Agenda - Council – December 15, 2010

Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 16 Secondary Plan Amendment – 408 Elgin Avenue – SPA 1/2010 [c/r DASZ 19/2010, DCU 137862/2010D, DAV 137871/2010D] (Point Douglas Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2010, 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. 102/2010, an amendment to the West Alexander & Centennial Neighbourhood Plan (By-law No. 64/2008), be forwarded to Council for second and third readings, with the following amendments:

    a. By striking out the wording of Section "a" after "the following is substituted:" and substituting the following:
    ";
    iii) except that non-accessory parking areas may be accommodated on Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plan 32328 and Plan 43 be replaced by a new plan of subdivision, provided that the development is compatible with the surrounding residential land uses."

    b. By striking out the wording of Section "b" after "may be accommodated on" and substituting the following:
    "Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plans 32328 and 43 be replaced by 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.

Report - Standing Policy Committee on Property and Development – December 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 6, 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 November 23, 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 – 408 Elgin Avenue**
File SPA 1/2010 [c/r DASZ 19/2010, DCU 137862/2010D,
DAV 137871/2010D]

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: **November 25, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 23, 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. 102/2010, 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 "a" after "the following is substituted:" and substituting the following:
    ";
    iii) except that non-accessory parking areas may be accommodated on Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plan 32328 and Plan 43 be replaced by a new plan of subdivision, provided that the development is compatible with the surrounding residential land uses."

    b. By striking out the wording of Section "b" after "may be accommodated on" and substituting the following:
    "Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plans 32328 and 43 be replaced by a new plan of subdivision."

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

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 15, 2010.

2. The subject neighbourhood is in transition and accordingly, previous amendments to the subject secondary plan have been made.

3. The applicant on behalf of the client has made a concerted effort to consult with the neighbourhood, employs local residents, and through its business has vested a long-term interest in the neighbourhood.

PUBLIC HEARING SUMMARY

File: SPA 1//2010 [c/r DASZ 19/2010, DCU 137862/2010D, DAV 137871/2010D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: November 23, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Ross Mitchell

Subject:



Premises Affected: Elgin Avenue

Exhibits Filed:

1. Application dated June 30, 2010
2. Notification of Public Hearing dated October 14, 2010
3. Council Decision of September 22, 2010; contains report from the Director of Planning, Property and Development dated August 26, 2010
4. First Reading of By-law No. 102/2010 by Council on September 22, 2010
5. Manitoba Status of Titles 2013945 and 2225550

6a. Letter of authorization dated May 27, 2010 from Bao Trinh to Ross Mitchell

6b. Letter of authorization dated July 14, 2010 from 74579 Manitoba Ltd., to Ross Mitchell
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated November 15, 2010
9. Inspection Report
10. Communication from Kathy Trinh, Young's Trading, in support of the application, including photographs (3), and Plans (2), submitted at the public hearing
11. Petition in support of the application purporting to contain the signatures of 51 area residents, submitted by Kathy Trinh, Young's Trading, at the public hearing
12. Communication from Gord Dong in opposition to the application, including photographs (4), submitted at the public hearing
13. Petition in opposition to the application purporting to contain the signatures of 72 area residents, submitted by Jose Vieira at the public hearing
14. Photographs (21) submitted by Jose Vieira at the public hearing
15. Communication dated November 17, 2010 addressed to Joe Vieira from Joe Pereira, Coldwell Banker Realty, with respect to the application, submitted by Jose Vieira at the public hearing
16. Audio Recording of representations

REPRESENTATIONS:

In Support:

Linda Eng
Ross Mitchell
Kathy Trinh, Young's Trading

In Opposition:

Chris Chapman
Catherine Collins
Jose Cruz
Fred Curry
Allison and G.L. Dong
Duane Fehr
Mamnel Gomes
Joe Pereira

Sean Teahaw
Jose, Jose and Elizabeth Vieira
Allan Wise

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File SPA 1//2010 [c/r DASZ 19/2010, DAV 137871/2010D, DCU 137862/2010D]

ADMINISTRATIVE REPORT

Title: SPA 1/2010 – 408 Elgin Avenue and lot

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	D. Joshi		

RECOMMENDATIONS

1. That By-law No. 102/2010, 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 "a" after "the following is substituted:" and substituting the following:

      ";

      iii) except that non-accessory parking areas may be accommodated on Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plan 32328 and Plan 43 be replaced by a new plan of subdivision, provided that the development is compatible with the surrounding residential land uses."

   b. By striking out the wording of Section "b" after "may be accommodated on" and substituting the following:

      "Lot 41, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plans 32328 and 43 be replaced by a new plan of subdivision."

