Agenda – Executive Policy Committee – September 14, 2022

REPORTS

Item No. 31 Subdivision and Rezoning – 468 and 470 Henderson Highway (North Kildonan Ward)
File DASZ 37/2022 [c/r DAV 166495/2022D]

COMMUNITY COMMITTEE RECOMMENDATION:

On August 31, 2022, 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 subdivision under Development Application No. DASZ 37/22 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 31, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 11, 2022 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District, as shown on the map dated August 31, 2022 and included within Schedule "A", subject to the following conditions:

    A. That the Owner enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Large), the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings
            b. accessory parking areas
            c. private approaches
            d. garbage enclosures
            e. fencing

COMMUNITY COMMITTEE RECOMMENDATION (continued):

f. landscaping
g. pedestrian pathways / sidewalks

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and East Kildonan-Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That no building on the property shall exceed 45 feet in height.

3. That the City enter into, execute and deliver with the Developer

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 37/2022, as determined by the City's Director of Planning, Property and Development.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

7. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

8. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

9. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

10. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

11. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 9 and 10 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

14. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/2022.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On August 31, 2022, 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.

PUBLIC HEARING SUMMARY

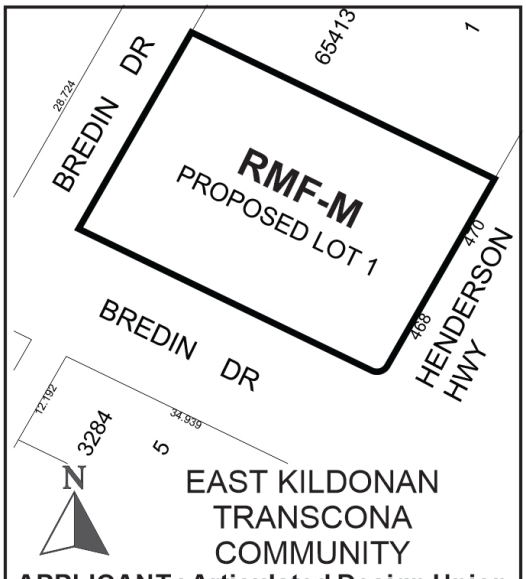
File: DASZ 37/2022

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

Public Hearing: August 31, 2022
Council Building, 510 Main Street

Applicant: Articulated Design Union (Daniel MacGibbon)

Subject:



APPLICANT : Articulated Design Union (Daniel MacGibbon)
FILE : DASZ 37/2022
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 outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling building. **For information, phone D. Harris, Planner at 204-986-7211.**

Premises Affected: 468 and 470 Henderson Highway

For submission to: Executive Policy Committee

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: August 31, 2022

Community Committee Recommendation:

On August 31, 2022, 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 subdivision under Development Application No. DASZ 37/22 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 31, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

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            d. garbage enclosures
            e. fencing
            f. landscaping
            g. pedestrian pathways / sidewalks

        on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and East Kildonan-Transcona Community Committee for approval prior to the issuance of any building

or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That no building on the property shall exceed 45 feet in height.

3. That the City enter into, execute and deliver with the Developer

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 37/2022, as determined by the City's Director of Planning, Property and Development.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

7. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

8. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

9. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

14. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/2022

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is consistent with the surrounding development where we have seen a shift towards multi-family dwellings on Henderson Highway. As pointed out, Henderson Highway is a mixed corridor where density and transit are appropriate for this type of redevelopment.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated July 12, 2022
2. Notification of Public Hearing dated July 27, 2022
3. Manitoba Status of Titles 3022061/1, 3120246/1, 3189079/1
4. Letter of authorization dated May 31, 2022 from 10077758 Manitoba Ltd., to Daniel MacGibbon of Articulated Design Union
5. Letter of authorization dated June 21, 2022 from 10024166 Manitoba Ltd., to Daniel MacGibbon of Articulated Design Union
6. Plans (8 pages)
7. Report from the Urban Planning Division dated August 23, 2022
8. Inspection Report
9. Communication dated August 29, 2022, from Ben McGillivary in support of the application
10. Presentation dated August 30, in support of the application submitted by Jared Carrington
11. Recording of Representations
12. Presentation dated April 8, 2022, in support of the application submitted by Daniel MacGibbon at the public hearing

REPRESENTATIONS:

In Support:

Jared Carrington
Daniel MacGibbon
Ben McGillivary

In Opposition:

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 37/2022

ADMINISTRATIVE REPORT

Title: DASZ 37/2022 at 468-470 Henderson Hwy.

Issue: For consideration at the public hearing of a subdivision and rezoning to consolidate the subject properties and rezone the lot into the RMF-M Residential Multi-Family Medium district to enable construction of a 17 unit multi-family residential use.

Critical Path: East Kildonan-Transcona > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Harris RPP, MCIP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 37/22 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 31, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

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(a) buildings;

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(d) garbage enclosures;

(e) fencing;

(f) landscaping; and

(g) pedestrian pathways / sidewalks

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and East Kildonan-Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

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13. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

14. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/2022

REASON FOR THE REPORT

- The applicant wishes to consolidate the existing properties at 468 and 470 Henderson Hwy. and rezone the newly created lot into the "RMF-M" Residential Multi-Family Medium district to enable the establishment of a 17 unit multi-family residential use.
- 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 land will be **subdivided and rezoned.**

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Harris, RPP, MCIP
Date:	August 23, 2022
File No.	DASZ 37/ 2022

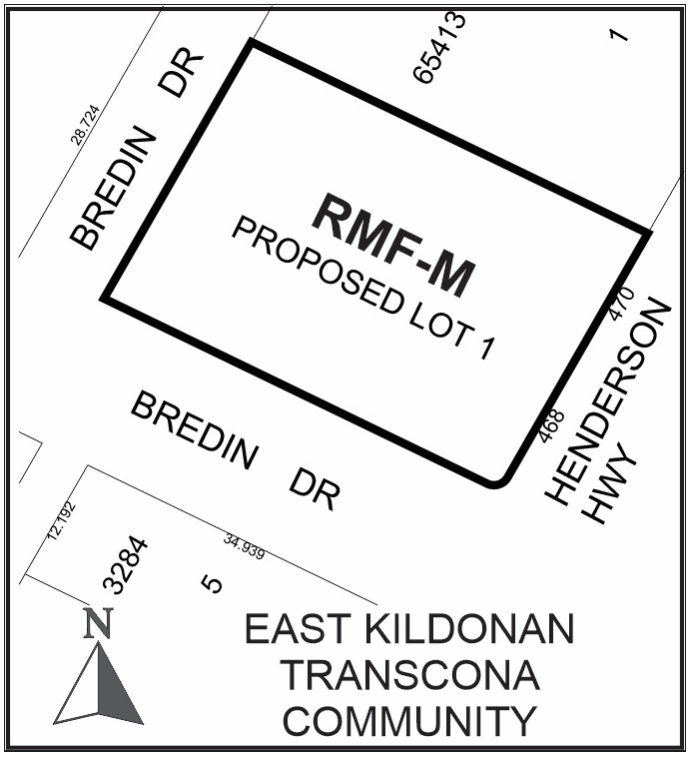
Attachments:
Appendix B: Draft by-law
Appendix C: Public engagement summary

APPENDIX 'A'

DATE:	August 23, 2022
FILE:	**DASZ 37/2022**
RELATED FILES:	DAV 22-166495\D
COMMUNITY:	East Kildonan-Transcona
NEIGHBOURHOOD #:	4.411 Kildonan Drive.

