Agenda – Council – April 25, 2012

Report – Standing Policy Committee on Property and Development – April 10, 2012

Item No. 5 Rezoning – 675 Jefferson Avenue
(Old Kildonan Ward)
File DAZ 230/2011

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/2011 dated March 12, 2012 to a "C2" Commercial Community District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the following uses shall not be permitted on the land:

            a. Advertising sign,
            b. Landscape or garden supplies,
            c. Auto/light truck/motorcycle, repair and service,
            d. Auto/light truck/motorcycle, sales and rental
            e. Auto parts and supplies, sales,
            f. Drive-in or drive-through,
            g. Fuel sales,
            h. Contractor's establishment,
            i. Recycling collection centre.

        ii. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade with a maximum sign surface area of 48 square feet,

        iii. That there shall be no mobile signs allowed on the entire site,

Report – Standing Policy Committee on Property and Development – April 10, 2012

iv. That for the development of any building and/or accessory parking area and/or freestanding signage and/or patio enclosure; plans shall be submitted showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, private approaches, fencing, patio enclosures, landscaping, exterior lighting and freestanding signage to the Director of Planning, Property and Development and to the Lord Selkirk-West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That Caveat 80-43803 be withdrawn as it affects Lot 36, Block 24, Plan 2266.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – April 10, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 10, 2012, 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 March 20, 2012, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated March 12, 2012, with the following amendment:

- Amend Recommendation 1.A.iv. by adding the words "and to the Lord Selkirk-West Kildonan Community Committee" after the words "Director of Planning, Property and Development", and before the words "for plan approval",

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

On February 14, 2012, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on March 20, 2012 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Rezoning – 675 Jefferson Avenue**
File DAZ 230/2011

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: **March 22, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 20, 2012, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the revised report of the of the Winnipeg Public Service dated March 12, 2012, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/11 dated March 12, 2012 to a "C2" Commercial Community District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That the following uses shall not be permitted on the land:

            a. Advertising sign,
            b. Landscape or garden supplies,
            c. Auto/light truck/motorcycle, repair and service,
            d. Auto/light truck/motorcycle, sales and rental
            e. Auto parts and supplies, sales,
            f. Drive-in or drive-through,
            g. Fuel sales,
            h. Contractor's establishment,
            i. Recycling collection centre.

        ii. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade with a maximum sign surface area of 48 square feet,

        iii. That there shall be no mobile signs allowed on the entire site,

        iv. That for the development of any building and/or accessory parking area and/or freestanding signage and/or patio enclosure; plans shall be submitted

showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, private approaches, fencing, patio enclosures, landscaping, exterior lighting and freestanding signage to the Director of Planning, Property and Development ***and to the Lord Selkirk-West Kildonan Community Committee*** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That Caveat 80-43803 be withdrawn as it affects Lot 36, Block 24, Plan 2266.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. The subject proposal, including the provision of housing upstairs, is a great project which will provide a valuable amenity and service to the neighbouring community and school.

PUBLIC HEARING SUMMARY

File: DAZ 230/2011

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

Public Hearing: March 20, 2012
February 14, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Arieh Kravets

Subject:



Premises Affected: 675 Jefferson Avenue

Exhibits Filed:
1. Application dated December 16, 2011
2. Notification of Public Hearing dated January 9, 2012
3. Manitoba Status of Title 2337066

4. Letter of authorization dated November 15, 2011 from Cynthia's Specialty Foods Inc. to A.B. Kravets
5. Surveyor's Building Location Certificate and sketch dated November 30, 2011
6. Zoning Agreement between The City of Winnipeg and Garden City Holdings Ltd. dated May 7, 1980
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated February 2, 2012
9. Inspection Report
10. Communication dated February 13, 2012, from Judy Herscovitch with respect to the application
11. Notice of Adjournment dated February 15, 2012
12. Revised Report from the Planning and Land Use Division dated March 12, 2012
13. Photograph submitted by Neil Minuk at the public hearing held on March 20, 2012
14. Communication from Allan Coppinger, Architect, DIN Projects, dated March 18, 2012 with respect to the application, together with accompanying Plans (3 pages), submitted by Neil Minuk at the public hearing held on March 20, 2012
15. Audio Recording of the public hearing held on March 20, 2012

