Minutes – Executive Policy Committee – September 15, 2010

Minute No. 504
Report – Standing Policy Committee on Property and Development – September 14, 2010

Item No. 10 Secondary Plan Amendment - 129 Dagmar Street (Point Douglas Ward) File SPA 3/2009 [c/r DAZ 221/2009 & DAV 168407/2009D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That By-law No. 41/2010, an amendment to the West Alexander and Centennial Neighbourhood Plan (By-law 64/2008), be forwarded to Council for second and third readings, with the following amendments:

    A. By striking out the wording of section 1 after "the following revisions", and substituting the following:

        i. In Chapter 2, under "Residential Mixed-Use Policies," in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:

        ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

    B. By adding after the following new subsection:

        i. In Chapter 6, "Transportation Element," in Policy 4, the semi-colon after "areas" is struck out and the following is substituted:

        ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

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

Minutes – Executive Policy Committee – September 15, 2010

Report – Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Steeves,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Secondary Plan Amendment - 129 Dagmar Street**
File SPA 3/2009 [c/r DAZ 221/2009 & DAV 168407/2009D]

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **July 7, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2010, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That By-law No. 41/2010, an amendment to the West Alexander and Centennial Neighbourhood Plan (By-law 64/2008), be forwarded to Council for second and third readings, with the following amendments:

    A. By striking out the wording of section 1 after "the following revisions", and substituting the following:

        i. In Chapter 2, under "Residential Mixed-Use Policies," in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:

        ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

    B. By adding after the following new subsection:

        i. In Chapter 6, "Transportation Element," in Policy 4, the semi-colon after "areas" is struck out and the following is substituted:

        ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. In over 30 years as a member of Winnipeg City Council, a better or more persuasive presentation on anything has never been heard, and to fail this community would be a travesty.

PUBLIC HEARING SUMMARY

File: SPA 3/2009 [c/r DAZ 221/2009 & DAV 168407/2009D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: July 6, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Sudan Humanitarian Relief Organization (SHRO) Inc. and Sudanese Association of Manitoba Inc. (Binasio Wani)

Subject:



Premises Affected: 129 Dagmar Street

Exhibits Filed:

1. Application dated February 4, 2010
2. Notification of Public Hearing dated May 27, 2010
3. Council Decision of April 28, 2010; contains report from the Director of Planning, Property and Development dated March 9, 2010
4. First Reading of By-law No. 41/2010 by Council on April 28, 2010

5. Manitoba Status of Title(s) 2174738, 2174741, 2174746, 2174748 and 2174752
6. Letter of authorization dated December 22, 2009 from Kuac Madit, President of Sudanese Association of Manitoba Inc., to Binasio Wani, Sudan Humanitarian Relief Organization
7. Variance Order DAV 355/2001C
8. Plans (4 pages)
9. Report from the Planning and Land Use Division dated June 23, 2010
10. Inspection Report
11. Communication dated July 3, 2010, from Fred Curry in opposition to the application
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ezekiel Abetew
Fredrick Abraham
John Amoko
Elizabeth Alok Andrea
Michael Apollo
Mashar Arkangelo
Atileo Aten and Bernard Ucin
Regina Ding
Lino Gorang
Eda Korychynski
Madit Kuet
Helda Lako
Elesio Lasuba
Joseph Lual
Kuac Madit
Pat and Bruno Malis
Athian Malou
Oping Naei
Nataly Nyol
Robert Ohiso
Rev. James Okal
Beda Otwari
David Peng
Daniel Teng
Binasio Wani

Webster Webb
Aken Yel

In Opposition

Catherine Collins, West Alexander Residents Association
Fred Curry
Harold Martinos
Allan Wise

For Information:

Robert Dick, Hargrave Holdings

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "9" referred to in File SPA 3/2009 [c/r File DAZ 221/2009 & DAV 168407/2009D]

