Agenda – Executive Policy Committee – October 17, 2023

Report – Standing Policy Committee on Property and Development – October 6, 2023

Item No. 3 Subdivision and Rezoning – 220 Helmsdale Avenue (Elmwood-East Kildonan Ward) File DASZ 11/2023 [c/r DCU 157654/2023D & DAV 157619/2023D]

STANDING COMMITTEE RECOMMENDATION:

On October 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the subdivision proposed under Development Application No. DASZ 11/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 25, 2023 and attached as Schedule "A" to this report, with such minor changes as may be required, for 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 September 13, 2023 and attached as Schedule "B" to this report, with the following amendment:

        i. Delete Condition 1 under 'Section II – Plan Considerations' in its entirety

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C2" Commercial Community District and "R1-M" Residential Single Family Medium District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 25, 2023, and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer 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 "C2" Commercial Community district, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings
            b. parking areas
            c. private approaches

Report – Standing Policy Committee on Property and Development – October 6, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

d. garbage enclosures
e. fencing
f. landscaping
g. free-standing signage

on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee 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 property zoned "C2" Commercial Community district shall exceed 39 feet in height.

iii. That the following uses shall not be permitted on the subject land zoned "C2" Commercial Community district:

a. Cheque-cashing facility
b. Funeral chapel or mortuary
c. Landscape or garden supplies
d. Supermarket
e. Pawnshop
f. X-rated store
g. Any billboard use
h. Auto / light truck / motor cycle repair and service
i. Auto / light truck / motorcycle sales and rental
j. Auto parts and supplies sales
k. Car wash
l. Drive-in or drive thru
m. Fuel sales
n. Contractors establishment
o. Recycling collection centre
p. Bus depot
q. Transit station

iv. That the following uses shall be conditional on the subject land zoned "C2" Commercial Community district:

Report – Standing Policy Committee on Property and Development – October 6, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

a. Hostel
b. Hotel

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 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 11/2023 (the "Dedication Fee"), as determined by the 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

7. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

Report – Standing Policy Committee on Property and Development – October 6, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

8. That Development Application No. DASZ 11/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 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 following 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 that 1 year period and Council approves the extension.

12. That Development Application No. DASZ 11/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 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 11/2023.

Agenda – Executive Policy Committee – October 17, 2023

Report – Standing Policy Committee on Property and Development – October 6, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 6, 2023, 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 25, 2023, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 11/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 25, 2023 and attached as Schedule "A" to this report, with such minor changes as may be required, for 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 September 13, 2023 and attached as Schedule "B" to this report, with the following amendment:

        i. Delete Condition 1 under 'Section II – Plan Considerations' in its entirety

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C2" Commercial Community District and "R1-M" Residential Single Family Medium District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 25, 2023, and attached as Schedule "A" to this report, subject to the following conditions:

Report – Standing Policy Committee on Property and Development – October 6, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

A. That the developer 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 "C2" Commercial Community district, the Owner must submit plans showing the location and design of any and all proposed:

a. buildings
b. parking areas
c. private approaches
d. garbage enclosures
e. fencing
f. landscaping
g. free-standing signage

on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee 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 property zoned "C2" Commercial Community district shall exceed 39 feet in height.

iii. That the following uses shall not be permitted on the subject land zoned "C2" Commercial Community district:

a. Cheque-cashing facility
b. Funeral chapel or mortuary
c. Landscape or garden supplies
d. Supermarket
e. Pawnshop
f. X-rated store
g. Any billboard use

Report – Standing Policy Committee on Property and Development – October 6, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

h. Auto / light truck / motor cycle repair and service
i. Auto / light truck / motorcycle sales and rental
j. Auto parts and supplies sales
k. Car wash
l. Drive-in or drive thru
m. Fuel sales
n. Contractors establishment
o. Recycling collection centre
p. Bus depot
q. Transit station

iv. That the following uses shall be conditional on the subject land zoned "C2" Commercial Community district:

a. Hostel
b. Hotel

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 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 11/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development – October 6, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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 (the "By-law") and bring same directly to Council by way of communication for first reading.

7. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

8. That Development Application No. DASZ 11/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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Report – Standing Policy Committee on Property and Development – October 6, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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 11/2023.

PUBLIC HEARING SUMMARY

File: DASZ 11/2023

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

Public Hearing: September 25, 2023
Council Building, 510 Main Street

Applicant: Landmark Planning and Design (Brennan Johnson)

Subject:



Premises Affected: 220 Helmsdale Avenue

For submission to: The Standing Policy Committee on Property and Development

Prepared by: K. McMillan, Senior Committee Clerk
East Kildonan-Transcona Community Committee

Report date: September 25, 2023

Community Committee Recommendation:

On September 25, 2023, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 11/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 25, 2023 and attached as Schedule "A" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office, subject to the following conditions:

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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 11/2023.

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

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

1. We've had public consultation on this and my read on that, and the Resident's Advisory Group's take on this, and I saw consensus and compromise and acceptance from the community for the parking lot.

2. I want to thank Mr. Parkinson for perspective and clarity and I believe we're coming to a resolution here that we can all live with rather well.

3. I wish that when it comes to the plan approval that the applicant's aware that we're trying to do our best making that margin work. I'm not too concerned about the aesthetic; it has been brought to our attention by the administration. I just want to support this and thank the applicant for working with the City and the neighborhood for an excellent addition to this block, which I've been watching my entire life. It's the evolution and it's pretty nice.

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 June 29, 2023 2. Notification of Public Hearing dated August 14, 2023 3. Manitoba Status of Titles 2989114/1, 2989116/1, 2989117/1 4. Letter of authorization dated April 12, 2022, from Marlene Spletzer to Landmark Planning and Design 5. Site Plan 6. Plans (3 pages) 7. Report from the Urban Planning Division dated September 12, 2023 8. Inspection Report 9. Communication dated September 21, 2023, from Marlene Spletzer in support of the application 10. Communication dated September 21, 2023, from Justine Vergara in support of the application 11. Presentation dated September 25, 2023 in support of the application submitted by the Applicant 12. Communication dated September 25, 2023, with respect to the application submitted by Dennis Smetana 13. Recording of Representations

REPRESENTATIONS:

In Support:

Brennan Johnson
Jeff Pratte
Stephen Sherlock
MurrayGoodman
Heidi Spletzer
Rubin Spletzer
Marlene Spletzer
Justine Vergara

In Opposition:

Nil

For Information:

Matthew Parkinson
Dennis Smetana

For the City:

D. Harris, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Administrator, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 11/2023

ADMINISTRATIVE REPORT

Title: DASZ 11/2023 at 220 Helmsdale Ave.