REPRESENTATIONS:

In Support:

Boris Kravets
Neil Minuk

In Opposition

Nil

For Information:

Judy Herscovitch

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "12" referred to in File DAZ 230/2011

ADMINISTRATIVE REPORT

Title: DAZ 230/2011 – 675 Jefferson Avenue **REVISED**

Issue: For consideration at the Public Hearing for a rezoning from 'C1' Commercial Neighbourhood to 'C2' Commercial Community to accommodate the establishment of a new restaurant, deli, patio and 5 (five) dwelling units including the addition of second floor within the existing vacant building on site.

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	N/A	N/A	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 230/11 dated March 12, 2012 to a "C2" Commercial Community District, subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That the following uses shall not be permitted on the land:

         a. Advertising sign,
         b. Landscape or garden supplies,
         c. Auto/light truck/motorcycle, repair and service,
         d. Auto/light truck/motorcycle, sales and rental
         e. Auto parts and supplies, sales,
         f. Drive-in or drive-through,
         g. Fuel sales,
         h. Contractor's establishment,
         i. Recycling collection centre.

ii. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade with a maximum sign surface area of 48 square feet,

iii. That there shall be no mobile signs allowed on the entire site,

iv. That for the development of any building and/or accessory parking area and/or freestanding signage and/or patio enclosure; plans shall be submitted showing the location and design of the proposed buildings including elevations, the location and design of accessory parking areas, private approaches, fencing, patio enclosures, landscaping, exterior lighting and freestanding signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. That Caveat 80-43803 be withdrawn as it affects Lot 36, Block 24, Plan 2266.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to renovate the interior and exterior of the existing vacant building on the subject site,

- The intent is to establish a restaurant and lounge on the main floor in conjunction with an outdoor front patio and a take-out deli counter at the rear of the building,
- The proposal also includes 5 residential units on the newly constructed second floor,
- The Subject Site is currently zoned 'C1' Commercial Neighbourhood,
- The applicants wish to rezone the subject Site to 'C2' Commercial Community to allow for the Drinking Establishment use, (cocktail lounge & VLT's),
- The proposal requires three (3) applications that will be heard in concurrence;
    - DAZ 230/11 – Rezoning
    - DCU 11-180227/D – Conditional Use
    - DAV 11-180228/D - Variances
- Rezoning applications require a Public Hearing by the Community Committee, any associated Variance and/or Conditional Use applications are heard in conjunction with the Rezoning application as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the land will be rezoned from 'C1' to 'C2' Commercial Community.

HISTORY

- N/A

CONSULTATION

- In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared By	James Veitch
Date:	March 12, 2012 (Revised)
File No.	DAZ 230/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" for File No. DAZ 203/11

APPENDIX 'A'

DATE: March 12, 2012 (Revised)

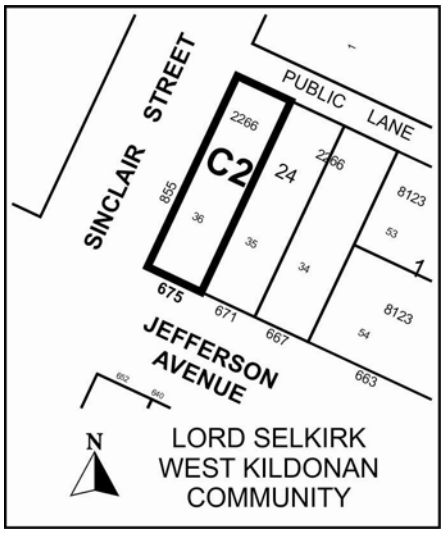
FILE: **DAZ 230/11**
RELATED FILES: DAV 11-180228/D, DCU 11-180227/D (c/r)

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.316 (Garden City)

SUBJECT: To rezone the subject land from "C1" Commercial Neighbourhood to "C2" Commercial Community to allow for the renovation of the existing vacant building and the establishment of a restaurant, cocktail lounge, deli, patio and 5 (five) dwelling units within a second floor addition.

