Agenda – Council – March 22, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018

Item No. 2 Rezoning – 163 Oak Street, 153 and 160 Ash Street, 150 and 151 Waterloo Street
(River Heights – Fort Garry Ward)
File DAZ 215/2017

STANDING COMMITTEE RECOMMENDATION:

On March 14, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the Academy Road Planned Development Overlay 1 (Schedule O of the Winnipeg Zoning By-law No. 200/2006) be amended by re-designating 163 Oak Street, 153 and 160 Ash Street, 150 and 151 Waterloo Street from Area 1 (Academy Shops and Services Area) to Area 2 (Academy Living Area).

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, Heritage and Downtown Development – March 2, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee, with the following amendment:

- Add the following to recommendation 1 after "163 Oak Street":

  "153 and 160 Ash Street, 150 and 151 Waterloo Street"

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Rezoning – 163 Oak Street, 153 and 160 Ash Street, 150 and 151 Waterloo Street**
File DAZ 215/2017

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

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **February 14, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

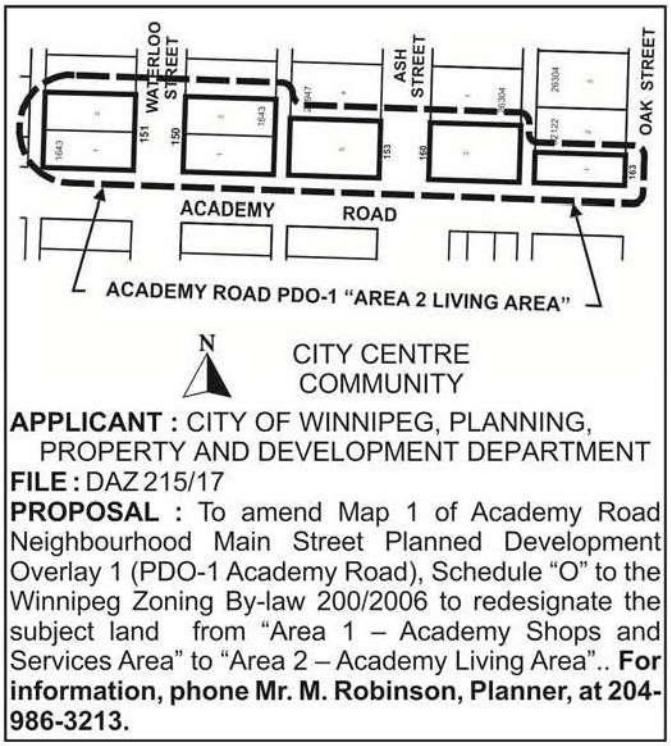
On February 13, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Academy Road Planned Development Overlay 1 (Schedule O of the Winnipeg Zoning By-law No. 200/2006) be amended by redesignating 163 Oak Street from Area 1 (Academy Shops and Services Area) to Area 2 (Academy Living Area):

The City Centre Community Committee provided the following supporting reason for its recommendation:

1. The administration talked about that property being quite a bit smaller and we did hear from residents here today so I think this is a bit of a give and take type of thing, so I'm supporting it.

PUBLIC HEARING SUMMARY

File:	DAZ 215/2017
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Gilroy Councillor Orlikow
Public Hearing:	February 13, 2018 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Subject:	
Premises Affected:	163 Oak Street, 153 and 160 Ash Street, 150 and 151 Waterloo Street
Exhibits Filed:	1. Application dated November 21, 2017 2. Notification of Public Hearing dated December 19, 2017 3. Manitoba Status of Titles 1417000/1, 1986291/1, 2048185/1, 2198532/1 and 2410029/1