Issue: For consideration at the public hearing of a subdivision and rezoning application to rezone a portion of the subject lands, from an "R1-M" Residential Single-Family Medium district to a "C2" Commercial Community district in order to develop a non- accessory parking area. The balance of the subject lands are proposed to remain under the "R1-M" district and to be subdivided into four (4) lots for future development of single family dwellings.

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 Development Application DASZ 11/2023 for the subdivision and rezoning of land located at 220 Helmsdale Ave. be **rejected**.

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

REASON FOR THE REPORT

- The applicant wishes to subdivide and rezone a portion of 220 Helmsdale Ave. into the "C2" Commercial Community district to enable creation of a principal use surface parking area
- The remainder of 220 Helmsdale would maintain "R1-M" residential single family medium zoning and would be subdivided into four (4) lots to enable future construction of four (4) single family dwelling.
- 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 not** 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:	September 12, 2023
File No.	DASZ 11/ 2023

Attachments:

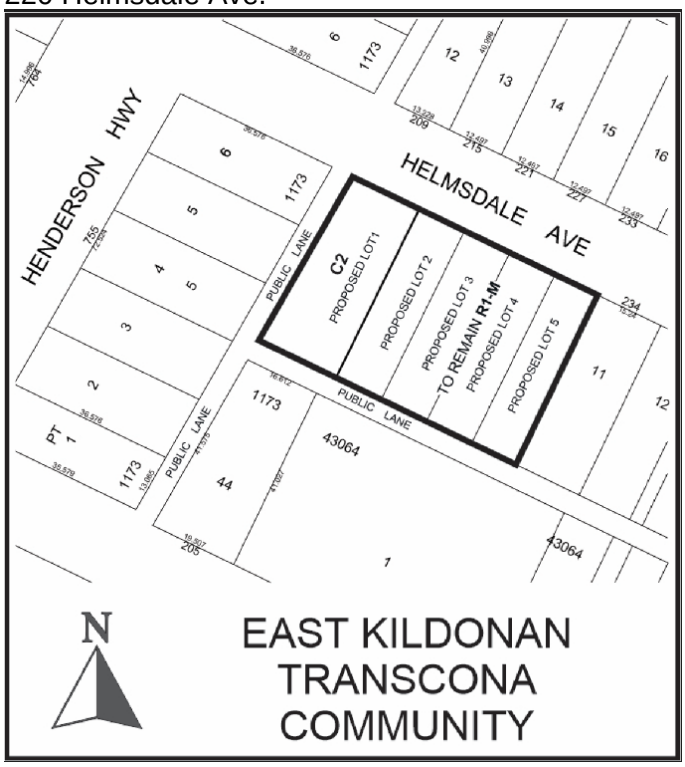
Appendix A: Public engagement report

APPENDIX 'A'

DATE: September 15, 2023
FILE: **DASZ 11/2023**
RELATED FILES: DAV 23-157619\D, DCU 23-157654/D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.434 Rossmere.

SUBJECT: For consideration at the public hearing of a subdivision and rezoning application to rezone a portion of the subject lands, from an "R1-M" Residential Single-Family Medium district to a "C2" Commercial Community district in order to develop a non-accessory parking area. The balance of the subject lands are proposed to remain under the "R1-M" district and to be subdivided into four (4) lots for future development of single family dwellings.

LOCATION: 220 Helmsdale Ave.



LEGAL DESCRIPTION: LOT 7 BLOCK 5 PLAN 1173 WLTO IN RL 85 AND 86 PARISH OF KILDONAN
LOTS 8 AND 9 BLOCK 5 PLAN 1173 WLTO IN RL 85 AND 86 PARISH OF KILDONAN
LOT 10 BLOCK 5 PLAN 1173 WLTO IN RL 85 AND 86 PARISH OF OLD KILDONAN

APPLICANT: Landmark Planning & Design Inc (Brennan Johnson)
298 Waterfront Dr
Winnipeg, MB R3B 0G5

OWNER: 220 Helmsdale Ltd.
201-755 Henderson Hwy
Winnipeg, MB R2K 2K5

RECOMMENDATION: **Rejection**

SITE DESCRIPTION

- The subject site is located on the south east corner of a public lane and Helmsdale Ave., in the Rossmere neighbourhood of the Elmwood-East Kildonan ward.
- The property is located in the Established Neighbourhood-Mature Community policy area as identified in *Complete Communities 2.0*.
- The site is currently zoned “R1-M” Residential Single Family Medium district, has 194 feet of frontage on Helmsdale Ave. with an area of 26 574 sq. ft. in area.
- The property is currently vacant.
- A place of worship was formerly located on site (demolition permit issued in 2019).



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Helmsdale Ave. then single family residential uses zoned “R1-M” Residential Single Family Medium District.

South: A rear lane then a banquet hall, a place of worship and a single family residential uses zoned “R1-M” Residential Single Family Medium District.

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

West: A rear lane then a mix of commercial uses zoned “C2” Commercial Neighbourhood district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to subdivide and rezone 220 Helmsdale Ave. to enable the establishment of a surface parking area and four (4) single family residential lots.
- The remaining 142 feet of frontage along Helmsdale Ave. will be subdivided into four (4) 35 foot wide lots to enable future construction of four (4) new single family dwellings.
- The newly created surface parking area would provide additional parking supply for the existing commercial building at 755 Henderson Hwy.
- The proposed parking area is approximately 7650 sq. ft. in area and contains 20 vehicular parking spaces and a loading space at the south west corner of the property.
- The proposed lot would contain landscaping along the western property line flanking the lane as well as street edge landscaping along Helmsdale Ave.