ADMINISTRATIVE REPORT

Title: SPA 03/09, 129 Dagmar Street

ISSUE: For consideration at the public hearing of the application to amend the secondary plan *West Alexander and Centennial Neighbourhood Plan* to allow for a non-accessory parking lot.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council, as per the Development Procedures By-law and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan			

RECOMMENDATIONS

1. That By-law No. 41/2010, an amendment to the *West Alexander & Centennial Neighbourhood Plan* (By-law 64/2008), be forwarded to Council for second and third readings, with the following amendments:

    a. By striking out the wording of section 1 after "the following revisions", and substituting the following:

A. In Chapter 2, under "Residential Mixed-Use Policies," in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:

", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

    b. By adding after the following new subsection:

B. In Chapter 6, "Transportation Element," in Policy 4, the semi-colon after "areas" is struck out and the following is substituted:

", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

REASON FOR THE REPORT

- The applicant intends to establish a non-accessory parking lot (a surface parking that is a principal use): 30-60 parking stalls located on the lot adjacent to their building will be rented out to people attending off-site destinations.
- The *West Alexander & Centennial Neighbourhood Plan* does not allow non-accessory parking lots in the "Residential Mixed Use Area".
- In Zoning By-law 200/06 under the *West Alexander & Centennial Planned Development Overlay 1*(PDO-1 West Alexander & Centennial) surface parking that are a principal use are not allowed.
- In Zoning By-law 200/06, the RMU Commercial Mixed Use District does not allow surface parking as a principal use.
- The applicant requires the following:
    - amendments to the Secondary Plan policies that restrict non-accessory parking lots;
    - a rezoning application to remove the property from the PDO-1 West Alexander & Centennial) that does not allow surface parking as a principal use; and
    - a rezoning from RMU to CMU Commercial Mixed Use District to allow non-accessory parking.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued to allow for a non-accessory parking area as the Planned Area will be rezoned to a commercial district, which allows this land-use; will be removed from the PDO, which prohibits this land-use; and will no longer be affected by the polices of the secondary plan that prohibits this land-use at 129 Dagmar.

HISTORY

On July 16, 2008, Council approved By-law 64/2008, the *West Alexander & Centennial Neighbourhood Plan* as a secondary plan to tie together the important role of the neighbourhood institutions with the values of the neighbourhood health and sustainability.

On January 27, 2010, Council approved By-law No. 105/2009 (File SPA 2/2008) an amendment of the *West Alexander & Centennial Neighbourhood Plan* to facilitate the construction of a medical facility at the former Weston Bakery Site.

On April 28, 2010 Council gave First Reading to By-law 41/2010 regarding the proposed amendment subject of this report with the following:

1. That By-law No. 41/2010, a by-law to amend the *West Alexander and Centennial Neighbourhood* Plan (By-law 64/2008), be amended with the following revisions:

A. In Section 1, by deleting

In Chapter 4, "Residential Mixed-Use Policies," Policy 4, the following is added after the words "will not be accommodated":
"except non-accessory parking lots may be allowed on Lots 7 to 11, Plan 33086."

and substituting

In Chapter 2, "Residential Element,", under "Residential Mixed-Use Policies", in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:
", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086."

B. In the Legal Services approval, by deleting

for Acting City Solicitor/Manager of Legal Services

and substituting

for Director of Legal Services and City Solicitor

CONSULTATION

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J.G. Doney
Date:	June 23, 2010
File No.	SPA 03/09

