Minute No. 590
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

Item No. 3 Rezoning – 412 Kensington Street
(St. James Ward)
File DAZ 208/2019 [c/r DAV 125003/2019D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2019 by rezoning the subject land to a "C1 PDO-1 Airport Vicinity" Commercial Neighbourhood District as shown on the map dated September 4, 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 a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

        i. That 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. Landscaping; and
            g. Free-standing signage

            on the Owner's Land ("Works") to the Assiniboia 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.

    B. That the City enter into, execute and deliver with the Owner 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").

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

COUNCIL DECISION (continued):

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 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 interest 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.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2019, 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 September 30, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 1. A. i., delete the words “City’s Director of Planning, Property and Development (“Director”) for approval” and replace with “Assiniboia Community Committee for approval”

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File: DAZ 208/2019

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: September 11, 2019
Council Building, 510 Main Street

Applicant: SAE Engineers (Peter Sims)

Subject:



Premises Affected: 412 Kensington Street
For submission to: The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: September 17, 2019

Community Committee Recommendation:

On September 11, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2019 by rezoning the subject land to a "C1 PDO-1 Airport Vicinity" Commercial Neighbourhood District as shown on the map dated September 4, 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 a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

        i. That 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. Landscaping; and
            g. Free-standing signage

            on the Owner's Land ("Works") to the ***~~City's Director of Planning, Property and Development ("Director")~~*** ***Assiniboia 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.

    B. That the City enter into, execute and deliver with the Owner 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 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 interest 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.

6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. I concur with the recommendation and the assessment of our public service.

2. Given the location of this property along the arterial artery, at the corner of two arterial arteries, that it is an area that under the areas of stability under Complete Communities these, the development or developments, of the type that's being submitted are contemplated and encouraged.

Exhibits Filed:

1. Application dated April 30, 2019
2. Notification of Public Hearing dated June 10, 2019
3. Manitoba Status of Titles 2997181/1 and 5047649/1
4. Letter of authorization undated from Macduff Holdings Ltd. to Peter Sims, SAE Engineers Ltd.
5. Petition in support of the application purporting to contain the signatures of four (4) area residents, submitted by the Applicant
6. Plans (4 pages)
7. Report from the Urban Planning Division dated August 16, 2019
8. Inspection Report
9. Recording of Representations
10. Submission in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Peter Sims

In Opposition:

Sheena Morrison Sousa
Albert Sousa
Samantha Sousa

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
F. Ojo, Urban Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 208/2019

ADMINISTRATIVE REPORT

Title: DAZ 208/2019 – 412 Kensington Street

Issue: An application for consideration at the public hearing to rezone the property from an "R1-M" Residential Single-Family District to a "C1" Commercial Neighborhood District to allow a neighbourhood commercial development

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet, 'Acting'	N/A	N/A	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 208/2019 by rezoning the subject land to a "C1 PDO-1 Airport Vicinity" Commercial Neighbourhood District as shown on the map dated September 4, 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 a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter in accordance with the following:

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

            a. Buildings

            b. Accessory parking areas

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            d. Garbage enclosures

            e. Fencing

f. Landscaping; and

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On the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") 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.

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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 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 interest of the City.

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6. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 5 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

7. That the proper Officers of the City be authorised to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family District to a “C1” Neighborhood Commercial District in order to establish a neighbourhood commercial use.
- 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 “R1-M” Residential Single-Family District to “C1” Commercial Neighborhood District.

CONSULTATION

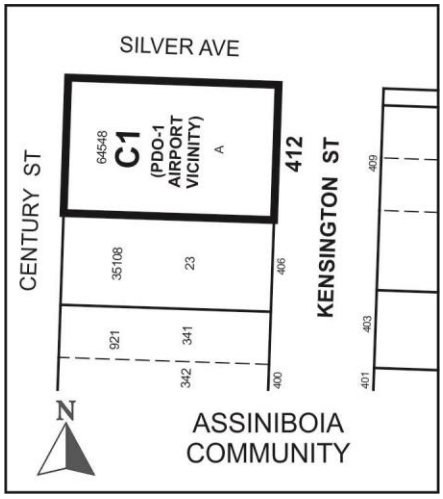
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning and Design*
Prepared by	Femi Ojo, MCIP, RPP
Date:	August 16, 2019
File No.	DAZ 208/2019