4. Letter of authorization dated September 25, 2017 from Beverly Riopel and Francois Riopel to Gerry Price, Rick Riess and Anita Wortzman
5. Letter of authorization dated September 28, 2017 from Manuel Sousa and Sheara Waxman to Gerry Price, Anita Wortzman and Rick Riess
6. Letter of authorization dated September 28, 2017 from Dawne Christine McCance to Gerry Price, Anita Wortzman and Rick Riess
7. Letter of authorization dated September 29, 2017 from Vernon Carne Taylor to Gerry Price, Anita Wortzman and Rick Riess
8. Letter of authorization dated October 2, 2017 from Mayla Favor, Executrix of the Estate of David Favor and Daryl Favor, Executrix of the Estate of David Favor to Leilani Kagan
9. Letter of authorization dated November 13, 2017 from Anita Wortzman, Gerry Price and Rick Riess to Leilani Kagan
10. Caveats 154698, 163640, 166235 and 4633887/1
11. Communication dated January 28, 2018 from Shelagh Yarnell in support of the application
12. Communication dated January 29, 2018 from Ross Yarnell in support of the application
13. Communication dated February 1, 2018 from Dawne McCance in support of the application
14. Communication dated February 1, 2018 from Anne and Ross McIntyre in support of the application
15. Report from the Urban Planning Division dated February 2, 2018
16 Communication dated February 4, 2018 from Karen Schlingerman in support of the application
17. Communication dated February 4, 2018 from Lori De Pauw and Phil Poon in support of the application
18. Communication dated February 5, 2018 from Bill Parrish in support of the application
19. Communication dated February 5, 2018 from Daniel Rothman in support of the application
20. Communication dated February 6, 2018 from François Riopel in support of the application
21. Communication dated February 6, 2018 from Otto Lang in support of the application
22. Communication dated February 7, 2018 from Barb and Gerry Price in support of the application
23. Inspection Report

24. Communication dated February 7, 2018 from Richard and Hillaine Kroft in support of the application
25. Communication dated February 8, 2018 from Michael and Maria Mercury in support of the application
26. Communication dated February 8, 2018 from Lewis Rosenberg in support of the application
27. Communication dated February 8, 2018 from J. Brenton and Lily Stearns in support of the application
28. Communication dated February 2, 2018 from Daryl Favor and Gordon Robinson in support of the application
29. Communication dated February 8, 2018 from Jean and Rick Riess in support of the application
30. Communication dated February 8, 2018 from Peter and Dana Jessiman in support of the application
31. Communication dated February 8, 2018 from Andrea and Eric Charron in support of the application
32. Communication dated February 8, 2018 from Anita Wortzman in support of the application
33. Communication dated February 9, 2018 from James and Marilyn Ferguson in support of the application
34. Communication dated February 9, 2018 from Doug Nanton in support of the application
35. Communication dated February 9, 2018 from Frances and Jim Woolison in support of the application
36. Communication dated February 9, 2018 from Jim and Sandra Linton in support of the application
37. Communication dated February 11, 2018 from Paul and Diane Dalkie in support of the application
38. Communication dated February 5, 2018 from Clancy Ethans and Andrea Weber Ethans in support of the application
39. Communication dated February 10, 2018 from Derek Rolstone in support of the application
40. Communication dated February 10, 2018 from Lloyd and Glad Lamont in support of the application
41. Communication dated February 10, 2018 from Norm Snyder in support of the application
42. Communication dated February 11, 2018 from Tyler R. Skinner in support of the application
43. Communication dated February 8, 2018 from Sigrid and Michael Duncan in support of the application
44. Communication dated February 11, 2018 from Judy and Duncan Jessiman in support of the application
45. Communication dated February 11, 2018 from Jennifer and Brock Campbell in support of the application

46. Communication dated February 10, 2018 from Leo and Mary Blankstein in support of the application
47. Communication dated February 12, 2018 from Gerry Gordon in support of the application
48. Communication dated February 12, 2018 from Julie-Anne McCallum in support of the application
49. Communication dated February 12, 2018 from Mayla Favor in support of the application
50. Communication dated February 12, 2018 from Wayne and Rita Hildahl in support of the application
51. Communication dated February 9, 2018 from Ivan Sabourin in support of the application
52. Communication dated February 12, 2018 from Martin Dveris in support of the application
53. Communication dated February 12, 2018 from Marvin Bernstein in support of the application
54. Communication dated February 12, 2018 from Lorraine Stone in support of the application
55. Communication dated February 12, 2018 from Ken A. Stone in support of the application
56. Communication dated February 13, 2018 from Patricia Allenby in support of the application
57. Communication dated February 12, 2018 from John Webster in support of the application
58. Communication dated February 12, 2018 from Gary Brenner in support of the application
59. Communication dated February 13, 2018 from Shauna Simpson and Jonathan Martens in support of the application
60. Communication dated February 13, 2018 from Patricia DeFehr in support of the application
61. Communication dated February 13, 2018 from Susan Thomas in support of the application
62. Communication dated February 13, 2018 from Christian Monnin, on behalf of Paul Edmond, 3839924 Manitoba Ltd., with respect to the application
63. Communication dated February 13, 2018 from Novella and Thomas Gouldsborough in support of the application