SUBJECT: For consideration at the public hearing of a subdivision and rezoning to consolidate the two (2) subject properties into one (1) lot and rezone the newly created lot into the "RMF-M" Residential Multi-Family Medium district to enable construction of a 17 unit multi-family residential use.

LOCATION: 468-470 Henderson Hwy.



LEGAL DESCRIPTION: LOTS 3 & 4 PLAN 3284 WLTO IN RL 95 PARISH OF KILDONAN

APPLICANT:	Daniel Macgibbon (ARTICULATED DESIGN UNION) 673 Mulvey Ave Winnipeg, MB R3M 1G2
OWNER:	10077758 MANITOBA LTD. 449 Scotia St Winnipeg, MB R2V 1X6
RECOMMENDATION:	**Approval with conditions**

SITE DESCRIPTION

- The subject site is located on the north west corner of Bredin Dr. and Henderson Hwy, in the Kildonan Drive neighbourhood of the North Kildonan ward.
- The subject property is located in the Urban Mixed Use Corridor policy area as designated in *Complete Communities 2.0.*
- The subject site consists of two (2) lots currently zoned “R1-M” Residential Single-Family Medium district with the following area:
    - 468 Henderson Hwy: 6572 sq. ft.
    - 470 Henderson Hwy: 6576.sq. ft.
- Once consolidated, the proposed subject property will be 13 148 sq. ft. in area with 89 feet of frontage on Henderson Hwy.
- 816 sq. ft. single family dwellings constructed in 1929 are currently located on 468 and 470 Henderson Hwy respectively.



Figure 1: Subject site and surrounding area (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A 16 unit multi-family residential use zoned “RMF” Residential Multi-Family Medium district.

South: Bredin Dr. then single family residential uses zoned “R1-M” Residential Single Family Medium District.

East: Henderson Hwy. then commercial and multi-family residential uses zoned “C2” Commercial Community district.

West: Bredin Dr. then single family residential uses zoned “R1-L” Residential Single Family Large district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to construct a 17 unit multi-family residential dwelling on the subject property.
- The proposed development will include 20 motor vehicle parking spaces at the rear of the building accessed through a cross access agreement with the adjacent “sister” property at 474 Henderson Hwy.
- Access to 474 Henderson Hwy. is taken from the north / south section of Bredin Dr.
- The applicant is also proposing to provide one (1) car share vehicle on site as an added neighbourhood amenity.
- The proposed building utilizes a three (3) storey construction.
- The front building elevation is well designed with a main entrance, four (4) balconies and significant window cover that provide an active building façade along Henderson Hwy.
- A variable roof line and use of cladding materials breaks the building into two (2) sections improving building articulation.
- The building utilizes a variety of quality cladding materials including cement board lap siding, cultured stone, acrylic stucco as well as glass, aluminum and stainless steel balcony and railing detail.
- A, a landscaping plan has been submitted which illustrates:
    - Preservation of two (2) mature trees in the front yard setback.
    - Planting of 10 new trees on site
    - Planting of numerous shrubs on site.
- Visitor bicycle parking is provided at the rear of the building.
- Direct pedestrian pathways are provided connecting the building entrance to the public sidewalk on Henderson Hwy.
- A six (6) foot wood fence will be installed to buffer the new proposed development from adjacent residential uses to the west.
- A corresponding subdivision and rezoning application (DASZ 37/22) is required to enable the proposed development. Please refer to the DASZ report for additional information.

REASON FOR APPLICATION

- The subject properties at 468-470 Henderson Hwy. are currently zoned “R1-M” Residential Single Family Medium district.
- The “R1-M” district does not permit the establishment of multi-family residential uses at a density that can accommodate the proposed 17 dwelling units.
- The applicant wishes to develop a 17 unit multi-family residential use on newly consolidated property at 468-470 Henderson Hwy.
- In order to consolidate the two (2) subject lots and to accommodate this higher density development, a subdivision and rezoning application is required.
- The ‘RMF-M’ Residential Multiple Family Medium district enables a maximum residential density of one (1) residential unit per 800 sq. ft. of site area.
- Given the proposed lot area of 13 148 sq. ft., the proposed 17 unit building would result in a density of 773 sq. ft. per dwelling unit.
- As a result, a variance for lot area per dwelling unit is required.
- Additional variances for no direct access to a street, yard setbacks and parking supply are also required.
- For complete analysis of required variances , please see the corresponding planners report for file DAV 22-166495/D.

Collaboration with the Public Service:

- The applicant first contacted the Urban Planning Division in the summer of 2021 to gauge support for establishment of a multi-family residential use at 468-470 Henderson Hwy.
- The Urban Planning Division indicated we would be supportive of a multi-family development provided:
    - The proposed development complied with *OurWinnipeg* and *Complete Communities* policy.
    - The proposed development was consistent with area context and considerate of adjacent uses.
    - There is adequate servicing capacity to support the proposed development.
- The submitted design concepts have demonstrated compliance with City planning policy and the proposed design is consistent with area context.
- As outlined in the report of the Administrative Coordinating Group (ACG-Schedule B) the proposed development can be accommodated on site.
- In addition to the above high level comments, the Urban Planning Division requested some modification to submitted preliminary site plans including:
    - Modification to site plan labeling
    - Listing a maximum landing height of four (4) feet.
    - Committing to preserve the two (2) mature trees along Henderson Hwy.

- The applicant has incorporated Urban Planning Division feedback into their submitted design concepts.
- Given the applicant has worked collaboratively with the Urban Planning Division and submitted plans are consistent with requested changes, the Urban Planning Division is supportive of the proposed development.

PUBLIC ENGAGEMENT

- The Urban Planning Division encourages all applicants to undertake public engagement prior to submission of a formal application.
- At the request of the Urban Planning Division, the applicant has submitted a public engagement summary outlining the feedback received from participants and responses provided by the applicant (Appendix C).
- An open house event was held on April 8, 2022 at 127 Cobourg Ave. from 4:00 – 6:30 pm.
- Numerous members of the project team were in attendance to address neighbourhood concerns.
- In general, comments from neighbourhood participants included:
    - Concerns were raised about parking supply and increased traffic flow
    - Concerns were raised about construction practices and site cleanliness
    - Questions arose regarding construction timelines.
    - Residents posed questions about what planning policies apply to the proposed development.
- For complete record of the applicant's response to these concerns, please see the submitted public engagement report (Appendix C).

Our Winnipeg 2045 Development Plan:

City Building

> **6.20 Corridors:** *Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term.*

The proposed residential development at 468-470 Henderson Hwy will increase residential density on an Urban Mixed Use corridor that is part of the primary transit network. This additional density and corridor fronted building design will contribute to the incremental transition of this section of corridor into a pedestrian and transit oriented environment.

