**Minute No. 505**
**Report – Executive Policy Committee – September 10, 2019**

**Item No. 3** **Zoning Agreement Amendment – 629 McDermot Avenue (Point Douglas Ward) File ZAA 1/2019 [c/r DAV 122759/2019D]**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Zoning Agreement Caveat 240372/1 under File DAZ 319/1975 dated February 18, 1976 be discharged.

2. That the Director of Legal Services and City Solicitor be requested to discharge the subject Zoning Agreement to DAZ 319/1975, dated February 18, 1976 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

**Report – Executive Policy Committee – September 10, 2019**

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2019, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 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.

## PUBLIC HEARING SUMMARY

**File:** ZAA 1/2019

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

**Public Hearing:** July 9, 2019
Council Building, 510 Main Street

**Applicant**: Monteyne Architecture Works Inc.
(Tom Monteyne)

**Subject**:




**Premises Affected**: 629 McDermot Avenue

**For submission to:** Executive Policy Committee

**Prepared by:** P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

**Report date:** July 10, 2019

**Community Committee Recommendation:**

On July 9, 2019, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Zoning Agreement Caveat 240372/1 under File DAZ 319/1975 dated February 18, 1976 be discharged.

2. That the Director of Legal Services and City Solicitor be requested to discharge the subject Zoning Agreement to DAZ 319/1975, dated February 18, 1976 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

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

1. It seems like a very simple project, adding a fourth, I always love hearing of businesses that are expanding, especially in my ward, so I appreciate the developer and applicant working with the planning department.

Exhibits Filed:

1. Application dated May 9, 2019
2. Notification of Public Hearing dated May 22, 2019
3. Manitoba Status of Title 2797501/1
4. Letter of authorization dated March 28, 2019 from Niche Technology Inc. to Monteyne Architecture Works Inc.
5. Surveyor's Building Location Certificate and sketch dated March 14, 2019
6. Caveat 240372/1
7. Plans (8 pages)
8. Report from the Urban Planning Division dated June 27, 2019
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Tom Monteyne
Luis Ortiz
Chris Knight

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File ZAA 1/2019

# ADMINISTRATIVE REPORT

**Title:** ZAA 1/2019 – 629 McDermot Avenue

**Issue:** For consideration at the public hearing to discharge the Zoning Agreement in order to increase the height of an existing commercial building.

**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 Zoning Agreement Caveat 240372/1 under File DAZ 319/1975 dated February 18, 1976 be discharged.

2. That the Director of Legal Services and City Solicitor be requested to discharge the subject Zoning Agreement to DAZ 319/1975, dated February 18, 1976 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 a fourth storey addition to the existing building on site. The existing Zoning Agreement on the land limits the maximum height of any building to three storeys. As such, a Zoning Agreement amendment is required.
- A zoning agreement amendment requires 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 Zoning Agreement will be discharged to permit a fourth storey addition to the existing building.

## HISTORY

***DAZ 319/1975***

- The subject property went through a rezoning under file DAZ 319/1975, that changed the subject property from "R1" Single-Family Residential to "C2" Commercial Community District.
- A zoning agreement caveat was placed on the land in conjunction with that rezoning. The relevant clause restricting the land under the zoning agreement is (clause 2), which states that:

    *2. The maximum height of any building erected on the land shall be three (3) storeys.*

**DAZ 200/2009**

- The subject along with a series of properties was rezoned as part of the adoption of the West Alexander & Centennial Neighborhood Secondary Plan. Rezoning from "C2" Community Commercial District to "CMU" Commercial Mixed-Use District.

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Femi Ojo, MCIP, RPP |
| Date: | June 27, 2019 |
| File No. | ZAA 1/2019 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion

**APPENDIX 'A'**

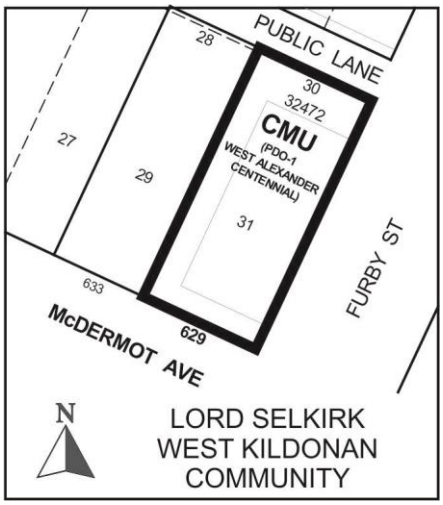
**DATE:** June 27, 2019

**FILE:** **ZAA 1/2019**
**RELATED FILES:** DAZ 319/1975; DAZ 200/2009 (BL 122/2009)

**COMMUNITY:** Lord Selkirk-West Kildonan
**NEIGHBOURHOOD #:** 3.105 (Point Douglas)

**SUBJECT:** For consideration at the public hearing to amend the Zoning Agreement by removing Clause 2, in order to add a fourth storey to an existing building.