REASON FOR THE REPORT

This report is for consideration of the application to amend the *West Alexander and Centennial Neighbourhood Plan* (the secondary plan) to allow an existing non-accessory parking area to be expanded.

The Winnipeg Public Service recommends approval of the application, with minor modifications, because it conforms to Plan Winnipeg and to several policies of the secondary plan.

Subdivision-rezoning, conditional use and variance applications must also be approved for the proposed development to proceed as it is currently proposed.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service regarding this application and the subdivision-rezoning, conditional use and variance applications are concurred in, the proposed development would have to be modified before a development permit can be issued.

HISTORY

On July 16, 2008, Council passed By-law 64/2008, which is the secondary plan *West Alexander and Centennial Neighbourhood Plan.*

On January 27, 2010, Council passed By-law 105/2009, a by-law to amend the *West Alexander and Centennial Neighbourhood Plan* to facilitate the construction of a hospital at the former Weston Bakery Site.

On September 22, 2010:

- Council gave First Reading to By-law 102/2010 (which is the by-law under File SPA 1/2010 – the subject of this report) and approved the scheduling of the application for a public hearing by the Lord Selkirk – West Kildonan Community Committee; and
- Council approved File SPA 3/2009, which is an application to allow non-accessory surface parking at 129 Dagmar Street, and stated its intention to give second and third readings to the amending by-law – By-law 41/2010 – at a future Council meeting.

CONSULTATION

In preparing this report there was consultation with Legal Services.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J.G. Doney
Date	November 15, 2010
File	SPA 1/2010

Appendices and Attachments

Appendix “A”- Planning Discussion
Attachment 1 – By-law 102/2010, given First Reading

Appendix "A"

DATE:	November 13, 2010
FILE:	SPA 1/10
RELATED FILES:	DASZ 19/10, DAZ 14/10, DCU 10-137862/D and DAV 10 137871
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #:	3.102
SUBJECT:	For a Conditional Use under Zoning By-Law No. 200/2006 to permit the establishment of a non-accessory surface parking area.
LOCATION:	408 Elgin AVE and lot SW of Elgin and Ellen
LEGAL DESCRIPTION:	LOT 41 PLAN 32328 8/9 ST J
APPLICANT:	Ross Mitchell Genivar 10 PRAIRIE WAY WINNIPEG MB R2J 3J8
OWNER:	BAO TRINH 22 RIVERHAVEN GROVE WINNIPEG MB R2M 5S7
RECOMMENDATION:	Approval

REPORT SUMMARY

- The planned area is in the Centennial Neighbourhood and the Point Douglas Ward and consists of two lots with a combined area of approximately 11,000 square feet and a combined width of nearly 100 feet.
- The planned area encompasses non-accessory surface parking and undeveloped land.
- The planned area is in a Medium Density Residential policy area of the secondary plan and a Neighbourhood policy area of Plan Winnipeg.
- The proposal is to expand the existing, 15 space, paved, surface parking area into the undeveloped land by seven spaces and to landscape the north and east yards of the planned area.
- The proposed development and secondary plan amendment generally conform to Plan Winnipeg and several broader policies of the secondary plan.
- The proposed secondary plan amendment would allow non-accessory surface parking in the planned area only and only if it would be compatible with the surrounding residential land uses.