- Installation of a four (4) foot wood fence is proposed to screen the parking area from Helmsdale Ave.
- A six (6) foot privacy fence is proposed along the eastern boundary of the parking lot, to screen the parking area from the proposed single family uses to the east.
- Detailed plans of development for the proposed four (4) single family residential lots have yet to be provided. The applicant has indicated the lots would be sold to facilitate custom home construction in the future.
- A corresponding variance (DAV 23-157619/D) and a Conditional Use application (DCU 23-157645/D) is required to enable the proposed development. Please refer to the DAV and DCU report for additional information.

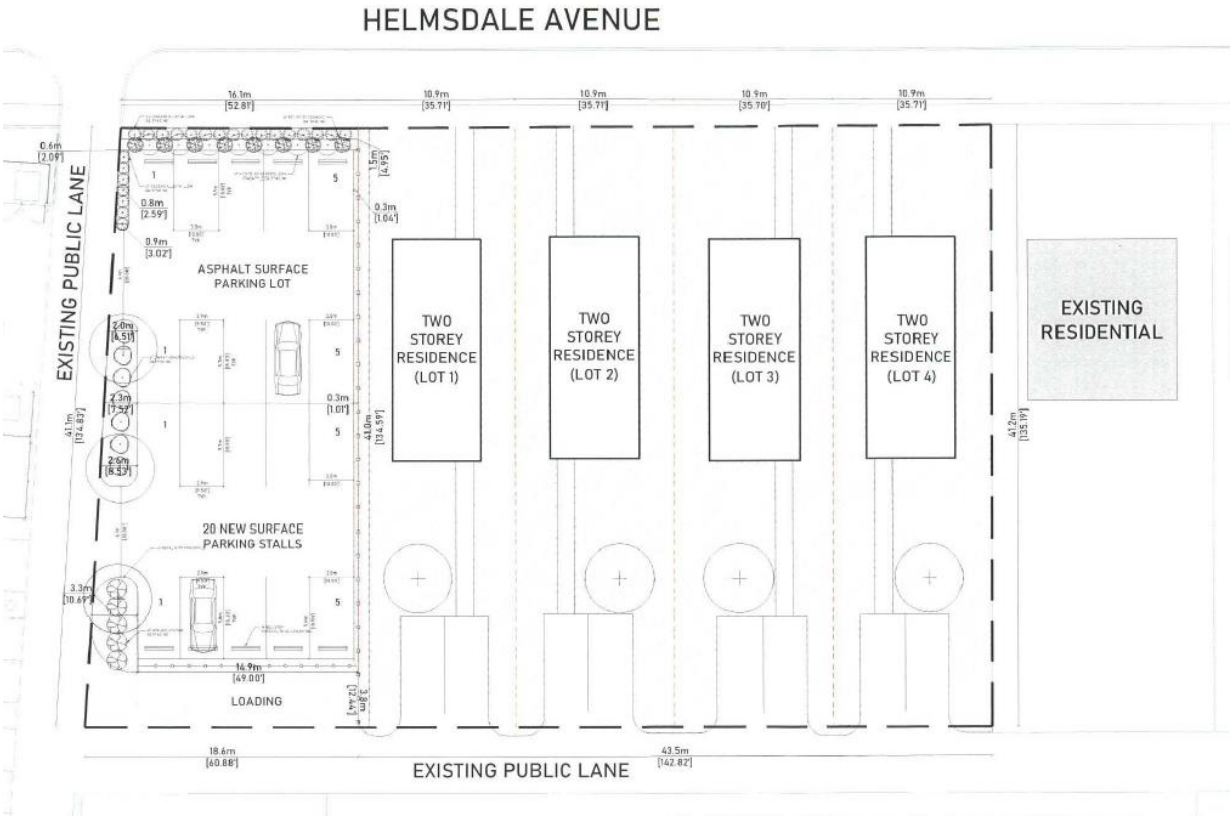


Figure 3: Site plan of proposed development

REASON FOR APPLICATION

- The applicant wishes to expand their clients vehicular parking supply to better accommodate the existing commercial building at 755 Henderson Hwy.
- The property at 220 Helmsdale Ave is currently zoned “R1-M” Residential Single Family Medium.
- The “R1-M” does not permit the establishment of principal use surface parking.
- In order to accommodate the applicant’s proposal, 220 Helmsdale Ave. must be subdivided into five (5) lots.
- The lot depicted as “parking lot” in figure 3 above would be rezoned into the “C2” Commercial Neighbourhood district.
- A Conditional Use application (DCU 23-157654/D) is required to permit surface parking on this newly rezoned “C2” lot.
- Variances for parking area for front yard, east side yard, buffering of a parking and loading area and locating a loading stall directly off a public lane are required to enable the proposed development.
- The remaining 19 248 sq. ft. of 220 Helmsdale Ave. needs to be subdivided into four (4) 4800 sq. ft. lots.
- The proposed four (4) new single family lots do not meet the Special Boundary Condition requirements for lot area and width and therefore require a variance.
- For complete analysis of required variances, please see the corresponding planners report for file DAV 23-1157619/D.

Collaboration with the Public Service:

- As stated in the submitted letter of intent, the applicant did submit a Pre-Application in the spring of 2020.
- The submitted concept at pre-application stage proposed the closure of the rear lane between 755 Henderson Hwy. and 220 Helmsdale Ave. to enable establishment of an accessory surface parking area.
- The pre-application concept proposed rezoning the remaining portion of 220 Helmsdale Ave. into the “RMF-M” Residential Multi-Family Medium district to enable establishment of a 27 unit multi-family residential use.
- On May 14, 2020, the Urban Planning Division provided the applicant with a pre-application feedback letter which indicated support for the proposed development provided:
    - A five (5) foot setback, quality landscaping and a wood decorative fence be provided along the Helmsdale frontage to screen the parking area and limit impact to Helmsdale Ave.
    - That no permanent structures be developed on the parking area to enable potential re-establishment of the lane in the future if needed.
    - That massing of the proposed multi-family building should be consistent with area context to the east and north.