Attachment 1 – Analysis
Schedule "A" – By-law No. 41/2010

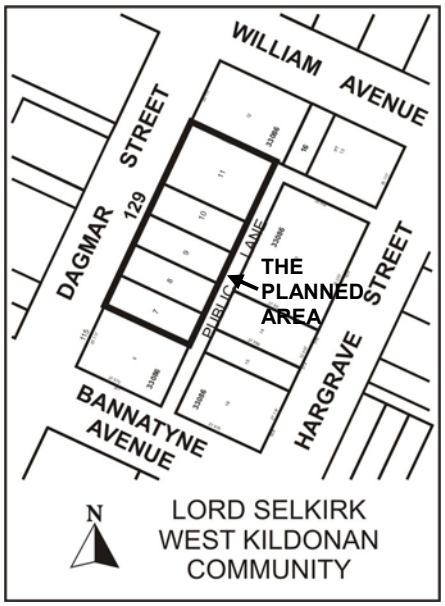
Attachment 1 - Analysis

File: SPA 3/2009

Related Files: DAZ 221/09, DAV 09-168407/D

Subject: To amend the *West Alexander & Centennial Neighbourhood Plan* By-law 64/2008, to allow for a non-accessory parking area.

Location: 129 Dagmar Street



Applicant: The Sudan Humanitarian Relief Organization Incorporated and the Sudanese Association of Manitoba Incorporated
129 Dagmar Street, Winnipeg, MB, R3A 0Z3

Owner: as above

Report Summary:

- The applicant intends to establish a non-accessory parking lot (a surface parking that is a principal use): 30-60 parking stalls located on the lot adjacent to their building will be rented out to people attending off-site destinations.
- The *West Alexander & Centennial Neighbourhood Plan* does not allow non-accessory parking lots in the "Residential Mixed Use Area".
- In Zoning By-law 200/06 under the *West Alexander & Centennial Planned Development Overlay 1*(PDO-1 West Alexander & Centennial) surface parking that are a principal use are not allowed.
- In Zoning By-law 200/06, the RMU Commercial Mixed Use District does not allow surface parking as a principal use.
- The applicant requires the following:
    - amendments to the Secondary Plan policies that restrict non-accessory parking lots;
    - a rezoning application to remove the property from the PDO-1 West Alexander & Centennial) that does not allow surface parking as a principal use; and

- a rezoning from RMU to CMU Commercial Mixed Use District to allow non-accessory parking.

The Planned Area (The Site)

The planned area is on the east side of Dagmar Street, between William and Bannatyne Avenues. It is approximately 18,000 square feet and nearly 200 feet wide. It consists of Lots 7 to 11 of Plan 33086. Each lot is a separate parcel.

The planned area is the Sudanese Community Cultural and Resource Centre. The letter of intent, which was submitted as part of the application that is the subject of this report, states:

> The mission of the Sudanese Community Cultural and Resource Centre is to facilitate the integration of Sudanese immigrants into the Canadian Society by providing community-based job training/career guidance; student tutorial, social-economic resources, safety and crime prevention programs…

This indicates that the Sudanese Community Cultural and Resource Centre is a community facility.

As is shown in Figure 1 of this attachment, an accessory gravel parking lot covers more than half the planned area and the building in the planned area is near the northern limit of said area. This parking lot is underutilized. Figure 2 of this attachment shows that the planned area is in a Residential Mixed Use District of Zoning By-law 200/2006. As shown in Figure 3 of this attachment, the planned area is in a Residential Mixed Use policy area of the secondary plan.

Figure 1 also shows that the planned area is:

- adjacent to a private club, not licensed, that has no on-site parking and is to be converted into an office use;
- adjacent to a non-accessory parking lot; and
- near other non-accessory parking lots, a light manufacturing use, City Archives and office uses.

Figure 2 also shows that the planned area is:

- adjacent to a Commercial Mixed Use District of By-law 200/2006;
- near another Commercial Mixed Use District and a Light Manufacturing District of By-law 200/2006; and
- near Character Sectors of the Downtown Zoning By-law (100/2004).

Figure 3 also shows that the planned area is adjacent to a Commercial Mixed Use policy area and a Character Commercial policy area of the secondary plan.