APPENDIX 'A'

DATE:	August 16, 2019
FILE:	**DAZ 208/2019**
RELATED FILES:	DAV 19-125003/D
COMMUNITY:	Assiniboia
NEIGHBOURHOOD #:	2.201 (Kensington)
SUBJECT:	To rezone the subject land from an "R1-M" Residential Single-Family District to a "C1" Commercial Neighborhood District
LOCATION:	412 Kensington Street
LEGAL DESCRIPTION:	PCL A PLAN 64548



APPLICANT:	SAE Engineers Ltd (Peter Sims) 1601 Silver Avenue, Unit B Winnipeg MB R3J 4A1
OWNER:	Macduff Holdings Ltd. 400 Bower Blvd Winnipeg MB R3P 0L5
RECOMMENDATION:	Approval, with conditions

SITE DESCRIPTION

- The subject property is located at the southeast intersection of Silver Avenue and Kensington Street in the Kensington Neighbourhood of the St. James Ward.
- Existing on the subject property is a one story single-family house built in 1948. All existing structures on site will be demolished.
- The property is +/- 64.5 feet wide and +/- 100 feet deep; providing a total lot area of roughly 6,439 square feet.
- The subject property falls within the Area of Stability – Mature Community Policy Area of the *Complete Community Direction Strategies*. The property is currently zoned "R1-M" Residential Single-Family.



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

SURROUNDING LAND USES AND ZONING

North: Silver Avenue, then auto dealership zoned "M1" Manufacturing Light.

South: Single-Family residences zoned "R1-M" Residential Single-Family.

East: Kensington Street, then residences zoned "R1-M" Residential Single-Family.

West: Century Street, then residences zoned "R1-M" Residential Single-Family.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the property from “R1-M” Residential Single-Family District to “C1” Commercial Neighborhood District. The intent is to demolish the existing single-family house on site and construct a one storey (approximately 14 feet), 2,475 sq. ft. commercial building with intentions to operate as an office use.
- A variance for parking directly off the lane instead of a driveway is being requested (See DAV 19-125003D).
- The applicant has indicated that mature trees will be protected during construction. The site plan shows that new trees are to be added on both Kensington Street and Silver Avenue. Also, new shrubs are being proposed as hedges along both streets. A total landscaped area of 1,900 square feet is proposed by the applicant
- Five parking stalls are proposed directly off the rear public lane.
- The applicant is proposing light proof fence along the south lot line, in addition to adding a low hedge to serve as a buffer between the proposed development and the existing abutting single-family dwelling.
- Submitted plans show that tyndal stone will be incorporated around the lower base of the proposed structure, acrylic finish on the entrance platform and prefinished metal cladding wrapped around the upper end of the structure.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Areas of Stability – Mature Communities policy area. The key relevant policy guiding the development of Areas of Stability under the *Complete Communities Direction Strategy* includes:
    - Support low to moderate change in low-density neighborhoods through development and redevelopment that is complementary to the existing scale, character and built form.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

ZONING AND LAND USE BY-LAW 200/2006

- **R1-M Residential Single-Family District -** is intended to accommodate primarily single-family residential development in lower-density areas.

- **C1 Commercial Neighborhood District** is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses to serve the convenience needs of the surrounding neighborhood. C1 districts are generally located in Neighborhood or Community mixed use centers or along Neighborhood or Community mixed use corridors.

Rezoning (DAZ 208/2019)

- The applicant is proposing to rezone the site from “R1-M” Residential Single-Family District to “C1” Commercial Neighborhood District in order to establish a commercial office use. The proposed building is to be one storey, approximately 14 feet tall, with a building area of 2,475 square feet.

