Minutes – Executive Policy Committee – March 5, 2019

REPORTS

Item No. 2 Rezoning – 140 Alfred Avenue
(Mynarski Ward)
File DAZ 213/2018 [c/r DAV 164243/2018D and DCU 163333/2018D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 213/2018 by rezoning the subject land to a "C2" Commercial Community District as shown on the map dated February 19, 2019, and attached as Schedule "A" to this report subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. exterior lighting;
            g. landscaping; and
            h. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

ii. That there shall be no billboard signs, mobile signs, or A-board signs on the entire site, except that a mobile sign shall be permitted on the site for a period of up to thirty (30) days in association with a new occupancy permit.

iii. That uses on the land be restricted to:
   a. Parking, surface;
   b. Dwelling, Single-family;
   c. Dwelling, Two-family.

B. That the City enter into, execute and deliver with the Developer a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application, as determined by the City's Director of Planning, Property and Development.

3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

4. That, upon instruction from the Director of Planning, Property and Development, the City Solicitor/Director of Legal Services shall prepare and bring directly to Council for enactment the By-law in accordance with the above.

5. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On February 25, 2019, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On February 19, 2019, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its special meeting on February 25, 2019 at 9:00 a.m. in the Council building at 510 Main Street.

RE: **Rezoning – 140 Alfred Avenue**
File DAZ 213/2018

For submission to: **Executive Policy Committee**

Prepared by: **Pieter Prinsloo, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **February 25, 2019**

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

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

1. I was in support in 2014 and in support of this particular application in that, really they have no way of providing parking which is an issue today, as I mentioned, I looked it up and I believe the apartment block was built somewhere between 1902 and 1904; not many people owned motor vehicles, if at all.

2. They have an issue with stabilization on the riverbank; east side of 126 Alfred and again they have no other alternative to provide a place for residents of the apartments to park.

PUBLIC HEARING SUMMARY

File: DAZ 213/2018

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

Public Hearing: February 25, 2019
February 19, 2019
Council Building, 510 Main Street

Applicant: Andre Vanderzalm, Sun Mortgage Corporation

Subject:



Premises Affected:

Exhibits Filed:

1. Application dated December 11, 2018
2. Notification of Public Hearing dated January 4, 2019
3. Manitoba Status of Title 2727421/1
4. Letter of authorization dated November 6, 2018, from Peter Draguik, President, 6718907 Manitoba Ltd., to Andre Vanderzalm, Sun Mortgage Corporation
5. Caveats 4957177/1; 4898293/1; 4755351/1; 4729467/1; 4420732/1; 4284033/1; 4284032/1; 4284030/1
6. Plans (8 pages)
7. Report from the Urban Planning Division dated February 7, 2019
8. Inspection Report
9. Recording of Representations on February 19, 2019
10. Notice of Adjournment dated February 20, 2019
11. Recording of Representations on February 25, 2019

REPRESENTATIONS:

In Support:

Andre Vanderzalm
Peter Draguik

In Opposition

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 213/2018

ADMINISTRATIVE REPORT

Title: DAZ 213/2018 – 140 Alfred Avenue

Issue: Proposed rezoning of land from an "R2" district to a "C2" Commercial Community district in order to establish a surface parking lot.

Critical Path: Lord Selkirk - West Kildonan Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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, RPP	n/a	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 213/2018 by rezoning the subject land to a "C2" Commercial Community District as shown on the map dated February 19, 2019, and attached as Schedule "A" to this report subject to the following conditions:

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6. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to rezone the subject property from an "R2" district to a "C2" district. The intent is to establish a non-accessory surface parking lot to serve residents at 126 Alfred Avenue, which is a residential multi-family building located across the lane

and east of the subject property.

- This report provides information, and makes recommendations, regarding the subject application (DAZ 213/2018) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy.* This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the proposal can proceed.

SUBMITTED BY

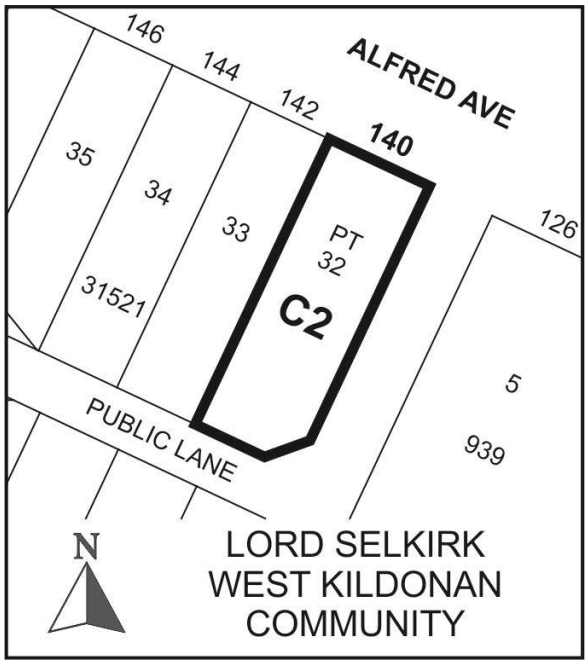
Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rak Hayer, MCP
Date:	February 7, 2019
File No.	DAZ 213/2018

Attachments

- **Appendix "A," Planning Discussion**
- **Schedule "A," of File** DAZ 213/2018**,** Lord Selkirk - West Kildonan **Community Committee, dated** February 19, 2019**.**

Appendix "A," Planning Discussion

DATE:	February 7, 2019
FILE:	**DAZ 213/2018**
RELATED FILE:	DCU 18-163333\D; DAV 18-164243\D
COMMUNITY:	Lord Selkirk - West Kildonan
NEIGHBOURHOOD #:	3.311 (North Point Douglas)
SUBJECT:	Proposed rezoning of land from an "R2" district to a "C2" Commercial Community district in order to establish a surface parking lot
LOCATION:	140 Alfred Avenue
LEGAL DESCRIPTION:	EXC LANE PL 35144 LOT 32 PLAN 31521 39 ST J



APPLICANT:	Fillmore Riley LLP, Doug Fawcett 1700-360 Main Street Winnipeg, MB R3C 3Z3
OWNER:	Oxbow Holdings LTD. 200-5 Donald Street Winnipeg, MB R3L 2T4
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the south side of Alfred Avenue, between the Red River and Main Street, in the North Point Douglas neighbourhood and the Mynarski ward.
- Currently on the property is a partly demolished residential dwelling. A demolition order was issued in 2014; however aspects of the building have yet to be demolished. During a site visit in January of 2019, it was noted the foundation is still in place however most of the structure appears to have been demolished.
- The property is approximately 32 feet wide and 91 feet deep; with a total lot area of 2,864 square feet.
- A public lane flanks the land along the south and east sides.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Alfred Avenue; then single- and two- family dwellings zoned “R2” Residential Two-family.

