Minute No. 87
Report – Standing Policy Committee on Property and Development – November 30, 2022

Item No. 10 Subdivision and Rezoning – 301 – 309 Harold Avenue East (Transcona Ward)
File DASZ 8/2022 [c/r DAV 104105/2022D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the subdivision under Development Application No. DASZ 8/22 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 3, 2022 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section III – Servicing Conditions:

            a. Add the following new Condition:

                8. <u>Traffic Calming Devices</u>

                a) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on Wabasha Street between Kildare Avenue East and Horton Avenue East, as determined by and to the satisfaction of the Director of Public Works.

                b) The Developer shall endeavour to install (2) traffic calming devices, with one located south of Harold Avenue East and one located north of the Public Walk between Wabasha Street and Parade Drive. The actual location and number of traffic calming devices shall be as determined by and to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – November 30, 2022

COUNCIL DECISION (continued):

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 (Medium) 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
            f. landscaping
            g. pedestrian pathways / sidewalks

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the 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 35 feet in height.

        iii. That the number of residential dwelling units on site shall not exceed 18.

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").

Report – Standing Policy Committee on Property and Development – November 30, 2022

COUNCIL DECISION (continued):

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 8/2022, 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.

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.

Report – Standing Policy Committee on Property and Development – November 30, 2022

COUNCIL DECISION (continued):

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 8/2022.

Report – Standing Policy Committee on Property and Development – November 30, 2022

DECISION MAKING HISTORY:

Councillor Wyatt advised that he would refrain from voting or participating in the discussion on the item due to a conflict of interest related to a direct pecuniary interest, wherein he represented the owner of the subject property and is listed as the applicant for the proposed Subdivision and Rezoning. Councillor Wyatt then left the Chamber.
(See Minute No. 77 for Disclosure of Conflict of Interest)

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2022, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 23, 2022, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1.A, delete the period after "Schedule "B" of this report", and replace with the following:

  ", with the following amendments:

  i. In Section III – Servicing Conditions:

     a. Add the following new Condition:

Report – Standing Policy Committee on Property and Development – November 30, 2022

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

8. Traffic Calming Devices

a) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on Wabasha Street between Kildare Avenue East and Horton Avenue East, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall endeavour to install (2) traffic calming devices, with one located south of Harold Avenue East and one located north of the Public Walk between Wabasha Street and Parade Drive. The actual location and number of traffic calming devices shall be as determined by and to the satisfaction of the Director of Public Works."

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

On August 31, 2022, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on September 23, 2022 at 10:30 a.m. in the Council Building at 510 Main Street, due to a required re-posting/re-advertisement of the public hearing notice.

PUBLIC HEARING SUMMARY

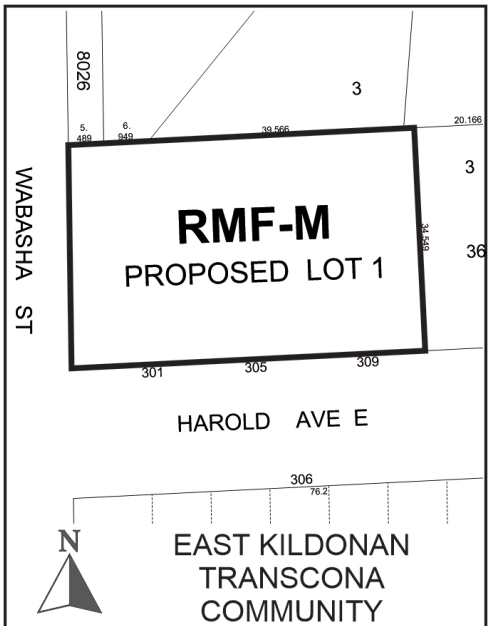
File: DASZ 8/2022

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

Public Hearing: September 23, 2022
August 31, 2022
Council Building, 510 Main Street

Applicant: R.G. Wyatt Consulting & Advisory Services (Russell Wyatt)

Subject:



APPLICANT : R.G. Wyatt Consulting & Advisory Services (Russell Wyatt)
FILE : DASZ 8/2022
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 use. **For information, phone D. Harris, Planner at 204-986-7211.**

Premises Affected:	301 – 309 Harold Avenue East
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Tamara Pomanski, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	**S**eptember 23, 2022

Community Committee Recommendation:

On September 23, 2022, 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 subdivision under Development Application No. DASZ 8/22 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 3, 2022 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In Section III – Servicing Conditions:

            a. Add the following new Condition:

                8) <u>Traffic Calming Devices</u>

                a) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on Wabasha Street between Kildare Avenue East and Horton Avenue East, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall endeavour to install (2) traffic calming devices, with one located south of Harold Avenue East and one located north of the Public Walk between Wabasha Street and Parade Drive. The actual location and number of traffic calming devices shall be 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 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 (Medium) 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
         f. landscaping
         g. pedestrian pathways / sidewalks

         on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the 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 35 feet in height.

      iii. That the number of residential dwelling units on site shall not exceed 18.

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 8/2022, 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.

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 8/2022.

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

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

1. The Public service presented a report that showed and spoke to the fact that this is in keeping with our current guidelines that we have. It is a challenge and it is something different. What the developer's proposed is something just slightly more than a two-storey family residence albeit connect. There are 18 units of housing.

2. I hear many times of affordability, but I also hear detractions whenever somebody hears of affordability as low income. This is not from what I understand social housing. This is not being proposed by the province of Manitoba. I do hope the developer is working in good faith and will develop and provide quality infill for our neighbourhood.