The planned area is in a Neighbourhood policy area of *Plan Winnipeg, 2020 Vision.*

The Proposed Development

The letter of intent states that the proposal is to improve the existing parking spaces and rent them out to provide revenue for the Sudanese Community Cultural and Resource Centre so that the centre can provide better services to the community. The letter states that: there are 58 parking spaces; 50 would be available to rent Monday to Friday, from 6:00 AM to 5:30 PM; and these spaces are to be available for events at The Centre. However, the site plan that was submitted as part of the application that is the subject of this report, shows that only 40 parking spaces are proposed, which is more accurate, given the zoning by-law requirements and the dimensions of the parking lot.

In order to allow the use of non-accessory parking lot, Monday to Friday, from 6:00 AM to 5:30 PM, the secondary plan and the zoning by-law must be amended.

The *West Alexander & Centennial Neighbourhood Plan (Secondary Plan)*

Concept for the Secondary Plan

The West Alexander and Centennial Neighbourhood Plan is based on the concept of a Health and Wellness District – where principles of a healthy neighbourhood are valued, promoted, and shared. This concept is designed to recognize the unique assets that exist in the neighbourhood today and to build upon these strengths. The following Healthy Neighbourhood information was taken from Canada Mortgage and Housing Corporation's features of Sustainable Neighbourhoods.

Healthy Neighbourhood

Streets
A healthy neighbourhood is a place where streets are for people, not just for cars. The human scale of the streets and slow speed of the cars make them comfortable, safe and pleasant places to walk…

Pedestrian Oriented
A healthy neighbourhood is a place where shopping, schools, recreation, and public transit are available within a short walk from home so you don't have to use your car every time you go out. Boulevard trees also make it a pleasant place to walk. By living close to work, you can get there easily by bus, foot, bike, or a short car ride. This means spending less time in traffic…

Strong Businesses and Institutions
A healthy neighbourhood is a place where businesses and institutions thrive today and have an opportunity to grow and prosper in the future. It is a place where a wide variety of employment opportunities are available and where new opportunities are continually presenting themselves.

Goals for the Secondary Plan

The goal of the plan is to build on the strengths that exist today and to establish policies which seek to improve on the identified challenges in the neighbourhoods, in order to foster a healthier, more sustainable community that will:

- Support and encourage the growth and development of the local institutions;
- Protect and enhance the quality of the residential neighbourhoods;
- Maintain a balance of complementary land uses;
- Create and reinforce a well designed, liveable, integrated community
- Encourage building design, site layouts, and urban design features which promote safety, accessibility and contribute to the uniqueness of the community;
- Promote affordable and varied housing choices.

Intent for all the Residential Districts of the Secondary Plan

The general intent of the residential districts is the following:

To foster a high quality living environment and to preserve the strong sense of community while offering a wider variety of attractive and affordable housing choices which meet the changing needs of the West Alexander and Centennial community. In addition, the intent is to encourage more housing in locations with convenient access to employment opportunities and a broad range of community and commercial facilities.

Intent for the Residential Mixed-Use District of the Secondary Plan

The intent of this district is to encourage a fine grained mix of low and medium density residential uses with low intensity commercial uses – rather than a separation of uses. A secondary purpose is to encourage compatibility of built form between building types, to provide a consistent scale, and to maintain the interesting qualities and characteristics of the streetscape. This area may accommodate a density of up to one dwelling unit per 1,000 square feet of lot area. Higher densities may be accommodated in certain instances through a discretionary review process.

Policy 4 of the Residential Mixed-Use policies of the secondary plan states:

In order to protect the residential characteristics of the area, commercial development will be limited to the following:

- Low intensity and pedestrian oriented commercial uses, such as professional offices and small retail businesses(under 2,500 square feet)
- Automobile-oriented land uses, such as gas stations, non-accessory parking lots, and other drive-through uses will not be accommodated.