REPRESENTATIONS:

In Support:

Patricia Allenby
Marvin Bernstein
Leo Blankstein
Mary Blankstein
Gary Brenner
J. Brenton
Andrea Charron
Eric Charron
Diane Dalkie
Paul Dalkie
Patricia DeFehr
Lori De Pauw
Michael Duncan
Sigrid Duncan
Martin Dveris
Clancy Ethans
Daryl Favor
Mayla Favor
James Ferguson
Marilyn Ferguson
Gerry Gordon
Novella Gouldsborough
Thomas Gouldsborough
Rita Hildahl
Wayne Hildahl
Dana Jessiman
Duncan Jessiman
Judy Jessiman
Peter Jessiman
Leilani Kagan
Hillaine Kroft
Richard Kroft
Glad Lamont
Lloyd Lamont
Otto Lang
Jim Linton
Sandra Linton
Jonathan Martens
Julie-Anne McCallum
Dawne McCance
Anne McIntyre
Ross McIntyre
Maria Mercury
Michael Mercury
Christian Monnin
Doug Nanton
Bill Parrish
Phil Poon
Barb Price
Gerry Price
David Rattray
Jean Riess
Rick Riess
Beverly Riopel
François Riopel
Gordon Robinson
Derek Rolstone
Lewis Rosenberg
Daniel Rothman
Brianne Sabourin
Ivan Sabourin
Karen Schlingerman
Shauna Simpson
Tyler R. Skinner
Norm Snyder
Lily Stearns
Lindsey Steek
Ken A. Stone
Lorraine Stone
Susan Thomas
Andrea Weber Ethans
John Webster
Frances Woolison
Jim Woolison
Ross Yarnell
Shelagh Yarnell

In Opposition

Paul Edmond
Maureen Fergus

For Information:

Anita Wortzman

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department

Exhibit " 15 " referred to in File DAZ 215/2017

ADMINISTRATIVE REPORT

Title: DAZ 215/2017 – To amend the Academy Road Planned Development Overlay 1 by redesignating five properties from Area 1 (Academy Shops and Services Area) to Area 2 (Academy Living Area)

Issue: For consideration at the public hearing for Winnipeg Zoning By-law 200/2006 text amendments

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Division Head	CFO	CAO
M. Robinson RPP	B. Smith RPP	n/a	

RECOMMENDATIONS

1. That the Academy Road Planned Development Overlay 1 (Schedule O of the Winnipeg Zoning By-law No. 200/2006) **be amended**, **in part, by redesignating ONLY 163 Oak Street from Area 1 to Area 2.**

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 in Schedule O, the Academy Road Planned Development Overlay 1.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service are concurred with, the Academy Road Planned Development Overlay 1 will be amended.

HISTORY

Start of process for Academy Road PDO
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 creates a set of customized design and development standards for the Academy Road area.

Consultation and Drafting Phase
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 prior to bringing the PDO forward to a public hearing. As a result of those discussions, a few further modifications 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.

Public Hearing
A public hearing on the Academy Road PDO-1 was held at City Centre Community Committee on October 5, 2011. The PDO-1 was approved with one modification: that 500 Academy Road (southeast corner of Academy Road and Lindsay Street) be changed from Area 2 to Area 1A.

