Minute No. 44
Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 6 Text Amendment - Academy Road Neighbourhood Main Street Planned Development Overlay-1
(River Heights - Fort Garry Ward)
File DAZ 208/2010

COUNCIL DECISION:

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

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule O, the Academy Road Neighbourhood Main Street PDO-1 (Appendix "B") to the report of the Winnipeg Public Service dated September 27, 2011, with the following amendment:

   A. That the west boundary of Area 1A include the property at 500 Academy Road as per Schedule A (Exhibit 17) which replaces Map 1: Academy Road Principal Overlay Map (in Appendix "B").

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 – November 1, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Recommendation 1. by adding the following after "September 27, 2011,"

  "with the following amendment:

  A. That the west boundary of Area 1A include the property at 500 Academy Road as per Schedule A (Exhibit 17) which replaces Map 1: Academy Road Principal Overlay Map (in Appendix "B")"

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

RE: **Academy Road Neighbourhood Main Street Planned Development Overlay**
File DAZ 208/2011

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

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **October 6, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule O, the Academy Road Neighbourhood Main Street PDO-1 (Appendix "B") to the report of the Winnipeg Public Service dated September 27, 2011, ***with the following amendment:***

    A. That the west boundary of Area 1A include the property at 500 Academy Road as per Schedule A (Exhibit 17) which replaces Map 1: Academy Road Principal Overlay Map (in Appendix "B").

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

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

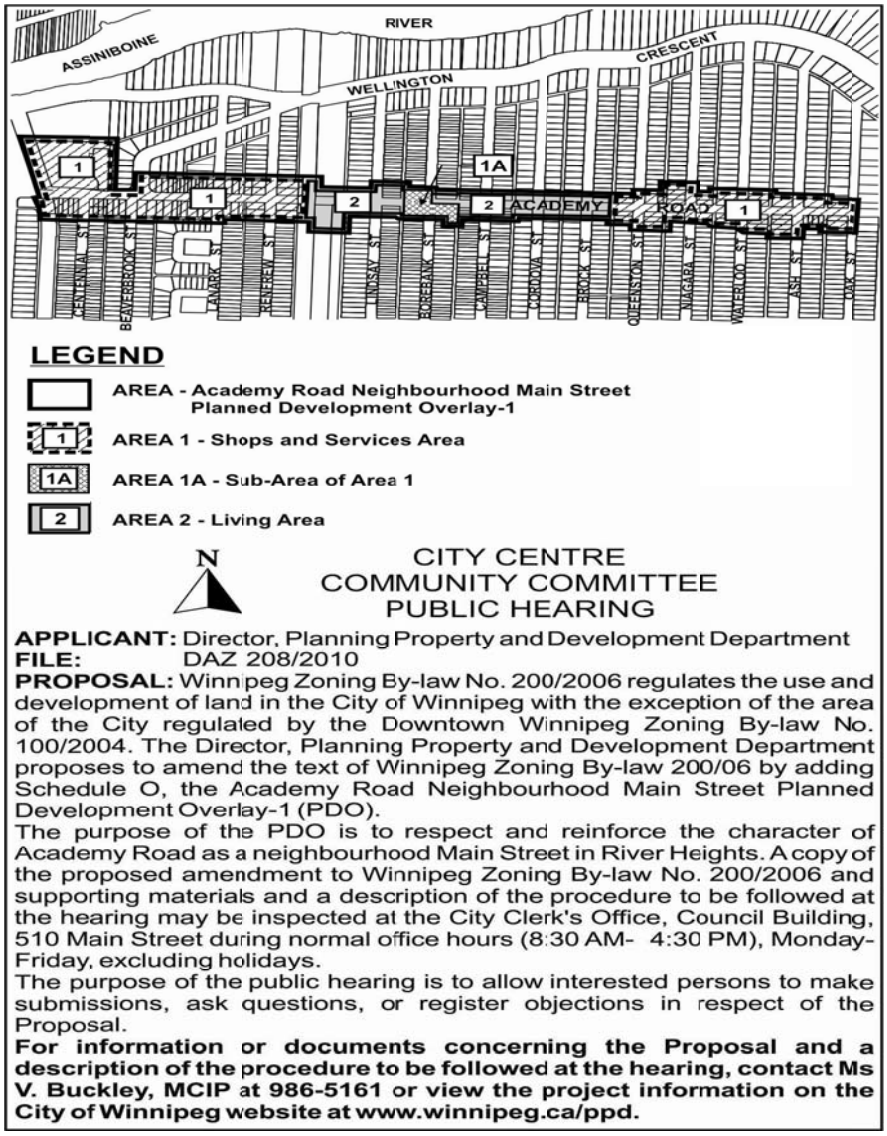
The City Centre Committee provided the following supporting reason(s) for its recommendation:

