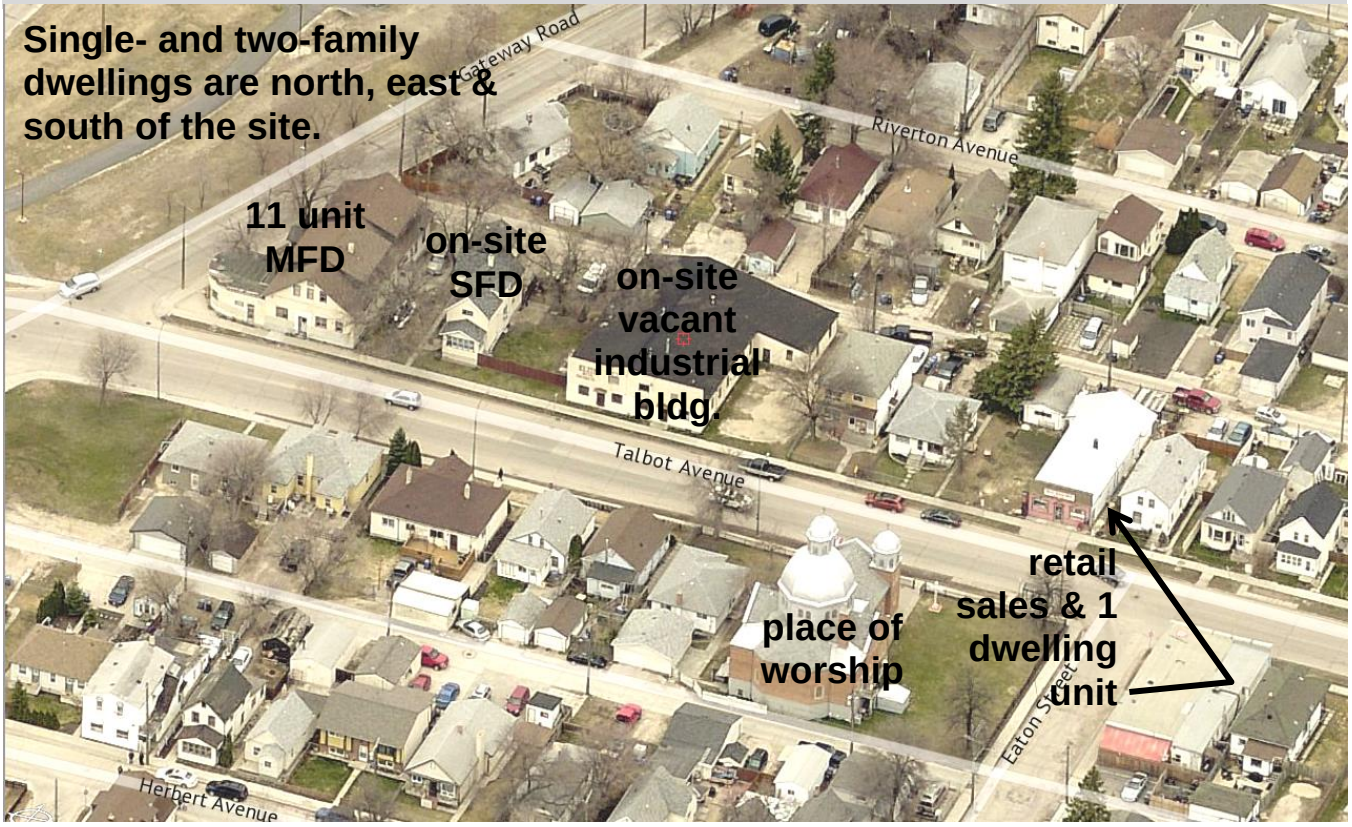
Public transit stops are on Talbot Avenue at Eaton Street (east of the site by approximately 150 feet).

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING AND ASSOCIATED DEVELOPMENT

As stated in the letter of intent and shown on Schedule “A” to this report, the proposal includes:

- retaining the single-family dwelling and the garage but reducing the parcel on which they are located to part of Lot 1, Plan 756 WLTO, which is 33.3 feet wide;
- creating five identical “R2” lots fronting Talbot, from the remainder of the site – parts of Lots 46 to 49, Plan 756 WLTO; and

Figure 2: Pictometry derived from 2016 Aerial Photography, Looking North



- developing, on each proposed “R2” lot, a multi-family dwelling having one dwelling unit in the basement and two suites above grade, as well three accessory parking spaces;

The proposed plan of subdivision and rezoning that are the subject of this report must be approved to accommodate the proposed multi-family dwellings.