3. It is a beautiful neighbourhood. It is one with various schools, parks and playgrounds. Just south of there a current park is currently being redeveloped. All the more reason that people want to live in the area, and as we renew and change over, some of the older establishments having families back in the neighbourhood from times gone by. I think this will fit in the neighbourhood over time.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 6

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

Exhibits Filed:

1. Application dated May 6, 2022
2. Notification of Public Hearing dated June 22, 2022
3. Manitoba Status of Titles 3101821/1, 3101822/1, 3101824/1, 3101831/1
4. Letter of authorization dated May 5, 2022, from AP Custom Homes Ltd. to Russell Wyatt.
5. Letter of authorization dated December 23, 2021, from G.V. Jasper, for Director of Planning, Property and Development, to AP Custom Homes Ltd
6. Sketch of Title Plot dated January 18, 2021
7. Lot Plan dated November 22, 2021
8. Site Plans (6 pages)
9. Report from the Urban Planning Division dated August 24, 2022
10. Inspection Report
11. Communication dated August 29, 2022, from Ben McGillivary in support of the application
12. Recording of Representations of the adjourned public hearing held on August 31, 2022
13. Notice of Adjournment dated September 6, 2022
14. Revised Report from the Urban Planning Division dated September 15, 2022
15. Inspection Report
16. Petition in opposition to the application purporting to contain 65 signatures, submitted by Roland Brunette
17. Communication dated September 22, 2022, from Ben McGillivary in support of the application
18. Presentation in support of the application submitted by Jackie Wilkie, McGowan Russell Group, at the public hearing
19. Recording of Representations of the public hearing held on September 23, 2022

REPRESENTATIONS:

In Support:

Ben McGillivary
Susan Russell
Anand Sharma
Jackie Wilkie
Russ Wyatt

In Opposition:

Leona Bergson
Wayne Bergson
Bernice Bezdzietny-Petrasko
Jo-Ann Brunette
Roland Brunette
Melissa Leach

For Information:

Nil

For the City:

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

Exhibit "14" referred to in File DASZ 8/2022

ADMINISTRATIVE REPORT-Revised

Title: DASZ 8/2022 at 301-309 Harold Ave. E.

Issue: To rezone the subject property from R1-M Residential Single-Family Medium district to RMF-M Residential Multi-Family Medium district and consolidate Parcels A & B and Lots 37 & 38 for the future construction of an 18 unit multi-family dwelling.

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 8/22 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 3, 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 (Medium) 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;

(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 the 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 35 feet in height.

iii. That the number of residential dwelling units on site shall not exceed 18.

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 8/2022, 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.

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.

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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 8/2022.

REASON FOR THE REPORT

- The applicant wishes to consolidate the existing property at 301 and 305/309 Harold Ave. into one lot to enable establishment of an 18 unit multi-family row house development.
- In order to accommodate this proposing a subdivision and rezoning application (DASZ) is required to consolidate the subject lots and rezone the newly created lot into the "RMF-M" Residential Multi-Family Medium district.
- 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.**

If approved the Public Service will then proceed to declare Parcel A Plan 55077 as surplus to the City's needs and negotiate an Offer to Purchase with the developer.

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:	September 15, 2022
File No.	DASZ 8/ 2022

Attachments:

Appendix B: Draft by-law
Appendix C: Community engagement summary

APPENDIX 'A'

DATE: September 14, 2022

FILE: **DASZ 8/2022**

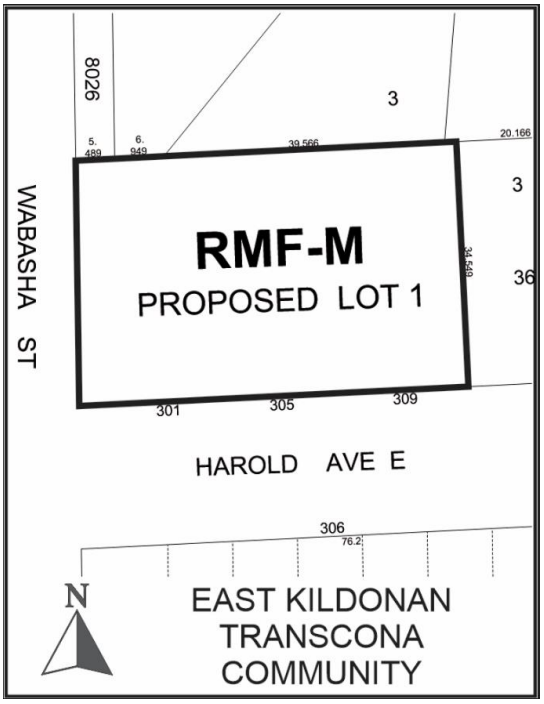
RELATED FILES: DAV 22-104105\D

COMMUNITY: East Kildonan-Transcona

NEIGHBOURHOOD #: 4.410 Kildare-Redonda

SUBJECT: To rezone subject property from R1-M to RMF-M and consolidate Parcels A & B and Lots 37 & 38 for the future construction of an 18 unit multi-family dwelling.

LOCATION: 301 Harold Ave. E.



LEGAL DESCRIPTION: PCL A,B PLAN 55077 SW 1/4 9 11 4E

APPLICANT:	Russ Wyatt (R.G. Wyatt Consulting & Advisory Services) 100 Transcona Blvd Unit 312 Winnipeg, MB R2C 5S1
OWNER:	AP Custom Homes Ltd. 1027 McPhillips Winnipeg MB, R2S 2K6

RECOMMENDATION: **Approval with conditions**

SITE DESCRIPTION

- The subject site is located on the north east corner of Wabasha St. and Harold Ave E, in the Kildare-Redonda neighbourhood of the Transcona ward.
- The subject property is located in the Established Neighbourhoods-Recent Communities policy area as designated in *Complete Communities 2.0.*
- The subject site consists of three lots currently zoned “R1-M” Residential Single-Family Medium district with the following area:
    - 301 Harold Ave (parcel B): 7249 sq. ft.
    - 305 Harold Ave. (underlying lots 38 and 37): 12 916 sq. ft.
- Once consolidated, the proposed subject property will be 20 165 sq. ft. in area.
- The subject property is currently vacant and is accessed from two (2) front approaches on Harold St.
- The site was previously owned by the City of Winnipeg and has been sold to the applicant for the purposes of redevelopment.
- A portion of the site (western corner-Parcel A) is still owned by the City and will be transferred to the applicant upon completion of the subject DASZ application.
- A letter of authorization from the City has been provided to enable inclusion of Parcel A as part of the subject DASZ application.
- Upon completion of the subject DASZ, the Public Service will negotiate the sale of Parcel A to the applicant to enable their proposed development.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single family residential uses zoned “R1-M” Residential Single Family Medium district.