CONSULTATION

In preparing this Report there was internal consultation with:
N/A

SUBMITTED BY

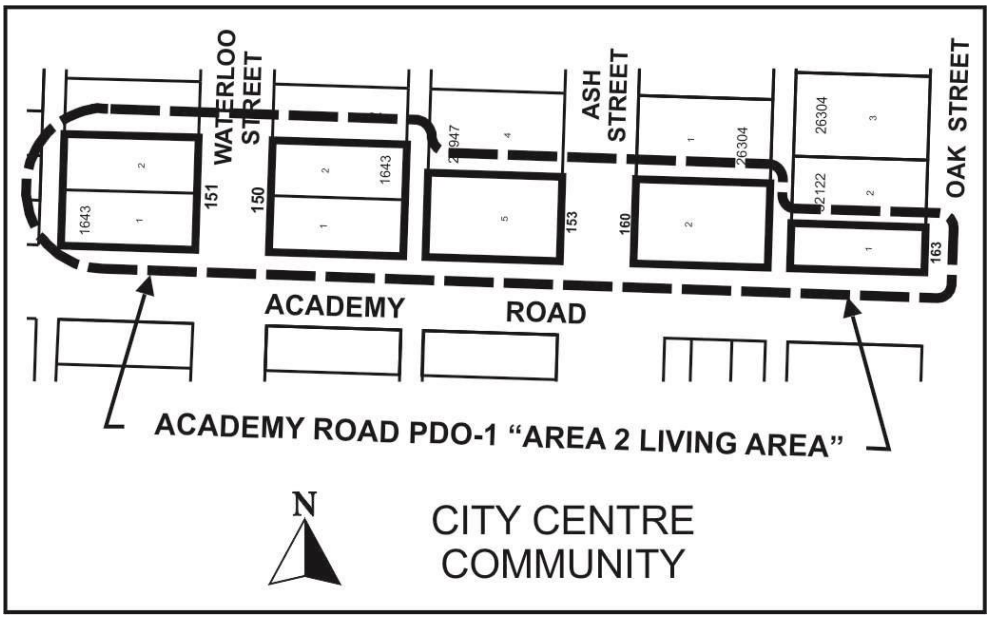
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Robinson, RPP
Date:	February 2, 2018
File No.	DAZ 215/2017

APPENDIX 'A'

DATE: February 2, 2018
FILE: **DAZ 215/2017**
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: (Wellington Crescent)

SUBJECT: To amend the Academy Road Planned Development Overlay 1 (Schedule O of the Winnipeg Zoning By-law 200/2006), by redesignating the subject five properties from Area 1 (Academy Shops and Services Area) to Area 2 (Academy Living Area)

LOCATION: see map



APPLICANT: City of Winnipeg

RECOMMENDATION: **Approval, in part**

DESCRIPTION OF THE APPLICATION

Overview of Planned Development Overlays (PDOs)

The Winnipeg Zoning By-law provides for the creation of Planned Development Overlays (PDOs). A Planned Development Overlay (PDO) is a zoning tool that modifies land uses and/or development standards in an area. It is applied in unique or special circumstances, in order to achieve local planning objectives in specially designated areas. PDO's are most often based on local area plans.

Academy Road PDO-1

The Academy Road PDO-1 contains a number of provisions dealing with:

- Land use
- Building form and design
- Parking and loading
- Signage

One element of land use in the PDO-1 is a map (Map 1 – Academy Road Principal Overlay Map) which designates properties abutting Academy Road into one of three land use categories:

Area 1 – Shops and Services
Area 1B – Subarea of Area 1
Area 2 – Living

In Area 1 and Area 1B, commercial development may be accommodated. It is important to note that the PDO-1 does not mandate that commercial development occur on properties located within this area nor does it rezone residential properties within this area to a commercial zoning category.

If a property owner with residential zoning within this area was interested in pursuing commercial development on their property, they would still be required to apply for a rezoning and a public hearing would still be held.

Consequently, this provision of the PDO-1 acts like a vision and policy statement for these areas.

Reason for application
The subject application proposes to change the designation of five properties, which currently have residential zoning, from Area 1 to Area 2.

If the application is approved, the result would be that the City could neither accept nor approve an application for any one of these five properties to be rezoned to a commercial zoning category.