Complete Communities 2.0 An OurWinnipeg Direction Strategy

B1: General Growth

> *3.0 Direct the highest residential and employment densities to areas that can provide the best transit service.*
>
> > *3.1 Where compatible with surrounding land uses and subject to other applicable policies of this By-law, direct the highest multifamily residential densities to the areas that provide the best transit service.*
> >
> > *3.1.1 High multifamily residential densities may be encouraged Downtown and in proximity to existing rapid transit stations and Corridors. Support the highest densities in this range in closest proximity to transit stations.*

The addition of the proposed 17 unit residential units at 468-470 Henderson Hwy, is within a section of corridor with established medium density residential development. The property fronts onto Henderson Hwy. which has frequent transit service and is part of the primary transit network. Based on these characteristics, this site is a suitable location for proposed medium density residential development as identified in CCDS 2.0 (see figure 3 and 4 below).

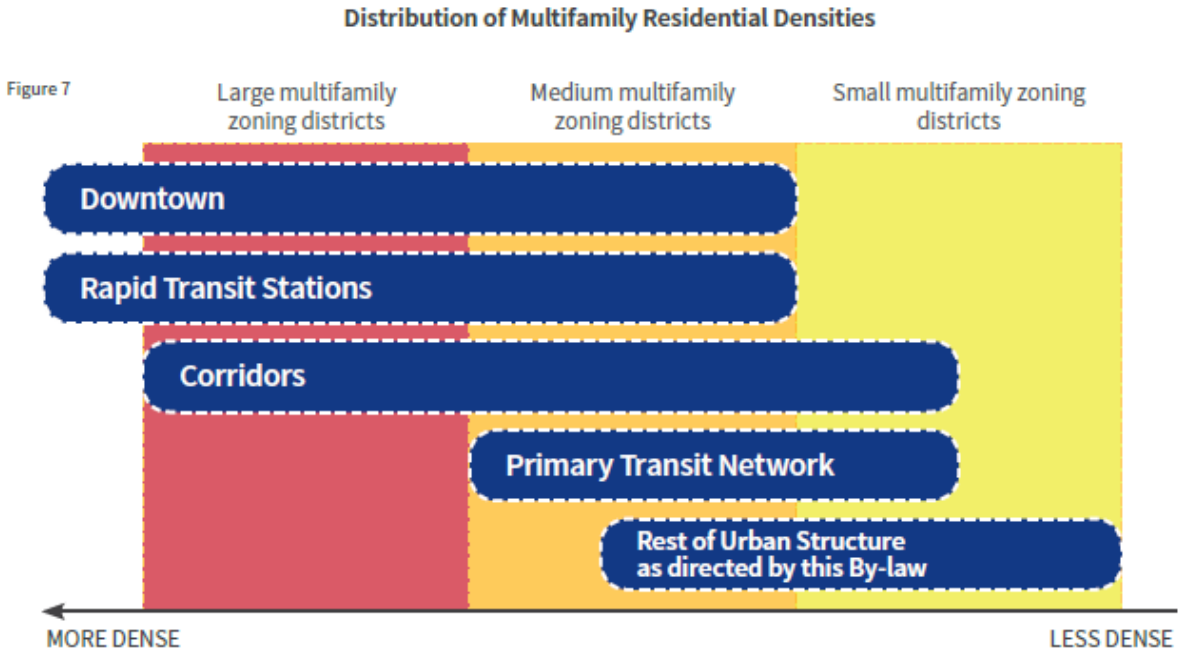


Figure 3: Distribution of Multifamily Residential Densities-General Growth-CCDS 2.0

Guide to Distribution of Residential Density and Height

Urban Structure Area	Density	Height	Transit Service Type	Design Guidance
DOWNTOWN				
Downtown			Rapid and frequent	• Urban Design Advisory Committee
MIXED USE CORRIDORS				
Rapid Transit stations			Rapid	• *TOD Handbook* • Design guidelines in secondary plans • Corridors section
Regional Mixed Use Corridors			Rapid and frequent	• Corridors section • Design guidelines in secondary plans • *TOD Handbook*
Urban Mixed Use Corridors			Rapid, frequent, and direct	• Corridors section • Design guidelines in secondary plans • *TOD Handbook*

Figure 8

Figure 4: Guide to Distribution of Residential Density and Height-General Growth-CCDS 2.0

C2. Corridors

1.0 Encourage strategic residential intensification on Corridors.

1.1 Support densities in accordance with Policy 3.1 of the General Growth section, at a height and scale compatible with surrounding land uses.

As stated above, the proposed development at 468-470 Henderson Hwy. is consistent with a medium density residential context in this area. The proposed height and density is in alignment with the general heights and densities for properties to the north and is consistent with intended form on an Urban Mixed Use corridor with convenient access to frequent and service (figure 4).

3.0 Ensure Corridors provide a comfortable pedestrian environment and attractive public realm.

3.1 Ensure that development on Urban Mixed Use Corridors is designed to prioritize a comfortable pedestrian environment and attractive public realm through the use of design elements which may include but are not limited to the following:

3.1.1 Provide minimal building setbacks from the public right of way to define the street edge.

3.1.2 Having entrances that provide direct access to the public sidewalk.

3.1.3 Promoting a fine-grained and transparent street-level façade with active ground floor uses.

3.1.4. Encouraging balconies and public spaces, such as plazas, patios, or other pedestrian amenities.

3.1.5. Minimizing impacts of vehicular access and parking on the pedestrian environment by having vehicular access off of existing lanes.

3.1.6. Encouraging the location of parking above-or below grade, or behind the primary building. Parking located beside the building may be acceptable if the parking area occupies a minimal area and high quality screening from the public right of way is provided.

The proposed multi-family dwelling provides direct pedestrian connection to the public sidewalk. Front entrances, balconies and windows on the front elevation providing an active and interesting front façade. Through provision of a reduced front yard setback, the building is brought closer to the street, improving the pedestrian orientation of the building. Vehicular parking is located entirely behind the building, preventing potential conflict between pedestrians and motor vehicles. The submitted design proposes maintenance of existing trees and planting of new trees and shrubs along Henderson Hwy., enhancing the public realm and further improving the pedestrian environment along the sidewalk. For these reasons, the Urban Planning Division has determined the proposed development is consistent the Corridor policies in *Complete Communities 2.0.*

3.9 Encourage pedestrian-oriented improvements to the design of the public realm and right-of-way.

> *3.9.1 Encourage a high degree of landscaping and street trees in the public realm and right-of-way to offer pedestrian comfort and shade protection.*

The applicant has committed to preserve two (2) existing trees in the front yard setback along Henderson Hwy. Submitted plans also illustrate planting of new trees and shrubs along bordering public streets that will improve the public realm and pedestrian environment .

7.0 Promote the integration of land use and transportation.

> *7.2 Ensure the design of Corridors encourages the use of the frequent transit service provided on routes in the Primary Transit Network as well as connections to the feeder network.*

The proposed development is well oriented to the street through location of its front entrance, reduced setback, and direct connection to the public sidewalk. The proposed building orientation results in a reduced distance to the south bound transit stop at the corner of Henderson Hwy. and Bredin Drive.