**LOCATION:** 629 McDermot Avenue
**LEGAL DESCRIPTION:** LOT 30/31 PLAN 32472 6/7 ST J TOG WITH ROW FOR ALL PURPOSES & AS APPURT TO SAID LOTS OVER & UPON LOTS 20 22 24 26 & 28 SAID PL & SUBJ TO ROW FOR ALL PURPOSES & AS APPURT TO LOTS 20/29 SAID PL OVER & UPON SAID LOT 30




**APPLICANT:** Tom Monteyne
194 Sherbrook Street, WINNIPEG, MB.
R3C 2B6

**OWNER:** Niche Technology Inc.
54 Balmoral Street
Winnipeg, Manitoba R3C 1X4

**RECOMMENDATION:** Approval

**SITE DESCRIPTION**

The subject property is located at the northwest corner of McDermot Avenue West and Furby Street, in the West Alexander Neighborhood of the Point Douglas Ward.

Existing on the subject property is a three storey commercial building currently being used as an office. The property is 56 ft. wide and +/- 123 ft. deep, providing a total lot area of +/- 6,847 sq. ft.

The subject site is within the Areas of Stability – Mature Communities Policy Area under the *Complete Communities Direction Strategy*. The property is zoned "CMU" Commercial Mixed-Use.

The subject site also falls with the Commercial Mixed use policy area under the West Alexander and Centennial neighbourhood plan.

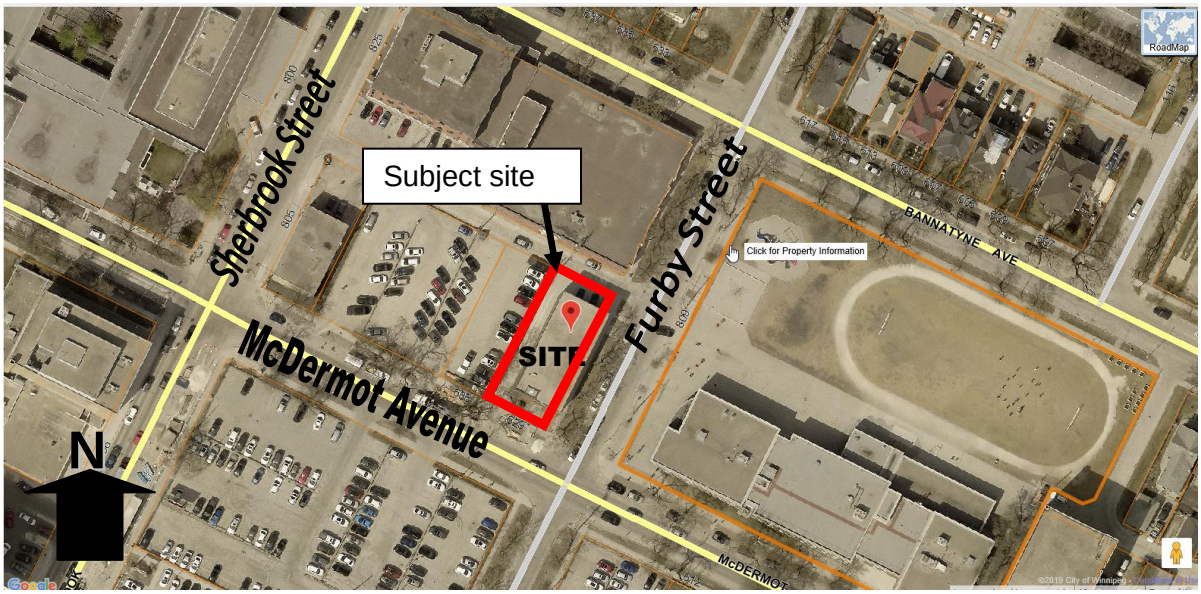



**Figure 1: Air photo of the subject property and surrounding area (2018)**

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Backlane, then commercial building zoned "CMU" Commercial Mixed-Use.

**South:** McDermot Avenue, then a parking lot zoned "CMU" Commercial Mixed Use.

**West:** Parking lot zoned "CMU" Commercial Mixed-Use.

**East:** Sacre-Coeur Elementary School zoned "RMF-S" Residential Multi-Family.




**Figure 2: Zoning of the subject property and surrounding area**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing a fourth storey addition to an existing commercial building.
- The overall building height will be 54 feet, with a gross office floor area of 12,876 sq. ft. Aside from the height, no other physical alteration is being proposed to the building.
- With the footprint of the existing building being maintained, variances are being requested for the accessory parking area and yard setbacks.
- Submitted plans include detailed site plan, floor plan and changes to the building elevations.
- A variance application (DAV 19-122759/D) regarding building height, reduced rear yard, insufficient landscaping, and accessory parking has been submitted in conjunction with this application (see Planner's report for details).