South: Public lane; then single-family dwellings zoned “R2” Residential Two-family district.

East: Public lane; then a multi-family dwelling zoned “RMF-M” district.

West: Single-family dwellings zoned “R2” Residential Two-family district.

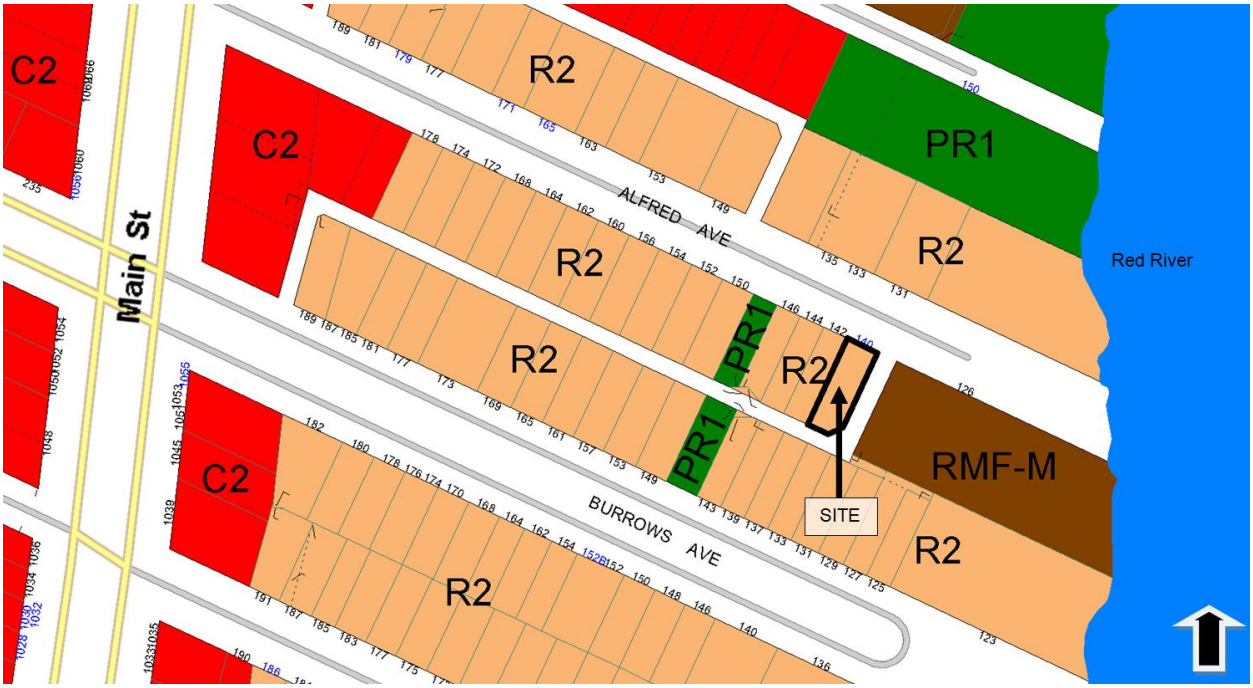


Figure 2: Existing zoning of the subject site and surrounding area.

DESCRIPTION OF THE PROPOSED REZONING

- The applicant seeks to rezone the subject property to a “C2” Commercial-Community district to facilitate its use as a parking area.
- The intent is for the parking spaces to serve future residents at 126 Alfred Avenue, which is a vacant multi-family building located just east of the site across the public lane.
- An identical application for rezoning was previously submitted under file DAZ 228/2014 and approved by Council. However the previous rezoning under DAZ 228/2014 was never completed and the approval has since expired.
- The building at 126 Alfred Avenue was previously under renovation beginning in 2014; however the project was abandoned shortly thereafter due to a fire. The entire redevelopment project from 2014 was abandoned, including the rezoning under DAZ 228/2014. Under new applications, the owner is proposing to restart the renovation project including converting the subject land to a surface parking lot, consistent with the 2014 proposal.
- Surface parking is a Conditional Use in the “C2” district; therefore applicant has also submitted a Conditional Use application under file DCU 18-163333/D.
- Variances are also required to accommodate aspects of the parking lot, and those have been applied for under file DAV 18-164243\D

PROPOSED DEVELOPMENT

As noted, the proposed development a surface parking lot. Plans submitted with the application show the following:

- A total of 10 parking spaces. Of these, nine (9) stalls would be accessed directly from the rear lane flanking the east side of the property; and one (1) accessible parking stall would be accessed from the public lane flanking the south side of the property.
- A west side yard of 10 feet (interior), which would include five (5) trees and a 6-foot continuous wooden tall fence.
- A front yard of 2.5 feet, which would include a 3-foot tall continuous hedge planting.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

***OurWinnipeg* is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city. The following policies are noted in relation to the subject application:**

> *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
>
> *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
>
> *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Commercial Community (C2) 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, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.

Dimensional Standards						
Zoning District	**Minimum/Maximum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Interior Side Yard (Ft.)**	**Minimum Corner Side Yard (Ft.)**	**Maximum Height of Building (Ft.)**	**Maximum Floor Area Ratio**
C2	0/NA	25 (note b)	0 (note b)	0	49	3.0
Note B:	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, Landscaping and Buffering, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.					

REZONING ANALYSIS

Proposed Zoning District:

The proposed rezoning is consistent with *OurWinnipeg* and *Complete Communities* for the following reasons:

- The proposed parking area would serve future residents at 126 Alfred Avenue, which is currently under renovations. City records show the building once contained 26 Dwelling Units. Some renovations have been completed, however work is still ongoing. Said building was constructed sometime in the 1930s or 1940s; is a four-storey brick building; and adds to the neighbourhood character.
- In this way, the subject rezoning would facilitate a parking lot that serves and supports the renovation of an existing residential building that is part of the area's character, and expands housing options in the neighbourhood.
- Other options to provide accessory parking for 126 Alfred Avenue on their property have been explored however these would be problematic because of riverbank stability issues.
- The property at 126 Alfred Avenue backs on to the Red River. The riverbank in this portion is unstable. The property previously had an accessory parking area located behind the building (on the east side of the building towards the riverbank) however that parking area could not be maintained due to slope instabilities. The owner previously tried to raise the land up (to reinstate parking) until they received engineering advice to off-load the bank by substantially lowering grades in the parking area, and implement erosion protection works to protect the building.
- The Winnipeg Public Service would typically not recommend approval for a rezoning to "C2" for a surface parking lot in the Areas of Stability however the subject application is considered an exception because the parking lot use would support new residential growth in the area and providing accessory parking at 126 Alfred Avenue would be problematic given the riverbank issues.