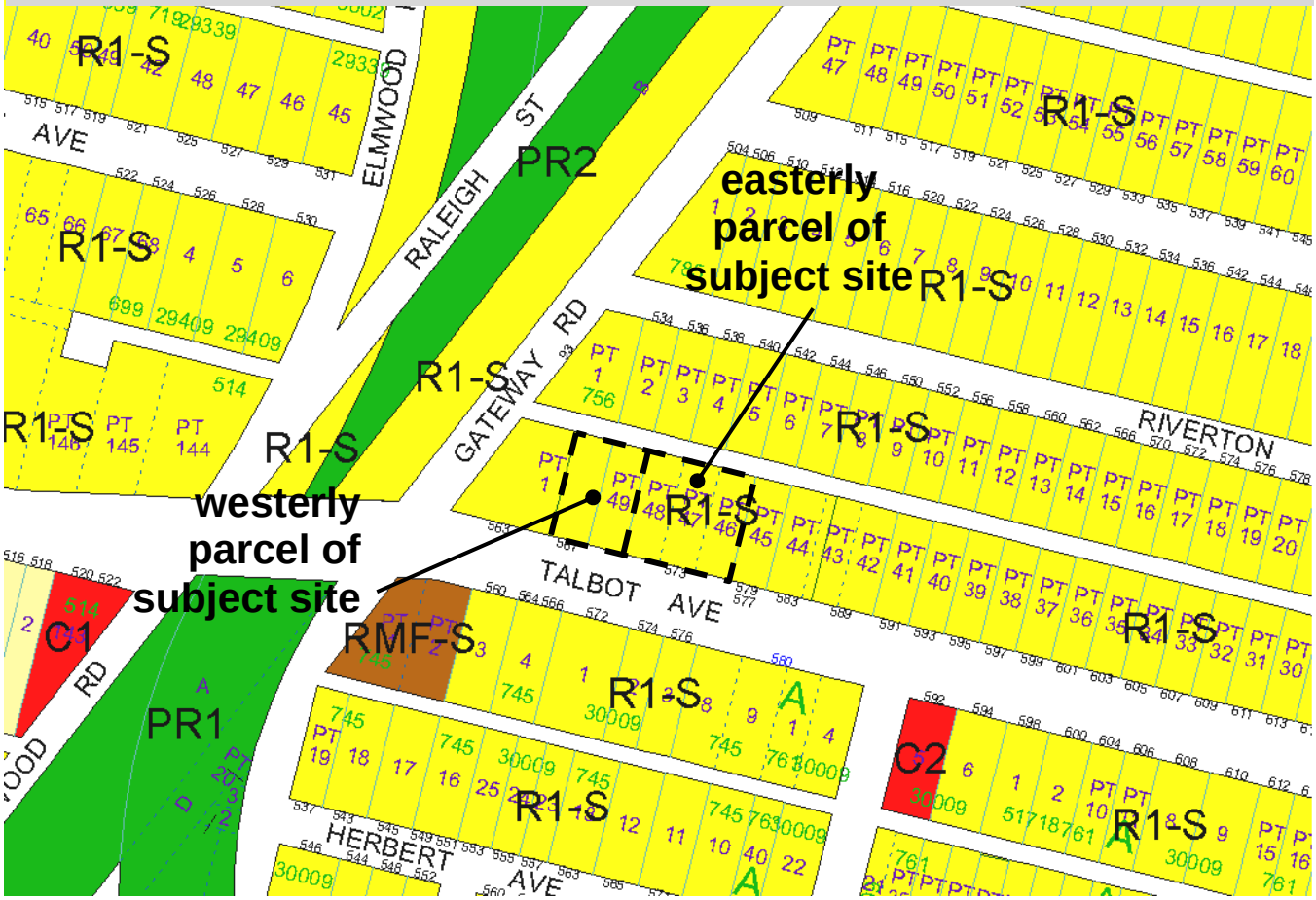
Regarding the parcel proposed to encompass the existing single-family dwelling and the garage, the east side yard would be only 0.9 feet and the eavestrough on the existing dwelling would project 0.05 feet into the proposed “R2” lot that would be to the immediate east.

Conditional use approval is also required because multi-family dwellings are a conditional use in the “R2” District. The file number of this application is DCU 16-104726D. An administrative report on this application has been submitted.

