Minute No. 416
Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 7 **Rezoning – 925 Nairn Avenue**
(Elmwood-East Kildonan Ward)
File DAZ 202/2013 [c/r DAV 106403/2013D]

COUNCIL DECISION:

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

1. That the application for rezoning under File DAZ 202/2013 be rejected.

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 – May 7, 2013

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 May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, 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 April 9, 2013, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended that the application for rezoning under File DAZ 202/2013 [c/r DAV 106403/2013D] be rejected, and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 925 Nairn Avenue**
File DAZ 202/2013

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **April 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 9, 2013, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 202/2013 [c/r DAV 106403/2013D] be rejected.

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

1. The residents directly in area are worried about heavy traffic in the future and want to keep the area residential.

2. There is a need for a plan for this strip of land to be rezoned commercial, rather than doing it one property at a time.

PUBLIC HEARING SUMMARY

File: DAZ 202/2013

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

Public Hearing: April 9, 2013
Council Building, 510 Main Street

Applicant: Shaun Goolcharan

Subject:



Premises Affected: 925 Nairn Avenue

Exhibits Filed:

1. Application dated February 4, 2013
2. Notification of Public Hearing dated February 14, 2013
3. Manitoba Status of Title 1901940/1
4. Surveyor's Building Location Certificate and sketch dated September 6, 2002
5. Plan (1 page)
6. Report from the Planning and Land Use Division dated March 7, 2013
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Krishna Goolcharan

In Opposition

Sarun Buon
Raymond Selezinka

For Information:

Nil

For the City:

Michael Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 202/2013

ADMINISTRATIVE REPORT

Title: DAZ 202/13 – 925 Nairn Ave

Issue: For consideration at the public hearing to rezone to allow for the conversion of an existing residential dwelling for retail sales use

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	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 202/2013 dated January 8, 2013, to an "C1" Commercial Neighbourhood 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, for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona 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.

        ii. That no front approaches shall be permitted.

2. 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.

3. 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.

4. 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.

5. 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 the by-law is passed.

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

7. 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 intends to rezone the subject property to allow for the operation of a small appliance and vacuum sales and service business within the existing dwelling. This business currently operates next door at 929 Nairn.
- This will require a rezoning from an “R1-M” Residential Single Family district to a “C1” Commercial Neighbourhood district.
- No exterior alterations are planned for the existing dwelling.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	March 7, 2013
File No.	DAZ 202/13

APPENDIX 'A'

DATE: March 7, 2013
FILE: DAZ 202/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.405

SUBJECT: To rezone the subject property from "R1-M" Residential Single Family district to "C1" Commercial Neighbourhood district to allow for the conversion of an existing residential dwelling for a retail sales use

LOCATION: 925 Nairn Ave



APPLICANT: Shaun Goolcharan
50 Manor Haven Dr
Winnipeg MB R2N 4J3

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property to allow for the operation of a small appliance and vacuum sales and service business within the existing dwelling. This business currently operates next door at 929 Nairn.

- This will require a rezoning from an "R1-M" Residential Single Family district to a "C1" Commercial Neighbourhood district.
- No exterior alterations are planned for the existing dwelling.

SITE DESCRIPTION

- The subject property is located on the north side of Nairn Av between Chester St and Kent Rd in the East Elmwood neighbourhood of the Elmwood-East Kildonan ward.
- The subject property is 60 ft. wide, 107 ft. deep, and 6,420 sq. ft. in area. It is currently occupied by a one storey, 980 sq. ft. single family dwelling built in 1955.
- Adjacent properties include single family dwellings to the north and west zoned "R1-M" Residential Single Family district, a two storey commercial building to the east zoned "C1", and a one storey commercial warehouse building to the south across Nairn zoned "C3" Commercial Corridor district.

