Minute No. 72
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 2 Rezoning – 140 Alfred Avenue
(Mynarski Ward)
File DAZ 228/2014 [c/r DCU 148600/2014D and DAV 148596/2014D]

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 rezoning the subject land as shown on Schedule "A" for File DAZ 228/2014 dated August 22, 2014 to a "C2" Commercial 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 uses on the land be restricted to:
         a. Parking, surface
         b. Dwelling, Single-Family
         c. Dwelling, Two-Family

      ii. That for the development of any proposed non-accessory parking area on the subject lands, final plans, showing the details of landscaping and fencing shall be submitted to the Director, Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

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COUNCIL DECISION (continued):

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 the same to Council for all three (3) readings.

5. That 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, 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 November 25, 2014, 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 18, 2014, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Recommendation 1. A. ii by adding the words “and the Lord Selkirk-West Kildonan Community Committee” after the words “submitted to the Director of Planning, Property and Development” and before the words “for approval prior to”,

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

RE: **Rezoning – 140 Alfred Avenue**
File DAZ 228/2014

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 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 18, 2014, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

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 228/2014 dated August 22, 2014 to a "C2" Commercial 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 uses on the land be restricted to:
            a. Parking, surface
            b. Dwelling, Single-Family
            c. Dwelling, Two-Family

        ii. That for the development of any proposed non-accessory parking area on the subject lands, final plans, showing the details of landscaping and fencing shall be submitted to the Director, Planning, Property and Development ***and the Lord Selkirk-West Kildonan Community Committee*** for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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 the same to Council for all three (3) readings.

5. That 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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.

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 reasons for its recommendation:

1. The Developer bought an old boarded up apartment block and has renovated it and restored the nearby riverbank.

1. The subject application facilitates usage of the property for parking for the apartment block, and helps address the need for more multi-family dwellings and parking in the area.

PUBLIC HEARING SUMMARY

File: DAZ 228/2014

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

Public Hearing: November 18, 2014
Council Building, 510 Main Street

Applicant: A Step Above Renovations (Kirk Gunn)

Subject:



Premises Affected: 140 Alfred Avenue

Exhibits Filed:
1. Application dated August 21, 2014
2. Notification of Public Hearing dated September 17, 2014
3. Manitoba Status of Title 2727421/1

4. Letter of authorization dated June 26, 2014 from Darren Zawislak, President, 6718907 Manitoba Ltd. to Kirk Gunn, A Step Above Renovations
5. Surveyor's Building Location Certificate and sketch dated February 26, 2014
6. Caveats 4284030/1, 4284032/1, 4284033/1, 4420732/1
7. Plan
8. Report from the Urban Planning Division dated November 5, 2014
9. Inspection Report

REPRESENTATIONS:

In Support:
Peter Dragvik
Kirk Gunn
James Haryett
Darren Zawislak

In Opposition
Nil

For Information:

Nil

For the City:
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Kirk Gunn, A Step Above Renovations, Applicant, appeared in support of the application,

Exhibit "8" referred to in File DAZ 228/2014

ADMINISTRATIVE REPORT

Title: DAZ 228/2014 – 140 Alfred Avenue

Issue: For consideration at the public hearing for a rezoning from "R2" Residential Two-Family to "C2" Commercial District.

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
B. Smith	n/a	n/a	

RECOMMENDATIONS

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 228/2014 dated August 22, 2014 to a "C2" Commercial 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 uses on the land be restricted to:
         a. Parking, surface
         b. Dwelling, Single-Family
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      ii. That for the development of any proposed non-accessory parking area on the subject lands, final plans, showing the details of landscaping and fencing shall be submitted to the Director, Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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 the same to Council for all three (3) readings.

5. That 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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 the one year period and Council approves the extension.

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 is proposing to rezone the site from an “R2” Residential Two-Family District to a “C2” Commercial District.
- The proposed “C2” Commercial District is intended to allow for the creation of a surface parking lot to serve as parking for the adjacent lands at 128 Alfred Avenue – an apartment building proposed to be renovated.
- The proposed development will consist of approximately 10 parking stalls that will be accessed from the public lane and the remainder of the site will be landscaped.
- The applicant has also applied for 2 related applications under file # DAV 14-148596D and file # DCU 14 – 148600D which also relate to the site being developed as a parking area.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned from “R2” Residential Two-Family District to “C2” Commercial District.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	Nov. 5, 2014
File No.	DAZ 228/14

Attachments:

- **APPENDIX ‘A’: PLANNER’S REPORT**
- **SCHEDULE “A” FOR FILE NO. DAZ 228/2014, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED AUG 22, 2014**

APPENDIX 'A': PLANNER'S REPORT

DATE:	Nov. 5, 2014
FILE:	DAZ 228/2014
RELATED FILES:	DAV 14-148596D DCU 13-148600D
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	3.311 (North Point Douglas)
SUBJECT:	To rezone the subject land from "R2" Residential Two-Family to "C2" Commercial.
LOCATION:	140 Alfred Ave
LEGAL DESCRIPTION:	SP LOT 32, PLAN 31521 WLTO EEXC LANE PLAN 35144 WLTO IN RL 39 PARISH OF ST JOHN



APPLICANT:	Kirk Gunn (A Step Above Renovations) 1032 Logan Avenue WPG, MB R3E 1P5
OWNER:	6718907 MB Ltd 1032 Logan Avenue WPG, MB R3E 1P5
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.
- The subject rezoning will help return a boarded apartment building into an active use in the community.