1. Adding 500 Academy Road is logical, the owner of property has been diligent to find solutions for the property.

2. The restriction on mobile signs still allows individuals to apply for a variance for mobile signs, allowing the City to ensure proper signage is being used.

PUBLIC HEARING SUMMARY

File:	DAZ 208 /2010
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow Councillor Smith
Public Hearing:	October 5, 2011 North Committee Room, Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development
Subject:	



Exhibits Filed:

1. Application dated April 9, 2010
2. Statutory Public Notice (newspaper advertisement)
3. Report from the Planning and Land Use Division dated September 27, 2011
4. Communication dated October 3, 2011, from Jonathan Holt, in opposition to the application
5,. Communication dated October 3, 2011, from Vern Taylor, in support of the application
6. Communication dated October 3, 2011, from the Academy Road BIZ, submitted by Jeff Kerr, Treasurer, in opposition to the application
7. Communication dated October 5, 2011, from Jeff Kerr, in opposition to the application

8. Communication dated October 5, 2011, from Sandy Polanski, in opposition to the application
9. Communication dated October 5, 2011 from Praise Okwumabua, in opposition to the application
10. Communication dated October 5, 2011, from Mindy Moss, in opposition to the application
11. Communication dated October 5, 2011, from Cathie McDowell, in opposition to the application
12. Communication dated October 5, 2011, from Debby Mackenzie, in opposition to the application
13. Presentation, in support of the application, submitted by the applicant at the public hearing
14. Presentation, in support of the application, submitted by Martin Sandhurst at the public hearing
15. Presentation, in support of the application, submitted by Denise Lavoie
16. Presentation, in opposition to the application, submitted by Barb Miles
17. Schedule A, submitted by the applicant at the public hearing
18. Audio Recording of representation

REPRESENTATIONS:

In Support:

Ms V. Buckley, Senior Planner, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Jacqueline East
Academy Road BIZ
Denise Lavoie
Martin Sandhurst, on behalf of Denise Lavoie
Alan Slavner
Vern Taylor
Rhonda Uretsky

In Opposition:

Christine Edwards
Jonathan Holt
Jeff Kerr
Tracy Edmonds Leckie

Pat Lewyc
Cathie McDowell
Debby McKenzie
Barb Miles
Mindy Moss
Praise Okwumabua
Tony Pesce
Sandy Polanski

For Information:

Scott MacDonald
Anthony Pesce

For the City:

Nil

Exhibit "3" referred to in File DAZ 208/2010

ADMINISTRATIVE REPORT

Title: **DAZ 208/2010 - Academy Road Neighbourhood Main Street Planned Development Overlay**

Issue: **For consideration at the public hearing for a Zoning By-law text amendment - DAZ 208/2010**

Critical Path: **City Centre 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	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule O, the Academy Road Neighbourhood Main Street PDO-1, attached as Appendix "B".
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

Under subsection 4(2.01) of the Development Procedures By-law, a proposed Zoning By-law which would establish or amend the text of a Zoning By-law (including establishing or amending a planned development overlay district) without changing the zoning classification of any land and would affect land in only one community shall be referred to the community committee for the community in which the land is located to conduct the public hearing. This report proposes to amend the text of the Winnipeg Zoning By-law to create a Planned Development Overlay specific to the Academy Road Neighbourhood Main Street area.