Henderson Highway Corridor Action Area Plan

- The subject property is located within the Henderson Highway Corridor planned area.
- Although this plan was adopted in 1982 and does not directly align with *Complete Communities 2.0,* its status as a statutory plan (by-law) remains in effect.
- The Henderson Corridor Plan's objective is listed as:

> *"…to promote orderly development on Henderson Highway and to preserve and maintain the stable residential neighbourhoods presently abutting Henderson Highway within the Plan area.*

The proposed multi-family residential development is consistent with area context and recent developments immediately to the north of the subject property. The proposed development is at a reasonable scale for corridor fronting development and will maintain this section of Henderson Highway as a residential neighbourhood.

- The Henderson Highway Corridor Plan also contains the following relevant policy:

> *3. (i). To encourage the retention of existing low-density residential areas within the plan area.*

The proposed residential development is part of an existing node of medium density, multi-family residential development. Given the context of this section of Henderson Hwy, the Urban Planning Division has determined this site is not characterized by low density residential uses. Although the development does propose use of the "RMF-M" zoning district, the proposed three (3) storey construction and thoughtful site / building design result in a contextually appropriate development that is compatible with adjacent uses.

ZONING BY-LAW 200/2006

- The “RMF-M” Residential Multi-Family Medium district is intended to facilitate medium density, residential development.
- The subject site is located in an area characterized by a range of low to medium density multi-family residential uses including:
    - 474 Henderson Hwy: 16 dwelling units
    - 480 Henderson Hwy.: 8 dwelling units
    - 488 / 490 / 492 Henderson Hwy: 16 dwelling units
- The proposed density at 468-470 Henderson Hwy. of 773 sq. ft. per dwelling unit is marginally above the permitted density of 800 sq. ft. per dwelling unit in the “RMF-M” district.
- The established residential context, high degree of neighbourhood walkability, proximity to high frequency transit service are supporting factors in the use of the “RMF-M” zoning district and for support for a minor variance to lot area per dwelling unit.
- The applicant has submitted a site plan and elevations that has responded to feedback from the Urban Planning Division.
- The submitted design is of high quality and is consistent with policies multi-family development on this section of Henderson Hwy.
- Conditions of approval are recommended to ensure the proposed development remains consistent with area context.
- Based on these considerations the “RMF-M” zoning district is the most appropriate zoning district to enable the proposed development.

ADDITIONAL CONSIDERATIONS

Trees preservation

- At the request of the Urban Planning Division, the applicant has agreed to preserve two (2) mature trees on site in the proposed front yard setback.
- The subject trees have been identified as being maintained on submitted site plans.
- The Urban Planning Division has requested the applicant to provide an arborist report which assesses tree health and provides recommendations for tree protection during construction.
- The applicant has indicated the arborist report has not been completed by the submission date of this report.
- A condition of approval has been placed on the associated variance application (DAV 22-166495D) requiring the arborist report to be submitted to the Public Service prior to issuance of permits.

Site servicing

- The proposed development will be required to meet the conditions outlined in the report by the Administrative Coordinating Group (ACG) as outlined in Schedule B of this report.
- Adequate site servicing exists to enable the development as proposed.
- ACG report identifies the need to establish a public sidewalk along the north side of Bredin Dr.
- The applicant will be responsible to fulfill this obligation.

CONDITIONS OF APPROVAL

Plan Approval

Plan Approval by the Director of Planning Property and Development and the East Kildonan-Transcona Community Committee is recommended as a condition of rezoning approval

Maximum height restriction

- Given the “RMF-M” Residential Multi-Family Large district enables a maximum height of 60 feet, a height cap condition is recommended to ensure contextual sensitivity is maintained on site.
- The submitted design illustrates an acceptable height of 45 feet to the top of the decorative roof element.
- The Public Service is recommending a height cap of 45 feet to ensure any future development does not exceed this acceptable level.

SUMMARY

The Urban Planning Division recommends approval for the following reasons:

- The subject subdivision and rezoning will result in the establishment of a multi-family residential development that is consistent with policies in the *OurWinnipeg 2045, Complete Communities 2.0* and area context.
- The proposed development will increase residential density on this corridor fronting property, thereby increasing housing options in this transit connected, amenity rich neighbourhood.
- Provision of 17 dwelling units will further increase housing options for area residents within proximity to high quality transportation options.

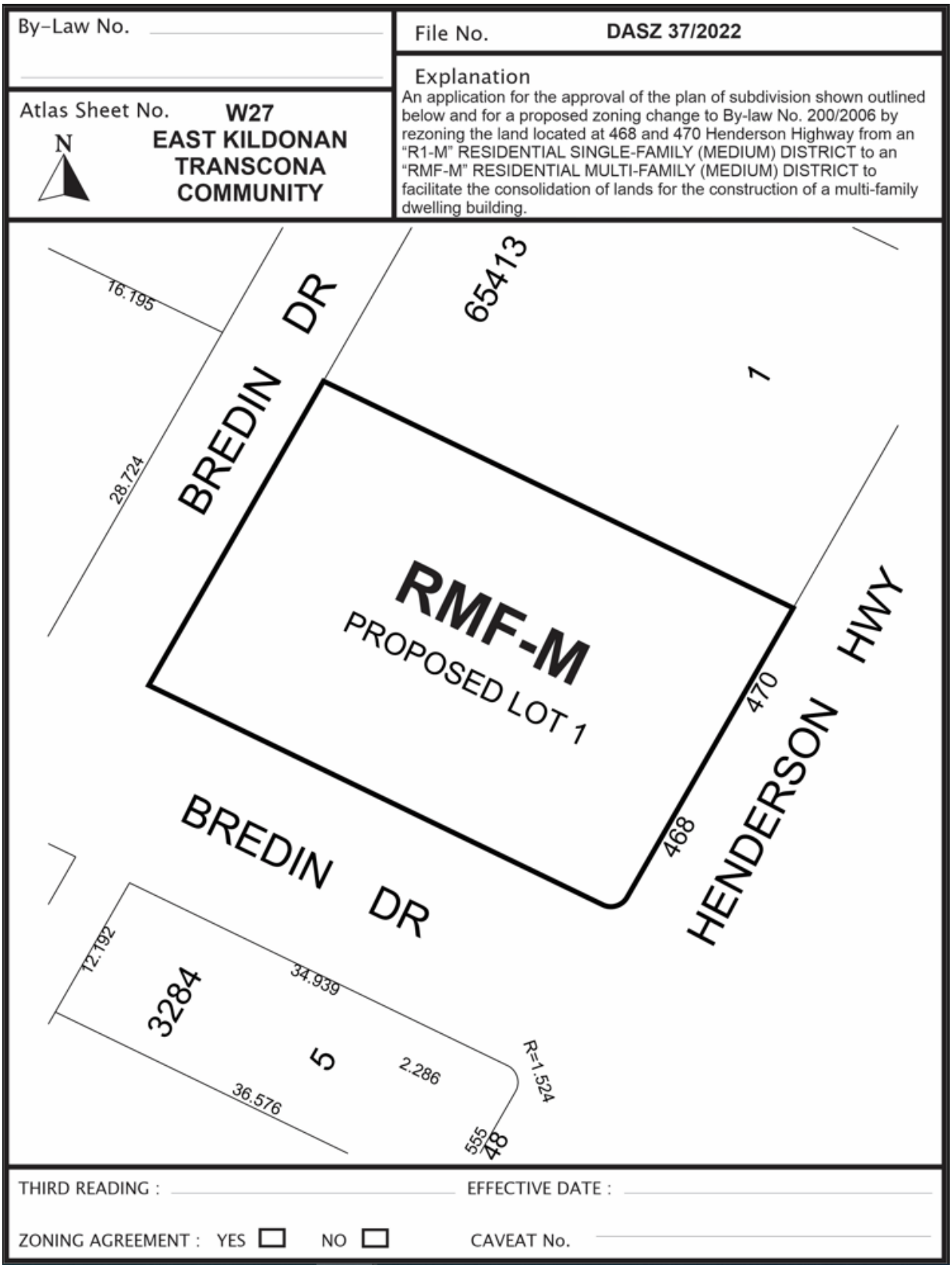
RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject properties be consolidated and rezoned into the “RMF-M” Residential Multi-Family Medium district.