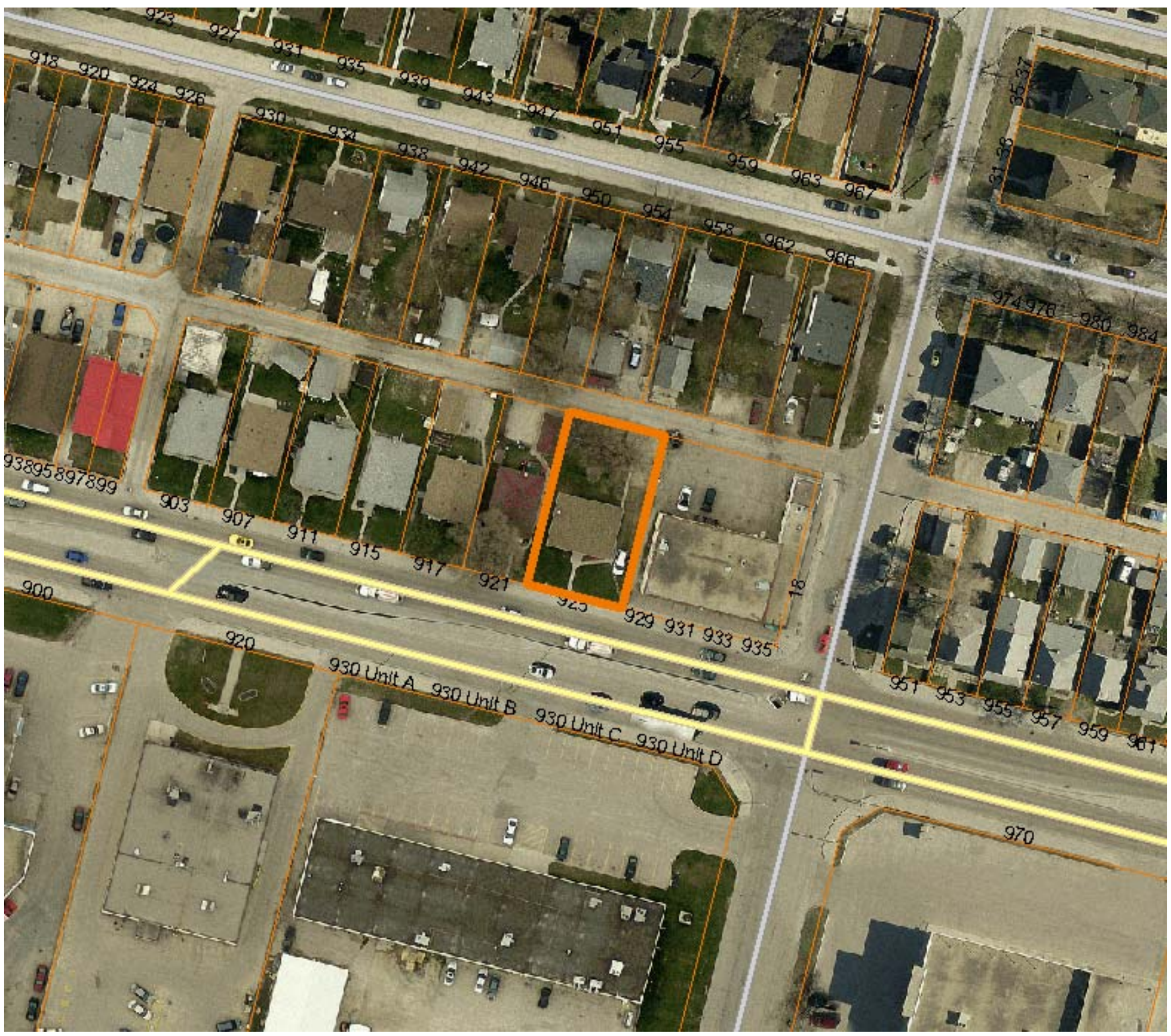

Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property to allow for the operation of a small appliance and vacuum sales and service business.
- This business will operate in the existing dwelling.
- This business currently operates next door at 929 Nairn. According to the applicant, this business has been in operation at this location for the past 28 years.
- The applicant is not intending to make any exterior alterations to the existing building, with the exception of a wheelchair ramp addition.

BACKGROUND

DAV 13-106403D

- In concurrence with this application, the applicant has also applied to vary the "C1" dimensional standards of the zoning by-law as follows:
    - For the maintenance of a commercial building to permit a 5.5 ft. west side yard instead of a 10 ft. landscaped side yard adjacent to an "R1" zoning district.
    - For the establishment of an accessory parking area to permit:
        - Parking directly off a lane instead of an aisle or driveway.
        - Gravel surfacing instead of asphalt or concrete.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, Nairn Av is designated as a "Regional Mixed Use Corridor". While these corridors serve as major transportation routes, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work, and play. By offering high frequency and direct transit service to major Centres and the Downtown, Regional Mixed Use Corridors have sufficient opportunities to support long-term expansion through comprehensively planned intensification. Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.
        - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.
    - Where appropriate, develop corridors in accordance with transit-oriented development principles.