IMPLICATIONS OF THE RECOMMENDATIONS

- Policy implications – The proposed Planned Development Overlay is consistent with the intent of policies in *OurWinnipeg* and *Complete Communities* for neighbourhood mixed use corridors (local collector streets that accommodate retail and mixed use forms of development in small clusters with low to medium density housing located between the clusters).
- Regulatory implications – Creates a new set of customized development and building rules in the Academy Road neighbourhood main street area. Existing uses that do not comply with the new rules will maintain a non-conforming right to continue, but will be subject to application of the new rules upon redevelopment, renovation, expansion or change of use.
- General implications – All new development within the PDO area will be subject to customized development and design standards to respect the unique character of the area. Adoption of a Planned Development Overlay will make the City's and community's expectations for development more transparent and predictable.

HISTORY

On September 8, 2009 the Standing Policy Committee on Property and Development referred the recommendation of the City Centre Community Committee for a preliminary review, analysis and recommendations regarding a planning study, Planned Development Overlay (PDO), or Secondary Plan for Academy Road, coincident with the boundaries of the Academy Road Business Improvement Zone, to the Winnipeg Public Service for inclusion in the Secondary Plan Priorities review.

The Winnipeg Public Service determined the PDO to be the most effective tool as it will create a set of customized design and development standards for the Academy Road area. (See further discussion about PDOs in Appendix A).

The PDO is an enabling framework to protect and enhance the character of Academy Road as a neighbourhood main street area. New provisions in the PDO will shape how buildings and spaces in the Academy Road area develop. The PDO will be more permissive than the current zoning by-law for some commercial and mixed use development and will include more comprehensive design standards to 'raise the bar' on urban design. Customized rules will be applied in each section of Academy Road to reflect the unique character and vision for that area. The following design elements are addressed:

- building height and form
- parking and loading
- building placement
- signage
- land use
- building and site design

New development applications will be reviewed by the Winnipeg Public Service in the context of the PDO. The PDO is not retroactive and does not apply to existing development or applications in process prior to adoption of the PDO.

Following is a summary of the key changes to the zoning by-law proposed for the PDO:

In Areas 1 and 1A:

- Some land uses will be regulated as Prohibited uses (e.g., advertising signs, cheque cashing facilities, drive in or drive through, pawnshops).
- Outdoor dining/drinking areas will only be permitted in the front yard.
- Certain design and development standards will be established to manage the siting and massing of buildings and uses on lots to improve the quality of design and neighbourhood aesthetics. This includes enhanced requirements for building height, front yards, signage, and

accessory parking and loading areas. For example, the portion of a building exceeding 25 feet in height must be setback from the front property line at least 10 feet.
- The front yard setback may be increased (from 7') to 10' to accommodate pedestrian amenities and outdoor dining/drinking areas.
- Parking, loading and service areas must be located behind or beside buildings. (Note: Existing development standards require a landscaped buffer between parking and loading areas and residential uses).
- Electronic message centre, free-standing and mobile signs will not be permitted.
- Design standards will be enhanced to improve the quality of the streetscape (e.g., entrances to face Academy Road, minimum 30% of façade in windows, façade articulation, roof articulation).

In Area 1:
- Restaurants will be made subject to a Use Specific Standard to limit their size to 2,500 sq ft.

In Area 1A:
- Some land uses will be regulated as Prohibited uses (drinking establishments).
- Restaurants will be made subject to a Use Specific Standard to limit their size to 1,500 sq ft.

In Area 2:
- Commercial Sales and Service uses will be changed from Permitted and Conditional uses to Prohibited uses (including accommodation, animal sales and service, food and beverage services, offices, personal services, retail sales, restricted uses, advertising signs).