LOCATION: 675 Jefferson Avenue

LEGAL DESCRIPTION: LOT 36, BLOCK 24, PLAN 2266



APPLICANT: Arieh Kravets
P.O. Box 131
Gimli, MB. R0C 1B0

OWNER: CYNTHIA'S SPECIALTY FOODS INC.
1497 JEFFERSON AVE
WINNIPEG MB R2P 0R5

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant is proposing to renovate the interior and exterior of the existing vacant building on the subject site,
- The intent is to establish a restaurant and lounge on the main floor in conjunction with an outdoor front patio and a take-out deli counter,
- The proposal also includes 5 residential units on the newly constructed second floor,
- The Subject Site is currently zoned 'C1' Commercial Neighbourhood,
- The applicants wish to rezone the Subject Site to 'C2' Commercial Community to allow for the Drinking Establishment use, (cocktail lounge & VLT's),
- The proposal is supported by the *OurWinnipeg* Development Plan and the *Complete Communities Direction Strategy.*

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 3,894 square foot site is zoned 'C1' Commercial Neighbourhood and occupied by a vacant one storey commercial building. The Garden City Neighbourhood is within the Old Kildonan Ward and is designated as *'Recent Community'* in the *OurWinnipeg Development Plan.*



Figure 1: Subject Site - 675 Jefferson Avenue (Aerial Flown 2009)

Surrounding Land Use and Zoning
North: Rear lane then 'RMF-L' Residential Multiple Family (Apartment Block)
South: Jefferson Avenue then 'C1' Commercial Neighbourhood
East: 'R1-S' Residential Single Family Small (Duplex)
West: Sinclair Street then 'PR-3' Parks and Recreation (High School)

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant intents to rezone the subject site to 'C2' Commercial Community and renovate the existing vacant building adding a second floor, the main floor will contain a new restaurant, a cocktail lounge and a front patio as well as a deli-style food counter / take out business. The second floor will contain 5 (five) residential units. The basement will remain unoccupied, but may eventually serve as an area for the future expansion of the Deli. There are three (3) applications associated with this proposed development:

- DAZ 230/11 (Rezoning to 'C2' Commercial Community)
- DCU 11-180227/D (Conditional Use)
- DAV 11-180228/D (Variances)

This report will discuss the requested rezoning from 'C1' Commercial Neighbourhood to 'C2' Commercial Community.