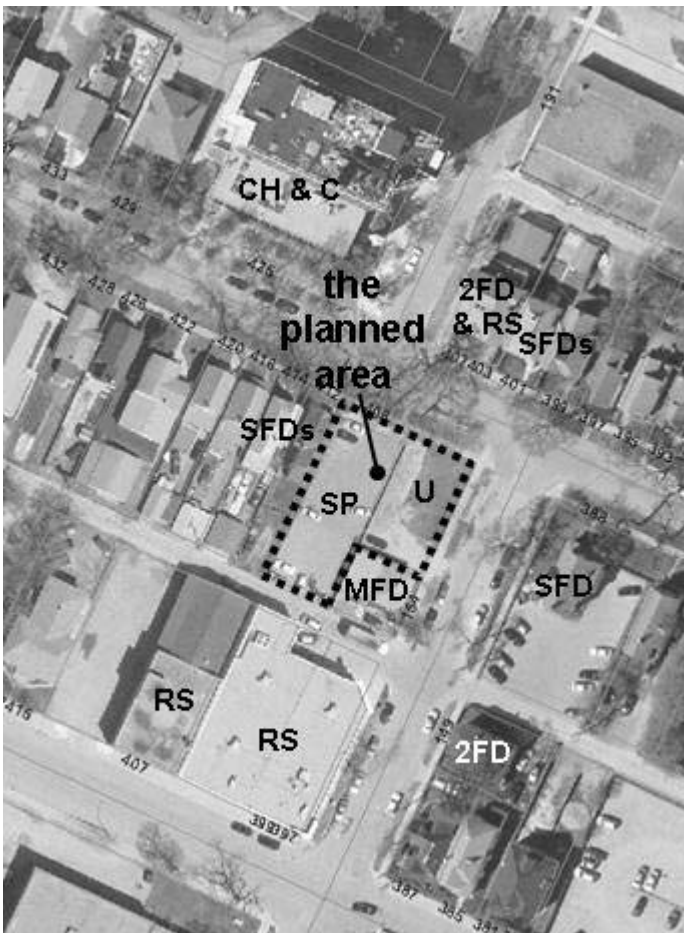
THE PLANNED AREA (THE SITE)

The planned area is in the Centennial Neighbourhood and the Point Douglas Ward. It is two lots with a combined area of approximately 11,000 square feet and a combined width of nearly 100 feet. The planned area fronts on Elgin Avenue flanks Ellen Street.

The following image identifies existing land uses on 2009 aerial photography.

It shows that the planned area:

- consists of surface parking (SP) as a principal use at 408 Elgin and undeveloped land (U) immediately east of the surface parking;
- is abutting a lot developed with a single-family dwelling (SFD) and another developed with a small multiple-family dwelling (MFD);
- is near single- and two-family dwellings (2FDs), retail sales uses (RS), a care home (CH) a clinic (C) and what appears to be non-accessory surface parking at 388 Elgin Avenue.



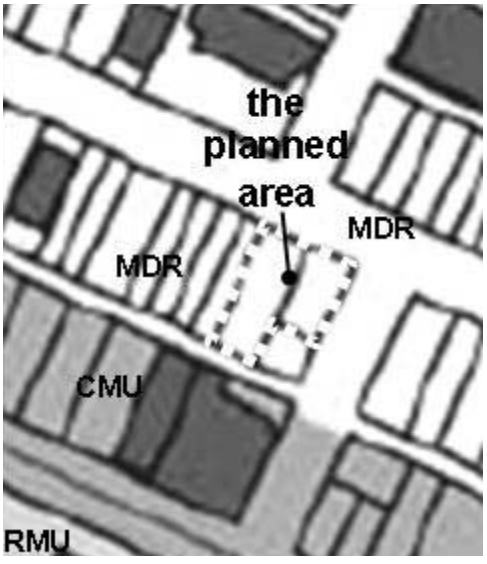
The surface parking existing in the planned area is used by customers of the specialty food store "Young's Trading," which is across the public lane that is south of the planned area. The applicant's letter of intent states that this store employs 20 people.

The image below-right identifies existing policy areas of the secondary plan. It shows that the planned area is: in a Medium-Density Residential area (MDR); near a Commercial Mixed-Use area CMR); and not far from a Residential Mixed-Use area (RMU).