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES

The subject site falls within the *Mature Communities Policy Area* under *Complete Communities Direction Strategy.* Key relevant policies guiding development along Mature Community include:

- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Focus growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- Support a mix of commercial services and employment uses that serve the local community.

WEST ALEXANDER & CENTENNIAL NEIGHBORHOOD PLAN

The subject property also falls within the Commercial Mixed Use Policy Area. Under the above plan, the subject site is zoned "CMU" Commercial Mixed Use.

Key relevant policies guiding development within the Commercial Mixed Use policy area include:

- Encourage office uses above first floor or first floor office space to be designed in a manner consistent with the permeable nature of commercial storefronts;
- Encourage development to reinforce and contribute to a strong streetscape and pedestrian oriented environment

ZONING (BY-LAW 200/2006)

*"CMU" Commercial Mixed Use District*

- The Commercial Mixed Use (CMU) district is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighborhood locations. The CMU district is intended for use in Community and Regional mixed use centres or Community and Regional Mixed use corridors. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighborhoods and the community at large.

*Discharging Zoning Agreement Caveat 240372/1 under DAZ 319/1975*

- The existing Zoning Agreement contains six (6) clauses, two of which are still currently relevant to the subject site.

- Clause 2 restricts building height on the subject land to three storeys, which is the subject of the ZAA application. Clause 3 requires that plans be submitted to the Director of Planning, Property and Development prior to the issuance of any building permit on the subject land. A plan approval clause has being placed as a condition of approval on the Variance application.

- The Urban Planning Division supports the discharge of the Zoning Agreement to allow the addition of one (1) storey to the existing three (3) storey building.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject property falls within the *Areas of Stability* in the *Complete Communities Direction Strategy*. *Areas of Stability* are planned to support a mix of commercial services and employment uses that serve local community.
- The proposal to add a fourth storey to an existing building, primarily being used as an office is consistent with the *above policy.* The subject site is in close proximity to the downtown sector, where there is high demand for office space. Besides, the proposed intensification is also supportable because of the existing municipal services within the mature community area of the City.
- As mentioned earlier, the three storeys height cap was placed on the subject property when it was rezoned to "C2" Commercial Community District in 1975. However, the height restriction

was not removed in 2009 when the subject site was group rezoned to “CMU” Commercial Mixed Use District. The Winnipeg Zoning By-law 200/2006 allows a maximum building height of 60 feet for buildings within the “CMU” District.

- Aside from the above, the subject site is a corner lot, with large surface parking lots to the west and south; an educational facility to the east and a two storey building with a pent house to the north. The proposed addition would blend in into the existing neighbourhood built form.
- It is also important to note that the proposed expansion is a good investment within this community as it would create additional jobs, bring more people to the downtown area and enhances community vibrancy.
- Submitted elevation rendering shows the use of materials that respects the existing building character and the neighbourhood at large.
- The Urban Planning Division is supportive of the Zoning Agreement discharge as it will not cause any adverse effect on adjoining properties.

## REASONS FOR RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed amendment is in line with the *Complete Communities Direction Strategy* for Areas of Stability-Mature Community.
- The proposal aligns with bulk requirements of the current zoning of the property. Also, the fact that the subject land is a corner lot is advantageous.
- It is also important to note that the proposed expansion is a good investment within this community as it would create additional jobs, bring more people to the downtown area and enhances community vibrancy.
- There is nothing to suggest that the proposed expansion will have an adverse effect on the surrounding uses.

## RECOMMENDATION

1. That the Zoning Agreement Caveat 240372/1 under File DAZ 319/1975 dated February 18, 1976 be discharged.

2. That the Director of Legal Services and City Solicitor be requested to discharge the subject Zoning Agreement to DAZ 319/1975, dated February 18, 1976 as approved in aforesaid Recommendation 1.