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

Report Prepared by: Dylan Harris, RPP, MCIP
PPD File # DASZ 37/2022

Schedule "A" for File DASZ 37/2022, City Centre Community Committee August 31, 2022



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 468 AND 470 HENDERSON HIGHWAY

It is recommended that approval of DASZ 37/2022, if granted, be subject to the Developer entering into a Servicing Agreement containing the following conditions:

Section I – General Comments

1) The Water and Waste Department wishes to advise that there is adequate water servicing for the proposed development based on the development plans provided. Additional review will be required by their Department should the plans of development change during the design process.

Section II – Servicing Conditions

1) Combined Sewer District

The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed development cannot exceed the allowable discharge rate:

i. The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.

ii. The peak land drainage discharged from the site must be based on a c-value of 0.35, with a 5 year rainfall event applied.

iii. The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm), unless otherwise approved.

2) Flood Protection

The Developer shall adhere to flood proofing criteria in accordance with Designated Floodway Fringe Area Regulation, M.R. 266/91, and the City of Winnipeg Charter

3) Sidewalk

The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, and all related works, on the standard alignment 0.3m from the property line, on the north side of Bredin Drive Avenue abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

4) Pavement

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost to construct a 6.0m wide asphaltic concrete pavement and all related works, including but not limited to land drainage sewer, along the full length of the Planned Area abutting Bredin Drive, as determined by and to the satisfaction of the Director of Public Works.

5) Construction Traffic

a) The Developer shall, at no expense whatsoever to the City, ensure that construction traffic uses access routes determined by the Director of Public Works.

b) The Developer shall, at no expense whatsoever to the City, maintain the said access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and shall undertake the regular cleaning, scraping and sweeping of those access routes and all streets until building construction within the Planned Area, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.

6) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

7) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense whatsoever to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

8) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and restored as required by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Winnipeg Land Titles Office.

b) Where the Director of Planning, Property and Development determines that all the survey monuments within the Planned Area have been found or restored to their original positions, the Director of Planning, Property and Development may waive the requirements for Plan of Survey Perpetuating Certain Monuments under clause a).

Section III – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

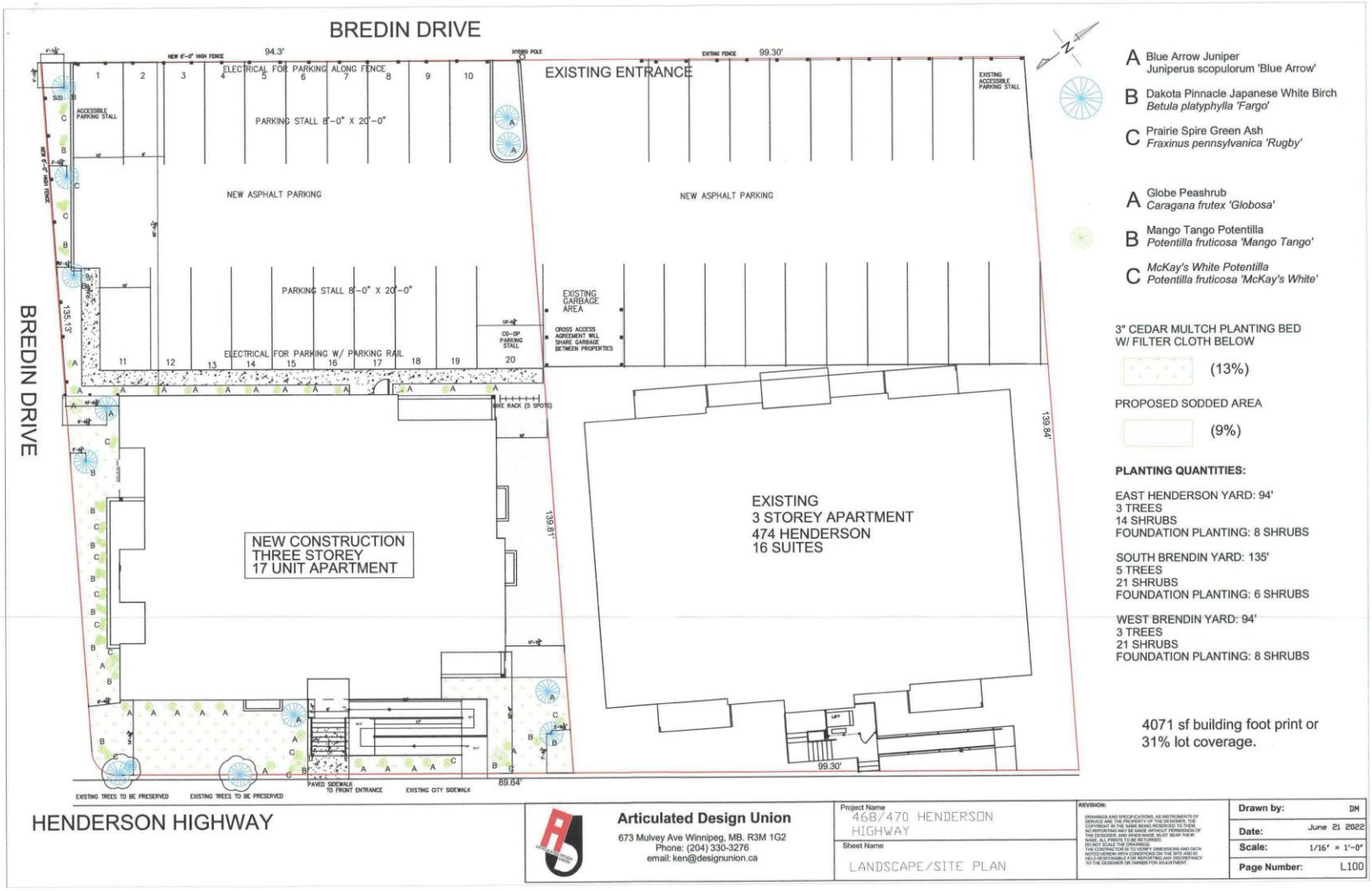
Administrative Co-ordinating Group
File No. DASZ 37/2022
August 11, 2022