Compatibility with the Surrounding Neighbourhood

- Where commercial lots abut residential lots, appropriate setbacks and buffering must be considered.
- In this case, the applicant is providing a landscaped buffer of 10 feet along the west property line to the neighbour. The west side buffer includes new tree plantings and a 6 feet tall light proof wooden fence. The front setback would include a landscaped hedge.
- Although commercial zoning is typically more suitable on corridors and centres, in this case the rezoning would be compatible with the area subject to the recommended conditions of approval including a zoning agreement to limit commercial uses on the land to surface parking only; or the property may revert back to residential uses in future.
- Plan Approval through the Lord Selkirk-West Kildonan Community Committee is also recommended to allow the Planning Department and Community Committee to review final plans before any new development on the land can proceed.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and compatible with the surrounding area.

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

Report Prepared by:
Rak Hayer, MCP

PPD File #:
DAZ 213/2018

Schedule "A" of File DAZ 213/2018, Lord Selkirk - West Kildonan Community Committee,

February 19, 2019

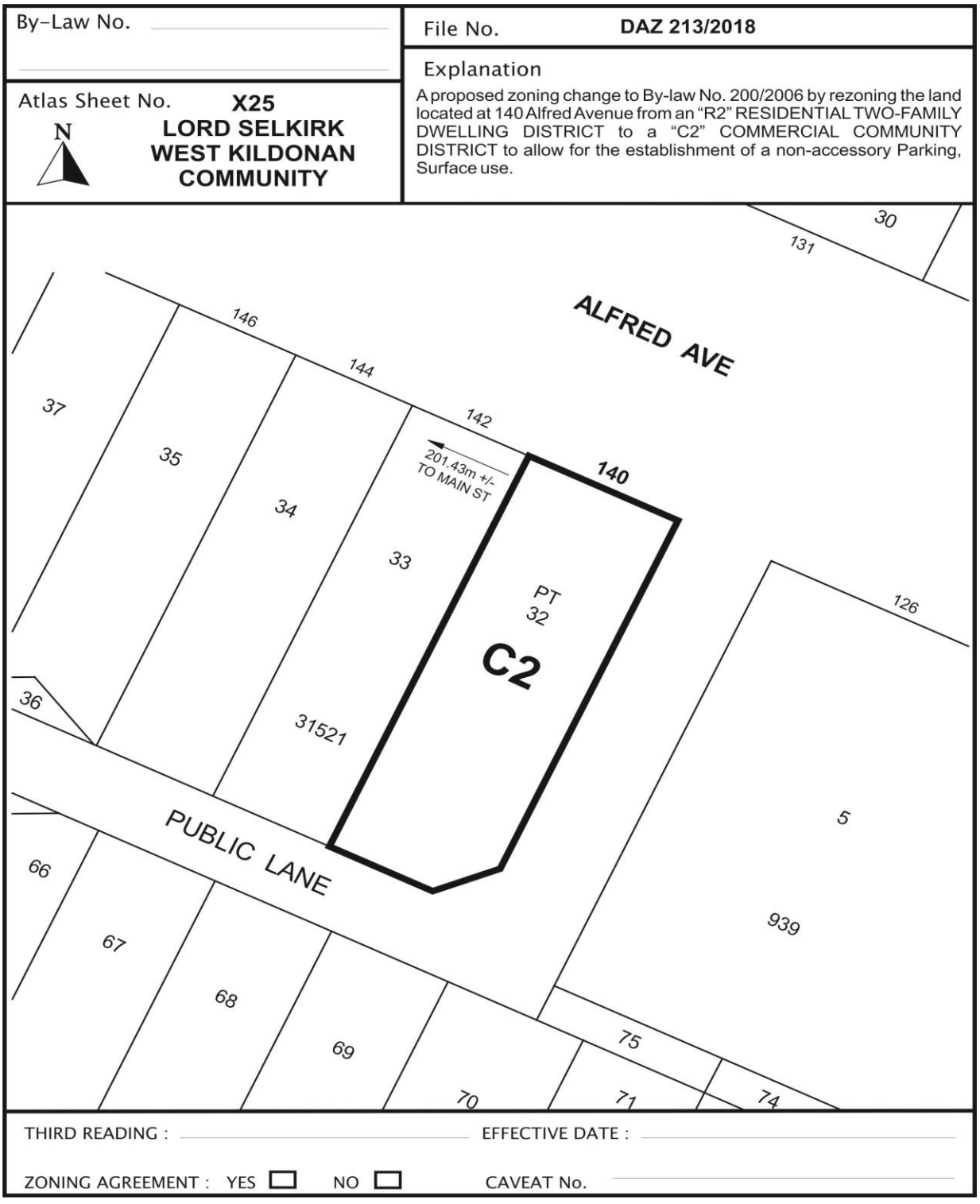
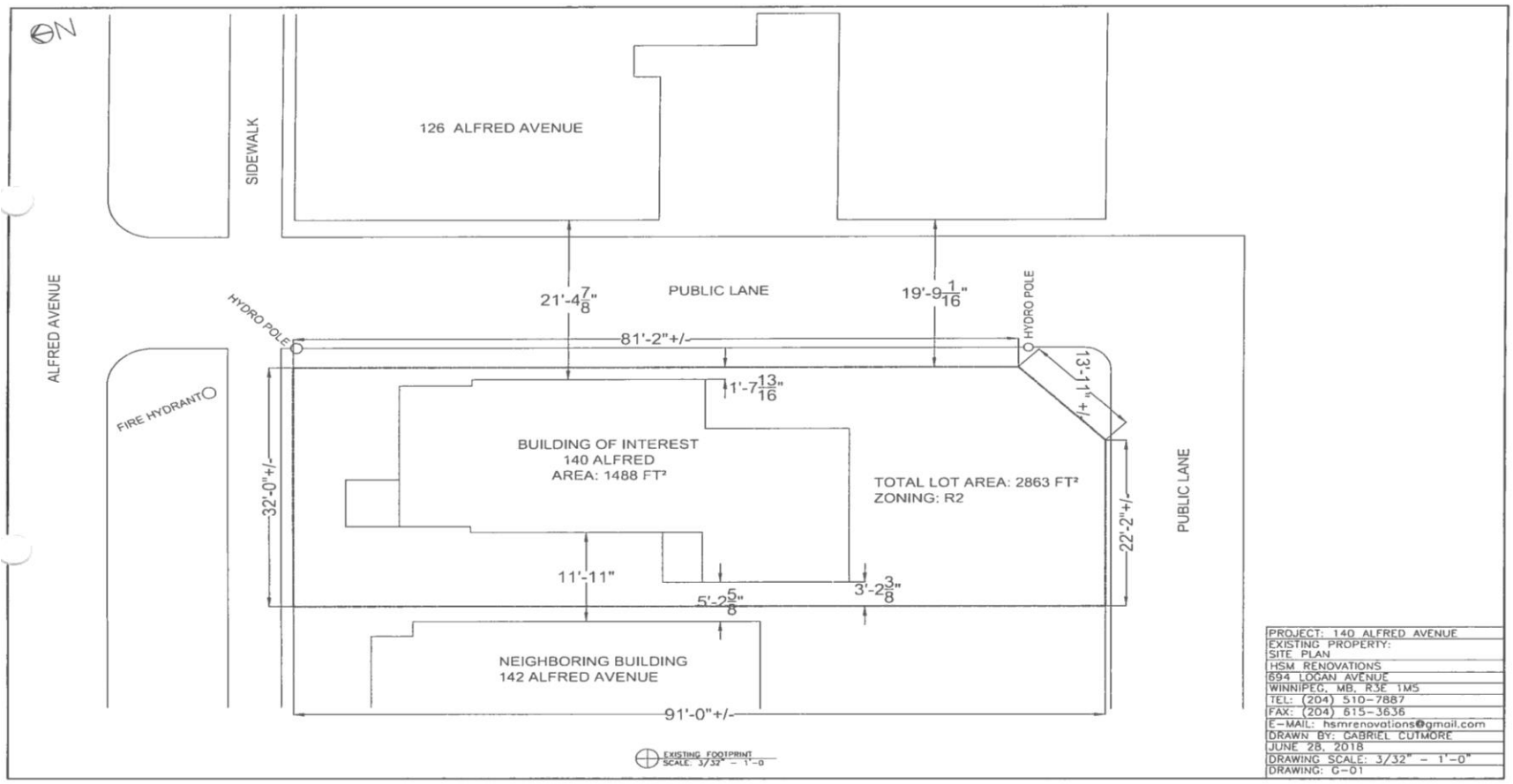
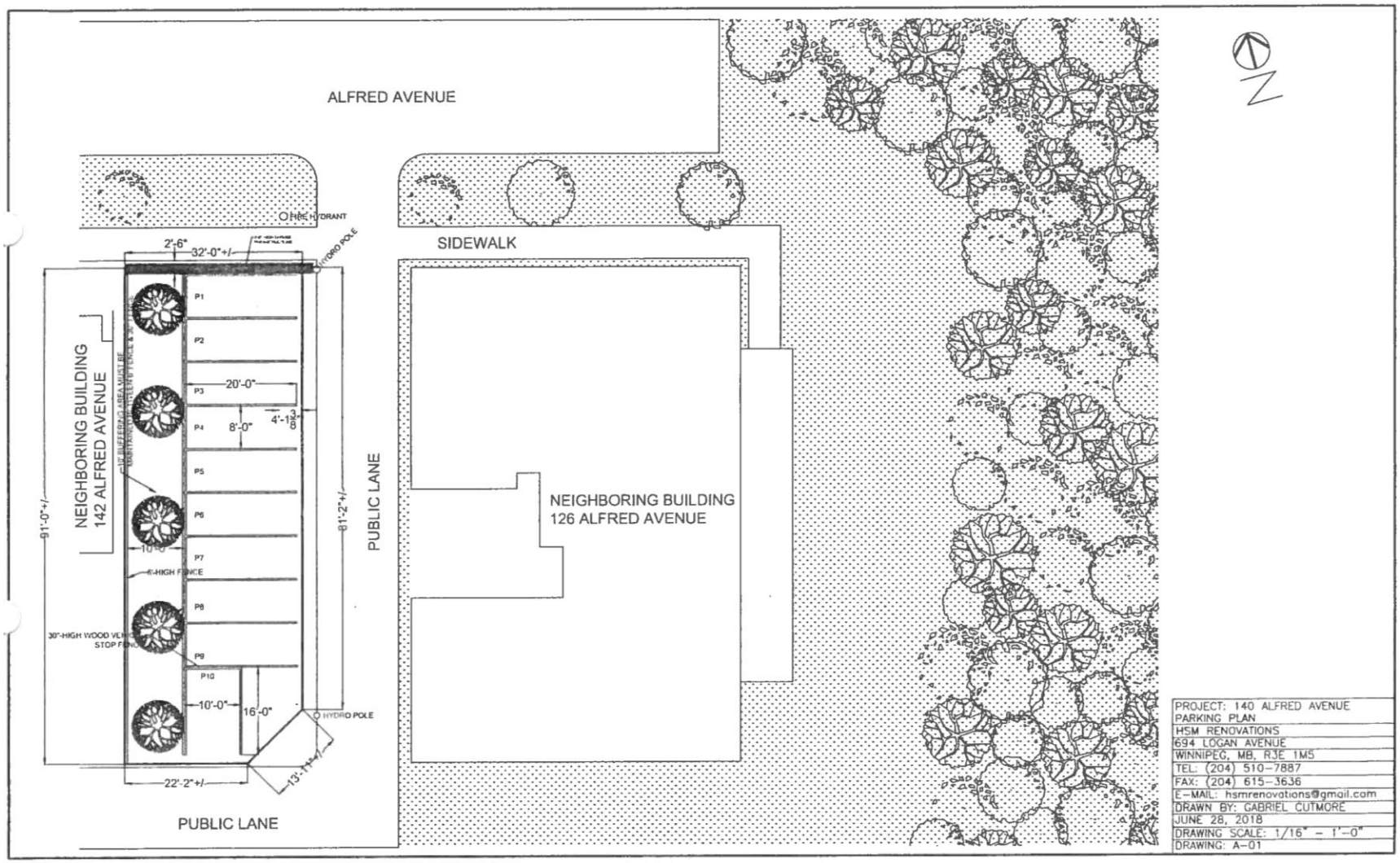
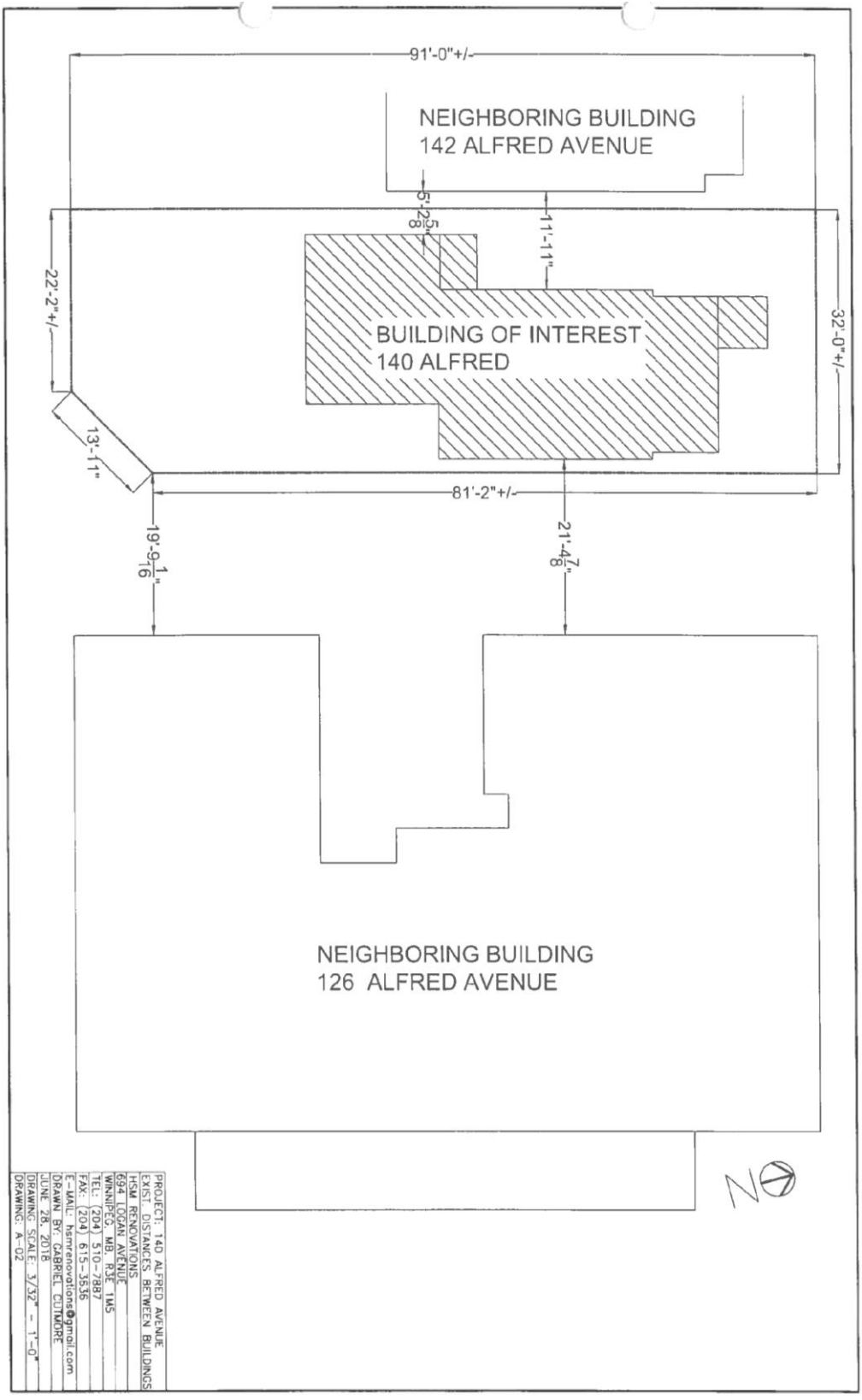
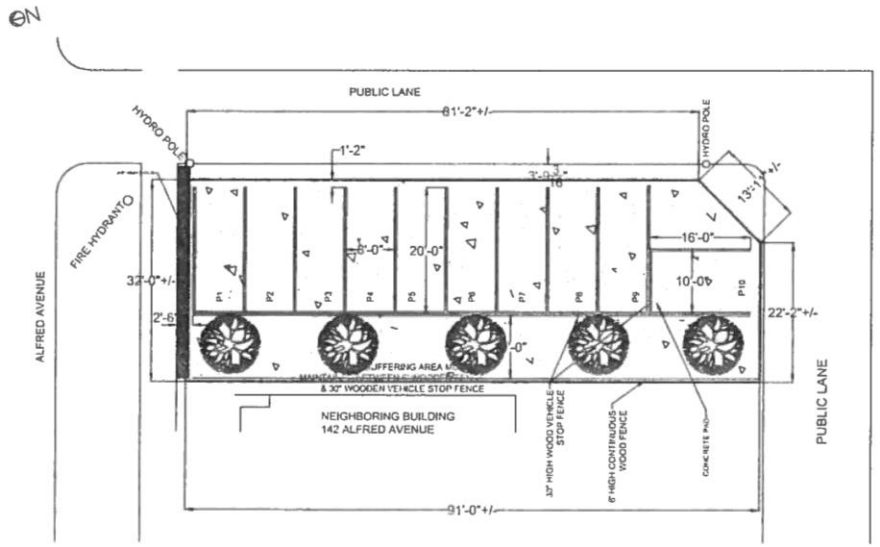