Selected Parking Management Policies of the Secondary Plan

3. Require the design of parking structures and areas to be well-integrated with the neighbourhood, as well as the building(s) they serve;
4. Prohibit the expansion or creation of any non-accessory surface parking area, in residential and in commercial mixed-use and character areas;
6. Prohibit gravel surface parking lots except for duplex or single family homes;
8. Encourage parking structures and parking areas to be developed to a high standard of site design and enhancement;
9. Encourage proper edge treatments for parking areas that include the use of landscaping, as well as a fence or building wall. Materials should be compatible with the neighbouring buildings;
11. Encourage better maintenance of parking lots;
13. Encourage shared parking lot facilities: for example parking that is used by an institution during the day and used by commercial businesses in the evening.

Analysis

As stated in the section "The Planned Area (The Site)" of this attachment, the mission for the Sudanese Community Cultural and Resource Centre is to facilitate the integration of Sudanese immigrants into the Canadian Society (by providing community-based job training/career guidance, student tutorial, social-economic resources and safety and crime prevention programs).

Therefore, the Centre is, indeed, a community facility, and amending the secondary plan as recommended would be consistent with:

- Chapter 1, "How to Use the Plan,";
- the intent for all residential districts as stated in Chapter 2, "Residential Element"; and
- Policies 3, 6, 8, 9, 11 and 13 of Chapter 6, "Transportation Element," of said plan.

Regardless, it is noteworthy that the building at 357 Bannatyne Avenue is to be converted into an office use and that there is no space to provide on-site parking. If part of all of the parking lot at 129 Dagmar Street is sold to the owners of 375 Bannatyne, it may provide the Sudanese Community Cultural and Resource Centre with the funds it needs to provide better services to the community. If this is to be implemented, the proposed secondary plan amendment and the proposed rezoning would not be required.

Recommendations

If By-law 41/2010 is further amended in accordance with Recommendations "A" and "B" of this report (which are in the section "Recommendations") and comes into force, the proposed amendment would allow a non-accessory parking lot only on Lots 7 to 11, Plan 33086 without compromising the integrity of said plan because the proposed amendment would allow a non-accessory parking lot only on the conditions that:

- Lots 7 to 11, Plan 33086, are consolidated into one lot; and
- a community facility is on said new lot.

If By-law 41/2010 is further amended in accordance with Recommendation “C,” the by-law would be consistent with the recent change of the Legal Services Division into the Legal Services Department.