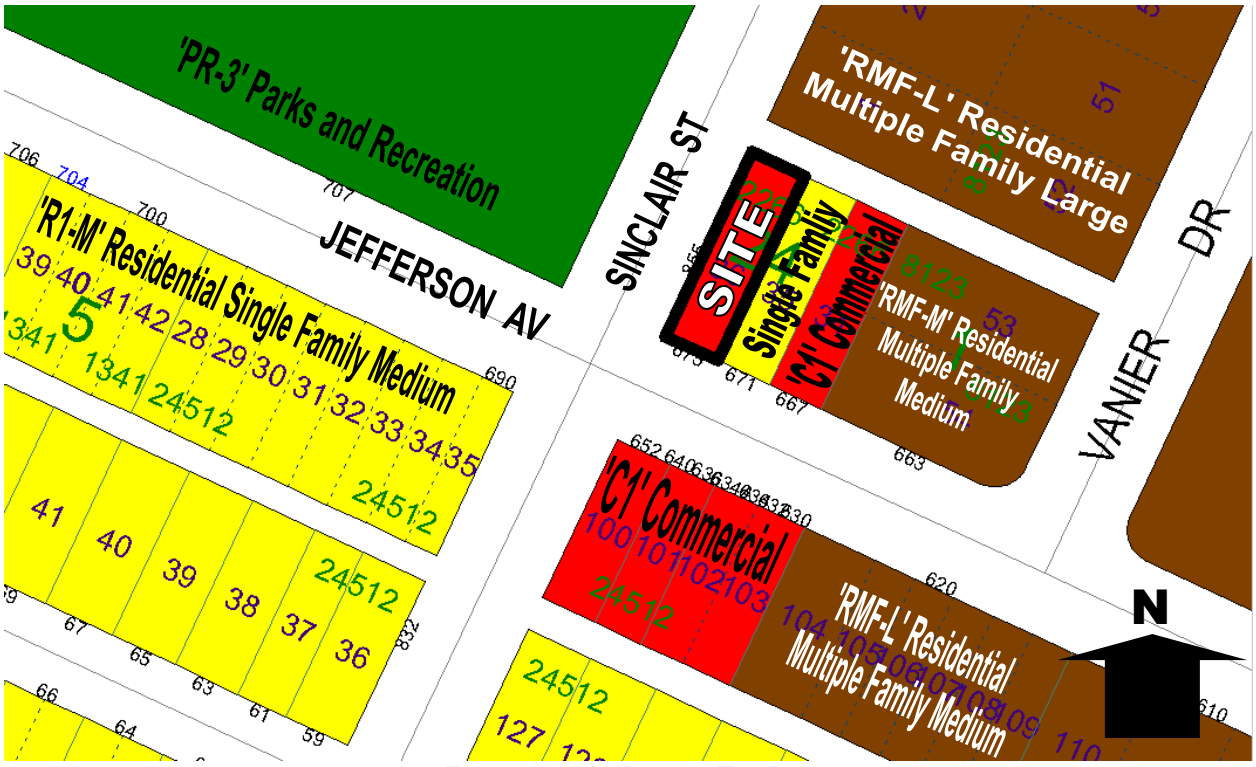


Figure 2: Adjacent Zoning

ANALYSIS AND ISSUES

OURWINNIPEG / COMPLETE COMMUNITIES

The Garden City Neighbourhood is identified as a *Recent Community* within an *Area of Stability* in the *Complete Communities Direction Strategy.* This portion of Jefferson Avenue can further be characterized as a *Neighbourhood Mixed Use Corridor* within the *Complete Communities Direction Strategy.*

The Urban Planning Division is of the opinion that the proposal to renovate the vacant commercial building to allow for a restaurant, a cocktail lounge and a front patio as well as 5 (five) residential units on a new second floor within the existing mixed use node aligns with the City's *OurWinnipeg Development Plan.*

- *Areas of Stability*
    - Support Low to moderate change in low density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form,
    - Support Complete Communities by ensuring diverse and high quality housing stock,
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses,
    - Areas of Stability – areas where moderate change is anticipated that present some of the best opportunities to accommodate infill development and to increase the range of housing for families and individuals within areas that take advantage of existing infrastructure, transit and amenities such as local retail, schools, parks and community services.
- *Recent Communities*
    - *'Mature Communities can accommodate some infill development to increase housing choice,...'* (04-2 Recent Communities, p.86 Complete Communities)
    - *'development of these areas typically represent the principles of Complete Communities, such as a focus on compact development, a mix of uses, a diversity of housing types and the promotion of public transit,..* (04-2a Recent Communities, p.88 Complete Communities)

Compatibility with Existing Neighbourhood and Surrounding Uses

The immediate context in this part of the Garden City Neighbourhood is characterized by a wide range of zoning categories and a broad mix of uses. This intersection of Sinclair Street and Jefferson Avenue has historically functioned as a small community focused, mixed use node for the neighbourhood. The proposal to renovate the existing vacant building adding a new restaurant and five dwelling units will continue to revitalize this traditional neighbourhood gathering place building on some of the recent revitalization investments such as those seen across the street.