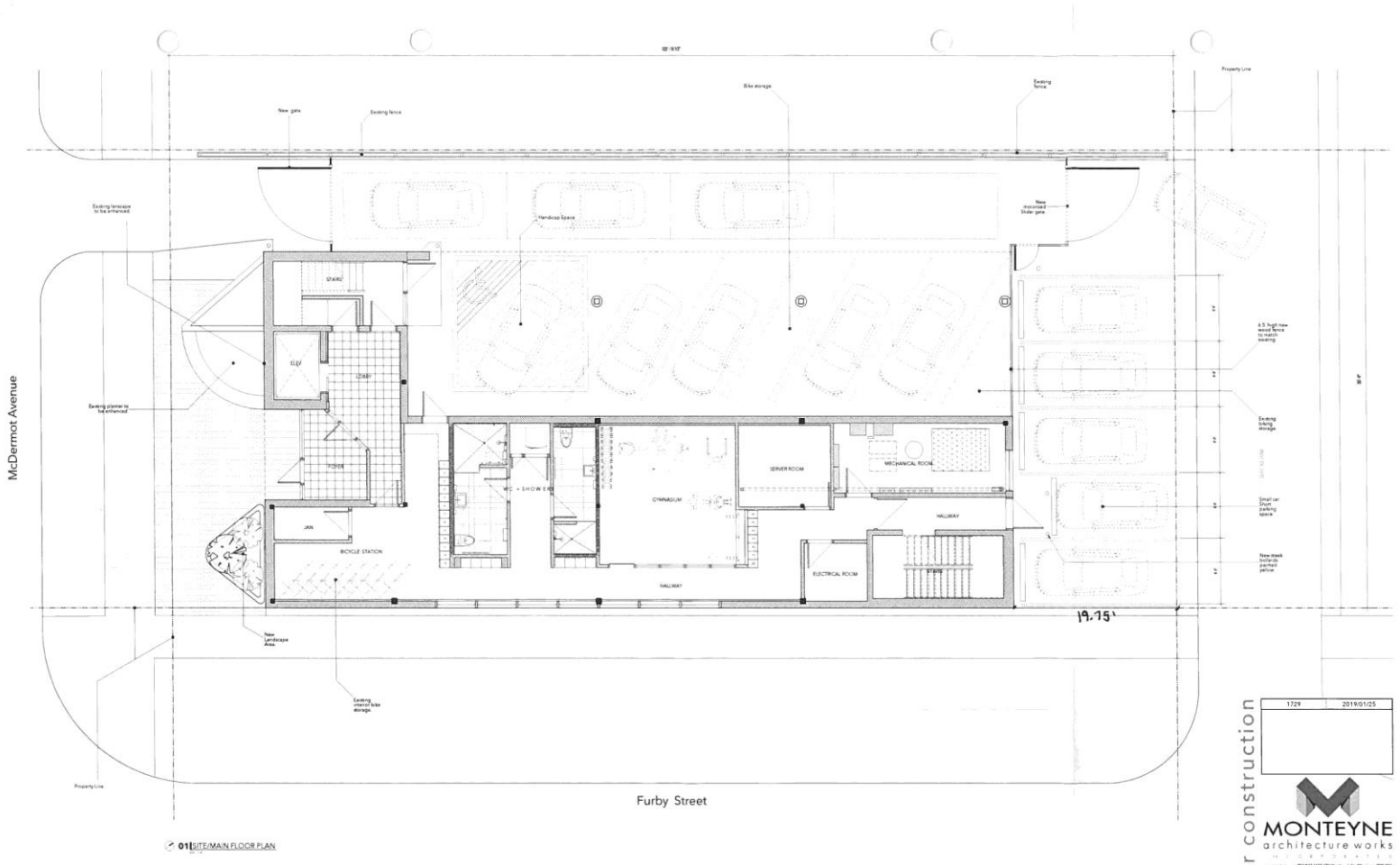
3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

This Report Submitted by:
Planning, Property and Development Department

Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # ZAA 1/2019

Exhibit "7" referred to in File ZAA 1/2019




01 SITE/MAIN FLOOR PLAN

not for construction

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MONTEYNE architecture works INCORPORATED

NICHE TECHNOLOGY II
WINNIPEG, MANITOBA
629 McDermot Avenue

SITE/MAIN FLOOR PLAN

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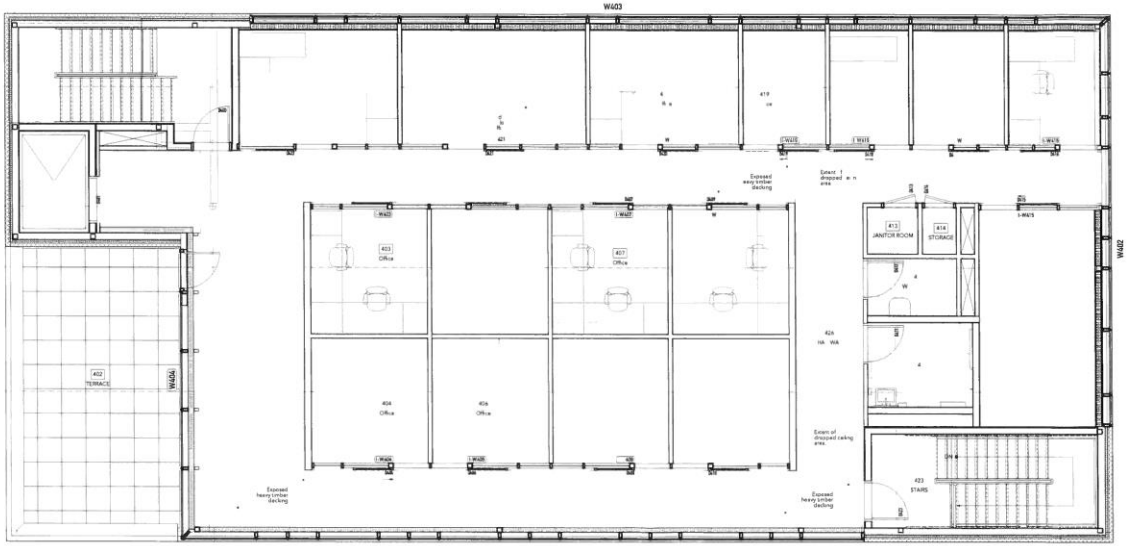