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

Report Prepared by: J. Glen Doney

PPD File SPA 3/2009

Figure 1 of Attachment 1: Existing Land Use, 2009 aerial photography

June 2010

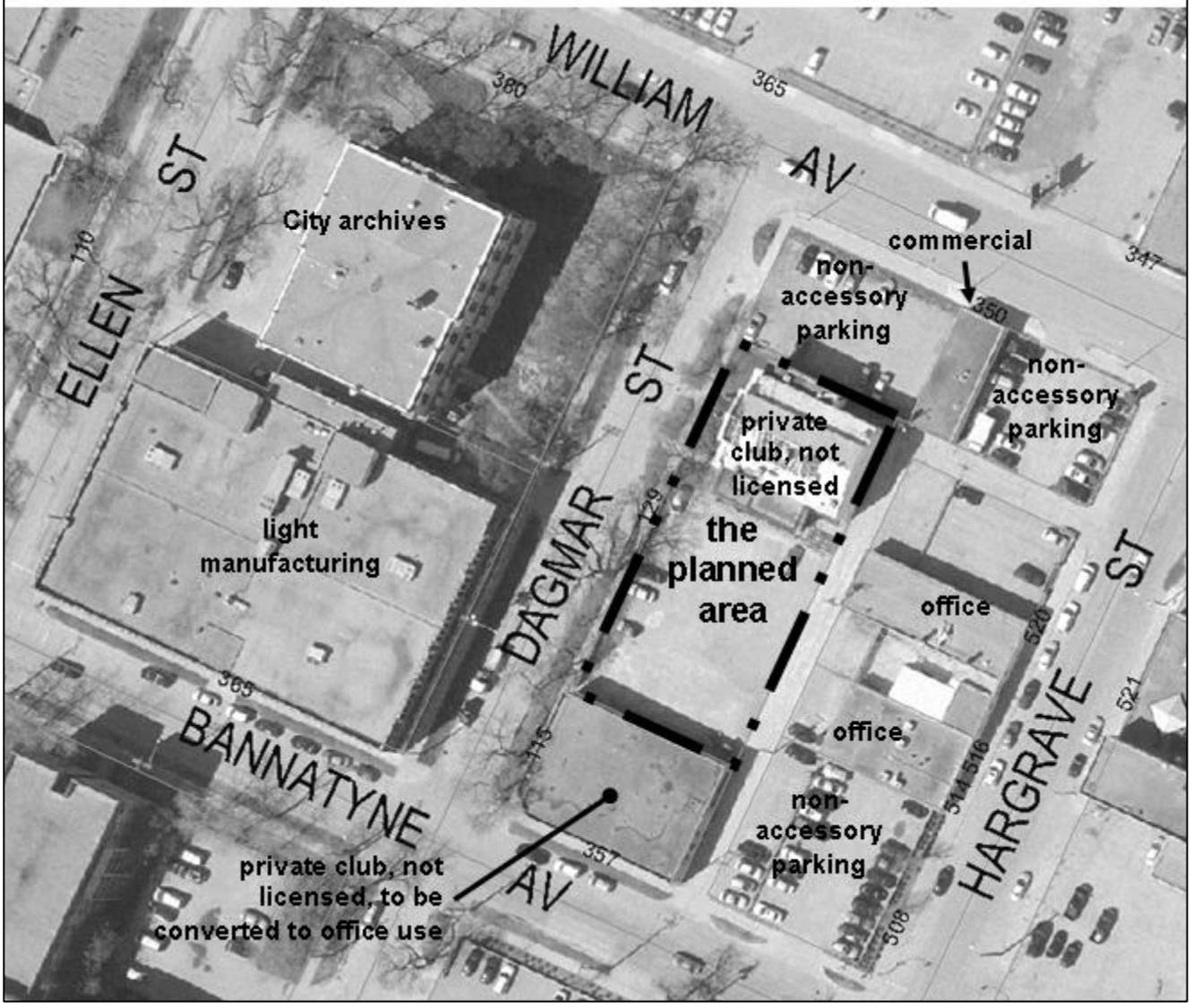


Figure 2 of Attachment 1: Existing Policy Areas of the Secondary Plan

June 2010

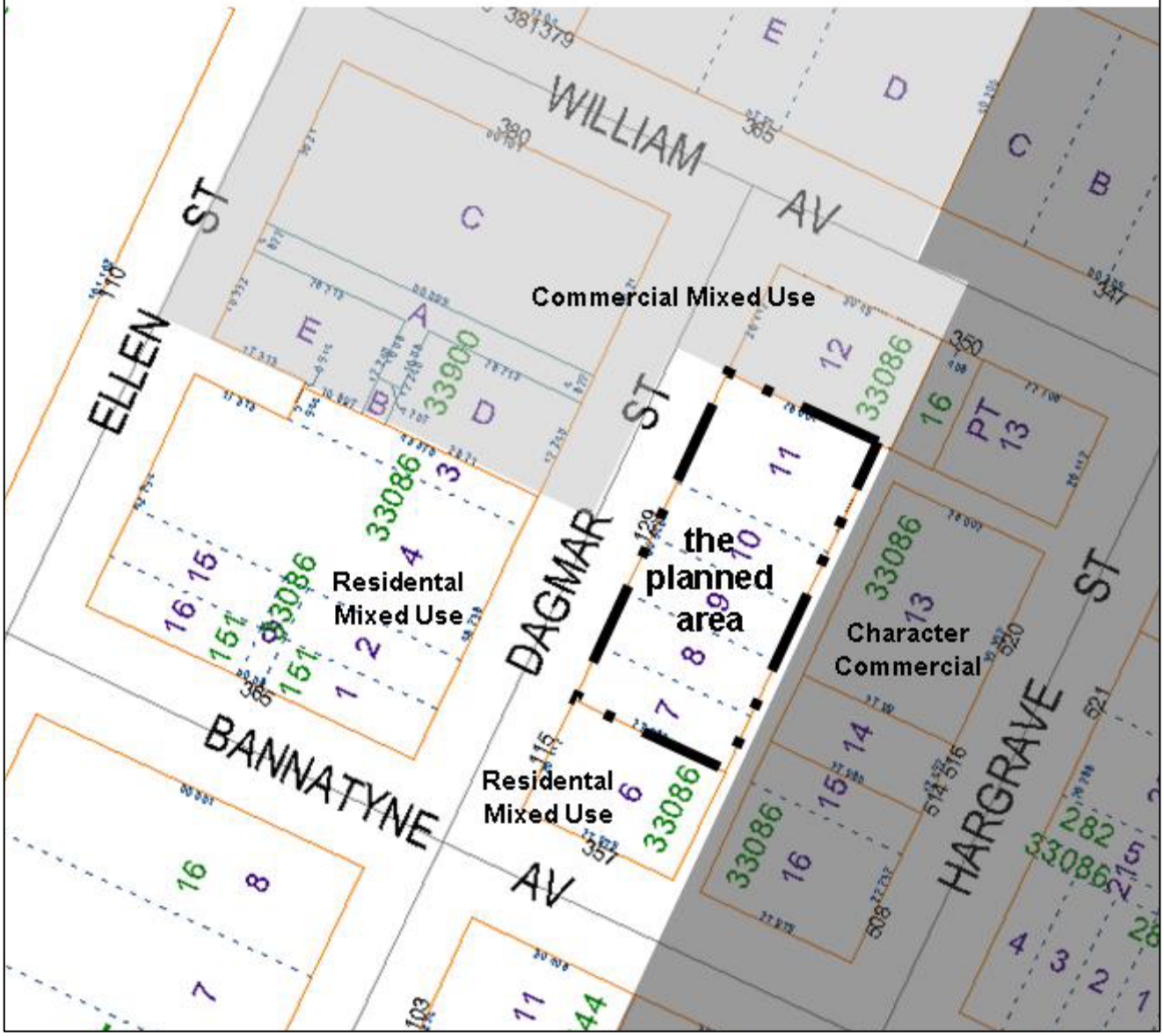
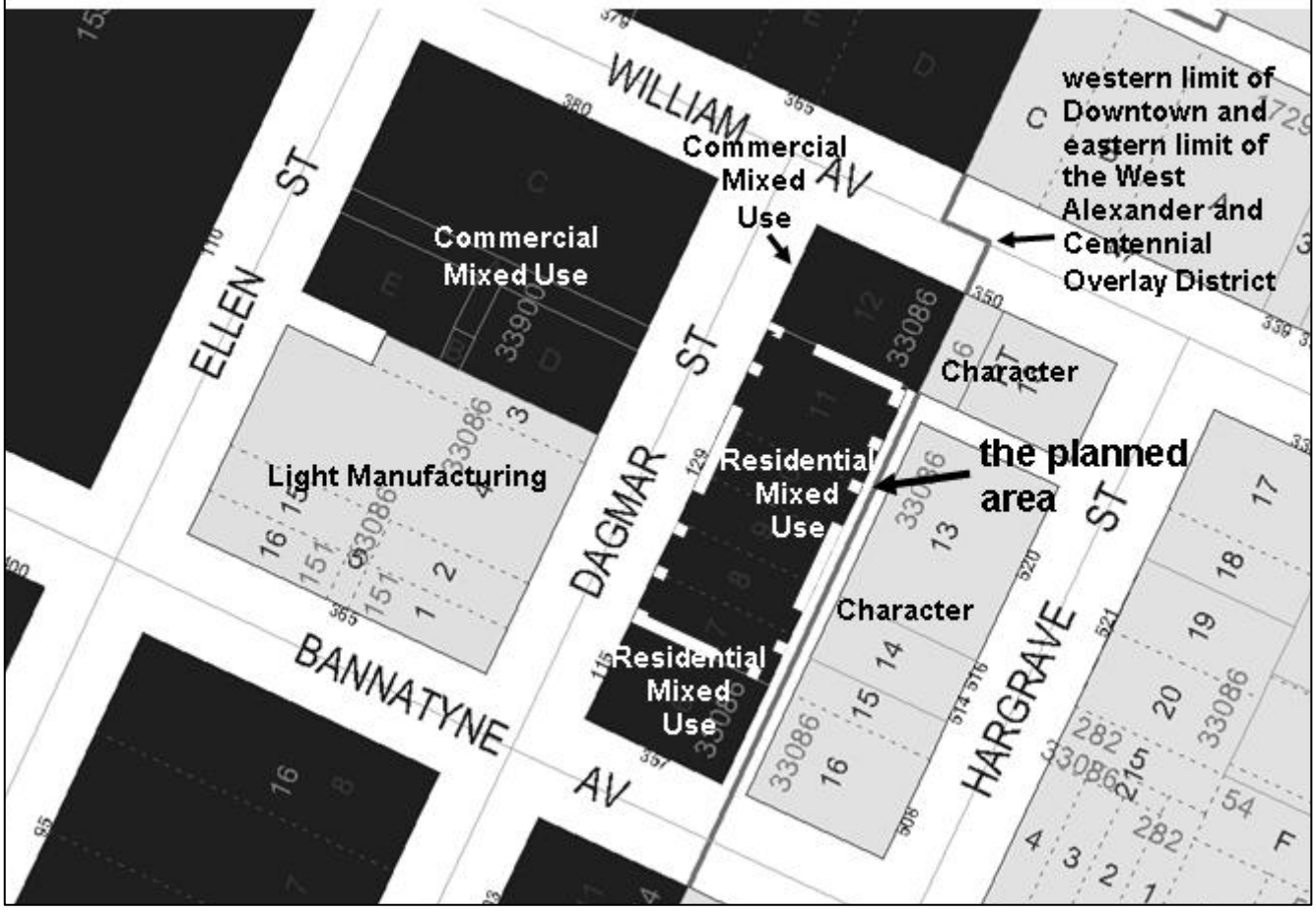