Exhibit “6” referred to in File DAZ 213/2018



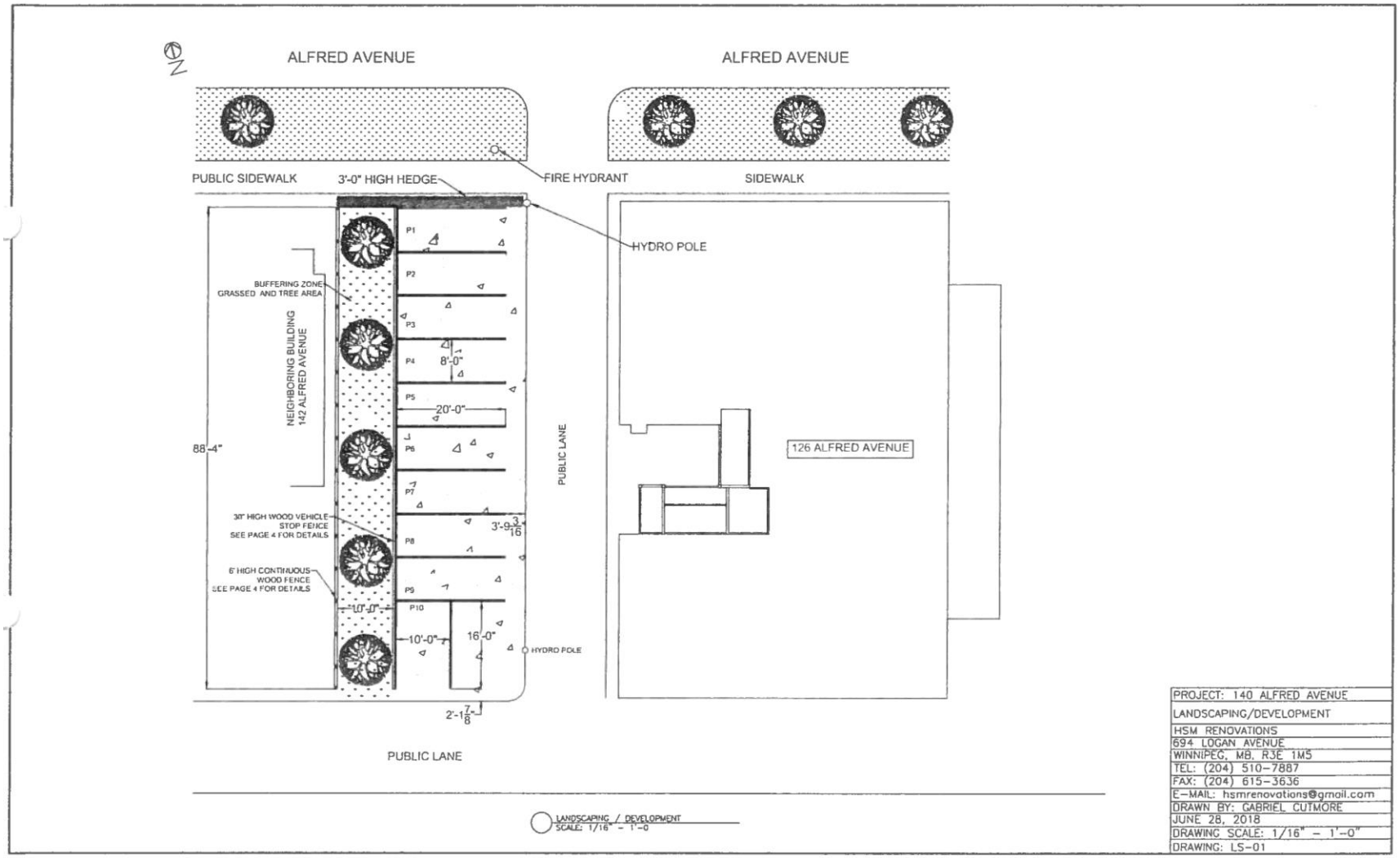

ALFRED AVENUE
FIRE HYDRANT
HYDRO POLE
SIDEWALK
2'-6"
32'-0"+/-
P1
P2
P3
20'-0"
P4
8'-0"
4'-1"
P5
P6
P7
P8
P9
P10
10'-0"
16'-0"
HYDRO POLE
13'-11"+/-
22'-2"+/-
91'-0"+/-
81'-2"+/-
NEIGHBORING BUILDING
142 ALFRED AVENUE
PUBLIC LANE
NEIGHBORING BUILDING
126 ALFRED AVENUE
PUBLIC LANE
N
PROJECT: 140 ALFRED AVENUE
PARKING PLAN
HSM RENOVATIONS
694 LOGAN AVENUE
WINNIPEG, MB, R3E 1M5
TEL: (204) 510-7887
FAX: (204) 615-3636
E-MAIL: hsmrenovations@gmail.com
DRAWN BY: GABRIEL CUTMORE
JUNE 28, 2018
DRAWING SCALE: 1/16" = 1'-0"
DRAWING: A-01