Variances must also be approved to accommodate some of the proposed yards, the proposed lot widths and lot areas, the proposed accessory parking and the proposed residential density. The file number of this application is DAV 16-104731D. An administrative report on this application has also been submitted.

ANALYSIS AND ISSUES

Figure 3: Existing Zoning and Registered Plans **North↑**



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 the Areas of Stability policy area states: "Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population."

The proposal generally complies with this Key Direction and with *OurWinnipeg* in general.

The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:

> *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.*

In addition, Direction 1 of Section 03-2h of *Complete Communities* states "*Promote orderly, minor intensification of neighbourhood mixed use corridors that is in character with the surrounding* neighbourhood."

Regarding the aforementioned policies and Direction 1 of Section 03-2h, five "R2" lots and 15 dwelling units would be somewhat more than a moderate change to the neighbourhood. If the number of "R2" lots and the number of three-unit multi-family dwellings are reduced by one, the proposal:

- would be more of a moderate change and more in character with the neighbourhood;
- would, therefore, comply with the aforementioned policies and Direction 1 of Section 03-2h; and
- would comply with *Complete Communities* in general.

Also regarding the aforementioned policies and Direction 1 of Section 03-2h, the proposed rezoning to "R2," complies with these policies and Direction 1 of Section 03-2h, and with *Complete Communities* in general, because the regulations of the "R2" District are quite similar to those of the "R1-S" District A comparison of the regulations shows that:

- "live-work" dwellings and multi-family dwellings are conditional in "R2" but "not permitted" in "R1-S";
- two-family dwellings are permitted in "R2" but "not permitted" in "R1-S";
- the Special Boundary Conditions and the Front Yard Building Alignments apply in both zoning districts;
- the maximum building height is the same – 35 feet; and
- the minimum interior side yard requirements are similar – four feet in "R2" and three feet, or two feet and four feet, in "R1-S."

Regarding the proposed parcel to encompass the existing SFD and the garage, the proposed east side-yard depth – 0.9 feet – is too shallow to provide sufficient access to that side of the building exterior for maintenance. In addition, it is of note that building code requirements regarding the east exterior wall's window and door openings and exterior cladding and its proximity to the proposed east property line do not apply because that property line is existing. If they did apply, the window openings would have to be closed and the cladding would have to meet a specific fire rating requirement.

However, the existing single-family dwelling and the parcel that would encompass it (as well as the existing garage) would be better suited to the community context, and would have to meet the aforementioned building code requirements, if the proposed parcel is a new lot with a width of 33.4 feet. At this width, the east side-yard would be two feet deep, which is adequate to provide access to that side of the SFD.

Schedule “B” of File DASZ 5/2016 shows the proposal modified in accordance with this analysis.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval of Schedule “B” of File DASZ 5/2016 because the modified subdivision and rezoning, and the proposed development of each “R2” lot comply with *OurWinnipeg* and *Complete Communities.*

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

Report Prepared by:
Glen Doney

PPD File #:
DASZ 5/2016

Schedule "A" of File DASZ 5/2016, East Kildonan – Transcona Community Committee, dated September 6, 2016