    - The multi-family development should be consistent with the “RMF-S” Residential Multi-Family Small district dimensional standards.
    - The proposed design must be consistent with the servicing parameters provided by the Water and waste department.
    - One parking space per dwelling unit shall be provided.
    - An arborist report will be provided to determine what trees may be maintained and protected through the redevelopment process.
- The applicant applied for subdivision and rezoning (DASZ 44/22) and variance (DAV 22-189016/D) in summer of 2022.
- The revised concept proposes a similar concept in regards to lane closure and surface parking establishment.
- The revised concept is no longer pursuing multi-family residential development on 220 Helmsdale Ave. due to limited servicing capacity that cannot accommodate multi-family development.
- The applicant has indicated a maximum four (4) dwelling units can be accommodated on site given current servicing capacity.
- The *Complete Communities 2.0* document was adopted by Council on May 26, 2022.
- The updated *Complete Communities* document provides more detailed policies on Urban Mixed Use corridor development and Established Neighbourhood- Mature Community development.
- Based on these revised policies, the proposed expansion of a surface parking area into a Mature Community as proposed, is not supportable.
- The Urban Planning Division contacted the applicant in early fall of 2022 to communicate our revised position and to discuss potential development alternatives.
- Despite productive discussion, an alternative development concept is not feasible.
- As a result, the Urban Planning Division indicated we are unable to support the proposal and would recommend rejection of the proposed development.
- The subject application was scheduled for Public Hearing at the East Kildonan-Transcona Community Committee on January 3, 2023 at which time the Committee adjourned the meeting to January 25, 2023.
- On January 25, 2023, the East Kildonan-Transcona Community Committee cast a tie vote on the proposed development, forwarding the matter to the Standing Policy Committee on Property and Development without recommendation.
- On February 2, 2023 the Standing Policy Committee concurred with the Public Service and rejected the application.
- This decision was passed by Council on February 23, 2023.
- During the East Kildonan-Transcona Public Hearing, in response to area Councillor and neighbourhood concern, the applicant indicated a willingness to undertake a similar application as proposed without closing the public lane.
- The East Kildonan-Transcona Committee indicated a willingness to consider an application of this nature.

PUBLIC ENGAGEMENT

- The Urban Planning Division encourages all applicants to undertake public engagement prior to submission of a formal application.
- As part of pre-application feedback, the Urban Planning Division advised the applicant to undertake a public engagement process.
- The applicant has indicated they have undertaken a detailed public consultation process over a three (3) year period.
- The applicant has indicated they met with adjacent and nearby residents to discuss the proposal.
- In addition to these conversations, three (3) public open houses were held, the most recent occurring on April 4, 2022.
- The applicant has indicated their submitted design responds to concerns raised regarding residential density, parking and privacy.
- Detailed public engagement methodology has been outlined in the applicant's letter of intent.

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.*

A key element of the proposed development is the expansion of commercial zoning to enable surface parking in an Established Neighbourhood-Mature Community area. *OurWinnipeg 2045* is supportive of growth and development in Established Neighbourhoods provided it occurs in a context sensitive manner. Rezoning existing "R1" land into a commercial "C2" district to enable a principal use surface parking area in an Established Neighbourhood **does not demonstrate contextually sensitive development** given the residential character of this block of Helmsdale Ave.

> ***6.44 Compatible Growth:*** *Plan for and protect green and built infrastructure and resources from incompatible development that would compromise achievement of this Plan's goals.*

The proposed subdivision and rezoning of residential land in an Established Neighbourhood to accommodate surface parking in a residential context **does not represent compatible growth** as outlined in *OurWinnipeg 2045* policy.

Complete Communities 2.0 An OurWinnipeg Direction Strategy

D1: Established Neighbourhoods

> ***Goal 1**: Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.*
>
> > *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.*
> >
> > *1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.*

The proposed application seeks to expand a, commercial use into the Established Neighbourhood Mature Community context. Policies above indicate support for contextually appropriate residential intensification that is considerate of and compatible with area context. Establishment a surface parking area within this residential mature community context is **inconsistent** with *Complete Communities* policy.

Further, given the area is governed by a secondary plan, the *Infill Guidelines* do not apply to in this area despite the Mature Community policy designation. As a result, the Public Service relies on precedent of residential lot size to determine what is a context sensitive subdivision. The applicant is proposing to establish four (4) 35.7 foot wide lots as part of this application. The next smallest lot on this block of Helmsdale Ave. is 40 feet wide. Based on this condition, the proposed residential lots are inconsistent with area context. If the *Henderson Plan* were not in effect and the *Infill Guidelines* applied, establishment of four (4) lots would not be supportable based on preferred location criteria for single family subdivision.

> ***Goal 2**: Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.*
>
> *Parking and loading*
>
> > *2.18 Strongly discourage locating surface parking lots between streets and building fronts.*
> >
> > *Site design*
> >
> > *2.21 Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.*

2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development as a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.

Complete Communities policy strongly discourages locating surface parking areas on properties that are visible from the street. The proposed surface parking area at 220 Helmsdale is visible from the street and is not consistent with area context, nor does it take cues from this context in an effort to mitigate potential for land use conflict of the proposed development. The proposed parking area does not improve pedestrian orientation of this property nor does it strengthen this properties relationship to the street in manner consistent with neighbourhood context.

***Goal 4**: Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.*

4.4 New commercial development should be complementary and context sensitive to nearby uses.

4.10 Consider the establishment of new neighbourhood focused, small scale commercial uses where at least one of the following criteria are met:

a. *The property is a corner lot fronting a collector or arterial street;*
b. *The property abuts an existing commercial use on a collector or arterial street*
c. *Immediately adjacent uses render the subject property unsuitable for residential development*
d. *The property contains existing non-residential uses or buildings that were not designed to accommodate residential uses*

Although the subject property is separated by a public lane, the proposed development to establish a surface parking area is in support of the corridor oriented commercial use at 755 Henderson. The requested increase in entitlement to facilitate further commercial development to expand surface parking is not complementary and context sensitive to nearby, residential uses. Policy 4.10 identifies specific criteria that should be present in order to support new neighbourhood focused commercial uses. The subject property does not meet the criteria outlined under policy 4.10 to support new commercial uses. Further, the Urban Planning Division does not believe the proposed parking area to further accommodate a corridor fronting commercial / office building constitutes “neighbourhood focused, small scale commercial uses” as identified in policy 4.4 above.