The planned area is in a Neighbourhood policy area of Plan Winnipeg.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

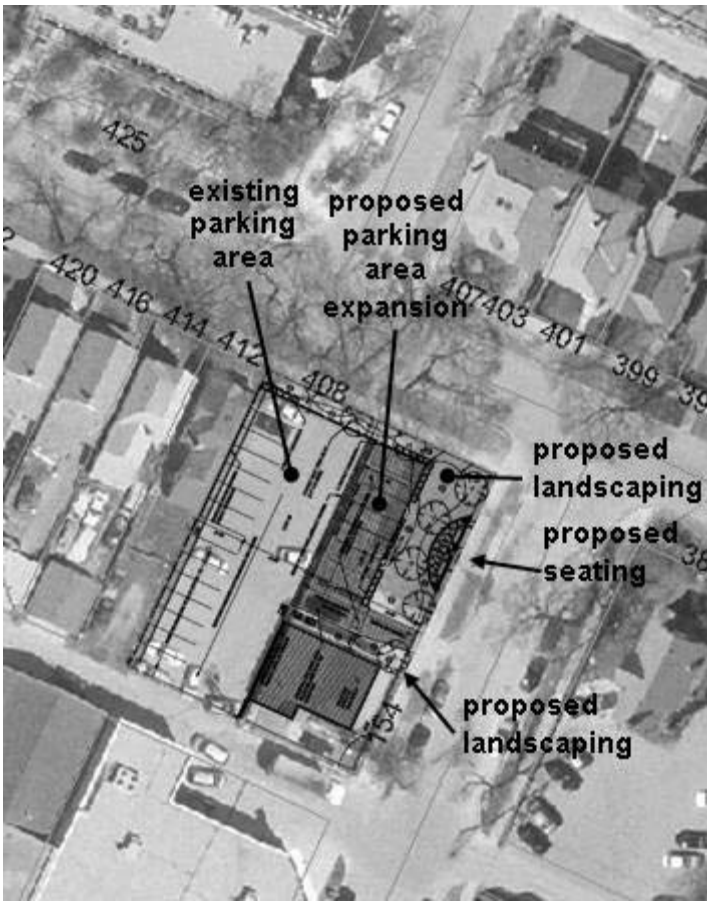
The proposal is to expand the existing paved-surface parking into the undeveloped land and to landscape the north and east yards of the planned area. The image on the next page shows that the proposed parking area would have 22 parking spaces, which is seven more than at present, and that the landscaping would include several shrubs, trees and two benches facing Ellen Street.



Before this development can proceed, the secondary plan must be amended (which is the subject of this report), a plan of subdivision showing the planned area as one lot must be created, the planned area must be rezoned and conditional use and variance applications must be approved.

THE SECONDARY PLAN GOALS AND POLICIES

The following summarises the secondary plan goals and policies that apply to the proposed development and the proposed secondary plan amendment.



Chapter 1 of the secondary plan states that the plan is "based on the concept of a Health and Wellness District – where principles of a healthy neighbourhood are valued, promoted, and shared." The plan states that "this concept is designed to recognize the unique assets that exist in the neighbourhood today and to build upon these strengths."

Chapter 1 states that 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";
- "…businesses and institutions thrive today and have an opportunity to grow and prosper in the future"; and
- "…a wide variety of employment opportunities are available and where new opportunities are continually presenting themselves."

Chapter 1 also states

> 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.

Chapter 2 states that the general intent for the residential districts is:

> 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.

With-respect-to the Medium Density Residential Area, Chapter 2 states:

> The general purpose of the Medium Density Residential area is to preserve a mixture of residential uses, accommodating the apartments that already exist, and maintaining single-family, duplex, and low/medium density multiple-family residential development, so that a variety of housing can continue to be provided in the area. A secondary purpose is to encourage compatibility of built form between the types of housing, to provide a consistent scale, and to maintain the interesting qualities and characteristics of the streetscape.

Policy 3 of the Medium Density Residential polices of Chapter 2 states that commercial uses (which includes non-accessory parking) are prohibited in this policy area except along portions of William and Bannatyne Avenues.

Key transportation policies of Chapter 6 of the plan are as follows:

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

Plan Winnipeg

The proposed development and associated secondary plan amendment application generally conform to Plan Winnipeg and, in particular, to:

- Policy 1B-01, *Support Neighbourhood Revitalization*, which states: “The City shall support neighbourhood revitalization... by… encouraging targeted private sector investment in neighbourhoods including the provision of… local services”;
- Policy 3A-01, *Promote Orderly Development*, which states: “The City shall promote orderly development… by… considering the Neighbourhood designation to signify areas of local

identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other…"

It conforms to Policy 1B-01 because, as previously stated, the proposed expansion is of a non-accessory parking area that is intended for customers of the food store, which can be considered to provide a local service.