ANALYSIS AND ISSUES
Complete Communities
Academy Road is identified as a Neighbourhood Mixed Use Corridor in Complete Communities, the City of Winnipeg's guide to land use and development. Neighbourhood Mixed Use Corridors are local collector streets that accommodate retail and mixed use forms in small clusters with low to medium density housing located between the clusters. In contrast to Community Mixed Use Corridors, Neighbourhood Mixed Use Corridors tend to be located within the neighbourhood level and allow for specific neighbourhood focal points serving the local population.

The Key Direction for Neighbourhood Mixed Use Corridors is as follows:

Promote orderly, minor intensification of neighbourhood mixed use corridors that is in character with the surrounding neighbourhood.

The two enabling strategies to accomplish this are as follows:

1. **Promote the location of new development within existing clusters of commercial or multiple-family developments**
2. **Support the minor intensification of Neighbourhood Mixed Use Corridors keeping in character with the surrounding neighbourhood.**

Discussion item #1 - Alignment with policy
The intent of the Academy Road PDO-1 was to allow for minor intensification of Academy Road, as a Neighbourhood Mixed Use Corridor. The Academy East area, specifically, is an existing cluster of commercial development, with commercial businesses fronting the south side of the street.
The PDO-1 allows for residential properties on the north side of the street to potentially be converted to commercial, so that there is commercial on both sides of the street – creating a more walkable, interesting, and completed commercial area.

The current approach taken in the PDO is consistent with the policies in the Complete Communities Direction Strategy to promote new development within existing clusters and to allow minor intensification of Neighbourhood Mixed Use Corridors.

This is to ensure that our established neighbourhoods offer many options for goods and services available within walking distance of people's homes and to move away from the vehicle centric development pattern that has been prevalent in our city for so many years.

To remove all of the five properties from Area 1 would be inconsistent with this well established direction.

Discussion item #2 - Supply and demand for commercial development on Academy Road
Supply
Currently, within the Academy Road east area, which is bounded by the back lane between Brock Avenue and Queenston Street on the west and the west side of Oak Street on the east, the only properties that can accommodate future commercial expansion are the five properties that are the subject of this application.

If this application is approved, there will be no properties available for commercial expansion in the Academy Road east area.

Similarly, there are very few properties available for commercial expansion within the other two sections of the Academy Road PDO.

Area 1A currently has one property available and Area 1 West currently has two properties available.

Area 1 West also has eight properties with apartment buildings that could be redeveloped commercially, however, that is extremely unlikely due to the value of the existing improvements on the property.

In summary, if this application is approved, there will be only three properties, of the current eight remaining within the Academy PDO area that could be converted to commercial development in the future. The overall supply will be effectively reduced by 62.5%.

Demand
According to an experienced commercial real estate broker in Winnipeg, demand for commercial development in River Heights is strong. According to this broker, it is also very difficult to find suitably zoned land in the area or to obtain a zoning change from residential to commercial.

Property sales show that the price per square foot for vacant or redevelopable commercial land in River Heights is amongst the highest in the City of Winnipeg.

A reduction in future commercial land supply may lead to a further increase in land value for the remaining commercial land and may make it even more expensive, and potentially out of reach, for entrepreneurs and new business owners to establish themselves on Academy Road.

Discussion item #3 – Suitability of the subject properties for commercial development
The subject properties have the following lot dimensions:

151 Waterloo (120 foot frontage on Academy x 100 foot frontage on Waterloo – total of 12,052 square feet)

150 Waterloo (120 foot frontage on Academy x 101 foot frontage on Waterloo – total of 12,084 square feet)

153 Ash (120 foot frontage on Academy x 75 foot frontage on Ash – total of 9,075 square feet)

160 Ash (120 foot frontage on Academy x 75 foot frontage on Ash – total of 9,075 square feet)

163 Oak (120 foot frontage on Academy x 40 foot frontage on Oak – total of 4,850 square feet)

The first four properties have significant frontage, depth, and lot area, making them well suited to commercial redevelopment. They are all large enough that they can accommodate a buffer on the north property line (10 feet required per By-law) and accommodate parking either behind the building or off the back lane. In addition, each of these properties is matched by commercial development across Academy Road.