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.
- There are few policies in the *Henderson Corridor* plan which apply to the subject development.

- The following *Henderson Corridor Plan* objectives do provide some direction regarding the proposed development:

    4. *ii) To endeavor to preclude encroachment by incompatible uses upon the residential environment.*

       iv) To endeavor to minimize the impact of commercial development along Henderson Hwy. upon the character of the adjacent residential areas.

The proposed subdivision and rezoning would enable encroachment of commercial uses in the form of a surface parking area, further into the residential environment on Helmsdale Ave. The proposed expansion would result in increased impact of this Henderson Hwy. oriented commercial development on established residential uses on Helmsdale. Based on these factors, the Urban Planning Division believes the application is **inconsistent** with the objectives of the *Henderson Hwy Corridor Action Area Plan.*

ZONING BY-LAW 200/2006

- The applicant is proposing to subdivide the existing lot at 220 Helmsdale Ave. to accommodate a surface parking area and four (4) single family residential zoning lots.
- A rezoning of the one lot (parking lot illustrated on Figure 3) into the “C2” Commercial Community district is required to enable the proposal.
- As explained above, the proposal does not meet *OurWinnipeg 2045, Complete Communities 2.0* and Henderson Hwy. Corridor Action Plan policies for commercial redevelopment of this site.
- As a result, the Urban Planning Division **does not support** the subdivision and rezoning of this proposed site into the “C2” district.

ADDITIONAL CONSIDERATIONS

Site servicing

- In the event the proposed development were to proceed; the owner will be required to enter into a servicing agreement and meet the conditions outlined in the report by the Administrative Coordinating Group (ACG) as outlined in Schedule B of this report.

SUMMARY

- The proposed subdivision and rezoning would result in the expansion of a commercial use in the form of surface parking, into an adjacent Mature Community, in a fashion **contrary** to applicable planning policy.
- The proposed development would increase the impact of commercial uses on established residential uses in the area.
- The establishment of a surface parking area in a Mature Community is **inconsistent** with area character.

RECOMMENDATIONS

The Urban Planning Division recommends this application for subdivision and rezoning be **rejected.**

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Dylan Harris, RPP, MCIP
PPD File # DASZ 11/2023

Schedule "A" for File DASZ 11/2023, East Kildonan-Transcona Community Committee September 25, 2023

By-Law No. _____

File No. **DASZ 11/2023**

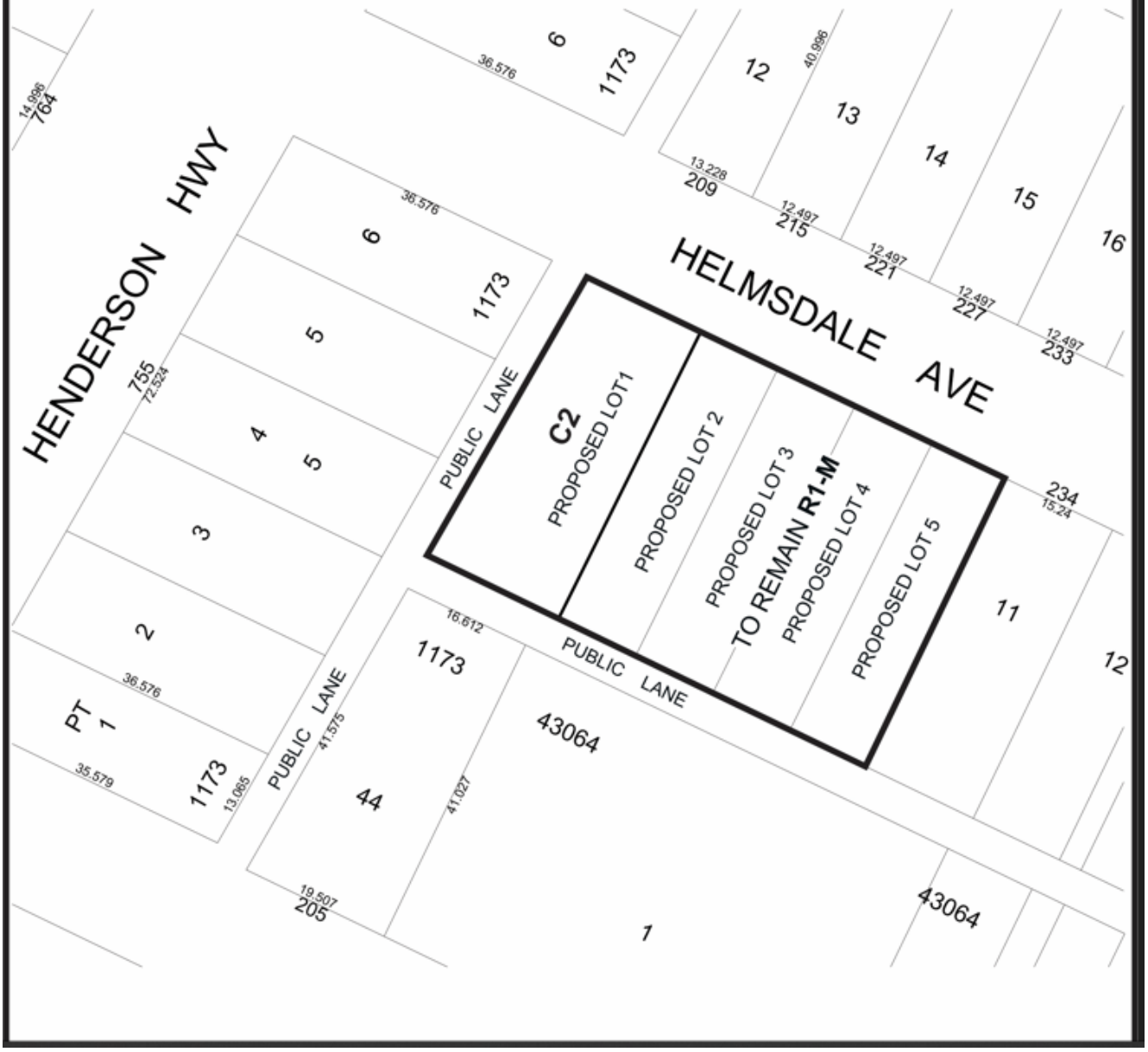
Atlas Sheet No. **V27**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 220 Helmsdale Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT TO A "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of one (1) commercial lot as a non-accessory parking use and four (4) residential building lots for future development.