Variances (see DAV 19-125003/D)

- The applicant has applied for a variance application associated with the accessory parking area.
- This administrative report only speaks to issues relating to the rezoning of the subject property. Further discussion relating to the variance will be addressed in the concurrent variance report.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The *Complete Communities Direction Strategy* encourages moderate change in low-density neighborhoods through development and redevelopment that is complementary to the existing scale, character and built form. The applicant is proposing a single storey, 2,475 commercial building with parking at the rear. The proposed building form and massing is consistent with the above policy as the existing single family dwellings in the neighbourhood are typically one storey to a storey and a half. Most homes either have garages or parking pads directly off of the lane. The proposed development is only slightly larger than most properties and is seeking to establish five parking stalls directly off of the lane. Parking is often
- It is also important to note that the applicant require one variance as part of the proposed development. (See planner's report for DAV 19-125003/D).
- Aside from the above, the proposed "C1" zoning will serve as a transition between the light industrial uses north of Silver Avenue and the residential development south of the same street.
- The subject site is located at the intersection of two arterial roads and in close proximity to existing light industrial (warehouses) and commercial establishments.
- The applicant has submitted letters of support from immediate neighbours as part of this application.
- It is therefore recommended that the rezoning application be approved.

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and the Assiniboia Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Assiniboia Community Committee to review final plans prior to the issuance of any development permit on site.

LAND DEDICATION

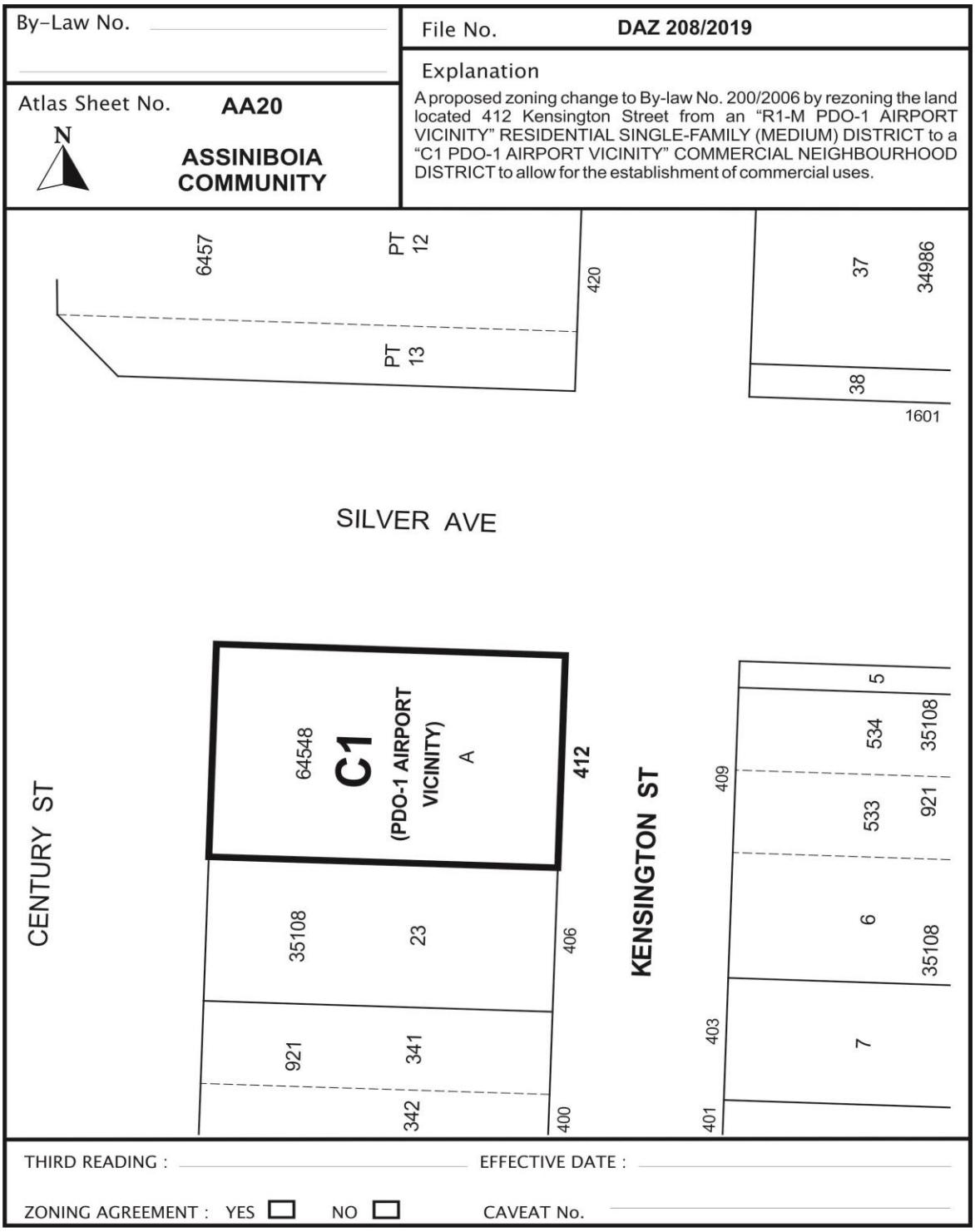
- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATIONS
The Urban Planning Division recommends **approval, with conditions** for the following reasons:

- The proposed commercial development is consistent with existing development pattern north of the subject site and the entire St. James neighbourhood. It is also important to note that the proposal aligns with key policies of *Our Winnipeg and Complete Communities Direction Strategy* in that it supports a mix of commercial services and employment use that serve the local community.
- The Urban Planning Division believes that the proposed "C1" zoning district provides a reasonable transition between the residential development south of Silver Avenue and the light industrial uses north of the same road.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning & Design Division
Report Prepared by: Femi Ojo, MCIP, RPP
PPD File # DAZ 208/2019

APPENDIX "B"
Schedule "A" for File No. DAZ 208/2019, Assiniboia Community Committee, dated September 4, 2019.



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED REZONING ON LAND LOCATED AT 412 KENSINGTON STREET

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 208/2019. The applicant should take into consideration the following servicing and design requirements and comments in the redevelopment of the site:

Water and Waste Department:

The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed future development cannot exceed the allowable discharge rate. The following design criteria shall be used:

a) The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.

b) The peak land drainage discharged from the site must be based on a c-value of 0.45, with a 5 year rainfall event applied.

c) The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 208/2019
July 19, 2019

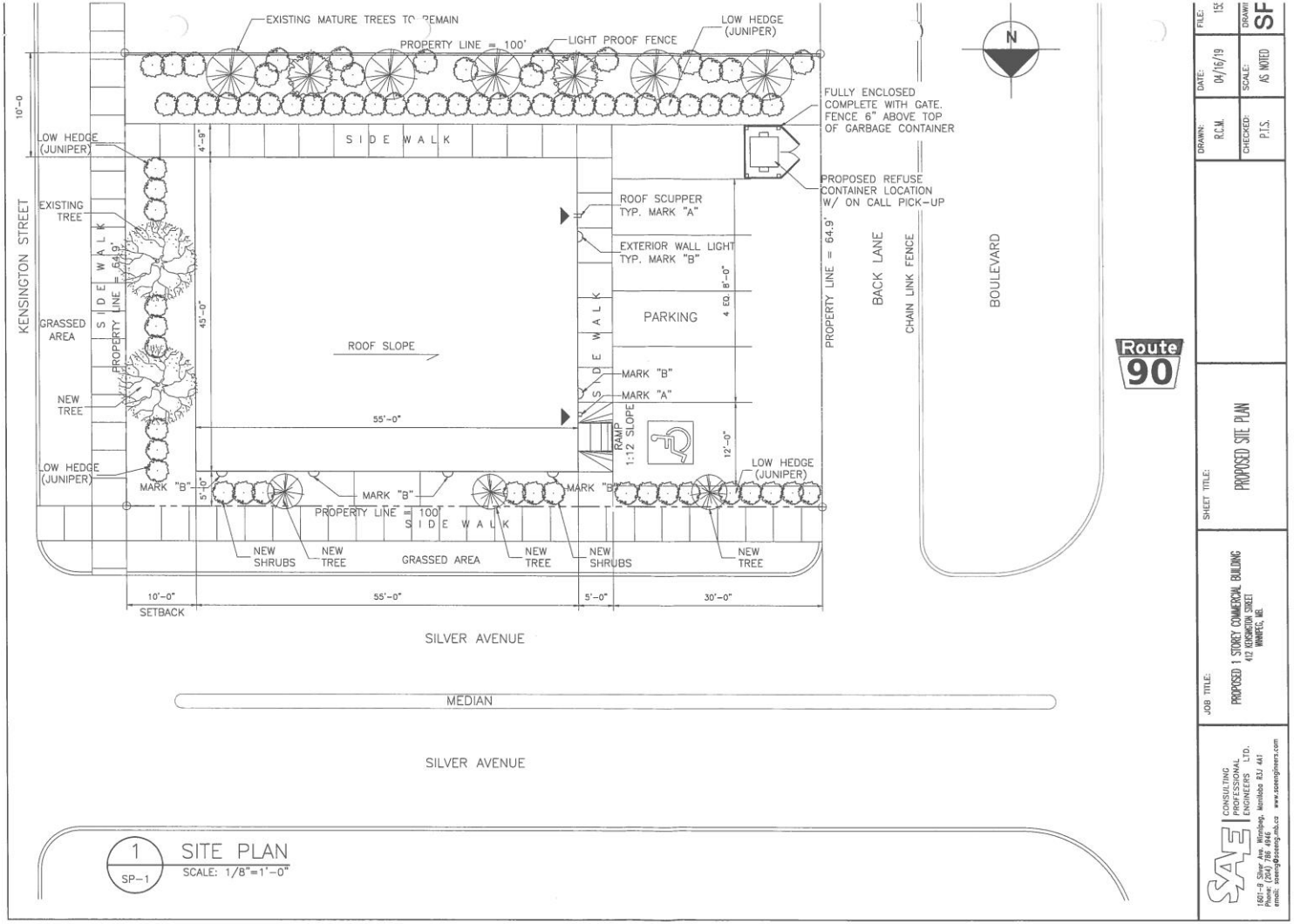
"*Original Signed by D. Trenchard"*

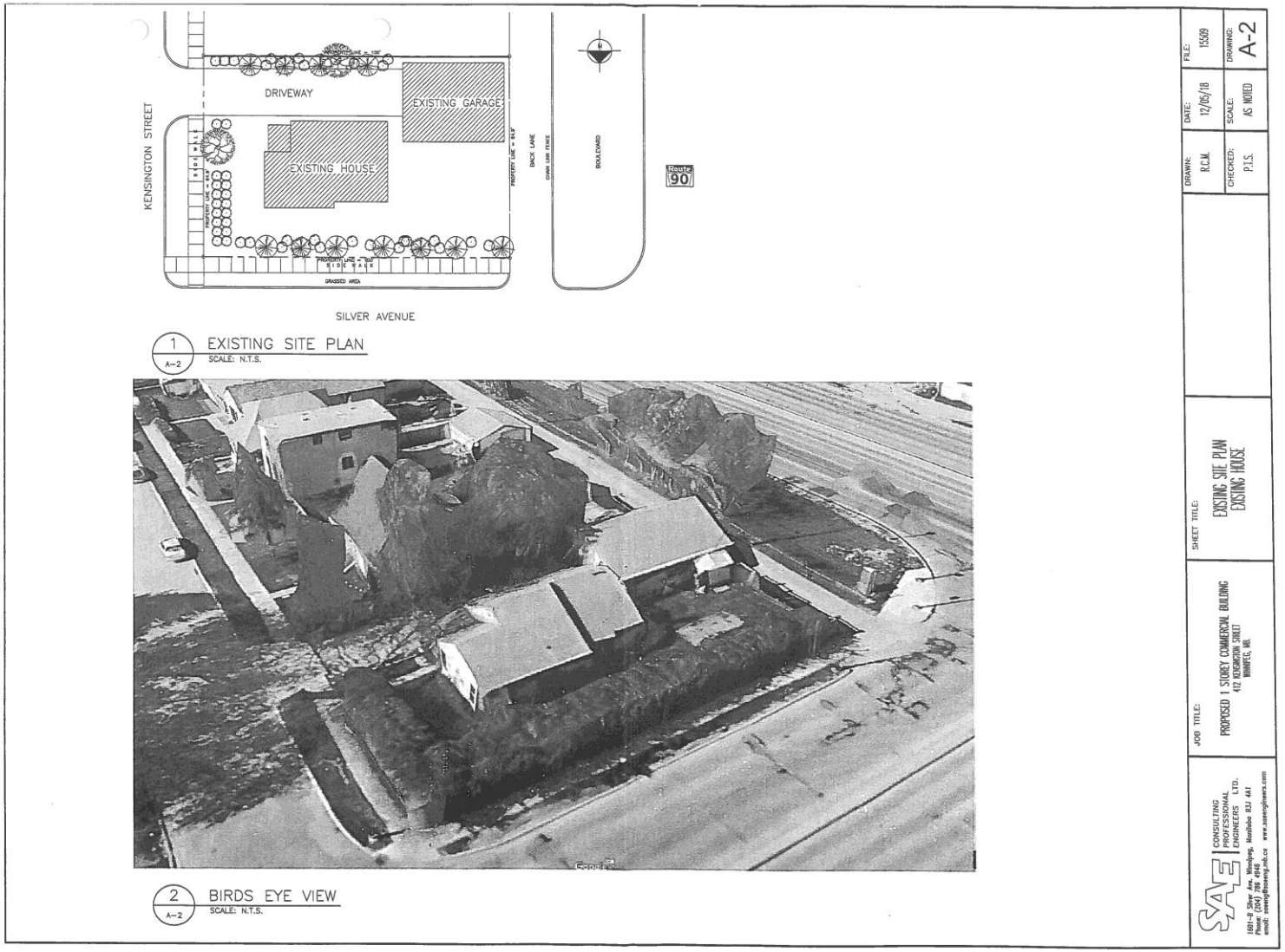
D. Trenchard, P. Eng.
Land Development Branch