Figure 3 of Attachment 1: Existing Zoning, By-laws 200/2006 and 100/2004

June 2010



Schedule "A" By-law No. 41/2010

THE CITY OF WINNIPEG

BY-LAW NO. 41/2010

A By-law of THE CITY OF WINNIPEG to amend the West Alexander & Centennial Neighbourhood Plan By-law No. 64/2008

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The West Alexander and Centennial Neighbourhood Plan By-law No. 64/2008 is amended as follows:

   a. In Chapter 2, under "Residential Mixed-Use Policies," in Policy 4, in the second sentence of the bulleted text, the period after "accommodated" is struck out and the following is substituted:

      ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

   b. In Chapter 6, "Transportation Element," in Policy 4, the semi-colon after "areas" is struck out and the following is substituted:

      ", except that non-accessory parking lots may be accommodated on Lots 7 to 11, Plan 33086, and/or on the same lands should said lots of Plan 33086 be consolidated into one lot under a new plan of subdivision."

RECEIVED FIRST READING on this	28	day of	April	,2010.
RECEIVED SECOND READING on this		day of		, 2010.
RECEIVED THIRD READING on this		day of		, 2010.
DONE AND PASSED this		day of		,2010.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____
for Director of Planning, Property and Development

Approved as to form:

_____
for Director of Legal Services and City Solicitor.