Minute No. 137
Report – Executive Policy Committee – January 10, 2018

Item No. 4 Rezoning – 471 Edison Avenue
(North Kildonan Ward)
File DAZ 213/2017 [c/r DCU 160260/2017D and DAV 160261/2017D]

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 No. DAZ 213/2017 dated December 19, 2017 to an "R2" Residential Two-Family District.

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

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 by-law in accordance with the above.

6. 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 – January 10, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 10, 2018, 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 December 19, 2017, 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 – 471 Edison Avenue**
File DAZ 213/2017

For submission to: **Executive Policy Committee**

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

Report date: **December 21, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 19, 2017, 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 No. DAZ 213/2017 dated December 19, 2017 to an "R2" Residential Two-Family District.

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

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

6. 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 reasons for its recommendation:

1. This is a mature part of the North Kildonan Ward.
2. It's good to see some of the older properties being refreshed and revitalized.
3. Edison Avenue has a lot of multi-family properties.
4. This is consistent with the existing neighbourhood.
5. It has parking and good bus service in the vicinity.

PUBLIC HEARING SUMMARY

File: DAZ 213/2017

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

Public Hearing: December 19, 2017
Council Building, 510 Main Street

Applicant: Vi H. Sam, VS Consulting

Subject:



Premises Affected: 471 Edison Avenue

Exhibits Filed:

1. Application dated September 25, 2017
2. Notification of Public Hearing dated November 20, 2017
3. Manitoba Status of Title 2720406/1
4. Letter of authorization dated September 20, 2016, from 6909869 Manitoba Ltd. to VS Consulting
5. Plans (4 pages)
6. Report from the Urban Planning Division dated December 5, 2017
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Vi Sam

In Opposition

Nil

For Information:

Nil

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 213/2017

ADMINISTRATIVE REPORT

Title: DAZ 213/2017 – 471Edison Avenue

Issue: For consideration at the public hearing to rezone the subject property from the "R1-M" Residential Single Family (Medium) zoning district, to the "R2" Residential Two-Family zoning district for the purposes of developing a residential multi-family dwelling.

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	Division Head	CFO	CAO
R. Hayer	B. Smith	n/a	

RECOMMENDATIONS

1. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 213/2017 dated December 19, 2017 to an "R2" Residential Two-Family District.
2. That, in lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
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 by-law in accordance with the above.

6. 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 is proposing to rezone the land from an "R1-M" Residential Single-Family District to a "R2" Residential Two-Family District in order to develop a multi-family building with five (5) dwelling units and an accessory parking area with five (5) parking stalls.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the proposal can proceed.

CONSULTATION

In preparing this Report there was consultation with the City of Winnipeg, Administrative Coordinating Group.

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Rakvinder Hayer
Date:	December 5, 2017
File No.	DAZ 213/2017

Attachments

Appendix "A," Planning Discussion

Schedule "A," of File DAZ 213/2017, East Kildonan – Transcona Community Committee, December 19, 2017**.**

APPENDIX 'A'

DATE: December 5, 2017
FILE: **DAZ 213/2017**
RELATED FILES: DAV 17-160261/D & DCU 17-160260/D
COMMUNITY: East Kildonan – Transcona Community
NEIGHBOURHOOD #: 4.413 (Rossmere)

SUBJECT: To rezone the land from an "R1-M" Residential Single Family (Medium) District to an "R2" Residential Two-Family District.

LOCATION: 471 Edison AVE
LEGAL DESCRIPTION: LOT 1 BLOCK 2 PLAN 7305 58/60 K



APPLICANT: Vi H. Sam (VS Consulting)
150 - 1364 McPhillips ST
Winnipeg, MB R2X 2M4

OWNER: 6909869 MANITOBA LTD.
63 Dowhan Crescent
Winnipeg , Manitoba R2K 4J5

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject site, as identified on Figures 1 and 2 of this report, is located on the north side of Edison Avenue, in the Rossmere neighbourhood of the North Kildonan ward.

The site is 50 feet wide and 5,000 sq. ft. in lot area, and currently encompasses is a one-storey single-family dwelling that was built in 1950. A public lane abuts the rear portion of the subject lot.

The site is located within the Mature Community policy area under the *Complete Communities Direction Strategy*, and is currently zoned "R1-M" Residential Single-Family (Medium).



Figure 1: Looking East (2016).

SURROUNDING LAND USE AND ZONING (See Figures 1 and 2)

North: Public lane; then single-family uses zoned “R1-M” Residential Single-Family Medium District.

South: Edison Avenue; then single-family uses zoned “R1-L” Residential Single-Family Large District.

East: Two and a half storey multi-family dwelling zoned “RMF-S” Residential Multi-Family (Small) District.