South: Harold Ave. then a surface parking area zoned “R1-M” Residential Single Family Medium District.

East: Single family residential uses zoned “R1-M” Residential Single Family Medium District.

West: Wabasha St. then a City owned arena (Roland Mitchner) zoned “PR-3” Parks and Recreation Regional district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to construct an 18 unit, town house style, multi-family residential dwelling on the currently vacant subject property.
- The proposed development will include 27 motor vehicle parking spaces at the rear of the building accessed from a proposed approach on Wabasha St.
- The proposed building utilizes a two (2) storey construction.
- The front building elevation is well designed and contains six (6) unit entrances facing Harold Ave.
- The propose design contains 10 street fronted balconies that further improve the buildings street orientation.
- A variable front yard setback which increases in size to 18 feet as the building moves east, will improve the transition to existing uses at 313 Harold Ave.
- The building utilizes a variety of cladding material colours, wall plane recess and projection and balcony placement to effectively articulate the front building elevation.
- A landscaping plan has been submitted which illustrates:
    - Planting of 19 new trees on site.
    - Planting of 112 shrubs on site.

- Visitor bicycle parking is provided at the rear of the building.
- Direct pedestrian pathways are provided connecting individual suite entrances to the public sidewalk on Harold Ave.
- A pedestrian pathway also connects the rear parking area to the public sidewalk on Harold Ave.
- A six (6) foot wood fence will be installed to buffer the new proposed development from adjacent residential uses to the east and north.
- A corresponding variance application (DAV 22-104105D) is required to enable the proposed development. Please refer to the DAV report for additional information

REASON FOR APPLICATION

- The subject property at 301 and 305/309 Harold Ave. is 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 18 dwelling units.
- The applicant wishes to develop an 18 unit multi-family residential use on newly consolidated property at 301 and 305/309 Harold Ave.
- In order to consolidate the 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 400 sq. ft. of site area.
- Given the proposed lot area of 20 165 sq. ft., the proposed 18 unit building would result in a compliant density of 1120 sq. ft. per dwelling unit.
- Variances for front yard setback, corner side yard setback, corner side yard to a parking area and parking spaces in proximity to a habitable room and are required to enable the proposed development.
- For complete analysis of required variances , please see the corresponding planners report for file DAV 22-104105\D

Collaboration with the Public Service:

- As stated previously, the subject lands were purchased by the applicant from the City to enable redevelopment of this vacant land.
- Initial feedback to the applicant from the Public Service identified servicing constraints (wastewater sewer) that would limit development potential.
- After some discussion, the Urban Planning Division indicated potential for a small scale, row house, multi-family style development.
- Public Service support for multi-family development is conditional on the applicant constructing the necessary sewer upgrades to accommodate the proposed density**.**

- The applicant indicated a desire to proceed with a multi-family development concept of 18 dwelling units.
- It is anticipated the applicant is pursuing their proposed density in order to fund required sewer upgrades.
- Initial submissions proposed front vehicular approaches from Harold Ave.
- This design concept was not supported by the Public Service.
- The applicant revised their concept to locate all vehicular parking behind the proposed building, with access from Wabasha in a manner that replicates a “lane” condition.
- Building height has been kept to a minimum (approximately 26 feet) and a variable front yard setback reduces impact to the eastern neighbour.
- The Public Service requested a number of design alterations be undertaken in order to provide a supportive recommendation:
    - Provide additional landscaping along the northern and eastern property lines
    - Reduce the front landing height
    - Relocate the garbage enclosure to the western portion of the site
- The applicant has responded to these requests and revised their design accordingly.
- For these reasons the Urban Planning Division recommends approval of this proposal with conditions.

PUBLIC ENGAGEMENT

- 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).
- The submitted public engagement summary indicates a representative of the applicant engaged in a door to door canvass of the neighbourhood on August 24, 2022.
- 14 homes were visited as part of the public engagement process.
- Seven (7) households were available for discussion with the remaining seven (7) residences being left with project information in their mailbox.
- In general, comments from neighbourhood residents included:
    - Concerns were raised about parking supply
    - Concerns about parking supply and increased traffic flow
    - A general opposition to development of the subject site was voiced by a resident
    - Some residents had no comment.
- In response to the public engagement process, the applicant modified their site plan and has now provided a compliant parking supply.

- The proposed front yard setback at the east end of the building was reduced to 18 feet to increase the parking supply.
- The applicant's report indicates this modification was acceptable to enable more parking, but did request a fence be constructed for screening purposes.
- For complete record of the applicant's response to these concerns, please see the submitted public engagement report (Appendix C).

ANALYSIS AND ISSUES

Our Winnipeg 2045 Development Plan:

City Building

> **6..16 Established Neighbourhoods:** *Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.*

The proposed multi-family residential development at 301 Harold Ave. W. will increase residential density on a vacant corner lot, within an Established Neighbourhood. Despite a fairly significant increase in density, the proposed two (2) storey townhouse construction and quality site landscaping reduce impact and improve contextual fit.

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.*

The addition of the proposed 18 residential units at 301 Harold Ave. E. is within 400 metres of the long term, high frequency transit network. The proposed medium density multi family development is generally consistent with the General Growth policies as depicted below in Figure 3.