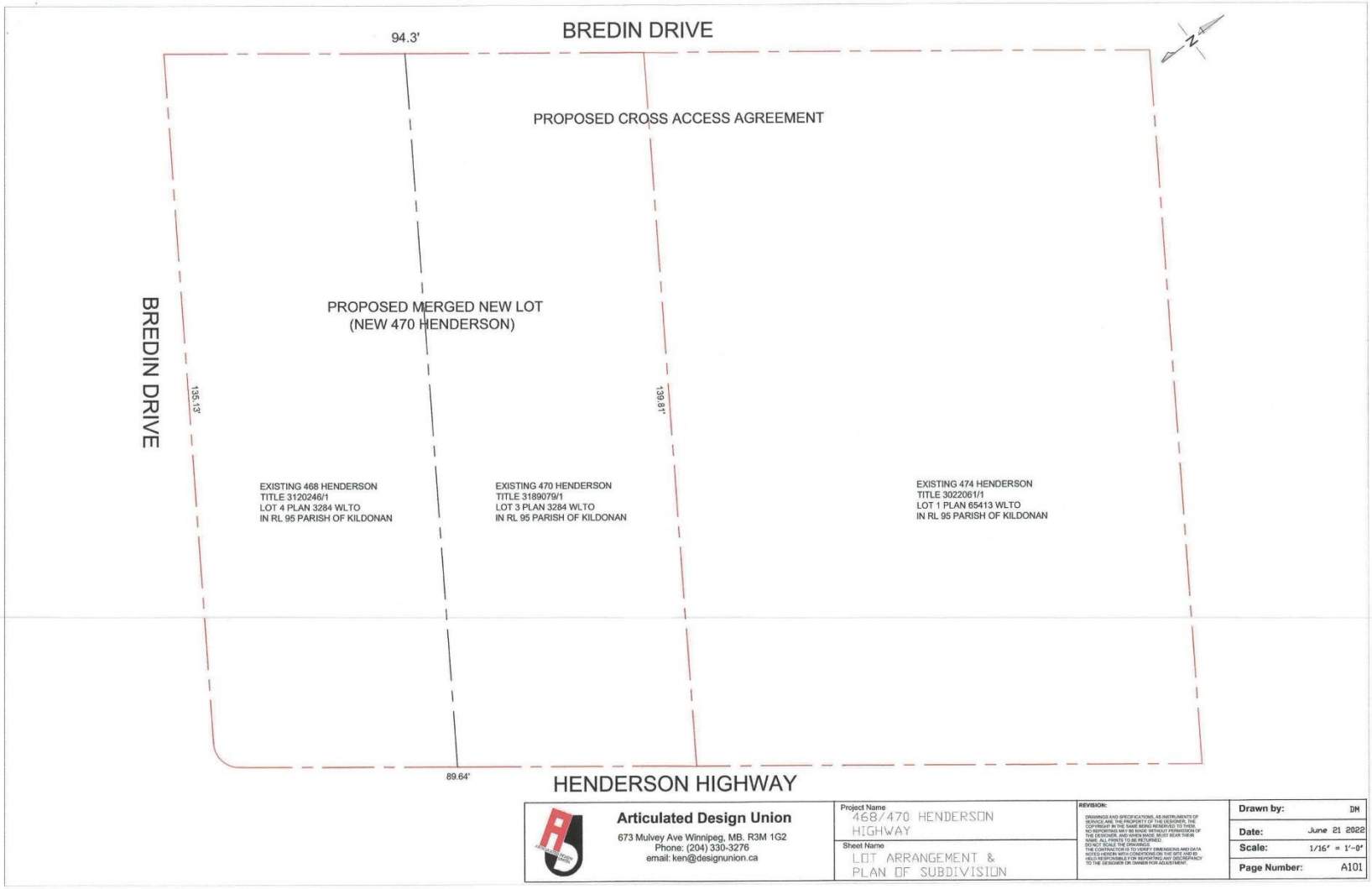
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit “6” referred to in File DASZ 37/2022

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LOT 4 PLAN 3284 WLTO
IN RL 95 PARISH OF KILDONAN
EXISTING 470 HENDERSON
TITLE 3189079/1
LOT 3 PLAN 3284 WLTO
IN RL 95 PARISH OF KILDONAN
EXISTING 474 HENDERSON
TITLE 3022061/1
LOT 1 PLAN 65413 WLTO
IN RL 95 PARISH OF KILDONAN
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HENDERSON HIGHWAY
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673 Mulvey Ave Winnipeg, MB. R3M 1G2
Phone: (204) 330-3276
email: ken@designunion.ca
Project Name
468/470 HENDERSON HIGHWAY
Sheet Name
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REVISION:
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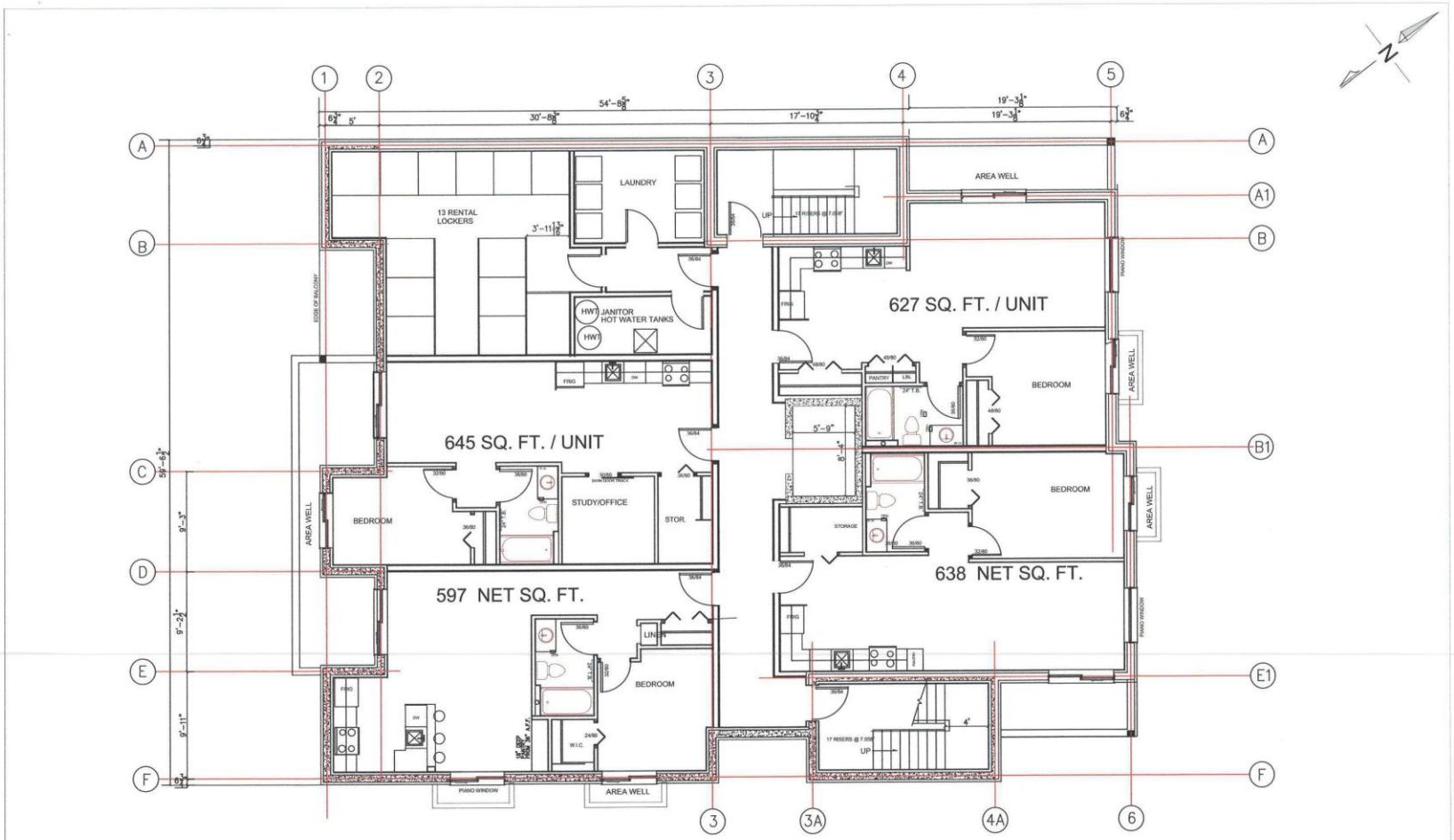