West: A light-manufacturing use (wooden cabinetry manufacturing) zoned “C2” Commercial-Community District; then a lot that is zoned “RMF-L” Residential Multi-family (Large) District with three multi-family dwellings with 120 dwelling units total currently under construction.

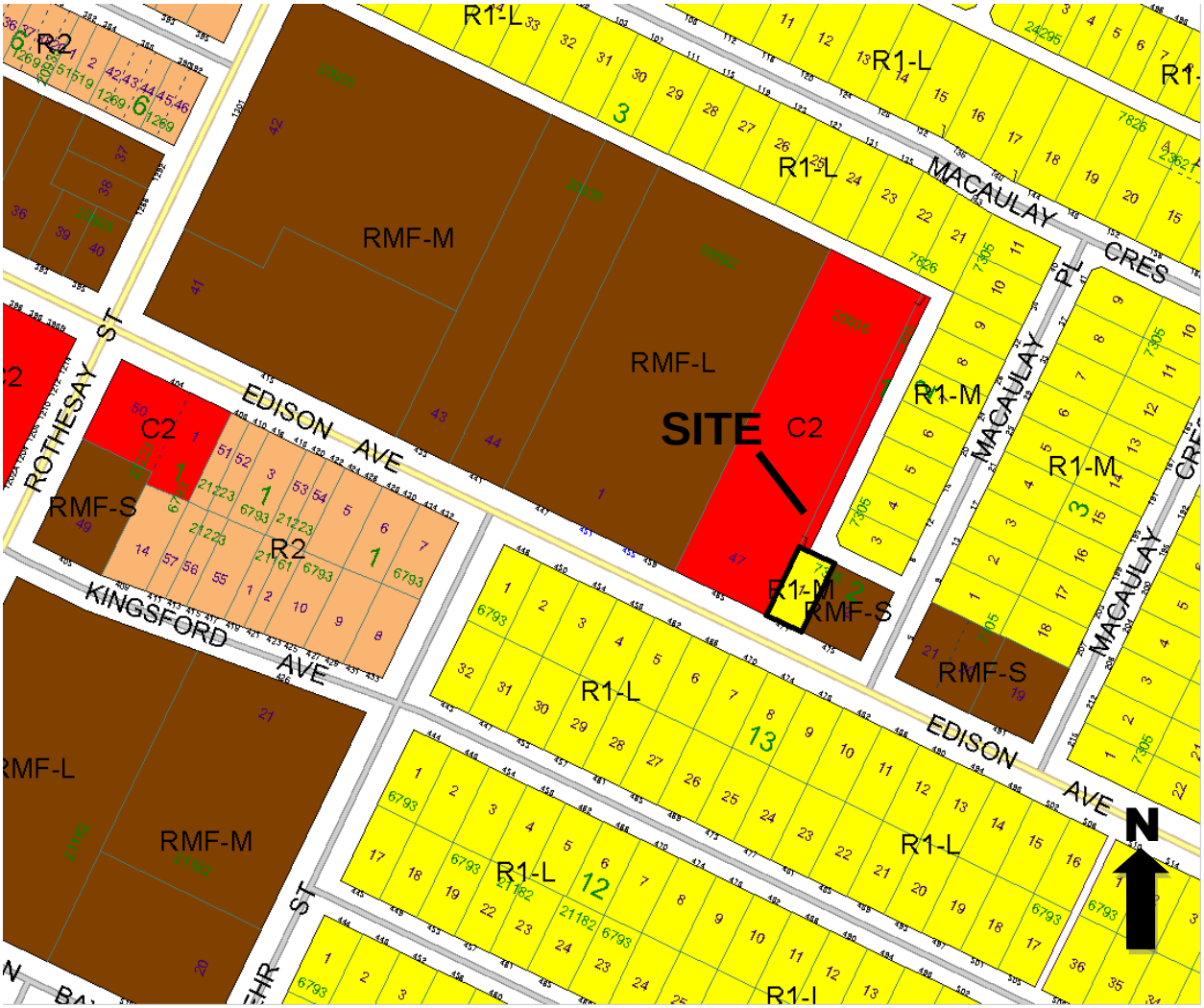

Figure 2: Zoning context

DECRIPTION OF THE PROPOSED REZONING

The applicant seeks a rezoning from an "R1-M" Residential Single-Family Medium District to an “R2” Residential Two-Family District.

REASON FOR REZONING

The intent is to demolish the existing single-family dwelling and develop a +/- 21 feet tall, one-storey, multi-family dwelling with five (5) dwelling units**, and an accessory parking area with five (5) parking stalls.**

PROPOSED ZONING DISTRICT

The R1-M District does not permit any multi-family uses, while the R2 District permits small-scale multi-family dwellings as a Conditional Use. As such, a rezoning to R2 is proposed.