01 NEW 4th FLOOR PLAN

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WINNIPEG, MANITOBA
629 McDermot Avenue

NEW 4TH FLOOR PLAN

A.02




01 North Elevation




02 East Elevation




03 West Elevation




03 South Elevation

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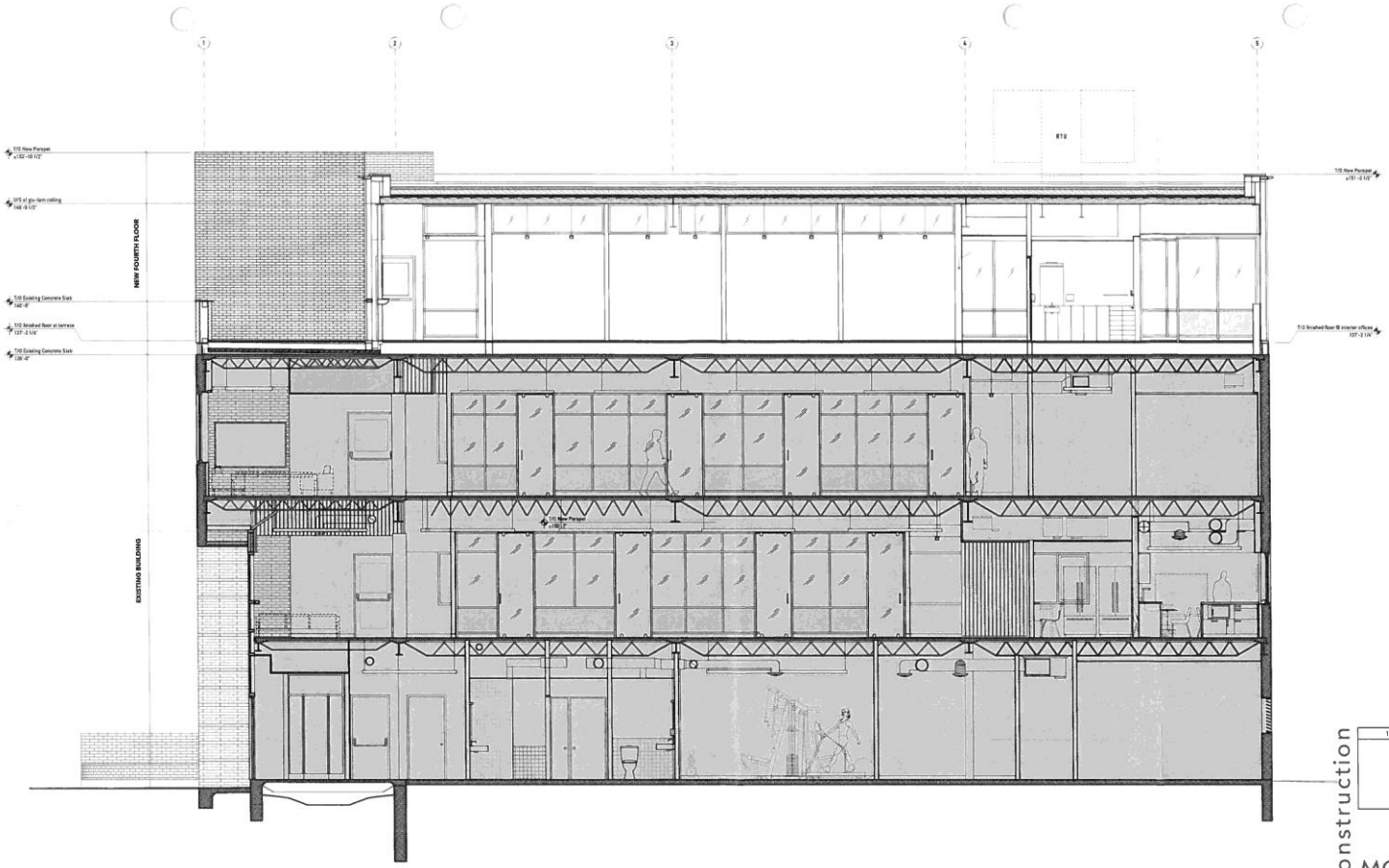
629 McDermot Avenue

Elevations

A.03

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architecture works

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WINNIPEG, MANITOBA
629 McDermot Avenue