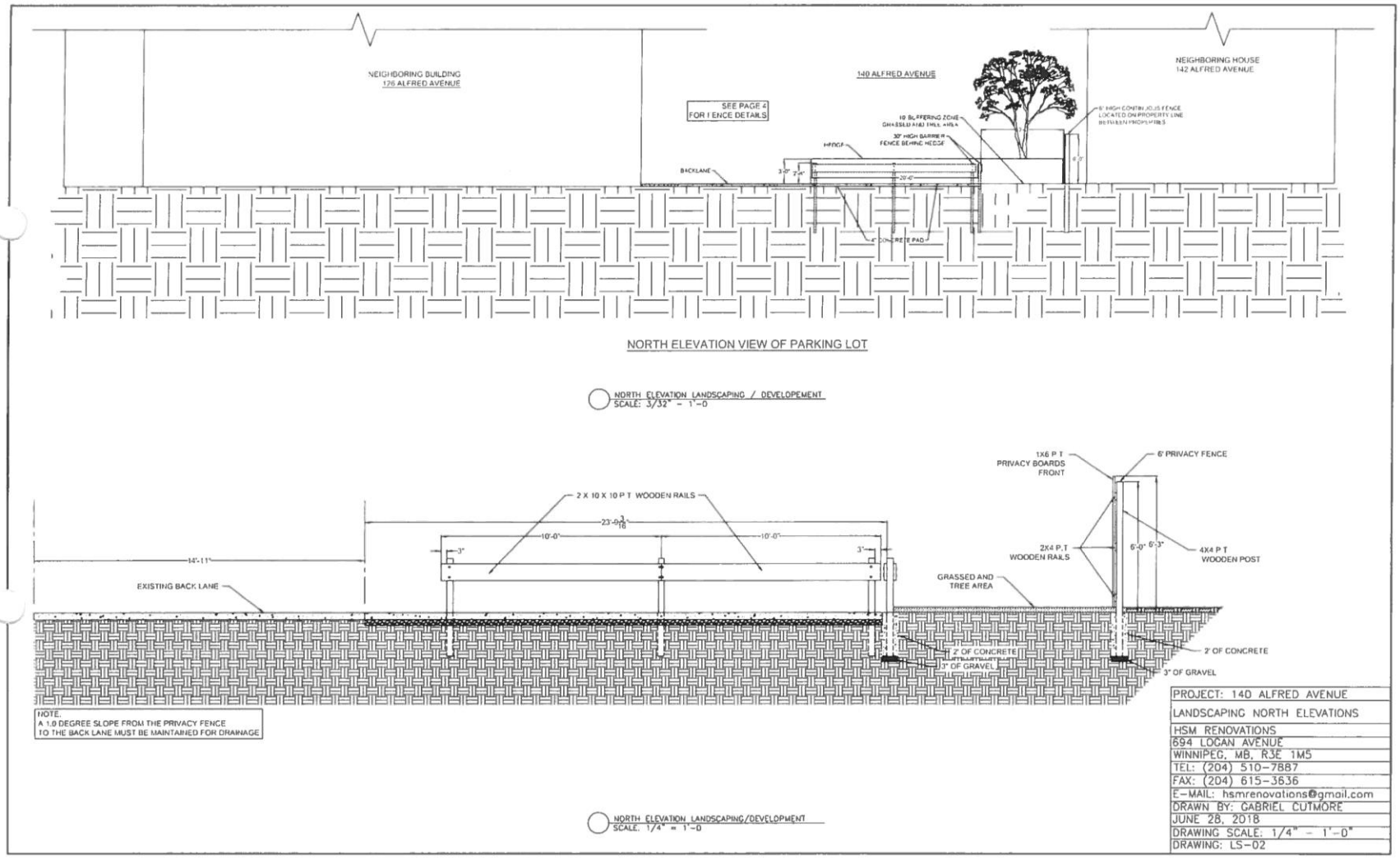

91'-0"+/-
NEIGHBORING BUILDING
142 ALFRED AVENUE
5'-2 5/8"
11'-11"
22'-2"+/-
32'-0"+/-
BUILDING OF INTEREST
140 ALFRED
13'-11"
81'-2"+/-
19'-9 1/16"
21'-4 7/8"
NEIGHBORING BUILDING
126 ALFRED AVENUE
N
PROJECT: 140 ALFRED AVENUE
EXIST. DISTANCES BETWEEN BUILDINGS
HSM RENOVATIONS
694 LOGAN AVENUE
WINNIPEG, MB. R3E 1M5
TEL: (204) 510-7887
FAX: (204) 615-3536
E-MAIL: hsmrenovations@gmail.com
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JUNE 28, 2018
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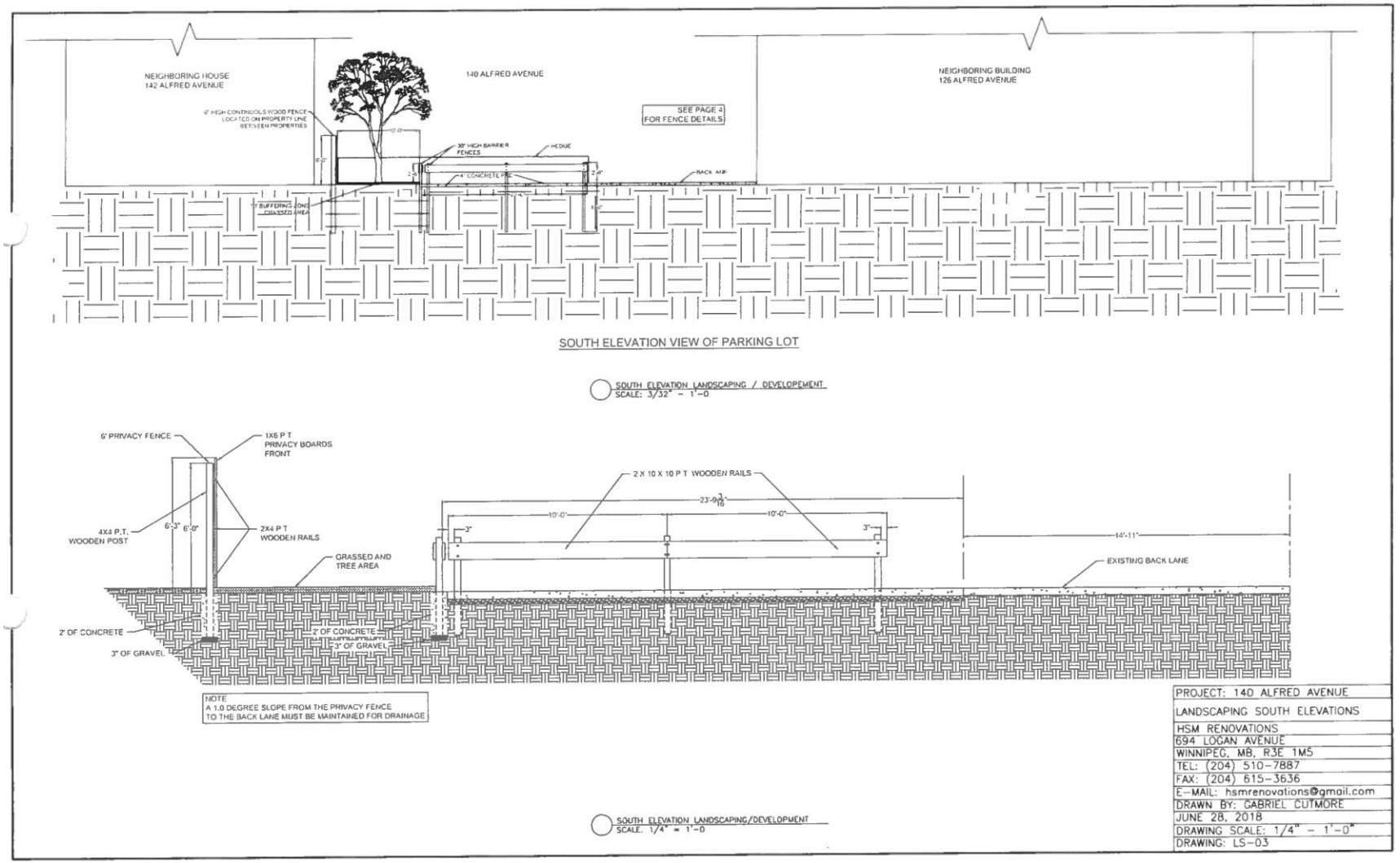


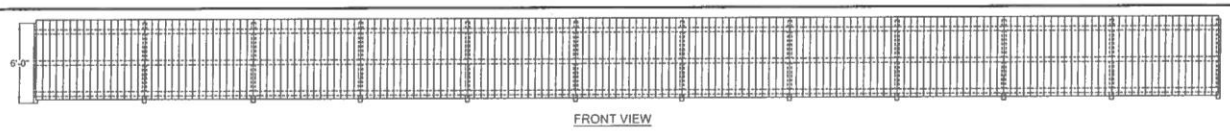
PROPOSED PLAN OF DEVELOPMENT
SCALE: 3/32" = 1'-0

PROJECT: 140 ALFRED AVENUE
EXISTING PROPERTY/PROPOSED PLANS OF DEVELOPMENT
HSM RENOVATIONS
694 LOGAN AVENUE
WINNIPEG, MB, R3E 1M5
TEL: (204) 510-7887
FAX: (204) 615-3636
E-MAIL: hsmrenovations@gmail.com
DRAWN BY: GABRIEL CUTMORE
JUNE 28, 2018
DRAWING SCALE: 3/32" = 1'-0"
DRAWING: A-03