"R2" Residential Two-Family District is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods. Care Homes are also permitted in the R2 District and are limited to a maximum of 6 persons.
Zoning By-law 200/2006 Dimensional Standards for the R2 District are listed below:

- Minimum lot area is 5,000 square feet.
- Minimum lot area per dwelling unit is 800 square feet for multi-family developments.
- Minimum lot width is 25 feet.
- Minimum front yard is 20 feet (unless determined otherwise through a front-yard alignment).
- Minimum rear yard is 25 feet.
- Minimum side yards are 4 feet.
- Maximum building height is 35 feet.

As noted previously, the subject site is 5,000 square feet in lot area and the applicant is proposing to rezone the subject lot in order to establish a multi-family dwelling with five (5) dwelling units; this would result in a lot area of 1,000 square feet per dwelling unit.

Other residential Zoning Districts of *the Zoning By-law* could also accommodate the proposed development; for example, the "RMF-M" Residential Multi-Family (Medium) District. However, the RMF-M District, which could accommodate the proposed development density, would also have permitted a maximum building height of 60 feet. In addition, to accommodate the proposed development in an RMF-M District would have also required significant variances to the Dimensional Standards.

Accordingly, when the subject application was submitted, the Urban Planning Division determined that the R2 District would be most appropriate to accommodate the proposed development because, given the size of the subject lot, the Dimensional Standards for the R2 District would be better suited to accommodate a context sensitive development without variances to said Standards. In addition, the R2 District limits the maximum building height to 35 feet.

CONDITIONAL USE:

Multi-family dwellings are a Conditional Use in the R2 District.

An application regarding the proposed multi-family dwelling has been made under File DCU 17-160260/D and a report on this application has been submitted for consideration by the East Kildonan – Transcona Community Committee.

VARIANCES

To establish the proposed accessory parking area, the parking supply and parking buffering conditions of *the Zoning By-law* would have to be varied.

Application for approval of these variances has been made under File DAV 17-160261/D and a report on this application has been submitted for consideration by the East Kildonan – Transcona Community Committee.

PROPOSED BUILDING

Height

The R2 District permits a maximum building height of 35 feet. Plans submitted with the application indicate that the proposed multi-family dwelling would be a bungalow style dwelling that is +/- 21 feet in height.

Setbacks

Plans submitted with the application indicate that the proposed dwelling would have the following setbacks:

Side yards would be 4 feet wide.

Rear yard setback would be 34 feet.

Front yard setback would be 13 feet.

Although the R2 zone prescribes a minimum front yard of 20 feet, a front yard building alignment was conducted in October of 2017 that determined the minimum required setback to be 13 feet for any principal residential dwelling on the subject property.

No variances to the above noted Dimensional Standards of the R2 District are required to facilitate the proposed multi-family dwelling.

Density

Multi-family dwellings in the R2 District are a Conditional Use, and are permitted a minimum lot area of 800 square feet per dwelling unit. Given the size of the subject property, the R2 District would have typically allowed for a maximum of six (6) dwelling units as a Conditional Use.

The applicant intends to develop a multi-family dwelling with five (5) dwelling units, which results in a lot area of 1000 square feet per dwelling unit.

PROPOSED PARKING AREA

The proposed development would include five (5) parking spaces. The accessory parking area would take access from the rear lane.

Multi-family dwellings are required to provide 1.5 parking stalls per unit; and the requirement is reduced to 80 percent of the minimum number if the property is located within the Urban Infill Areas identified in Schedule C of *the Zoning By-law*.

Given that the subject property is located within the Urban Infill Area, the proposal to establish a multi-family dwelling with five (5) dwelling units would be required to provide a minimum of six (6) off-street parking spaces; this is the reason for Variance no. 1 under file DAV17- 160261/D.

In addition, *the Zoning By-law* requires accessory parking areas to be screened in the following instance:

> *A landscaped buffer must be installed when a parking or loading area accessory to any use, other than a single- or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district.*

A 6 ft. high fence would screen both sides of the rear yard and proposed accessory parking area; including the garbage and recycling containers which would be stored within the west side yard of the accessory parking area. However, the rear yard of the accessory parking area would not be screened; this is the reason for Variance no. 2 under file DAV17-160261/D.

ANALYSIS AND ISSUES

OURWINNIPEG

OurWinnipeg is the City's development plan. The Key Direction of *OurWinnipeg* regarding Areas of Stability states:

> *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*

The proposed rezoning would facilitate a small scale multi-family dwelling that would add five (5) new dwelling units in a bungalow style building, which would increase the supply and variety of housing types in the neighbourhood, and would therefore comply with *OurWinnipeg*.