Other issues were identified by the stakeholders and participants during the consultation process. The consulting team recommended that the following items be brought forward for consideration. The Winnipeg Public Service response to each is provided below:

Issue 1: Broader approach to streetscaping
Consultant's comments: There was extensive discussion about many elements relating to the streetscape during public engagement sessions. These included: hydro poles, street lighting and decorative street features. Residents of Academy Road felt that these components were imperative to creating the desired character of the street.

Winnipeg Public Service response: At the present time, there are no funds set aside in the City's Capital Budget or in the Building Communities Initiative (BCI) program for streetscaping initiatives along Academy Road.

Issue 2: Pedestrian safety along Academy Road
Consultant's comments: Extensive discussion took place around the issue of pedestrian safety along Academy Road, even at its current density. Requests were put forward for the completion of a traffic impact assessment and the identification of new locations for pedestrian crossings specifically, one in each of the west and east to ensure that all pedestrians have a safe location to cross. Traffic calming measures were also discussed and were a concern for area residents. A traffic and safety study could be undertaken to determine the best locations for pedestrian crossings and traffic calming measures. In addition, the study could examine if Academy Road can indeed support a potential increase in traffic volume if density were to increase as a result of the provisions in the PDO.

Winnipeg Public Service response: Academy Road is a Regional Street and the Public Works Department would not normally install traffic calming measures (e.g., curb bump-outs) on a Regional Street with a limited right-of-way in a mature neighbourhood. Changes to increase capacity on Academy may focus on peak period parking restrictions to accommodate increased vehicle volumes. This concept would require additional analysis and review by the Public Works Department. Public Works advises that there are no plans to undertake an area wide traffic study in River Heights. Traffic studies are normally triggered by individual development applications.

FINANCIAL IMPACT

Financial Impact Statement **Date:** **September 23, 2011**

Project Description

DAZ 208/2010 - Academy Road Neighbourhood Main Street Planned Development Overlay

COMMENTS:

The recommendations contained in this report are that Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule O, the Academy Road Neighbourhood Main Street PDO-1, attached as Appendix "C" and that the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

There are no financial implications associated with this report.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

- Legal Services, as to legal issues
- Public Works

SUBMITTED BY

Department: Planning Property and Development Department
Division: Planning and Land Use
Prepared by: Valdene Buckley, MCIP
Date: September 27, 2011
File No. DAZ 208/10

Attachments:
Appendix A: Planning Discussion
Appendix B: Draft Amending By-law and Schedule O – Academy Road Neighbourhood Main Street Planned Development Overlay-1

O:\Reports Directive\Planning and Land Use\Long Range Planning\DAZ 208 10 Academy Rd PDO RIS rpt CCCC FIS.doc

Appendix "A"

Planning Discussion

The Winnipeg Zoning By-law provides for the creation of Planned Development Overlays (PDOs). A PDO allows zoning rules to be customized for a unique or special area to achieve local planning objectives. The Overlay modifies the bundle of development standards applied to each property. Guidance in drafting the rules typically flows from a small area or Secondary Plan adopted in the area.

In January 2010 a consulting team consisting of Dillon Consulting and McGowan Russell was hired to undertake a neighbourhood visioning exercise and prepare a PDO for Academy Road. The team conducted a public consultation program consisting of facilitated sessions and open houses with residents, business owners, BIZ members and property owners. Two vision workshops were held (February 20/23, 2010). This set of workshops provided both an evening and a Saturday morning option to increase opportunities for both residents and business owners to participate. The workshops were advertised by an 8,000 count flyer drop in the surrounding neighbourhood. Posters were placed in storefront windows along Academy Road. A total of 79 attended the combined sessions. A public open house was held on March 23, 2010 to present a summary of the visioning workshops and gain additional public input. A total of 100 registered at the session. The ward councillor conducted some informal focus group discussions targeted at specific groups in the neighbourhood after the formal consultation program.