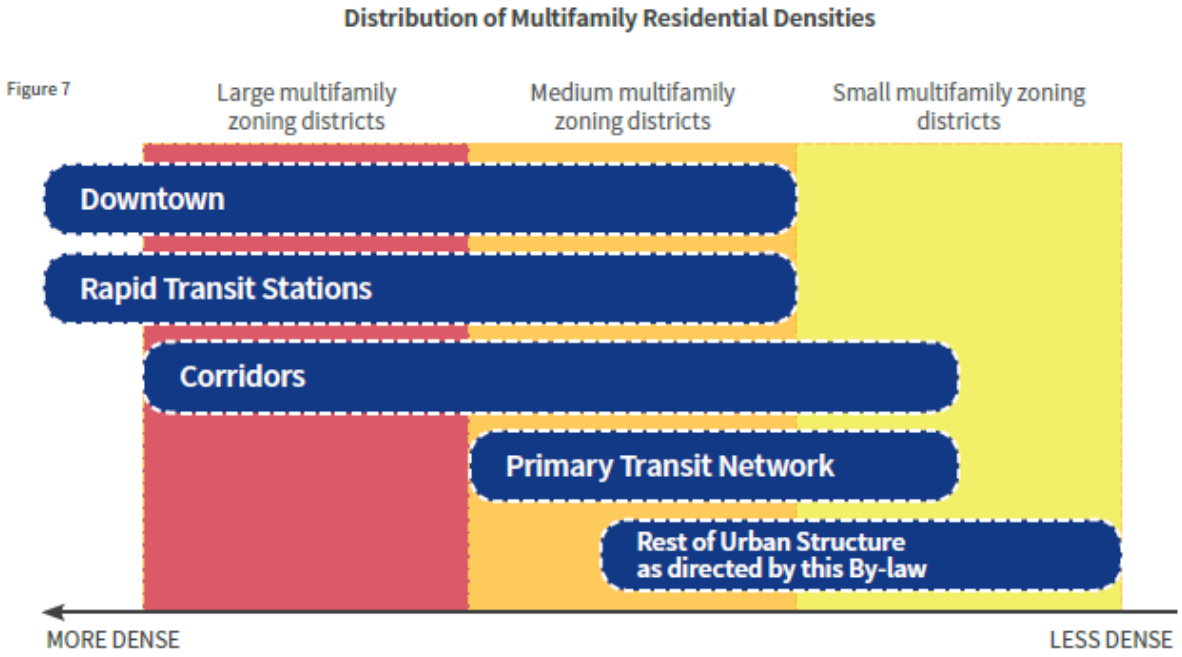


Figure 3: Distribution of Multifamily Residential Densities-General Growth-CCDS 2.0

D1: Established Neighbourhoods

1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.

1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.

1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:

a. Applicable City-endorsed policies or guidelines;
b. Existing zoning of the property and adjacent properties;
c. Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks, and layout;
d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;
e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;
f. Proximity to Downtown, Mixed Use Centres, Major Redevelopment Sites and Mixed Use Corridors;
g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;

> *h. The supporting transit, pedestrian and active transportation network; and*
> *i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.*

The proposed low rise, 18 unit multi-family residential use on what is currently a vacant corner lot, will expand housing options and contribute to the physical revitalization of this Established Neighbourhood. The proposed two (2) story, townhouse design utilizes variable setbacks, an articulated front façade and numerous building entrances and balconies to raise design quality and improve contextual fit. A large scale recreational use (arena) to the west and vacant surface parking lot to the south establish a transitional land use context which can accommodate the proposed multi-family development. The site is in proximity to frequent transit service, is connected to the public sidewalk network and a servicing agreement will be required to ensure required upgrades are undertaken.

Recent Communities:

> *1.16 Small-scale residential uses, not including single-family, may be accommodated on collector and local streets with a public lane, where compatible with adjacent land uses, and in consideration of the factors listed in Policy section 1.6.*

Small scale residential uses are defined in *Complete Communities 2.0 (*Figure 4*)* as a "…a mix of ground oriented housing in various forms" which "…includes but is not limited to single-detached, semi-detached, duplex, secondary suites, detached secondary suites and townhouses up to 3 storeys in height." The proposed two storey, townhouse development is consistent with *Complete Communities* 2.0 policy which supports small scale residential uses Established Neighbourhoods. Although the subject property is not accessed by a rear lane, the proposed design locates parking at the rear of the building. Access is taken from Wabasha St., and connects to the rear parking area in a manner that replicates lane access. Given the context and design approach, the proposal is consistent with *Complete Communities* policy.



Figure 4: Housing typologies in Established Neighbourhoods-Small Scale Residential

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 on the corner of Harold Ave. and Wabasha St. which is characterized by a range of land uses including:
    - 1001 Wabasha St: The Roland Mitchner arena.
    - 306 Harold Ave.: Surface parking area
- The proposed density at 301 and 305/309 Harold Ave. of 1120 sq. ft. per dwelling unit is well below the 800 sq. ft. per dwelling unit maximum density permitted in the “RMF-M” district.
- The area context, neighbourhood walkability, and proximity to frequent transit service are supporting factors in the use of the “RMF-M” zoning district at this location.
- The applicant has submitted a site plan and elevations that have responded to feedback from the Urban Planning Division.
- The submitted design is of high quality and is consistent with policies guiding small scale residential development in *Complete Communities 2.0.*
- 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

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. The report identifies a servicing agreement is required.
- As identified in the ACG report, there is not current sewer capacity to accommodate the proposed development at 301 Harold Ave.
- The Public Service has communicated this constraint to the applicant and identified requirements for a servicing study and potential upgrades to adequately service the proposed development.
- The applicant is aware of this condition and has reviewed this feedback with a municipal engineering consultant.
- The applicant has chosen to proceed with their proposed 18 unit development.
- In addition to required wastewater upgrades, the applicant will be required to construct a public sidewalk along Wabasha St. connecting Harold Ave. to the existing public walk to the north.