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 220 HELMSDALE AVENUE

It is recommended that approval of DASZ 11/2023, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – General Comments

1) The Planned Area is located in a combined sewer district and serviced by fronting combined sewer for wastewater discharges. The peak land drainage discharged from Lot 1 must be based on a c-value of 0.35, with a 5-year rainfall event applied, designed by a qualified municipal engineer to the satisfaction of the Director of Water and Waste.

2) The Water and Waste Department has advised there is adequate water servicing for the proposed development based on the provided development plans. Additional review will be required by the Department should the plans of development change during the design process.

3) The Urban Forestry Division wishes to advise that the Developer is required to preserve and protect existing mature trees that are within City-owned land, including those immediately adjacent to the subject site, and within the right-of-way. The Developer shall adhere to the City's Tree Protection Specifications:

   https://winnipeg.ca/publicworks/parksOpenSpace/UrbanForestry/PDF/Tree_Removal_Guidelines.pdf

   The Developer will be required to compensate the City for any damage or removal thereof. The removal of City-owned trees must be pre-approved by Urban Forestry.

Section II – Plan Considerations

1) The Developer shall, at no expense to the City, legally open, property required for a 1.373m widening to the existing north-south public lane right-of-way, along the full length of the existing north-south public lane, abutting the west limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open property required for a 3.0m x 3.0m corner cut where the existing east-west public lane right-of-way intersects with the proposed north-south public lane right-of-way, to the satisfaction of the Director of Public Works.

Section III - Servicing Conditions

1) Land Drainage Sewer

The applicant shall, at no expense to the City, construct a land drainage sewer to adequately service the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

2) Lot Line Connections

a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewers and water mains to service lots 2, 3, 4 and 5 of the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall ensure that the private sewer service lots 2, 3, 4 and 5 of the Planned Area remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the private sewer service pipe may be connected to the wastewater system, and the Developer will indemnify the City against all actions, claims, demands, damages, losses and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c) The Developer shall replace or repair, to the satisfaction of the Director of Water and Waste, any water service pipe or private sewer service pipe determined by the Director of Water and Waste to be defective within one year following the date the water to the lot serviced by that water service pipe or private sewer service pipe is turned on by the City for domestic use, and shall pay to the City any and all costs incurred by the City associated with any such defect.

3) 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.

4) 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 V – 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 11/2023
September 13, 2023

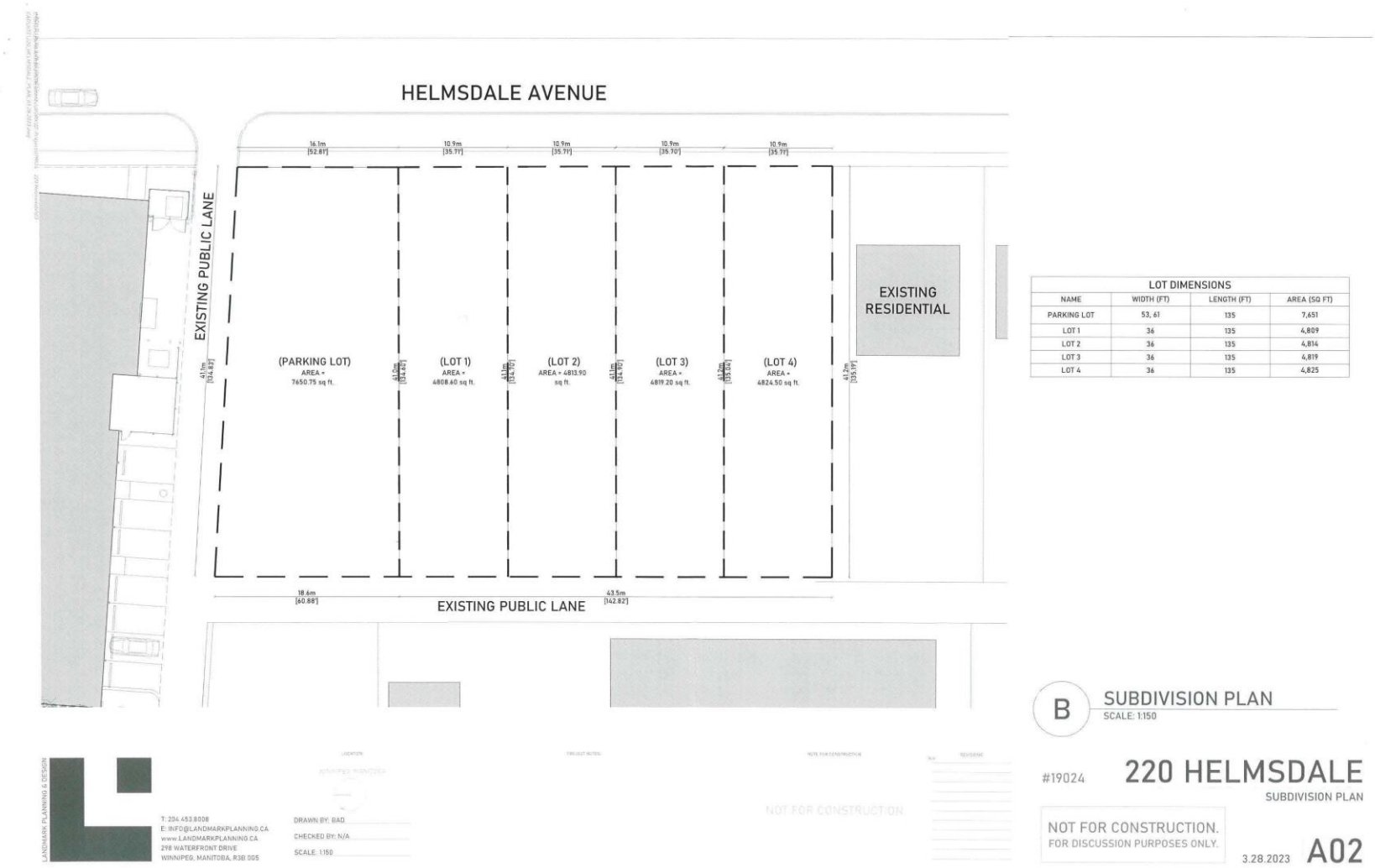
"*Original Signed by K.Kowalyk"*
K. Kowalyk, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*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