COMPLETE COMMUNITIES DIRECTION STRATEGY

Complete Communities is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city. Section 04 of Complete Communities pertains to the "Areas of Stability" policy area. Several policies under Direction 1 of Section 04 pertain to the proposal. They are stated below:

> *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*
>
> *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, townhouses.

The proposal to rezone the subject property to "R2" would comply with *Complete Communities* because:

- it would support a moderate increase in density to a transitional site located within the "Areas of Stability – Mature Communities" policy area under the *Complete Communities Direction Strategy*, which supports infill development; and
- given that the surrounding neighbourhood has a mix of multi-family dwellings with varying degrees of densities and building types, including (but not limited to) walk-up and high-rise buildings, the proposed rezoning would facilitate a bungalow style development that would add to the mix of housing types in the neighbourhood.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

As noted previously, the surrounding neighbourhood is characterized by a mix of multi-family and single-family dwellings. The subject site is a transitional lot located along a collector street (Edison Avenue), and between multi-family dwellings to the east and more intensive manufacturing uses to the west. Existing multi-family dwellings in close proximity are listed in Table 1.

The site is also located within walking distance of Rothesay Street, which has a mix of commercial amenities. The site is also near Princess Margaret School and Springfield Heights School.

The subject site is situated near Winnipeg Transit bus stops serviced by route 90, which provides transit access to Kildonan Place shopping centre and Concordia Hospital.

The proposal to rezone the subject site to an R2 District would be compatible with the surrounding neighbourhood because:

- given the site context, including the mix of zoning districts, access to amenities and public transit, and proximity to schools, it would promote an efficient use of land, existing infrastructure, and services; and
- it also enhances housing choice and affordability and supports the creation of more complete communities.

ADDRESS	ZONING DISTRICT	DWELLING UNITS
475 Edison AVE	"RMF-S" Residential Multi-Family (Small)	11 dwelling units
5 Macaulay PL	"RMF-S" Residential Multi-Family (Small)	5 dwelling units
491 Edison AVE	"RMF-S" Residential Multi-Family (Small)	11 dwelling units
455 Edison AVE	"RMF-L" Residential Multi-Family (Large)	66 dwelling units (under construction)
441 Edison AVE	"RMF-M" Residential Multi-Family (Medium)	47 dwelling units
433 Edison AVE:	"RMF-M" Residential Multi-Family (Medium)	48 dwelling units
415 Edison AVE	"RMF-S" Residential Multi-Family (Small)	189 dwelling units
416 Edison AVE	"R2" Residential Two-Family	2 dwelling units
424 Edison AVE:	"R2" Residential Two-Family	2 dwelling units
428 Edison AVE	"R2" Residential Two-Family	2 dwelling units
432 Edison AVE	"R2" Residential Two-Family	2 dwelling units

Table 1: Adjacent Multi-Family Dwellings.

LAND DEDICATION

When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.

As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of land is not less than 10%.

The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department. The City is requesting cash in lieu for this application.

WATER AND WASTE DEPARTMENT CONSIDERATIONS

The Engineering Division of the Water and Waste Department has provided the following statement in response to the proposed rezoning:

The applicant shall be advised that the combined domestic wastewater and land drainage runoff peak flows cannot exceed combined domestic wastewater and land drainage runoff peak flows of the existing site.

Further, development of a multi-family building at 471 Edison Avenue would be required to adhere to a c value of 0.3 with a private on-site land drainage system. The Developer would be required to retain a qualified engineer to design an appropriate system that complies with c value and other design criteria.

RECOMMENDATIONS

After review, the Urban Planning Division supports the proposed rezoning for the following reasons:

- The site is located in within the area designated as “Mature Communities” in the *Complete Communities Direction Strategy,* which supports infill development that is complimentary to the existing scale, character and built form of the neighbourhood.
- The proposed development would add a moderate increase in density, in a context sensitive manner to a Mature Community, consistent with the policies of *Complete Communities.*
- There is an existing mix of mid-block dwellings with two or more units and mid-block “R2” Residential Two-Family and “RMF” Residential Multi-Family zoning districts on said block, and rezoning the subject property to “R2” would be consistent with the character of the block.
- The subject site is sited as a “transitional lot” located between multi-family dwellings to the east and more intensive manufacturing uses to the west, and the proposed rezoning would facilitate a development that would be compatible with the surrounding area.

This Report Submitted by: Rakvinder Hayer
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 213/2017 – 471 Edison Ave

Schedule “A” for File No. DAZ 213/2017, East-Kildonan – Transcona Community Committee, December 19, 2017

By-Law No. _____

File No. **DAZ 213/17**

Atlas Sheet No. **U30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 471 Edison Avenue from an “R1-M” RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an “R2” RESIDENTIAL TWO-FAMILY DISTRICT to allow for the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____