Inclusion of City owned land

- The site was previously owned by the City of Winnipeg and has been sold to the applicant for the purposes of redevelopment.
- A portion of the site (western corner-Parcel A) is still owned by the City and will be transferred to the applicant upon completion of the subject DASZ application.
- A letter of authorization from the City has been provided by the applicant to enable inclusion of Parcel A as part of the subject DASZ application.
- Upon successful application of this DASZ, the Public Service will negotiate the final sale of Parcel A to enable the applicants proposed development.

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 Medium 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 building height of approximately 26 feet.
- The Urban Planning Division encourages the applicant to construct their proposed development at their currently proposed height.
- The Public Service is recommending a height cap of 35 feet to ensure any future development on this land does not exceed 35 feet.
- 35 feet of height is consistent with the maximum heights of the “RMF-S” Residential Multi-Family Small district and would be an acceptable maximum height for corner lot development.

Maximum residential density

- The “RMF-M” district enables a maximum residential density of 800 sq. ft. per dwelling unit.
- Given a site area of 20 165 sq. ft., the maximum potential density on site is 25 units.
- The Public Service has supported the proposed rezoning into the “RMF-M” district contingent upon development of the proposed 18 unit building.
- In order to ensure future density does not exceed the agreed upon 18 units, a unit cap locking in the proposed density is recommended.

SUMMARY

The Urban Planning Division recommends approval for the following reasons:

- The subject subdivision and rezoning will result in the establishment of a medium density 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 in the Kildare-Redonda neighbourhood, thereby increasing housing options in this Established Neighbourhood.
- Provision of 18 dwelling will further increase housing options for area residents of this Established Neighbourhood within proximity quality transportation options.

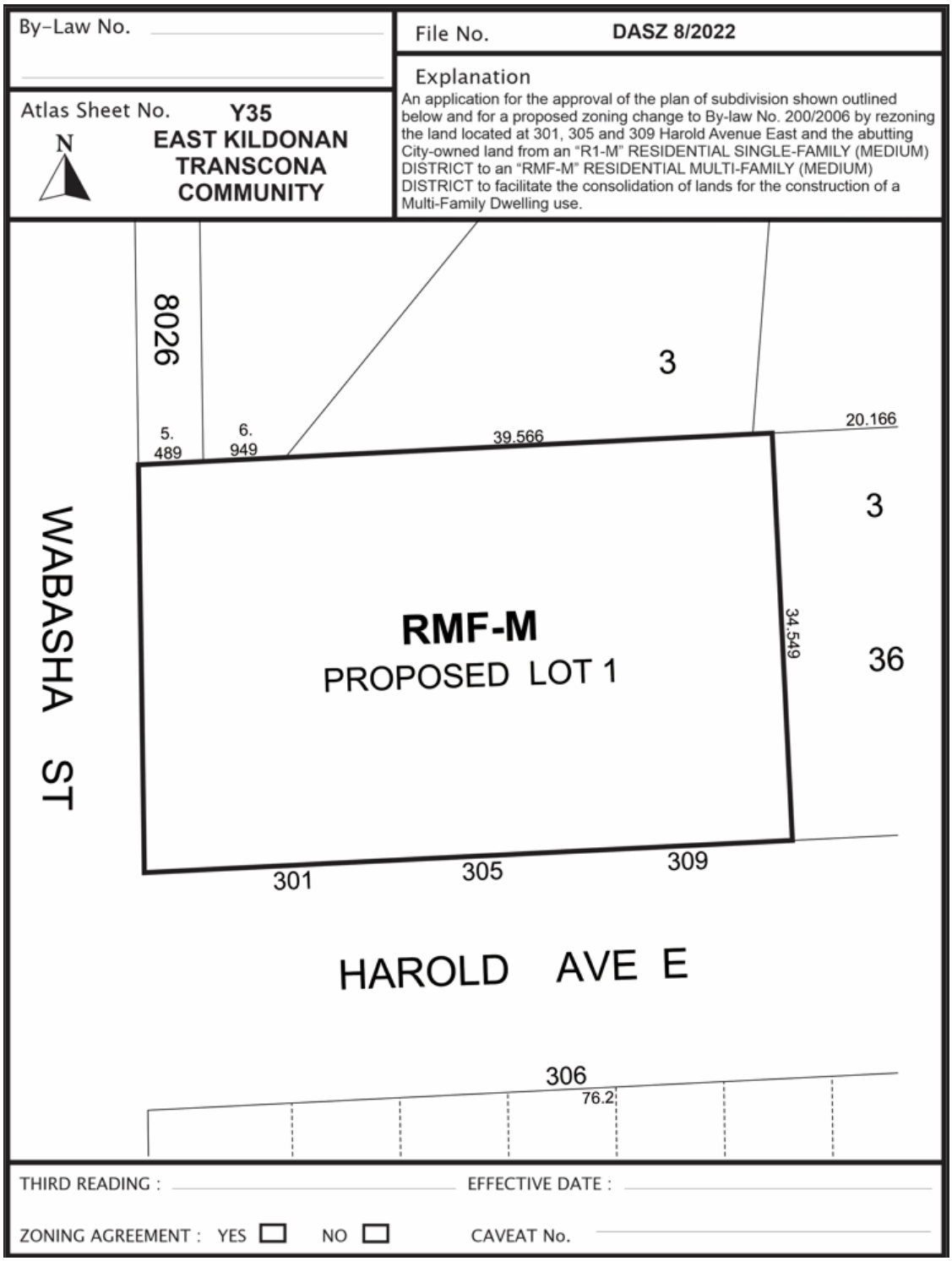
RECOMMENDATIONS

The Urban Planning Division recommends this application be **approved** and the subject property be consolidated into one (1) lot and that lot be 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 8/2022