Long Section

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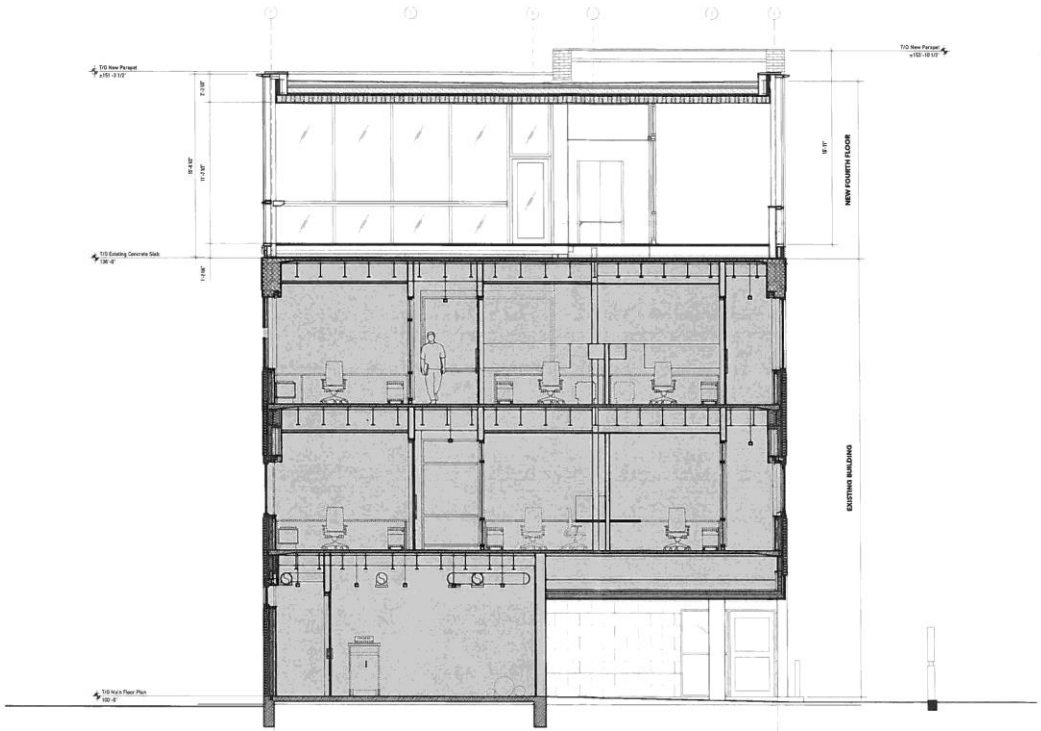


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architecture works

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WINNIPEG, MANITOBA
629 McDermot Avenue