SITE DESCRIPTION

The subject property, which is zoned “R2” Residential Two-Family District, is located on the south side of Alfred Avenue, between the Red River and Main Street, in the North Point Douglas neighbourhood of the Mynarski ward.

Existing Land Use and Zoning

North: Alfred Avenue then multi-family developments zoned “R2” Residential Two-Family District.
South: A public lane then then single-family dwellings zoned “R2” Residential Two-Family District.
East: An apartment building that is under the same ownership as the subject property to be renovated and zoned “RMF-M” Residential Multi-Family District.
West: Single-family dwellings zoned “R2” Residential Two-Family District.



Figure 1: Subject Site and Surrounding Land uses

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to rezone the subject property to a "C2" Commercial District to facilitate its use as a parking area. The parking area will serve the proposed development just east of the site across the public lane, which is a boarded apartment building that will be renovated. The applicant has also submitted concurrent applications, one a Conditional Use to allow a parking area to be established in the proposed "C2" District (see file # DCU 13-116401D) and the other a variance to allow for a continuous fence on the property as well as for parking to be accessed via the public lane (see File# DAV 14-136623D).

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

With respect the City of Winnipeg's adopted Development Plan, *Our Winnipeg Complete Communities*; the subject site is located within the Areas of Stability Policy Area (Mature Community). A key directions within this policy area are to:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) 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, and townhouses.
4) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*

The proposed development is consistent with OurWinnipeg and The Complete Communities Direction Strategy

Zoning By-Law 200/2006

- The applicant is applying to rezone the property to a "C2" Commercial District. The purpose of the rezoning is to establish a parking area for future residents of 126 Alfred Street.
- Though the parking is intended for the building at 140 Alfred Avenue it cannot be deemed as accessory parking for that property for the simple fact that the parking requirements associated with a given development must be provided on the same lot. Because the proposed parking area is on a separate lot this technically becomes a principal use and according to the use table in the by-law it falls under the use surface parking. It is for this reason that the property requires the rezoning application as the site's current zoning does not accommodate surface parking. In fact, no residential zoning districts accommodate parking as a principal use.
- The applicant cannot provide parking on the same site as the residential building because of issues with respect to riverbank stabilization. Consultation with the City's Waterways engineer confirms that a parking area is neither feasible nor desired at 126 Alfred Ave.
- The proposed C2 zone accommodates surface parking but is subject to Conditional Use approval and is the subject of this application. Another option was to rezone the subject site to "C3" commercial as surface parking is a permitted use in that zone. The applicant was advised to apply for the C2 zone because it is a less intensive commercial zone.
- Another option that was considered was the idea of closing the lane in its existing location and moving it westward. This would have enabled the existing lane to be closed and consolidated with 140 Alfred Ave along with the remainder of lands of subject site left over from a satisfactory lane width. This consolidation of lands would then have created a situation where all the lands would be part of the same lot. In this context no approvals would be necessary for the parking because it would be deemed as accessory parking. Aside from the expense this would have incurred it is also not workable as the closing off of the lane in its existing location would serve to cut off access for select properties east of the subject site that rely on the lane for access.

Compatibility with Existing Land Uses

While it is not a goal of the Urban Planning Division to assist in the removal of existing residential developments for the creation of surface parking areas, the proposed development of 140 Alfred Ave has limited no ability to provide accessory parking on site. Since the apartment

building at 140 Alfred is an existing building, its renovation will contribute positively to the neighbourhood and return an active use that was already present in the neighbourhood – an apartment. In this manner the sacrifice of the existing dwelling at 140 Alfred will enable the redevelopment to occur by providing space for parking. The fact that the two properties are separated by the public lane provides the appearance of a unified development where the lane functions as a drive aisle. In this context the Conditional Use is being supported.

Conditions of Approval
The proposed rezoning is meant to accommodate a specific situation. The full range of uses permitted in the "C2" are likely not compatible with neighbouring residential uses. For this reason, a very restrictive zoning agreement is recommended which effectively relegates development on the site to the proposed use. The only other development options contemplated in the recommended zoning agreement are single and two-family development consistent with the zoning of neighbouring properties. While it is not typical to rezone a property to a commercial zoning district and restrict commercial development there are not many options available to accommodate the proposed development. If the conditions of approval are accepted, any proposed use outside of those listed in the zoning agreement will require a zoning agreement amendment application, which is the same process as a rezoning application.

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

- The proposed infill development is consistent with OurWinnipeg policies of promoting compact urban form
- The proposed development is compatible with the scale and character of neighbbouring residential properties.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 228/2014
Schedule "A" for File No. DAZ 228/2014, Lord Selkirk / West Kildonan Community Committee, dated Aug. 22, 2014.

By-Law No.	File No. **DAZ 228/14**
Atlas Sheet No. **X25** N **LORD SELKIRK WEST KILDONAN COMMUNITY**	Explanation A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 140 Alfred Avenue from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of a proposed non-accessory parking lot use as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.