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Project Name: 468/470 HENDERSON HIGHWAY
Sheet Name: BASEMENT PLAN

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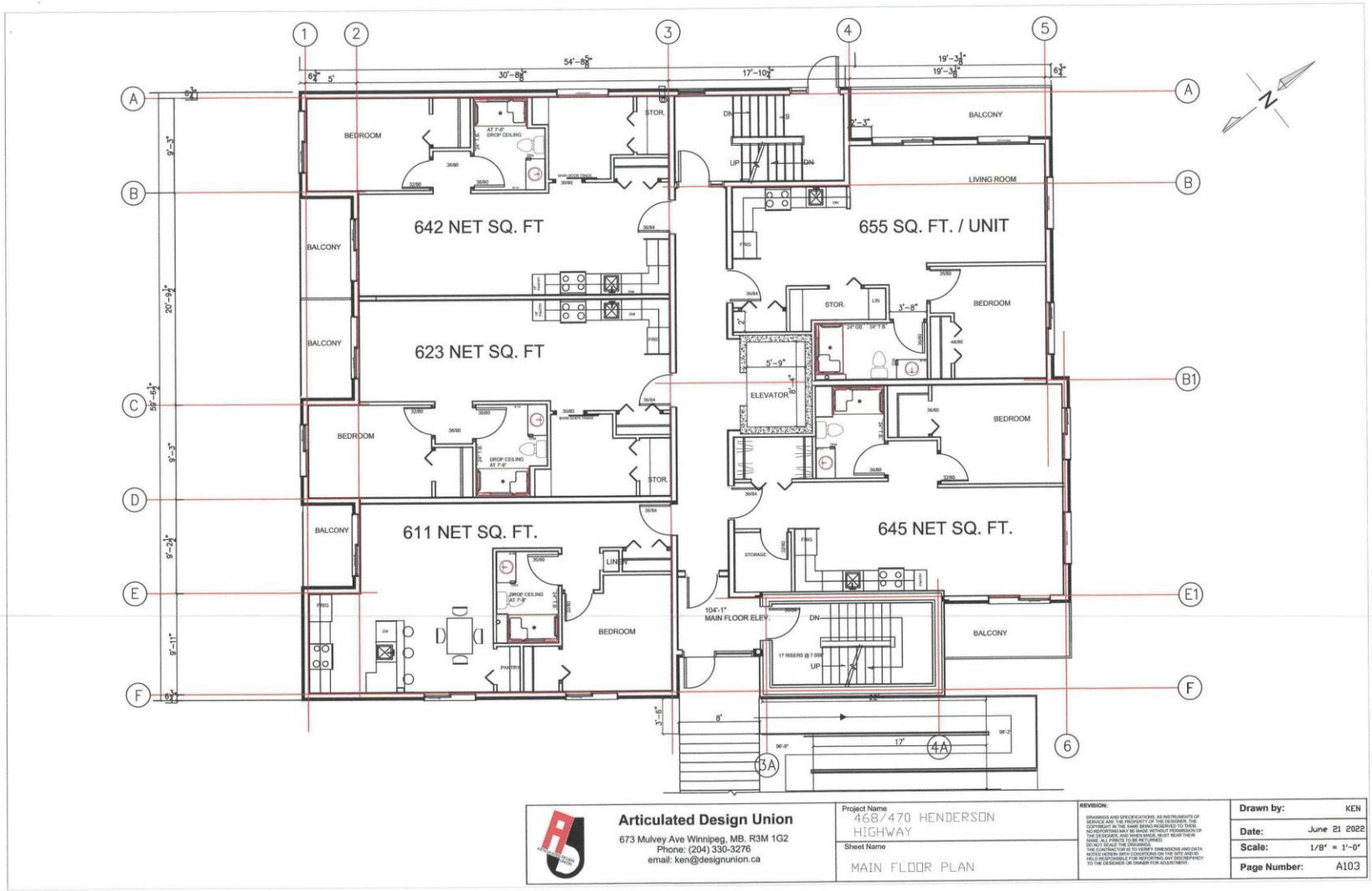
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BALCONY
LIVING ROOM
STOR.
ELEVATOR
STORAGE
LINEN
PANTRY
104'-1"
MAIN FLOOR ELEV.
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Project Name
468/470 HENDERSON HIGHWAY
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REVISION:
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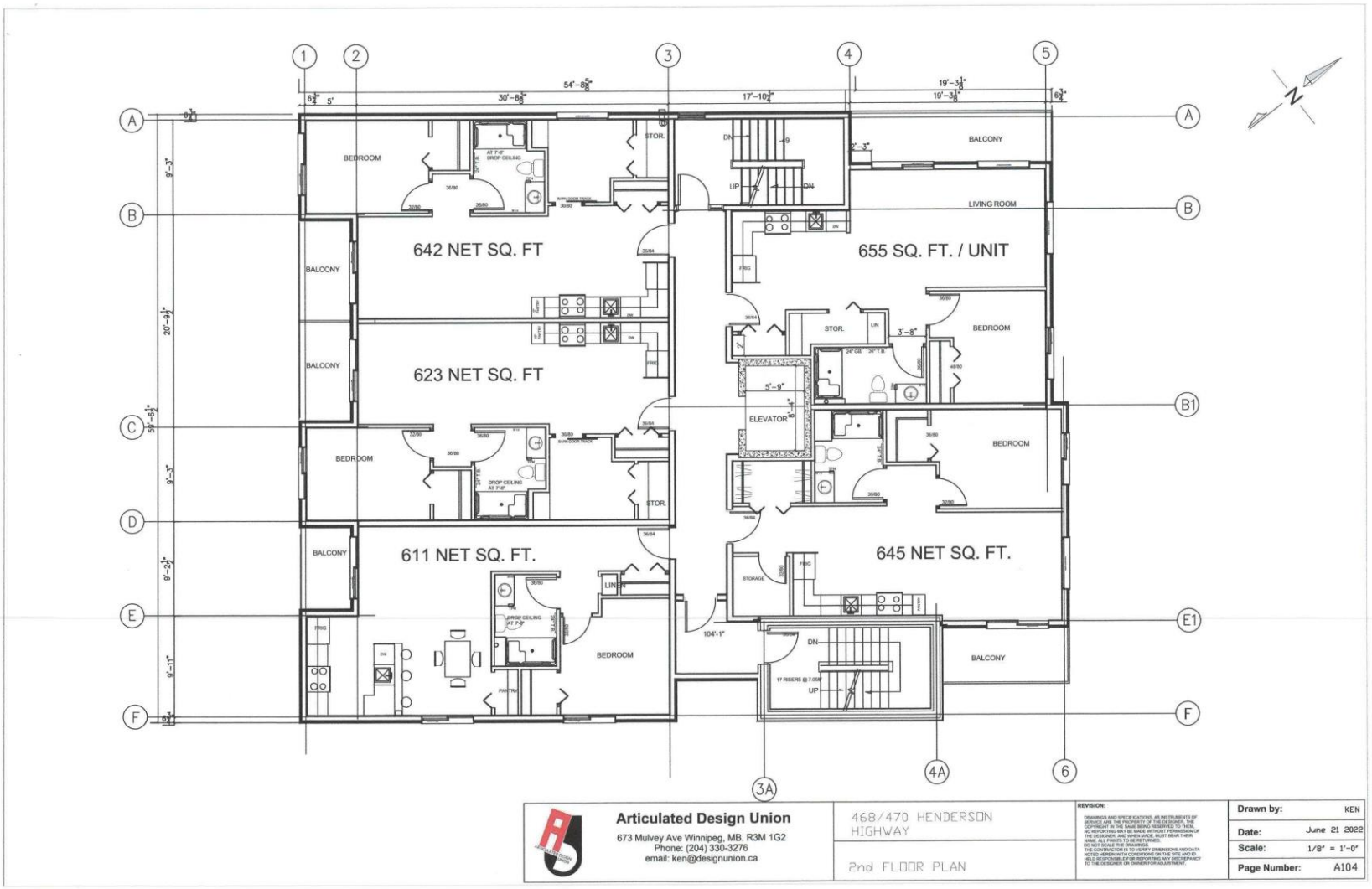
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BEDROOM
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468/470 HENDERSON HIGHWAY
2nd FLOOR PLAN
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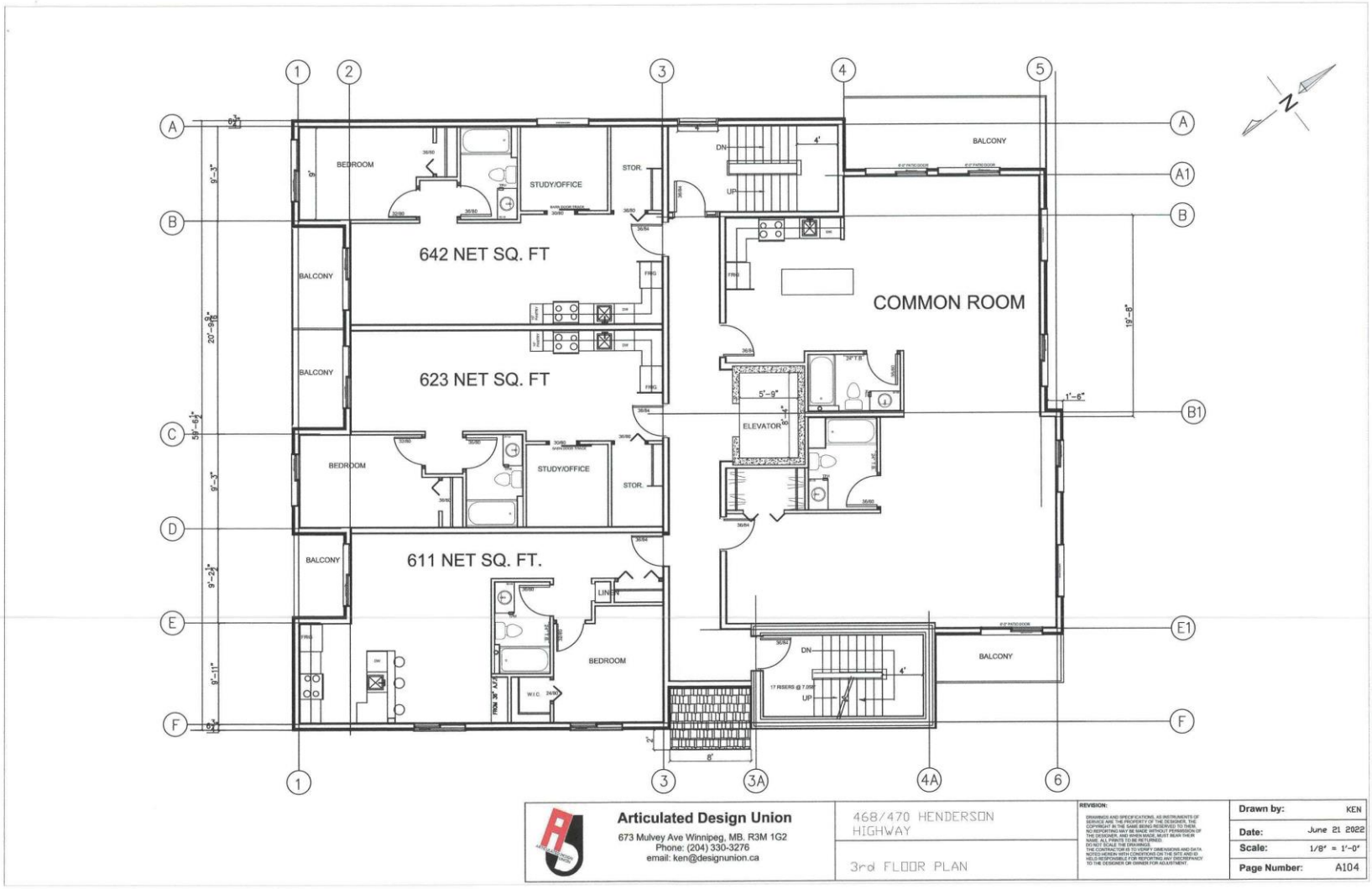

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3rd FLOOR PLAN

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EAST ELEVATION

SOUTH ELEVATION

EXTERIOR FINISHING LEGEND

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3. PREFINISHED METAL ROOFING
4. ENGINEERED GLUE-LAM ENTRANCE CANOPY
5. CEMENT PARGING
6. GLASS & ALUMINUM BALCONY RAILINGS
7. COLOURED ACRYLIC STUCCO
8. STAINLESS STEEL RAILING
9. TIMBER FRAME / WOOD DECK/METAL ROOF

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EAST & WEST ELEVATIONS

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NORTH ELEVATION

WEST ELEVATION

EXTERIOR FINISHING LEGEND

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2. SPLIT FACE CULTURED STONE – (WHITE CAP)
3. PREFINISHED METAL ROOFING
4. ENGINEERED GLUE-LAM ENTRANCE CANOPY
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468/470 HENDERSON HIGHWAY

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