Schedule "A" for File DASZ 8/2022, East Kildonan-Transcona Community Committee August 31, 2022



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 301, 305 AND 309 HAROLD AVENUE EAST AND ABUTTING CITY OWNED PARCEL

It is recommended that approval of DASZ 8/2022, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – General Comments

1) The Water and Waste Department has advised 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 – Engineering Studies

The Water and Waste Department has advised that the wastewater collection system servicing the Planned Area does not have capacity to support the proposed development. The Developer shall provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the wastewater upgrades required to adequately service the proposed development and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

Section III - Servicing Conditions

1) Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewer upgrades required to service the proposed subdivision and adjacent lands, in accordance with the accepted servicing report, to the satisfaction of the Director of Water and Waste.

2) Sidewalk

a) The Developer shall, at no expense to the City, construct 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 east side of Wabasha Street from Harold Avenue East to the public walk located approximately 78 metres north, as determined by and to the satisfaction of the Director of Public Works.

3) Boulevards

a) The Developer shall, at no expense to the City, plant trees abutting the Planned Area on Wabasha Street and Harold Avenue East, if required, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

4) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

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

5) 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.

6) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense 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.

7) 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/or restored 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) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section IV – 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 8/2022
August 3, 2022

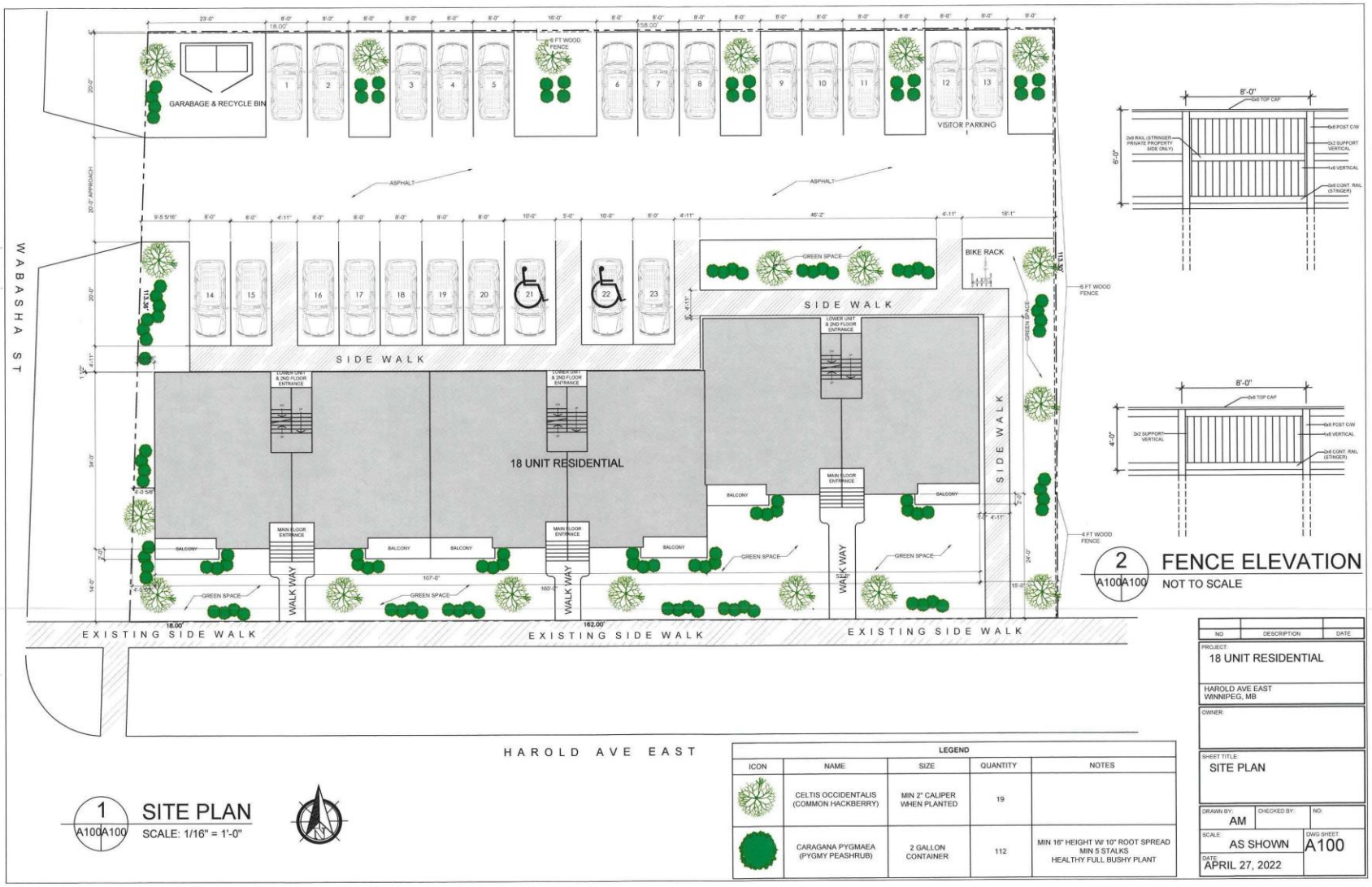
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*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 “8” referred to in File DASZ 8/2022