Cross Section

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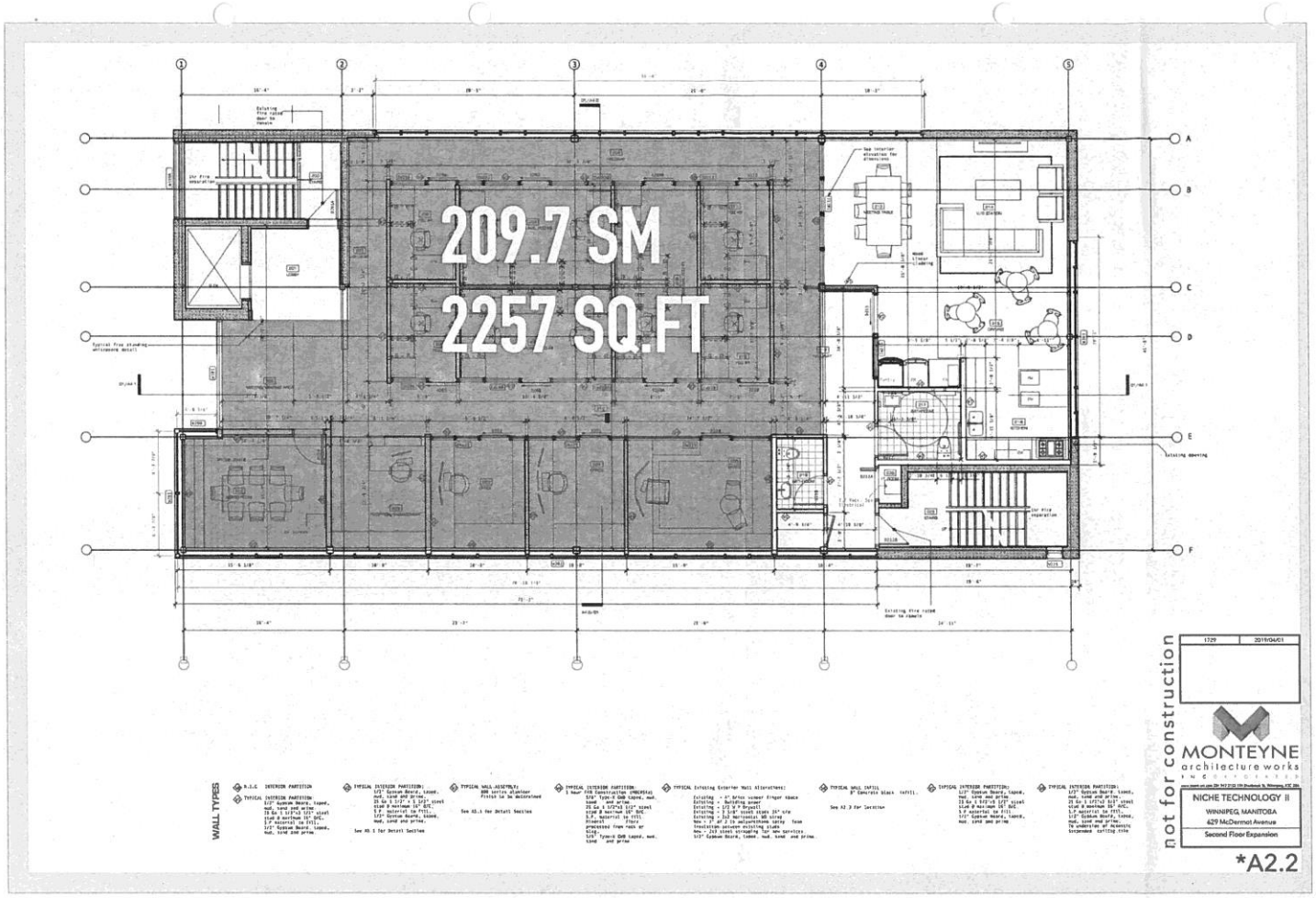
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WINNIPEG, MANITOBA
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Second Floor Expansion
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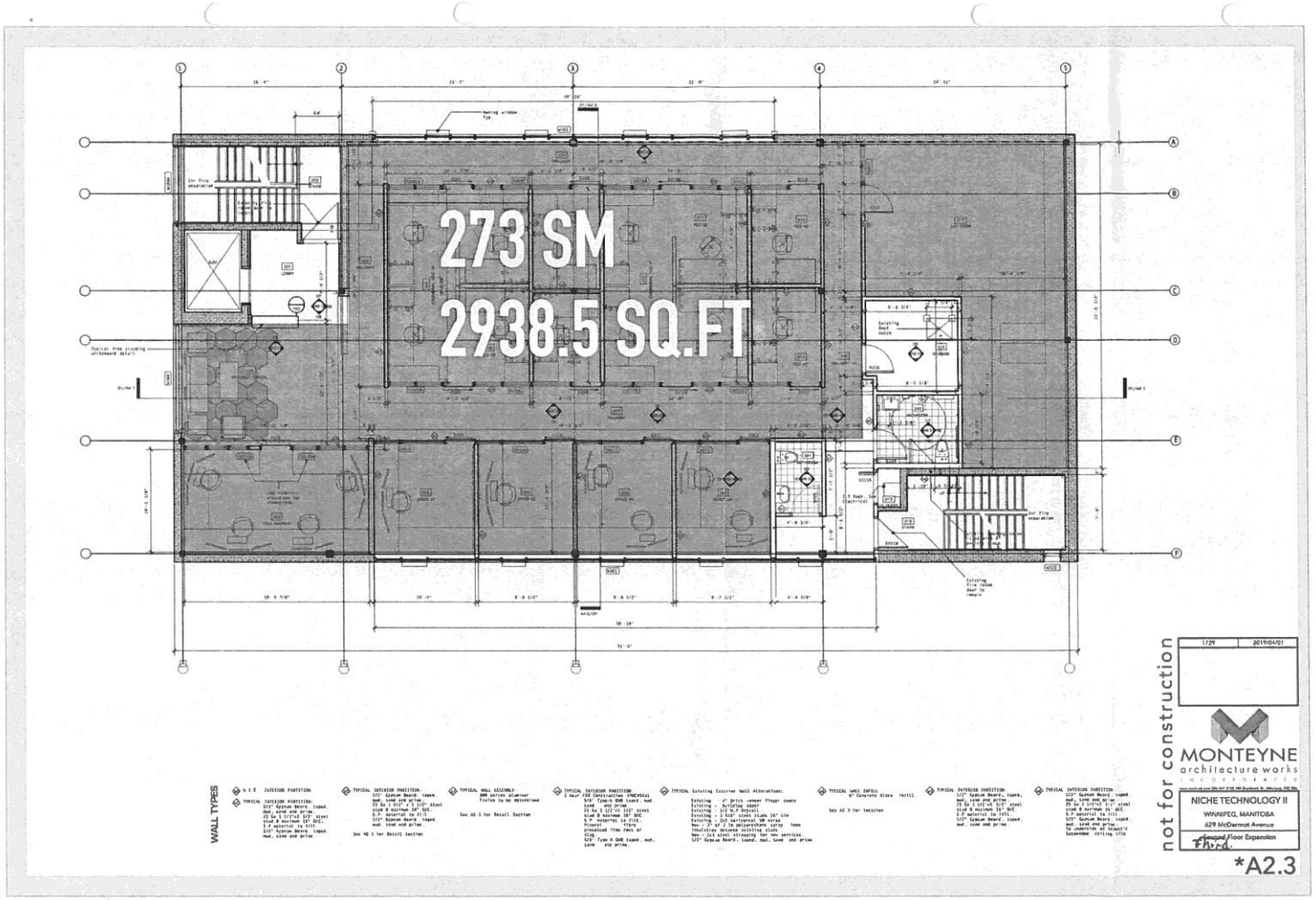