"*Original Signed by S. Whitehouse"*
S. Whitehouse, M.C.P.
Urban Planning and Design Division
Planning, Property and Development Department

Exhibit “6” referred to in File DASZ 11/2023



LOT DIMENSIONS			
NAME	WIDTH (FT)	LENGTH (FT)	AREA (SQ FT)
PARKING LOT	53, 61	135	7,651
LOT 1	36	135	4,809
LOT 2	36	135	4,814
LOT 3	36	135	4,819
LOT 4	36	135	4,825

B SUBDIVISION PLAN
SCALE: 1:150

#19024 220 HELMSDALE
SUBDIVISION PLAN

NOT FOR CONSTRUCTION.
FOR DISCUSSION PURPOSES ONLY.

3.28.2023 A02

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T: 204.453.8008
E: INFO@LANDMARKPLANNING.CA
www.LANDMARKPLANNING.CA
298 WATERFRONT DRIVE
WINNIPEG, MANITOBA, R3B 0G5

DRAWN BY: BAD
CHECKED BY: N/A
SCALE: 1:150

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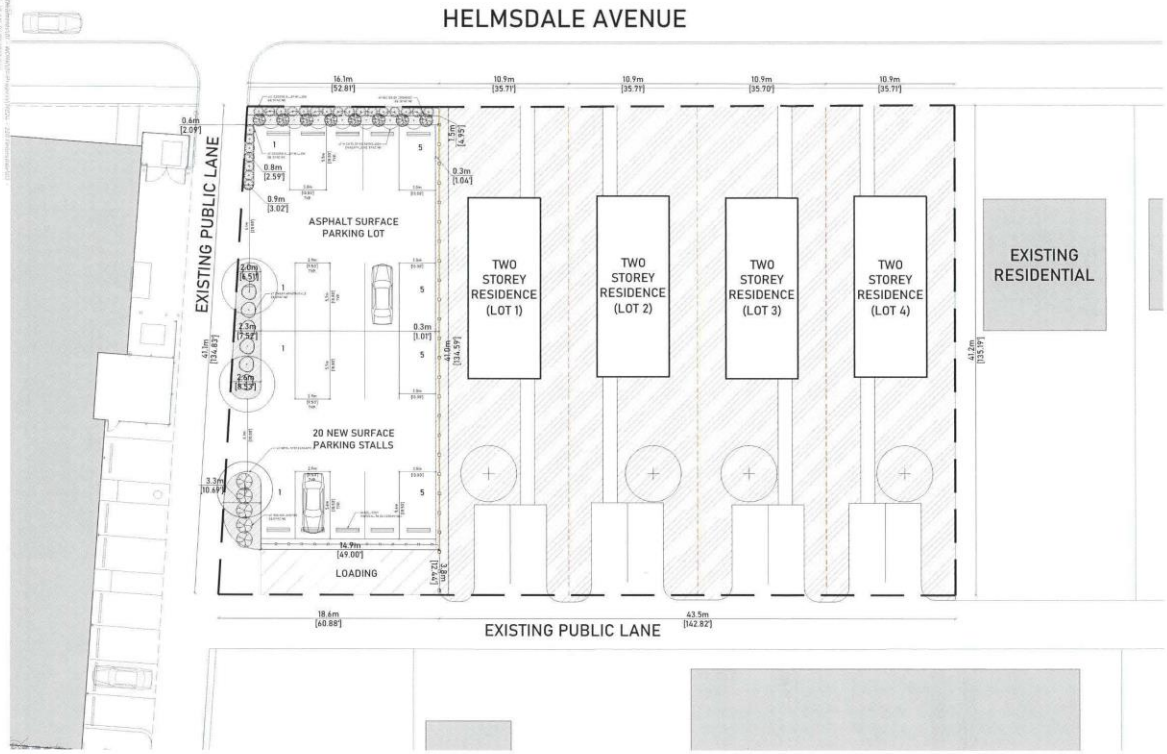

Zoning:
Zoning By-Law: 200/2006
R1-Medium Residential Single Family

Minimum Lot Area: 3,500 sq ft. (4,813 sq ft. provided)
Minimum Lot Width: 25 ft. (35.73 ft. provided)
Maximum Building Height: 35 ft.
Maximum Lot Coverage: 45% (20.4% provided)
Minimum Side Yard Setback: 4 ft. / 1.22 m.
Minimum Front Yard Setback: 15 ft. / 4.572 m.
Minimum Rear Yard Setback: 25 ft. / 7.620 m.

Proposed Development
Proposal: (x4) R1-Medium Single Family Dwelling Units
Lot Area: 4,813 sq ft. / 447 sq m. per lot (lots 1 - 4)
Building Cover: +/- 1,000 sq ft. / 93 sq m. per lot (lots 1 - 4)
Lot Coverage: 1,000 / 4,813 = 21%

Proposal: Surface Parking Lot
Lot Area: 7,651 sq ft. / 711 sq m.