The proposed architectural scale, massing and form will fit well with the existing context while adding a range of uses that will fit the needs of the local neighbourhood. The project meets the

tenants of the Complete Communities Direction Strategy and represents a key building block towards making the complete communities concept a reality in the immediate neighbourhood.

ZONING

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
- Multiple Family developments within the 'C2' zone must follow the 'RMF-M' Residential Multiple Family Medium bulk regulations.

LAND USE BY-LAW

Rezoning

- The owner wishes to rezone the subject site to 'C2' Commercial Community to allow for the *'Drinking Establishment'* use that is not permitted under the existing 'C1' Commercial zoning. Based on the plans submitted with the application they intend to have approximately 1,000 square feet of floor space to accommodate the dining and lounge uses including a small separated space for VLT machines. The plans submitted show 61 seats total, the actual capacity will depend on the license approval process with the Manitoba Liquor Control Commission the sections of the Manitoba Building Code governing occupancy.
- In terms of the capacity for the 360 square foot outdoor front patio, the MLCC allows 1 person for every 12 square feet. Therefore the license will likely restrict the number of people allowed on the patio to 30. MLCC regulations require patios adjacent to residential uses to stop serving by 10:00 pm and be vacated by 11:00 pm.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The site is located at the northeast corner of Jefferson Avenue and Sinclair Street, the applicant has indicated that they are in the process of purchasing the adjacent property to the east, (currently occupied by a two storey duplex).
- Jefferson Avenue and Sinclair Street are considered collectors; it could be argued that Jefferson is busy enough to be a 'Major Collector'. As stated in the Zoning By-Law, C2 districts are intended to be *"located along collector streets, at arterial/collector intersections..."*
- 675 Jefferson Avenue is surrounded by mix of uses and zoning districts, the intersection can be characterized as a community commercial node and has functioned that way for decades.
- The addition of the second strorey and the residential units, with the restaurant, patio, deli and cocktail lounge on the main level will fit well with the context.

EXISTING ZONING AGREEMENT

- The Urban Planning Division is recommending a new Zoning Agreement be caveated on the subject site, thus the existing Zoning Agreement will be removed to avoid any conflicts.

RECOMMENDED ZONING AGREEMENT

- The Division recommends supporting the rezoning to C2, but also recommends including a zoning agreement.
- This approach is suggested in order to balance potential impacts caused by the proposed rezoning. On the one hand, the Division believes that zoning is appropriate in order to accommodate the adaptive reuse of the building on the site. On the other hand, rezoning this site to C2 also allows for some potentially incompatible commercial uses.
- The zoning agreement will include a plan approval clause that will allow the Division to guide the design and development of the site and existing building. The zoning agreement will also prohibit more intensive and auto orientated uses as well as scale down the freestanding sign height to the 'C1' Commercial regulations.

RECOMMENDATION

The Planning and Land Use Division recommends **approval** for the following reasons:

- The proposal meets our Complete Community principles such as focusing on compact development, a mix of uses, a diversity of housing types and the promotion of public transit,
- The subject site is located at the intersection of Jefferson Avenue and Sinclair Street, which are classified as collector streets,
- The subject site is located within an existing mixed use commercial node, the proposed scale and massing of the project will fit well with the existing built form,
- The recommended zoning agreement will help to minimize the potential impact on the surrounding neighbourhood from rezoning the site to 'C2' Commercial Community.

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

Report Prepared By: James Veitch
PPD File # DAZ 230/11 (Revised)

Schedule "A" for File No. DAZ 230/2011, Lord Selkirk / West Kildonan Community Committee, dated March 12, 2012.

By-Law No. _____

File No. **DAZ 230/11**

Atlas Sheet No. **U25**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 675 Jefferson Avenue from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to permit a drinking establishment use in conjunction with a restaurant and to allow for the construction of a second storey addition to establish four (4) residential units by a conditional use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____