WABASHA ST
GARABAGE & RECYCLE BIN
6 FT WOOD FENCE
VISITOR PARKING
ASPHALT
SIDE WALK
BIKE RACK
GREEN SPACE
18 UNIT RESIDENTIAL
LOWER UNIT & 2ND FLOOR ENTRANCE
MAIN FLOOR ENTRANCE
BALCONY
WALK WAY
EXISTING SIDE WALK
HAROLD AVE EAST
8'-0"
2x6 TOP CAP
6x6 POST C/W
2x2 SUPPORT VERTICAL
4x6 VERTICAL
2x6 CONT. RAIL (STRINGER)
4'-0"
4 FT WOOD FENCE
2 A100A100 FENCE ELEVATION
NOT TO SCALE
1 A100A100 SITE PLAN
SCALE: 1/16" = 1'-0"
LEGEND
ICON
NAME
SIZE
QUANTITY
NOTES
CELTIS OCCIDENTALIS (COMMON HACKBERRY)
MIN 2" CALIPER WHEN PLANTED
19
CARAGANA PYGMAEA (PYGMY PEASHRUB)
2 GALLON CONTAINER
112
MIN 16" HEIGHT W/ 10" ROOT SPREAD MIN 5 STALKS HEALTHY FULL BUSHY PLANT
NO
DESCRIPTION
DATE
PROJECT:
18 UNIT RESIDENTIAL
HAROLD AVE EAST
WINNIPEG, MB
OWNER:
SHEET TITLE:
SITE PLAN
DRAWN BY:
AM
CHECKED BY:
NO:
SCALE:
AS SHOWN
DWG SHEET:
A100
DATE:
APRIL 27, 2022


FRONT ELEVATION
SCALE: 3/32" = 1'-0"
REAR ELEVATION
SCALE: 3/32" = 1'-0"
SIDE ELEVATIONS
SCALE: 3/32" = 1'-0"
NO
DESCRIPTION
DATE
PROJECT
18 UNIT RESIDENTIAL
HAROLD AVE EAST
WINNIPEG, MB
OWNER
SHEET TITLE
EXTERIOR ELEVATIONS
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CHECKED BY:
NO:
SCALE:
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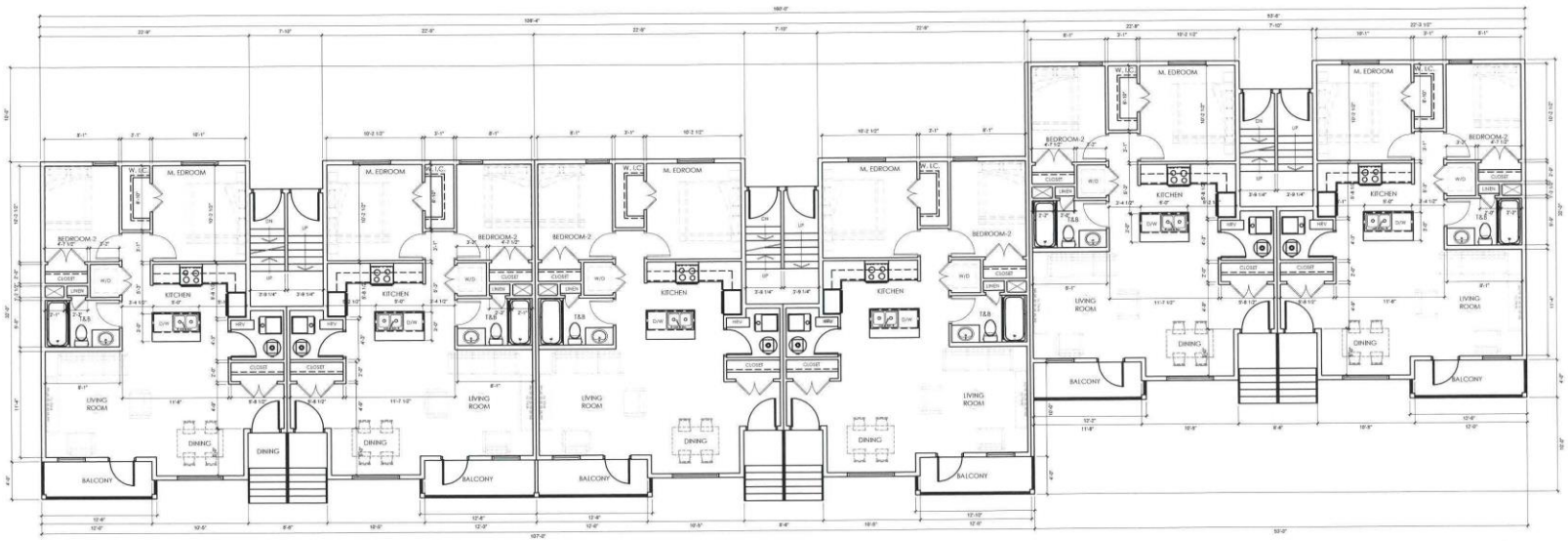
DWG SHEET:
A201
DATE:
APRIL 27, 2022



MAIN FLOOR PLAN

SCALE: 3/32" = 1'-0"

NO	DESCRIPTION	DATE

PROJECT:
18 UNIT RESIDENTIAL

HAROLD AVE EAST
WINNIPEG, MB

OWNER:

SHEET TITLE:
MAIN FLOOR PLAN

DRAWN BY:	CHECKED BY:	NO:
AM		
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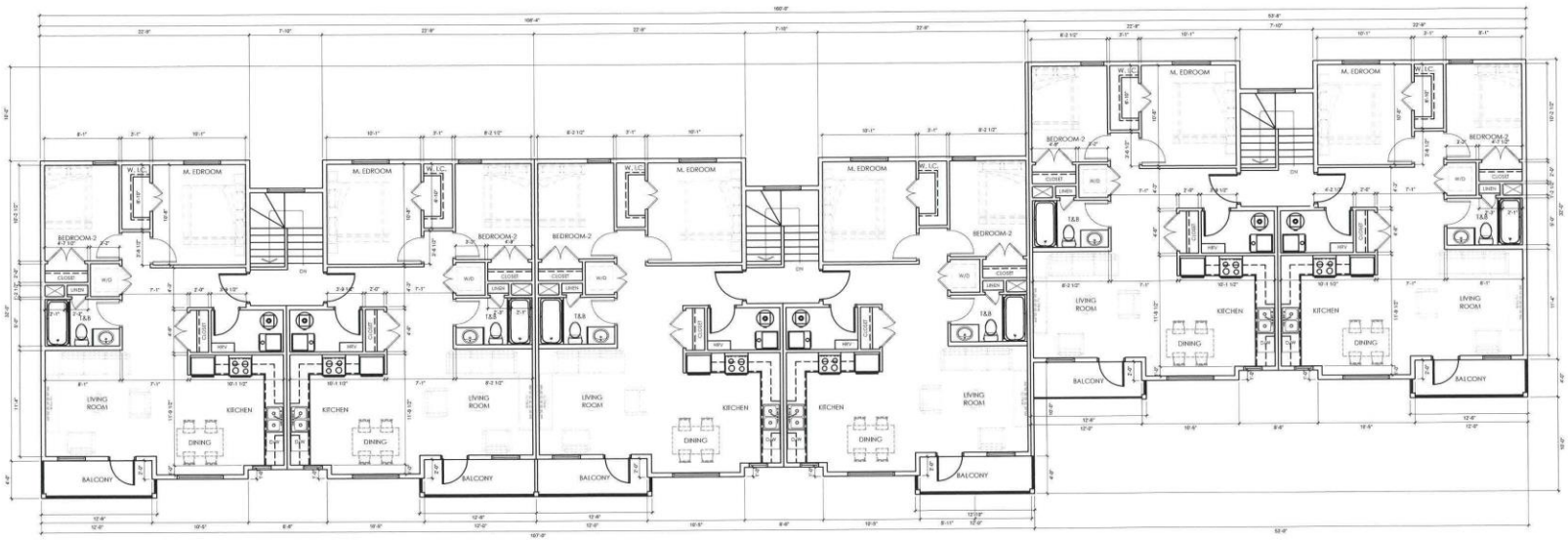
DATE: APRIL 27, 2022		



SECOND FLOOR PLAN

SCALE: 3/32" = 1'-0"

NO	DESCRIPTION	DATE

PROJECT:
18 UNIT RESIDENTIAL

HAROLD AVE EAST
WINNIPEG, MB

OWNER:

SHEET TITLE:
SECOND FLOOR PLAN

DRAWN BY:	CHECKED BY:	NO:
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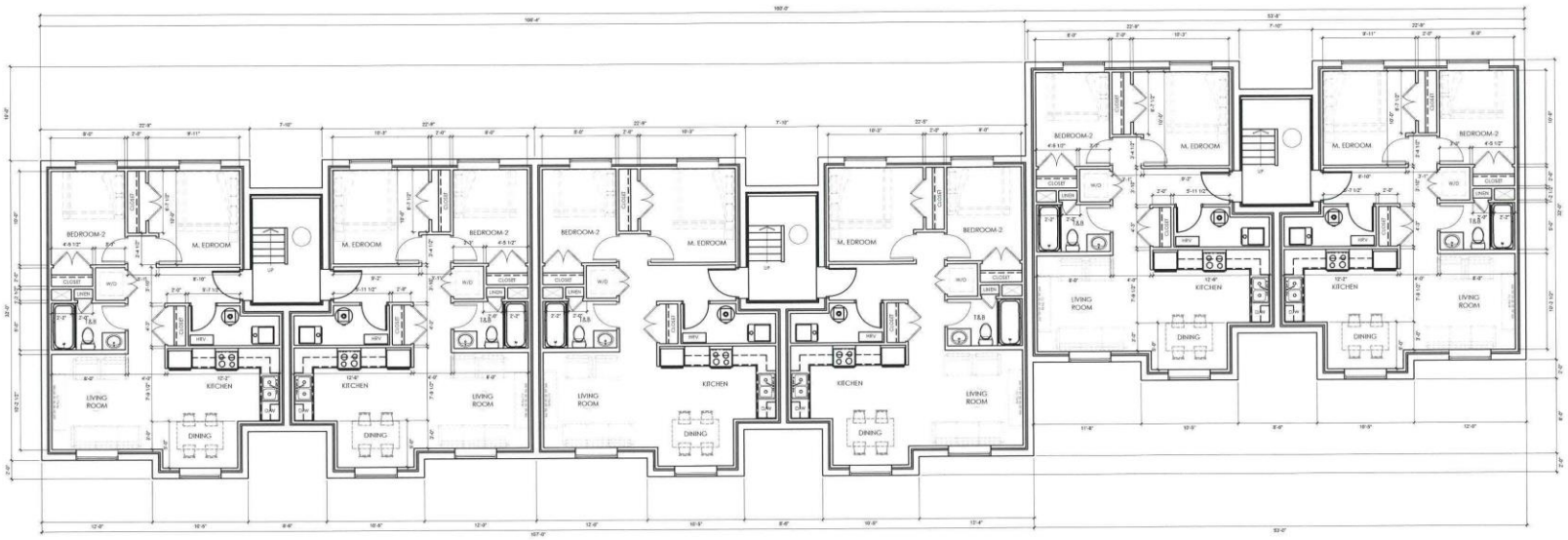
SCALE: AS SHOWN		DWG SHEET: A302
DATE: APRIL 27, 2022		



LOWER LEVEL FLOOR PLAN

SCALE: 3/32" = 1'-0"

NO	DESCRIPTION	DATE

PROJECT:
18 UNIT RESIDENTIAL

HAROLD AVE EAST
WINNIPEG, MB

OWNER:

SHEET TITLE:
LOWER LEVEL FLOOR PLAN

DRAWN BY:	CHECKED BY:	NO:
AM		
SCALE: AS SHOWN		DWG SHEET: A303
DATE: APRIL 27, 2022		