The following intent statements were drafted for each of the respective character areas based on input from the early rounds of public consultation. These intent statements function as mini visions for each area and were then used to draft the detailed regulations for the PDO by-law:

Academy East and West Areas

- To promote and encourage a unique and vibrant small business district
- To minimize the impact of commercial businesses on adjacent residential areas
- To maintain a pedestrian oriented environment that is interesting and promotes walking
- To respect the existing form and character

Academy Central Area

- To maintain a pedestrian oriented environment that is interesting and promotes walking
- To balance the residential and commercial components of the street
- To maintain and enhance the public street so that it is comfortable and encourages pedestrians while facilitating other forms of transportation

The East and West Areas of Academy were named the Academy Shops and Services Area (Area 1) to reflect the commercial and retail services provided to the neighbourhood and city at large. A small node of existing commercial development at the intersection of Borebank and Academy is also similar in land use and character to the East and West Areas and was designated as a sub-area of Area 1. The Shops and Services Area is currently underdeveloped relative to opportunities presented by the existing zoning which would allow buildings up to 39' or approximately 3 stories in the C1 zoning district and 49' in the C2 zoning district. The Central Area was named the Academy Living Area to reinforce that it remains primarily residential despite increasing pressures to commercialize.

The local ward Councillor convened an additional round of consultation with the neighbourhood over the past year prior to bringing the PDO forward to a public hearing. As a result of those discussions, a few improvements were made to the PDO:

1. Move the western boundary of Area 1 at Brock and Academy to the lane between Brock and Queenston as the residential properties flanking Academy at Brock are better sized and positioned for residential, not future commercial development (i.e., they face Brock). This results in the expansion of Area 2 by one lot length to the east.

2. Extend the westernmost edge of the PDO to the lane east of Lockwood so that it covers all of the property under single ownership at 624 Academy. A portion of the former railway right-of-way was consolidated with an existing land holding, but the PDO boundaries do not follow the new property line. This should be corrected so the two coincide south of Academy. With the change, the PDO will apply to the entire property, not only to part of it.

It should also be noted that on July 5, 2011, the Standing Policy Committee on Property and Development passed a motion requesting that the Winnipeg Public Service conduct a review of electronic message centre signs with a report back requested within 180 days.

Non-conforming rights

Existing uses that do not comply with the new PDO rules will maintain a non-conforming right to continue, but will be subject to application of the new rules upon redevelopment, renovation, expansion or change of use. Generally the following principles apply:

- Any use within the PDO area which complies at the time of adoption of the PDO may continue as a non-conforming use. Where a non-conforming use is discontinued for 12 consecutive months, the land or building may not be used unless it is brought into conformity with the by-law.
- The PDO proposes that some uses which are currently permitted under the C1 and C2 zoning districts would be prohibited under the PDO and would therefore become non-conforming. These existing uses would be allowed to continue in perpetuity providing the use was not discontinued for longer than 1 year.
- In general, the expansion of a non-conforming use is not allowed.
- Expansion of a non-conforming structure must be in compliance with the Zoning By-law and the new PDO regulations.

Appendix "B"

THE CITY OF WINNIPEG

BY-LAW NO. /2011

A By-law of The City of Winnipeg to amend the Winnipeg Zoning By-law No. 200/2006 to adopt the Academy Road Neighbourhood Main Street Planned Development Overlay 1.

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

1 *The Winnipeg Zoning By-law No. 200/2006 is amended by adopting the attached document, entitled "Academy Road Neighbourhood Main Street Planned Development Overlay 1 (PDO-1 Academy Road)", as a Planned Development Overlay 1 district and adding it as Schedule O after Schedule N.*

2 *The Winnipeg Zoning By-law No. 200/2006 is amended by adding the following to Schedule B:*

3(6) The zoning districts and zoning boundaries are hereby located in accordance with the Academy Road Neighbourhood Main Street Planned Development Overlay 1 (Schedule O), and the Zoning Maps shall hereafter be read and construed in accordance with that overlay.