By-Law No. _____

File No. **DASZ 5/16**

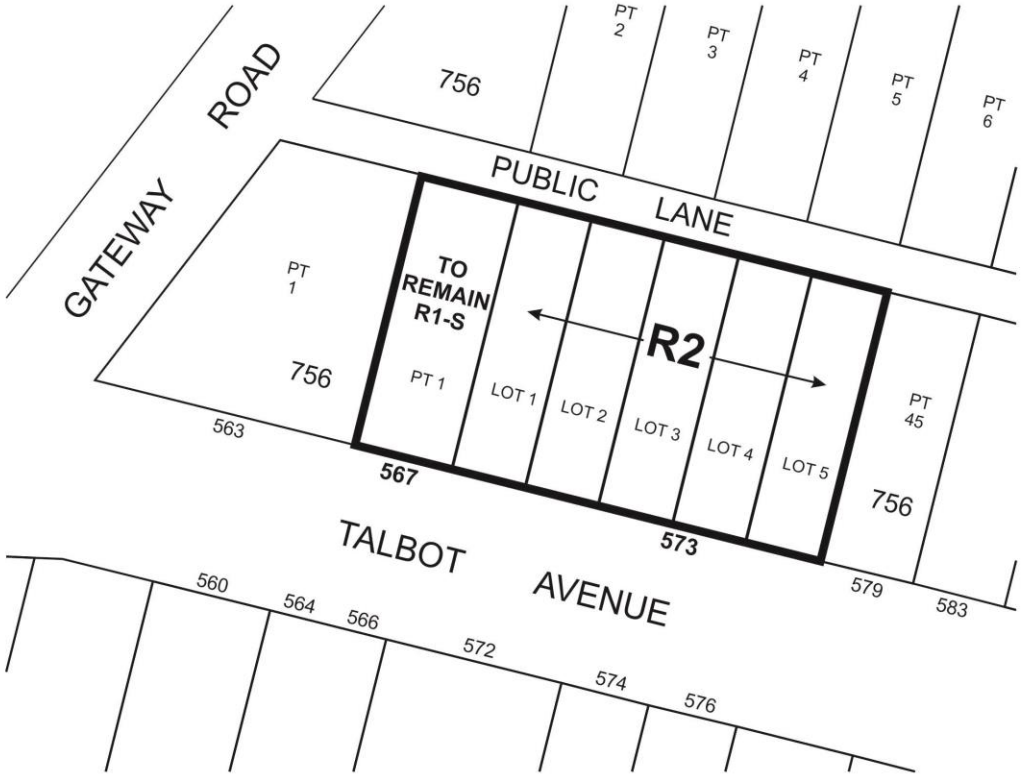
Atlas Sheet No. **Y28**

N

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 567 & 573 Talbot Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multi-family dwelling (triplex) on each of the proposed new lots to be established as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" of File DASZ 5/2016, East Kildonan – Transcona Community Committee, dated September 6, 2016

By-Law No. _____

File No. **DASZ 5/16**

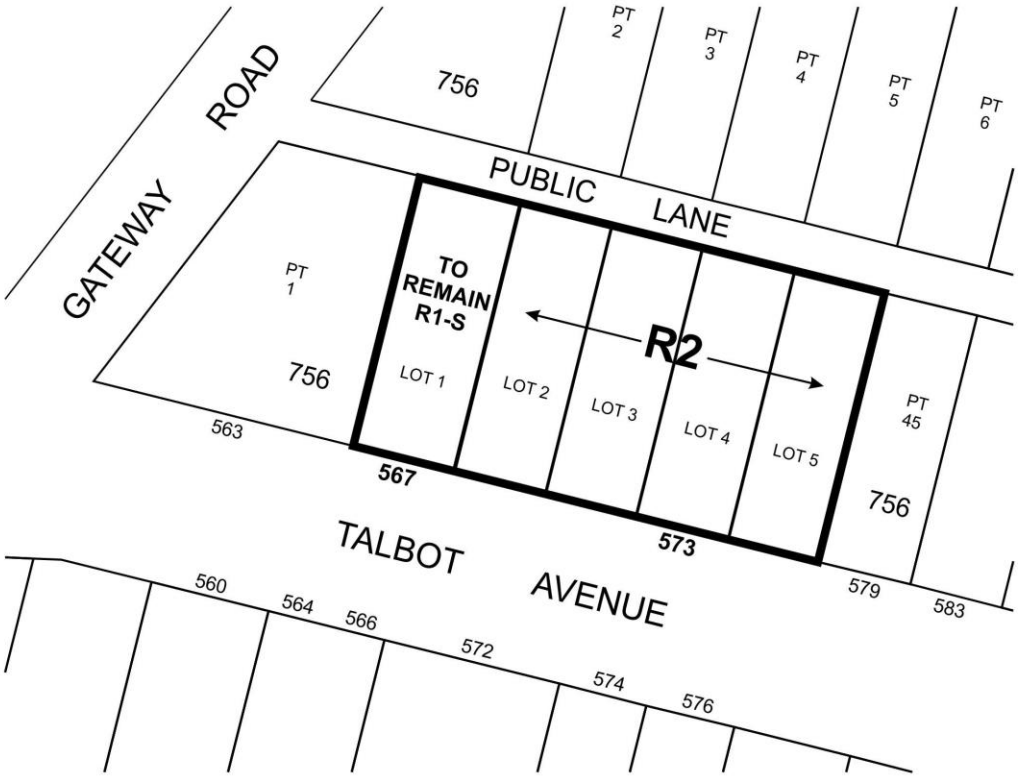
Atlas Sheet No. **Y28**

N

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 567 & 573 Talbot Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of a multi-family dwelling (triplex) on each of the proposed new lots to be established as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____