A SITE PLAN
SCALE: 1:125

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#19024 220 HELMSDALE
SITE PLAN

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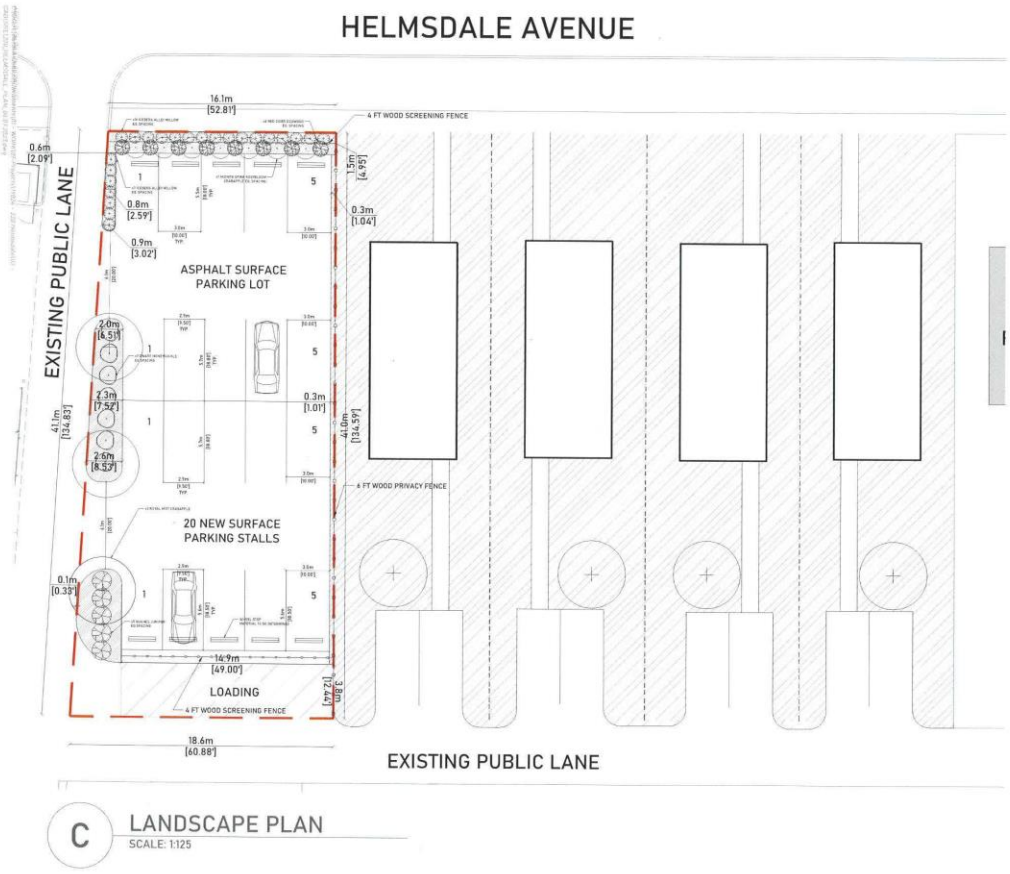
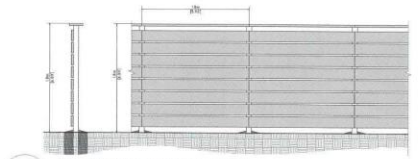
6.7.2023 A01



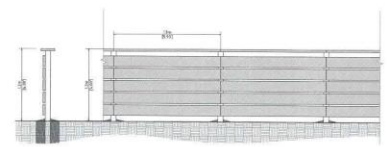
C LANDSCAPE PLAN
SCALE: 1:125

LANDSCAPE REQUIREMENTS	
*According to the Small-Scale and Low-Rise Residential Development Guideline [Section B.1 (8) pg. 72]	
REQUIRED	PROVIDED
PARKING LOT INTERIOR Parking Lot Area: 7,650.8 sq ft (5% = 382.5 sqft)	
TREES 1 tree / 300 sqft of 5% = 1 trees required	
1	3
SHRUBS 1 shrub / 100 sqft of 5% = 3 shrubs required	
3	30
STREET EDGE Street Edge Length = 90 ft	
TREES 1 tree / 20 ft = 2 trees required	
2	7
SHRUBS 3 shrubs / 20 ft = 8 shrubs required	
8	24

PLANT LIST					
QTY.	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE & REMARKS	SPACING
DECIDUOUS TREES					
3		Royal Mist Crabapple	*Malus x adstringens 'Jaltesa'*	Minimum of 75mm caliper, Well formed, Stated as required	As shown
7		Midwife Spire Resplendent Crabapple	*Malus x adstringens 'Jaltesa'*	Minimum of 75mm caliper, Well formed, Stated as required	AS PER D.C.
CONIFEROUS TREES					
0	-	-	-	-	-
SHRUBS, PERENNIALS, AND VINES					
32		Iceberg Alley Willow	*Salix candida 'Jaltesa'*	Minimum height of 400mm, Well formed, full and bushy with a minimum of 5 branches	As shown
5		Hughes Juniper	*Juniperus horizontalis 'Hughes'*	Minimum height of 400mm, Well formed, full and bushy with a minimum of 5 branches	AS PER D.C.
8		Dwarf Honeysuckle	*Diervilla lonicera*	Minimum height of 400mm, Well formed, full and bushy with a minimum of 5 branches	AS PER D.C.
9		Redosier Dogwood	*Cornus sericea*	Minimum height of 400mm, Well formed, full and bushy with a minimum of 5 branches	AS PER D.C.
GROUNDCOVER AND FENCING					
		Crushed Aggregate	-	-	-
		Wood Mulch	-	-	-
		Lawn	-	-	-
		6 FT Wood Screening Fence	-	-	-
		6 FT Wood Screening Fence	-	-	-



1 6 FT WOOD PRIVACY FENCE
SCALE: 1:30



2 4 FT WOOD SCREENING FENCE
SCALE: 1:30

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NOT FOR CONSTRUCTION

#19024 **220 HELMSDALE**
LANDSCAPE PLAN

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6.7.2023 **A03**