DONE AND PASSED this th day of , 2011.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____ _____
for Director of Planning, Property and Development

Approved as to form:

_____ _____
Samantha K.O. Murata
for Director of Legal Services and City Solicitor

SCHEDULE O
added TBD

ACADEMY ROAD NEIGHBOURHOOD MAIN STREET PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 ACADEMY ROAD)

Purpose

1 To respect and reinforce the character of Academy Road as a Neighbourhood Main Street to River Heights.

Applicability

2 PDO-1 Academy Road overlay district is shown on the attached map, identified as Map 1: Academy Road Principal Overlay Map (hereinafter referred to as "Map 1").

Development Standards

3 Except to the extent modified by the standards in this Schedule O, all standards of this By-law apply within the boundaries specified in the Principal Overlay Map (Map 1).

Area 1

4 Academy Shops and Services Area

Applicability

4.1 The Academy Shops and Services Area is shown as Area 1 and Area 1A on Map 1.

Intent

4.2 To respect and reinforce the character of Academy Shops and Services Area as a vibrant, intimate, and eclectic street by:

(a) promoting a high quality built form that accommodates and promotes a unique place for small shops, local businesses and urban living;
(b) minimizing the impact of commercial activity on adjacent residential properties to ensure neighbourhood harmony; and
(c) enhancing a street environment that promotes comfort, interest and pedestrian activity.

Permitted Use Regulations

4.3 The following uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Advertising sign;
(b) Cheque-cashing facility;
(c) Drive-in or drive-through; and
(d) Pawnshop.

4.4 In addition to subsection 4.3, the following uses are prohibited and are not allowed as permitted, conditional, accessory or temporary uses in Area 1A:

(a) Drinking establishments.

Use Specific Standards

4.5 Subject to subsection 4.6, the following use is limited to the specified maximum amount of gross floor area:

(a) Restaurant: 2,500 square feet

4.6 In Area 1A, the following use is limited to the specified maximum amount of gross floor area:

(a) Restaurant: 1,500 square feet.

4.7 Subject to subsection 4.4, outdoor dining/drinking areas are permitted in the front yard of commercial developments and are not permitted in the side or rear yards.

Development and Design Standards

Dimensional Standards

4.8 Development must comply with the dimensional standards in this subsection.

Height of Buildings

(a) Where multi-family dwelling or commercial development will exceed 25 feet in height, the portion exceeding 25 feet must be set back from the front building façade at a distance equal to or greater than 10 feet.

Additional Yard Requirements

(b) Subject to Schedule I, for the purpose of accommodating an otherwise approved park, plaza, square, outdoor dining/drinking area or other pedestrian amenity, a commercial or multi-family dwelling development may have a maximum front yard of 10 feet.

Development Standards for Parking and Loading

4.9 Accessory parking, loading and service areas must be located behind or beside buildings.

Signs

4.10 The following signs types are not permitted:

(a) Electronic message centre sign;
(b) Free-standing sign; and
(c) Mobile sign.

Design Standards

4.11 Development must comply with the design standards in this subsection.

Entryway Design and Location

(a) The main public entrance to multi-family dwellings and commercial developments must face Academy Road and be directly accessible from the public sidewalk.

Building Transparency

(b) Commercial development building façade area that faces the street must be composed of a minimum of 30 percent transparent materials. At least one half of this amount must be provided so that the lowest edge of the transparent materials is no higher than 4 feet above the street level.

Façade Articulation

(c) Multi-family dwellings and commercial developments that have a façade greater than 30 feet in length abutting a street, measured horizontally, must incorporate architectural features such as wall plane projections or recesses to visually interrupt the façade. No uninterrupted length of any building façade may exceed 30 horizontal feet, as depicted in illustration 1.