"*Original Signed by M. Gajda"*

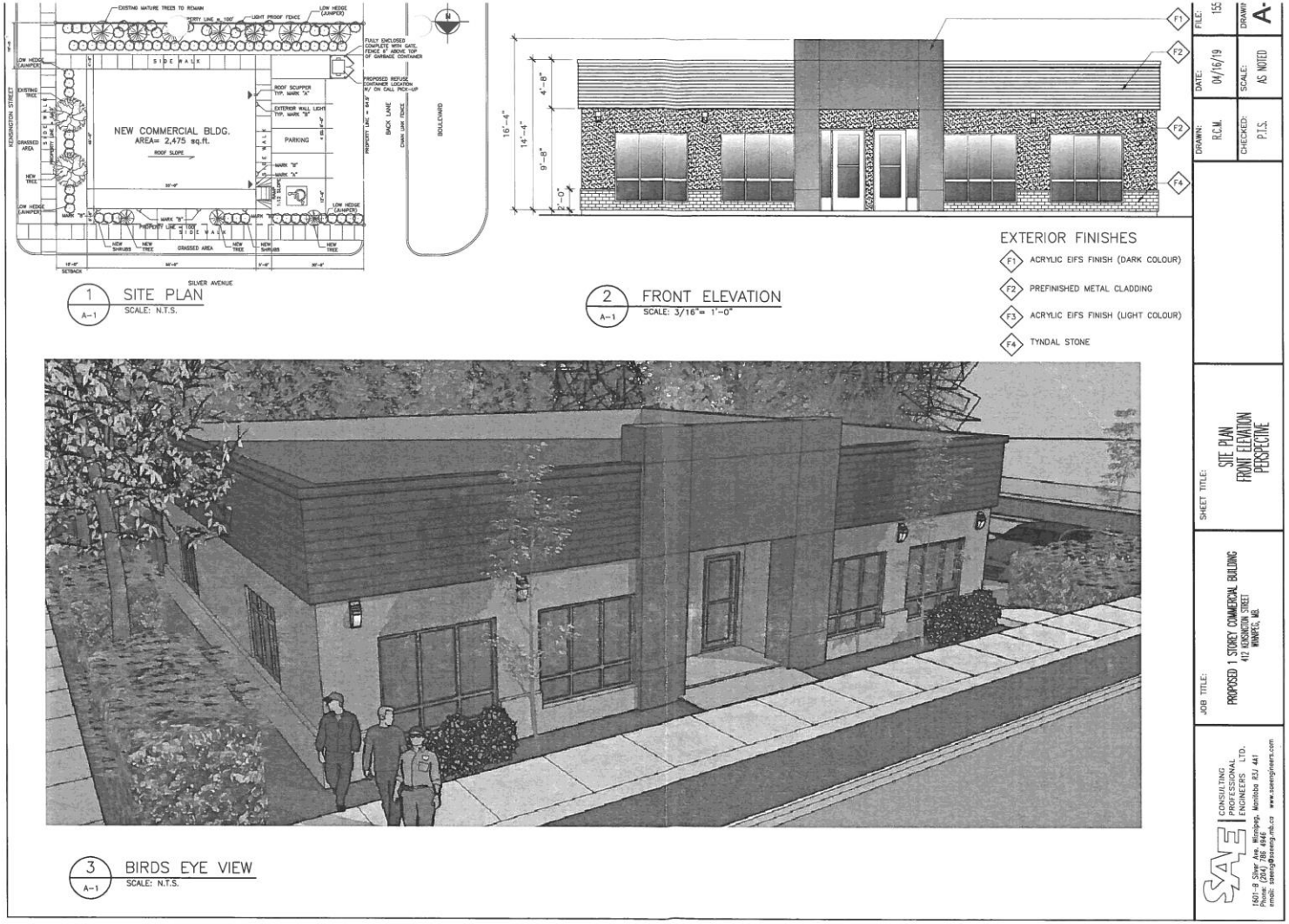
M. Gajda, P. Eng.
Water & Waste Department