It should also be noted that both 151 Waterloo and 150 Waterloo can currently be subdivided into two lots each without any variances. If new houses are built on those lots, they can be built within 4 feet of the north property line.

The property on Oak Street is significantly smaller in size, in both depth and lot area. It would be more difficult to accommodate a buffer on the north side as well as non-back lane parking for this site. In addition, this is the only property of the five that is matched with non-commercial development (a four storey apartment building) across Academy Road

For these reasons, a strong case can be made to remove this property from Area 1. The Winnipeg Public Service is supportive of the amendment for this property only.

Discussion item #4 – Compatibility of commercial development
The intent of the Academy Road PDO-1 was to create regulations that would ensure compatibility between commercial development and adjacent residential uses.

To that point, the PDO-1 includes regulations dealing with building siting and design, parking location, and land use. These regulations were identified by the community, through the public engagement process, as being important to ensure compatible development.

Consequently, if the subject properties are rezoned in the future, the PDO-1 is in place to ensure that those new developments are sensitive to the neighbours, that they mitigate potential impacts, and that they are well designed and functional.

RECOMMENDATION

For the above reasons, it is recommended that the application to amend the Academy Road PDO-1 be amended, in part, by redesignating ONLY 163 Oak Street from Area 1 to Area 2.

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

Report Prepared by: Michael Robinson, MCIP
PPD File # DAZ 215/2017

By-Law No. _____

Atlas Sheet No.

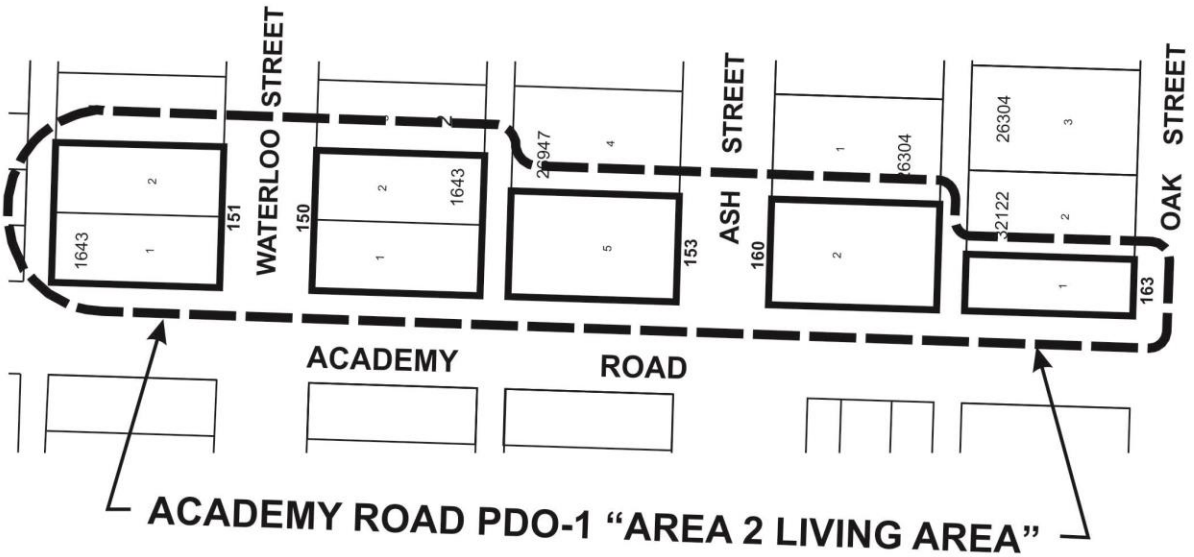
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AB21
CITY CENTRE
COMMUNITY

File No. **DAZ 215/17**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 163 Oak Street, 153 and 160 Ash Street, and 150 and 151 Waterloo Street to amend Map 1 of Academy Road Neighbourhood Main Street Planned Development Overlay 1 (PDO-1 Academy Road), Schedule "O" to the Winnipeg Zoning By-law 200/2006 to re-designate the subject land from "Area 1 – Academy Shops and Services Area" to "Area 2 – Academy Living Area" as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____