Zoning

- The “R1” Residential Single Family district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Commercial Neighbourhood (C1) district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local streets or at local/collector intersections.

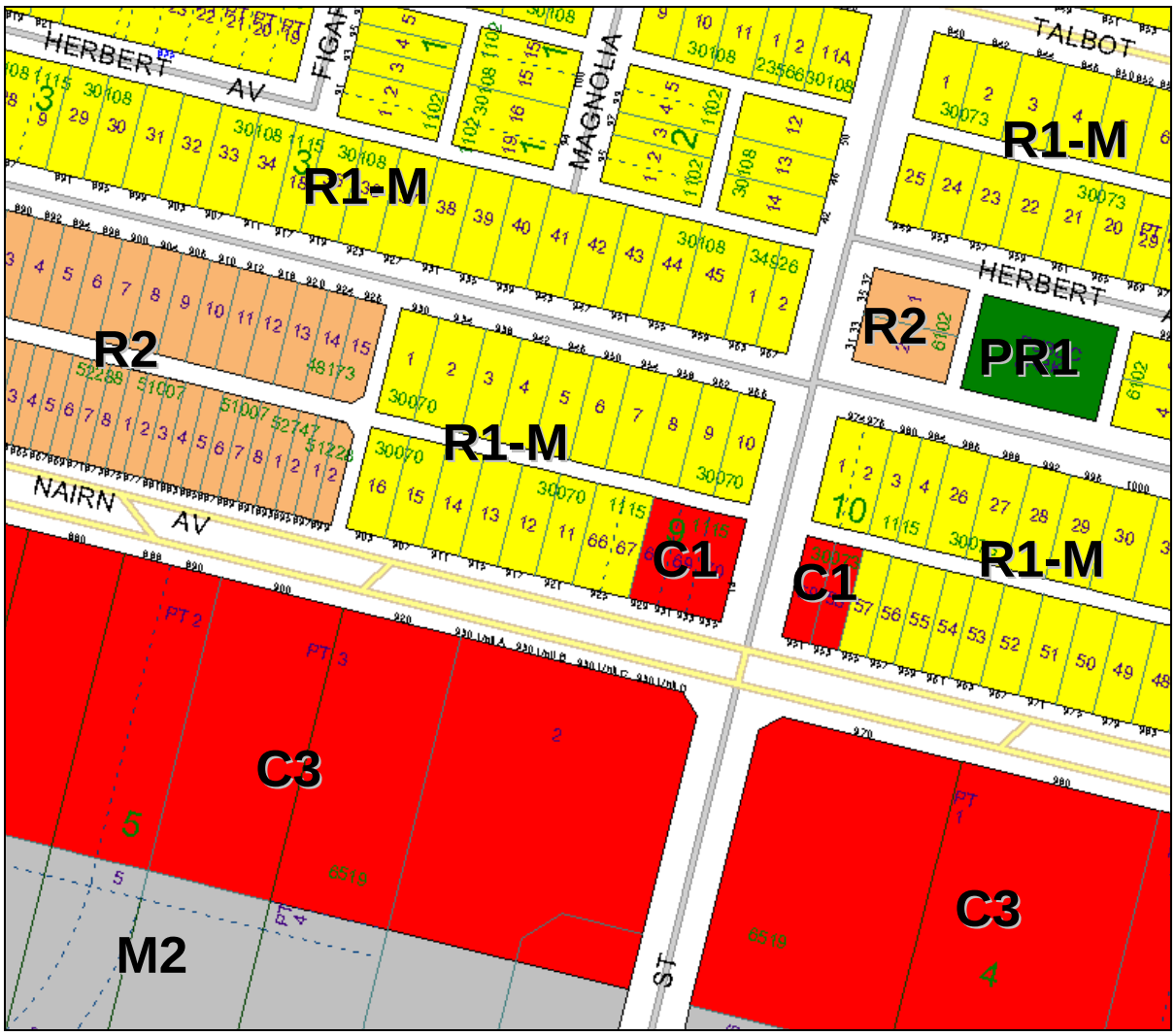

Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional uses in each zoning district. In the "C1" district, a "Retail sales" use is permitted. It is not permitted in an "R1" district.
- Section 143 of the zoning by-law prescribes the following dimensional standards for the "C1" district:

	Min/Max Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)**	Min. Corner Side Yard (ft.)	Max. Height of Building (ft.)	Max. Floor Area Ratio
C1	0 / 10*	0	0	0	39	1.0

* - Maximum front yard in the C1 district applies only in Urban Infill Areas.

** - Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side yard must be landscaped pursuant to sections 188 through 193 of the zoning by-law and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.

Figure 3: Dimensional standards for the "C1" district

- Section 161 of the zoning by-law prescribes parking requirements for each land use. A "retail sales" use requires 1 parking space for each 250 sq. ft. of floor area over 2,000 sq. ft. (1 space minimum).
- Section 172(3)(a) of the zoning by-law requires that an accessory off-street parking area must be provided with a parking driveway with a minimum width of 8 feet, having access to a street or, where permitted, to a public lane.
- Section 172(4) of the zoning by-law requires that all required parking areas and driveways accessory to all other uses and all non-accessory parking areas must be surfaced with asphalt, concrete, paving stones, or other surface approved by the City.
- Section 190(7)(a) of the zoning by-law requires that a landscaped buffer must be installed where a side or rear lot line of a lot in a commercial or institutional or manufacturing zoning district abuts a lot in a single, two-family, or multi-family residential zoning district. The required buffer must comply with Option 1 or Option 2 below:
    - Option 1: Site edge buffering must have a landscaped area with at least 1 deciduous or coniferous tree for every 35 linear feet of lot line and 3 shrubs per 20 linear feet of lot line where the abutting condition exists. A landscaped berm a minimum of 2 ½ feet in height with a rise-to-run ratio not exceeding 1:3 may be integrated into this option. The height of planted materials (together with any berm provided) must be at least 6 feet in height at the time of planting.
    - Option 2: Site edge buffering must include an opaque wall, berm, fence, and/or dense vegetative screen with a minimum combined height of 6 feet. If a vegetative screen is proposed, it must be at least 6 feet in height at the time of planting. If a wall or fence is used the maximum continuous horizontal length of any section is 48 feet, at the end of which a landscaped strip of a minimum length of 16 feet, a minimum depth of 4 feet, and with shrubs a minimum height of 2 ½ feet must be provided.

Land use by-law issues

- This administrative report only speaks to issues relating to the rezoning and subdivision of the subject property. Further discussion relating to the variances will be addressed in the concurrent variance report.

Compatibility with the surrounding neighbourhood

- While the north side of Nairn Av consists mostly of residentially-zoned land, there exists a small commercial node at the Kent Rd intersection. This includes a multi-unit commercial building to the west and a locksmith shop one property in to the east. The proposed rezoning is contiguous to this commercial node and is, in form, quite similar to the above-mentioned locksmith. Further to this, the "C1" Commercial Neighbourhood district is the commercial zoning district most compatible with residential uses from both a use and scale perspective. With these considerations in mind, the Urban Planning Division believes the proposed development is compatible with the surrounding neighbourhood.
- The Urban Planning Division typically recommends plan approval as a condition of approval for these types of applications, and this application is no exception. This will ensure that any development on the subject property, both associated with this project and any others in the future, will remain compatible with the residential/small-scale commercial nature of the north side of Nairn Av. Future plan approval submissions should address:
    - An on-site landscaping plan. This plan should include a plant list indicating a mix of both coniferous and deciduous landscaping to minimize the potential effects of disease and to provide year-round greenery to the site.
        - Particular attention should be given to the buffering of the residential dwelling adjacent to the west.
    - Building elevations should be provided indicating the use of multiple cladding materials to provide articulation to the front façade.
    - Details on any on-site fencing.
    - The provision of bicycle parking facilities is encouraged.
- A restriction on front approaches is also recommended as a condition of approval to ensure compatibility with the surrounding neighbourhood and to limit additional ingress and egress onto Nairn.

RECOMMENDATION

The Urban Planning Division is supportive of a small-scale commercial rezoning on the subject proximity given its contiguity with an existing commercial node of similar scale.

Both plan approval and a restriction on front approaches are recommended as conditions of approval to ensure compatibility with the surrounding neighbourhood.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAZ 202/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 202/13, East Kildonan-Transcona Community Committee, dated March 7, 2013.

By-Law No. _____

File No. **DAZ 202/13**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 925 Nairn Avenue from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the conversion of an existing building to facilitate the establishment of a retail sales use as shown outlined below.

Atlas Sheet No. **Y29 EAST KILDONAN TRANSCONA COMMUNITY**

N



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____