Exhibit "6" referred to in File DAZ 208/2019




KENSINGTON STREET
DRIVEWAY
EXISTING GARAGE
EXISTING HOUSE
BOULEVARD
Route 90
SILVER AVENUE
1 A-2 EXISTING SITE PLAN
SCALE: N.T.S.
2 A-2 BIRDS EYE VIEW
SCALE: N.T.S.
FILE: 15509
DRAWING: A-2
DRAWN: R.C.M.
DATE: 12/06/18
CHECKED: P.I.S.
SCALE: AS NOTED
SHEET TITLE: EXISTING SITE PLAN EXISTING HOUSE
JOB TITLE: PROPOSED 1 STOREY COMMERCIAL BUILDING 412 KENSINGTON STREET WINNIPEG, MB.
CONSULTING PROFESSIONAL ENGINEERS LTD.


See revised A-1
NEW COMMERCIAL BLDG.
AREA= 2,475 sq.ft.
SIDE WALK
PARKING
BACK LANE
BOULEVARD
KENSINGTON STREET
SILVER AVENUE
1 A-1 SITE PLAN
SCALE: N.T.S.
2 A-1 FRONT ELEVATION
SCALE: 3/16"= 1'-0"
EXTERIOR FINISHES
F1 ACRYLIC EIFS FINISH (DARK COLOUR)
F2 PREFINISHED METAL CLADDING
F3 ACRYLIC EIFS FINISH (LIGHT COLOUR)
F4 TYNDAL STONE
3 A-1 BIRDS EYE VIEW
SCALE: N.T.S.
FILE: 15509
DRAWING: A-1
DATE: 12/05/18
SCALE: AS NOTED
DRAWN: R.C.M.
CHECKED: P.T.S.
SHEET TITLE: SITE PLAN FRONT ELEVATION PERSPECTIVE
JOB TITLE: PROPOSED 1 STOREY COMMERCIAL BUILDING
412 KENSINGTON STREET
WINNIPEG, MB.


NEW COMMERCIAL BLDG.
AREA= 2,475 sq.ft.
ROOF SLOPE
PARKING
SIDE WALK
KENNINGTON STREET
SILVER AVENUE
BOULEVARD
BACK LANE
1 A-1 SITE PLAN
SCALE: N.T.S.
2 A-1 FRONT ELEVATION
SCALE: 3/16"= 1'-0"
EXTERIOR FINISHES
F1 ACRYLIC EIFS FINISH (DARK COLOUR)
F2 PREFINISHED METAL CLADDING
F3 ACRYLIC EIFS FINISH (LIGHT COLOUR)
F4 TYNDAL STONE
3 A-1 BIRDS EYE VIEW
SCALE: N.T.S.
FILE: 155
DRAWN: R.C.M.
DATE: 04/16/19
CHECKED: P.T.S.
SCALE: AS NOTED
DRAWING: A-1
SHEET TITLE: SITE PLAN FRONT ELEVATION PERSPECTIVE
JOB TITLE: PROPOSED 1 STOREY COMMERCIAL BUILDING 412 KENNINGTON STREET WINNIPEG, MB.
CONSULTING PROFESSIONAL ENGINEERS LTD.
1601-3 Silver Ave. Winnipeg, Manitoba R3J 4A1
Phone: (204) 896-1209 Fax: (204) 896-0754
email: steeng@steeng.mb.ca www.steengineers.com