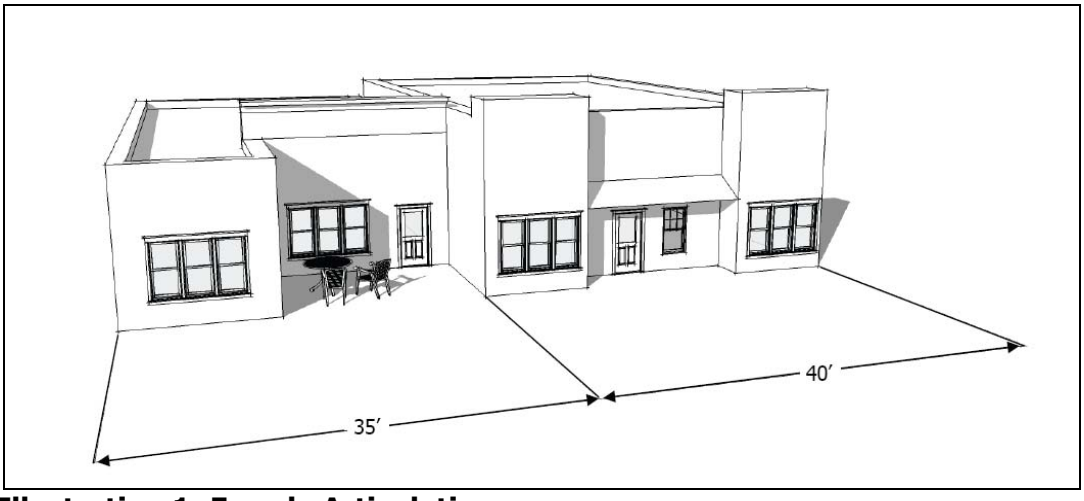


Illustration 1: Façade Articulation

Roof Articulation

(d) Multi-family dwellings and commercial developments are required to have at least one interruption in the roofline every 20 feet such as a gable or other break in the horizontal line of the roof ridgeline, as depicted in Illustration 2.