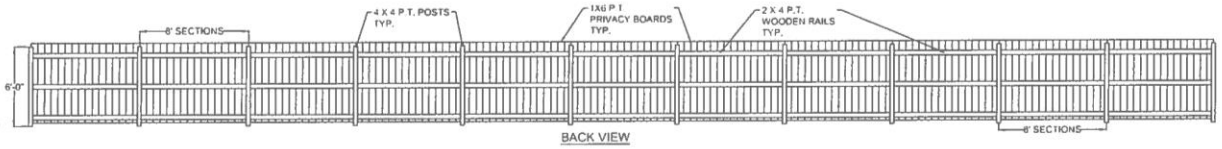

N
ALFRED AVENUE
ALFRED AVENUE
PUBLIC SIDEWALK
3'-0" HIGH HEDGE
FIRE HYDRANT
SIDEWALK
HYDRO POLE
BUFFERING ZONE
GRASSED AND TREE AREA
NEIGHBORING BUILDING
142 ALFRED AVENUE
P1
P2
P3
P4
P5
P6
P7
P8
P9
P10
8'-0"
20'-0"
88'-4"
PUBLIC LANE
126 ALFRED AVENUE
30" HIGH WOOD VEHICLE
STOP FENCE
SEE PAGE 4 FOR DETAILS
3'-9 3/16
6' HIGH CONTINUOUS
WOOD FENCE
SEE PAGE 4 FOR DETAILS
10'-0"
10'-0"
16'-0"
HYDRO POLE
2'-1 7/8
PUBLIC LANE
LANDSCAPING / DEVELOPMENT
SCALE: 1/16" = 1'-0
PROJECT: 140 ALFRED AVENUE
LANDSCAPING/DEVELOPMENT
HSM RENOVATIONS
694 LOGAN AVENUE
WINNIPEG, MB. R3E 1M5
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DRAWN BY: GABRIEL CUTMORE
JUNE 28, 2018
DRAWING SCALE: 1/16" = 1'-0"
DRAWING: LS-01


NEIGHBORING BUILDING
126 ALFRED AVENUE
140 ALFRED AVENUE
NEIGHBORING HOUSE
142 ALFRED AVENUE
SEE PAGE 4
FOR FENCE DETAILS
10 BUFFERING ZONE
GRASSED AND TREE AREA
30" HIGH BARRIER
FENCE BEHIND HEDGE
HEDGE
BACKLANE
6' HIGH CONTINUOUS FENCE
LOCATED ON PROPERTY LINE
BETWEEN PROPERTIES
NORTH ELEVATION VIEW OF PARKING LOT
NORTH ELEVATION LANDSCAPING / DEVELOPEMENT
SCALE: 3/32" = 1'-0
2 X 10 X 10 P T WOODEN RAILS
23'-0 3/16"
10'-0"
10'-0"
3"
3"
14'-11"
EXISTING BACK LANE
1X6 P T
PRIVACY BOARDS
FRONT
6' PRIVACY FENCE
2X4 P.T
WOODEN RAILS
6'-0"
6'-3"
4X4 P T
WOODEN POST
GRASSED AND
TREE AREA
2' OF CONCRETE
3" OF GRAVEL
2' OF CONCRETE
3" OF GRAVEL
NOTE:
A 1.0 DEGREE SLOPE FROM THE PRIVACY FENCE
TO THE BACK LANE MUST BE MAINTAINED FOR DRAINAGE
NORTH ELEVATION LANDSCAPING/DEVELOPMENT
SCALE: 1/4" = 1'-0
PROJECT: 140 ALFRED AVENUE
LANDSCAPING NORTH ELEVATIONS
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JUNE 28, 2018
DRAWING SCALE: 1/4" = 1'-0"
DRAWING: LS-02


NEIGHBORING HOUSE
142 ALFRED AVENUE
140 ALFRED AVENUE
NEIGHBORING BUILDING
126 ALFRED AVENUE
SEE PAGE 4
FOR FENCE DETAILS
30" HIGH BARRIER FENCES
HEDGE
4" CONCRETE PAD
BACK ALLEY
SOUTH ELEVATION VIEW OF PARKING LOT
SOUTH ELEVATION LANDSCAPING / DEVELOPEMENT
SCALE: 3/32" = 1'-0
6' PRIVACY FENCE
1X6 P.T. PRIVACY BOARDS FRONT
4X4 P.T. WOODEN POST
2X4 P.T. WOODEN RAILS
2 X 10 X 10 P.T. WOODEN RAILS
GRASSED AND TREE AREA
EXISTING BACK LANE
2" OF CONCRETE
3" OF GRAVEL
NOTE
A 1.0 DEGREE SLOPE FROM THE PRIVACY FENCE TO THE BACK LANE MUST BE MAINTAINED FOR DRAINAGE
SOUTH ELEVATION LANDSCAPING/DEVELOPMENT
SCALE: 1/4" = 1'-0
PROJECT: 140 ALFRED AVENUE
LANDSCAPING SOUTH ELEVATIONS
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JUNE 28, 2018
DRAWING SCALE: 1/4" = 1'-0"
DRAWING: LS-03



FRONT VIEW



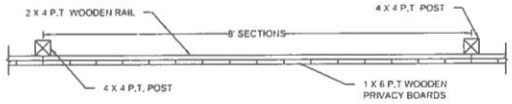
BACK VIEW

HARDWARE

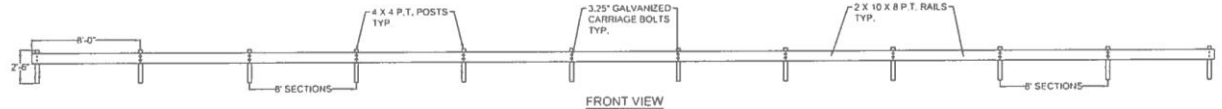
6' PRIVACY FENCE

- USE 12D (3.25") HOT DIPPED GALVANIZED NAILS TO ATTACH THE 2 X 4 P.T. WOODEN RAILS TO THE 4 X 4 P.T. WOODEN POSTS
- USE 5D (1.75") HOT DIPPED GALVANIZED NAILS TO ATTACH THE 1 X 6 P.T WOODEN PRIVACY BOARDS TO THE 2 X 4 RAILS

6' PRIVACY FENCE DETAIL
SCALE: 1/8" = 1'-0



TOP VIEW (SCALE $\frac{1}{2}$" = 1'-0")



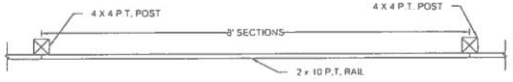
FRONT VIEW

30"PARKING FENCE DETAIL
SCALE: 1/8" = 1'-0

HARDWARE

30" PARKING FENCE

- USE 3.25" HOT DIPPED GALVANIZED CARRIAGE BOLTS TO ATTACH THE 2 X 10 P.T. WOODEN RAILS TO THE 4 X 4 POSTS



TOP VIEW (SCALE $\frac{1}{2}$" = 1'-0")

PROJECT: 140 ALFRED AVENUE
LANDSCAPING – FENCE DETAIL
HSM RENOVATIONS
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DRAWN BY: GABRIEL CUTMORE
JUNE 28, 2018
DRAWING SCALE: 1/8"=1'-0"
DRAWING: LS-04