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Proposed Floor Expansion
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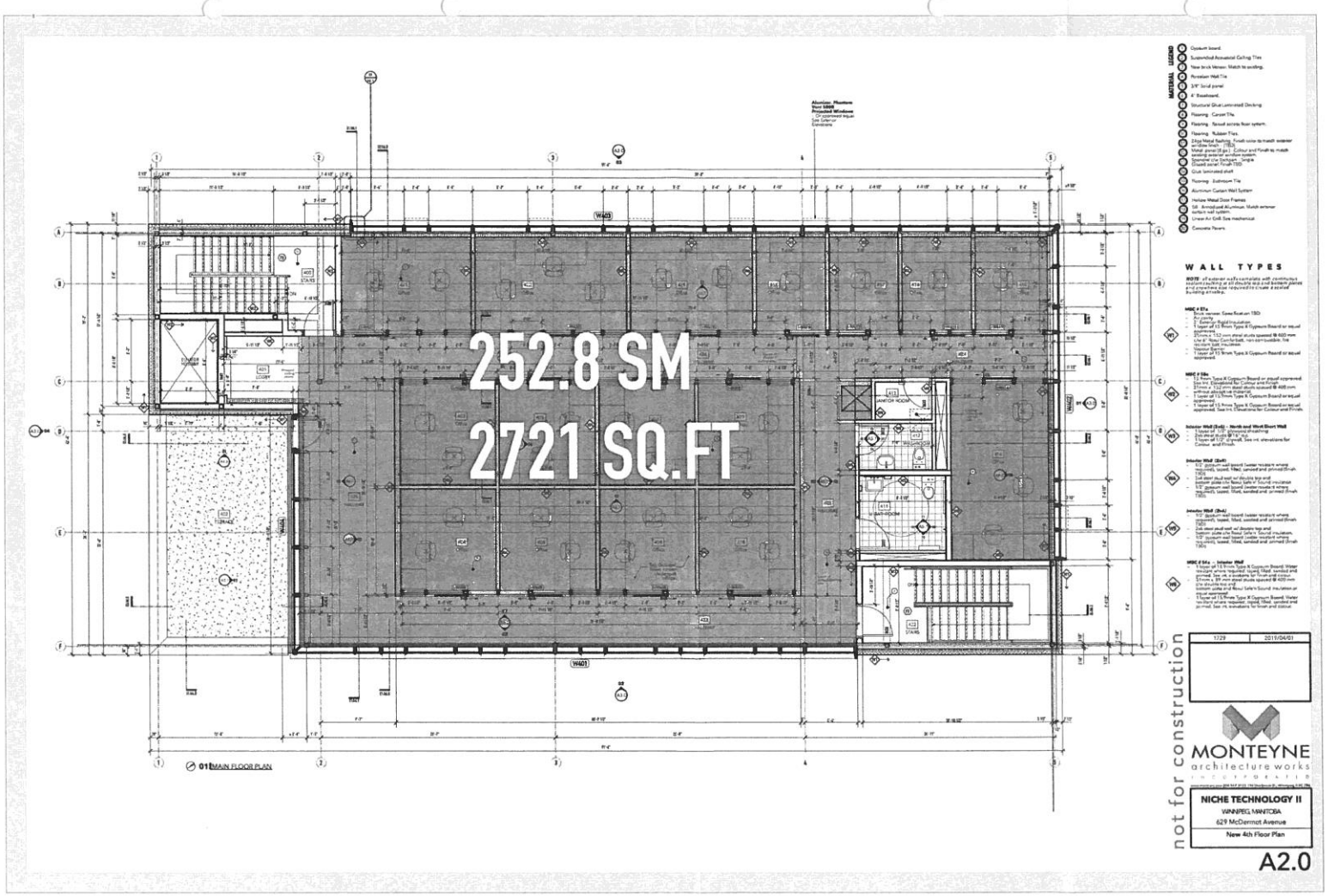
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New 4th Floor Plan
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