It conforms to Policy 3A-01 because, as previously stated, after the proposed expansion, the parking area would have 22 parking spaces, which is at a scale that is compatible with the neighbourhood. Furthermore, the development would replace an undeveloped lot with surface parking and landscaping and would add landscaping to the existing surface parking.

In terms of Plan Winnipeg, the proposed development and secondary plan amendment are reasonable because they conform to Plan Winnipeg.

The Secondary Plan

The proposed development and secondary plan amendment are consistent with:

- the goal of the secondary plan for a "healthier, more sustainable community that will… create and reinforce a well designed, liveable… community" (from Chapter 1) because the proposed landscaping would be of a relatively high quality;
- the general intent for the residential policy areas of the secondary plan, which includes the encouragement of "more housing in locations with convenient access to employment opportunities and a broad range of community and commercial facilities" (from Chapter 2) because the proposed development is for customers of a food store that employs several people and provides a service to the neighbourhood;
- a secondary purpose of the secondary plan, which is to encourage compatibility of built form between the types of housing, to provide a consistent scale, and to maintain the interesting qualities and characteristics of the streetscape (from Chapter 2) because, as previously stated, the proposed landscaping would be of a relatively high quality;
- the following transportation policies of the secondary plan (from Chapter 6):

  "3. Require the design of parking structures and areas to be well-integrated with the neighbourhood, as well as the building(s) they serve;"

  "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;" and

  "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;"

  because, as previously stated, the proposed landscaping would be of a relatively high quality and because the existing parking area is, and the proposed expansion would be, paved.

Clearly, the proposed development does not conform to the following policies, which are proposed to be amended under the application that is the subject of this report:

- Policy 3 of the Medium Density Residential polices of Chapter 2, which states that commercial uses (which includes non-accessory parking) are prohibited in this policy area except along portions of William and Bannatyne Avenues; or
- Policy 4 of Chapter 6, which states: "Prohibit the expansion or creation of any non-accessory surface parking area, in residential and in commercial mixed-use and character areas."

In terms of the secondary plan, the proposed development and secondary plan amendment are reasonable because:

- they conform to several broader policies of the secondary plan;
- non-accessory surface parking would only be allowed if it will be compatible with the surrounding residential land uses; and
- they are specific to the planned area, part of which is in use as a non-accessory parking area (that was lawfully established) and part of which is undeveloped, thereby not resulting in the demolition of any building.

REASONS FOR THE RECOMMENDATIONS

The Winnipeg Public Service recommend that By-law 102/2010, an amendment to the *West Alexander & Centennial Neighbourhood Plan* (By-law 64/2008), be forwarded to Council for second and third readings, with amendments to ensure that:

- the legal description correctly describes the planned area, which is Lot 41, Plan 32328 and Lot 62, Plan 43; and
- the policy states that non-accessory parking is allowed in the planned area provided that the development is compatible with the surrounding residential land uses, but not to require the planned area to maintain a residential character because that is not a reasonable expectation for a parking area.

Lastly, the recommendations of the Winnipeg Public Service regarding the subdivision-rezoning application, which are in the report for File DASZ 19/10, are to ensure the development would be compatible with the neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by J. Glen Doney
PPD File SPA 1/2010

Attachment "A" – By-law 102/2010

THE CITY OF WINNIPEG

BY-LAW NO. 102/2010

A By-law of THE CITY OF WINNIPEG to amend the West Alexander and 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* "Medium Density Residential Policies," *in Policy 3, after the last sentence, the period after* "occupied" *is struck out and the following is substituted:*

";

ii) except that non-accessory parking areas may be accommodated on Lots 41, 42 and 62 Plan 32328, and/or on the same lands should said lots of Plan 32328 be replaced by a new plan of subdivision, provided that the development is compatible with the surrounding residential land uses and that the residential character of the structure and property is maintained."

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

"except for the following:"

and the following is inserted as the next available sub-section:

"non-accessory surface parking areas may be accommodated on Lots 41 and 42, Plan 32328 and Lot 62, Plan 43 and/or on the same lands should said lots of Plan 32328 and Plan 43 be consolidated into one lot under a new plan of subdivision."

RECEIVED FIRST READING on this	day of	, 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:

_____
Samantha Owen for Director of Legal Services and City Solicitor