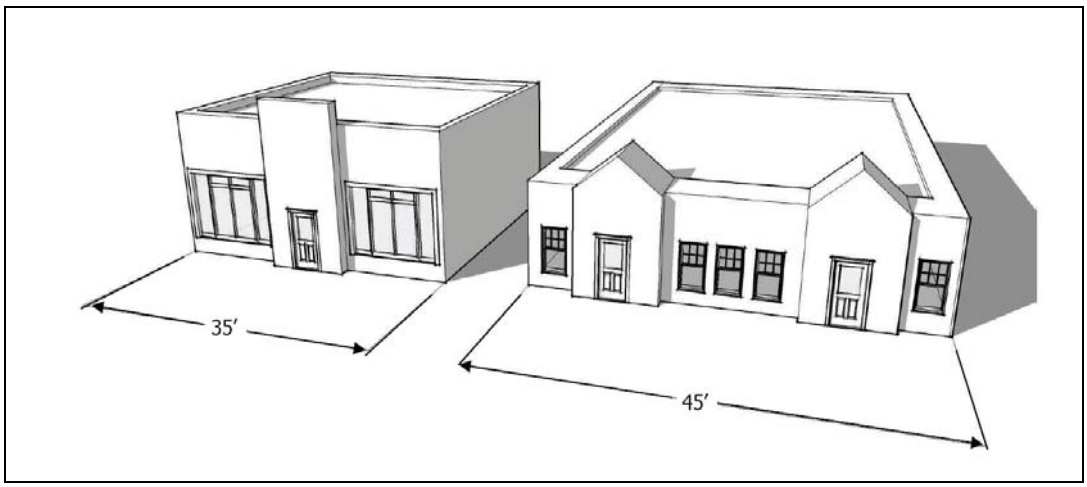


Illustration 2: Roof Articulation

Area 2

5 Academy Living Area

Applicability

5.1 The Academy Living Area is shown as Area 2 on Map 1.

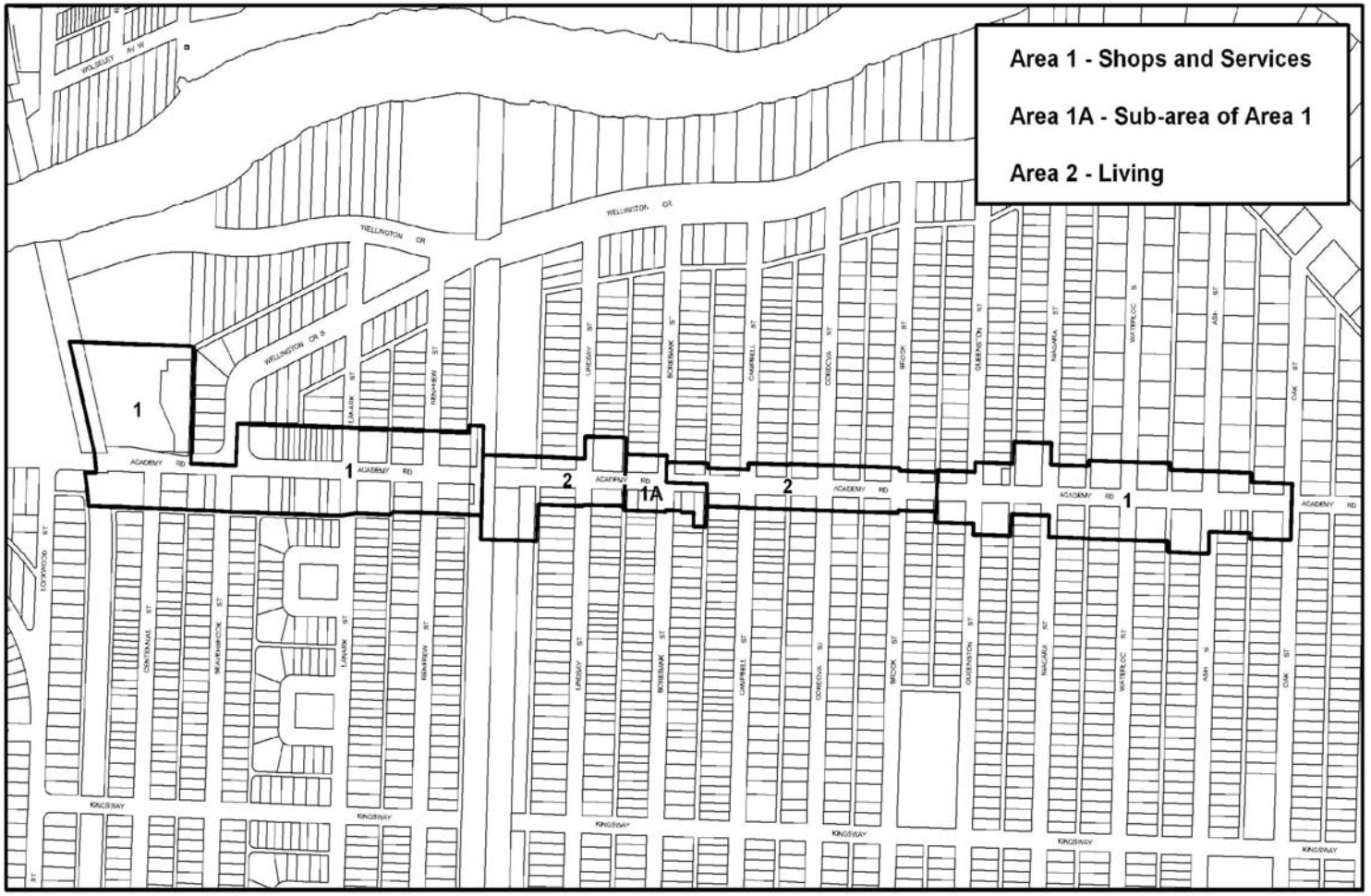
Intent

5.2 To maintain and respect the integrity of the existing residential neighbourhood, by prohibiting non-residential uses in the Academy Living Area.

Permitted Use Restrictions

5.3 The following uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Commercial Sales and Services uses.



Map 1: Academy Road Principal Overlay Map

Exhibit "17" referred to in File DAZ 208/2010

