Agenda – Council – September 29, 2021

Report – Executive Policy Committee – September 21, 2021

Item No. 8 Rezoning – 771 Cambridge Street
(River Heights-Fort Garry Ward)
File DAZ 210/2021 [c/r DAV 153966/2021D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2021, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2021 by rezoning the subject land to a "C1" PDO-1 Airport Vicinity" – Commercial Neighbourhood District as shown on the map dated September 3, 2021 and attached as Schedule "A" to this report.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 6, 2021.

3. 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 Development Application No. DAZ 210/2021, as determined by the City's Director of Planning, Property and Development.

4. 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.

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

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

7. That the variance order for File No. DAV 21-153966\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DAZ 210/2021.

Report – Executive Policy Committee – September 21, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2021, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 3, 2021, the City Centre 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

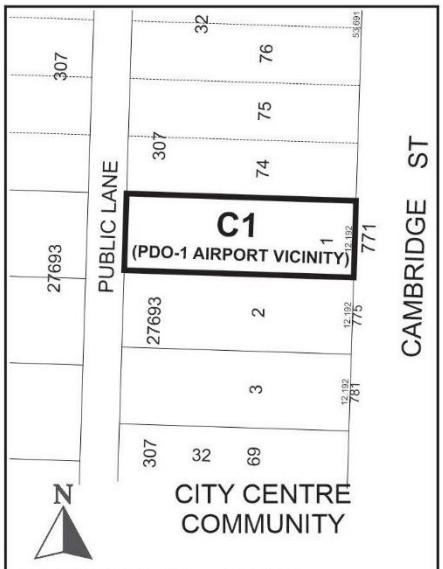
File: DAZ 210/2021

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Rollins
Councillor Orlikow

Public Hearing: September 3, 2021
Council Building, 510 Main Street

Applicant: Brian McWhirter

Subject:



APPLICANT : Brian McWhirter
FILE : DAZ 210/2021
PROPOSAL : To rezone the land shown outlined above from an "R1-M PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C1 PDO-1 AIRPORT VICINITY" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the establishment of a Medical/Dental/Optical/Counselling use. **For information, phone A. Ross, Planner at 204-986-5235.**

Premises Affected: 771 Cambridge Street

For submission to: Executive Policy Committee

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

Report date: September 3, 2021

Community Committee Recommendation:

On September 3, 2021, the City Centre 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2021 by rezoning the subject land to a "C1" PDO-1 Airport Vicinity" – Commercial Neighbourhood District as shown on the map dated September 3, 2021 and attached as Schedule "A" to this report.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated August 6, 2021.

3. 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 Development Application No. DAZ 210/2021, as determined by the City's Director of Planning, Property and Development.

4. 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.

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

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

7. That the variance order for File No. DAV 21-153966\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DAZ 210/2021.

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

1. The location is kind of compacted with churches and a parking lot. It's small, which I can see how this will be very low impact.

2. The fact that the applicant went to the effort to secure support from all the neighbours obviously has some impact on why we have nobody in opposition here today, and I just want to reinforce how important that is to do.

Exhibits Filed:

1. Application dated August 9, 2021
2. Notification of Public Hearing dated July 7, 2021
3. Manitoba Status of Title 3112932/1
4. Surveyor's Building Location Certificate and sketch dated April 15, 2021
5. Plans (2 pages)
6. Report from the Urban Planning Division dated August 25, 2021
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Brian McWhirter

In Opposition:

Nil

For Information:

Nil

For the City:

A. Ross, Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 210/2021

ADMINISTRATIVE REPORT

Title: DAZ 210/2021 – 771 Cambridge Street

Issue: For consideration at the public hearing for a Rezoning to permit the conversion of an existing dwelling into a commercial office building.

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Ross, RPP	n/a	n/a	

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/06 be amended under Development Application No. DAZ 210/2021 by rezoning the subject land to a “C1” PDO-1 Airport Vicinity” – Commercial Neighbourhood District as shown on the map dated September 3, 2021 and attached as Schedule “A” to this report.
2. That the developer shall meet all conditions identified in Schedule “B” - Report of the Administrative Coordinating Group, dated August 6, 2021.
3. 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 Development Application No. DAZ 210/2021, as determined by the City’s Director of Planning, Property and Development.
4. 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.
5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.
6. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

7. That the variance order for File No. DAV 21-153966\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DAZ 210/2021.

REASON FOR THE REPORT

- 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 rezoning for DAZ 210/2021 – 771 Cambridge Street will be approved.

HISTORY

N/A

CONSULTATION

Relevant City departments per the Administrative Coordinating Group.

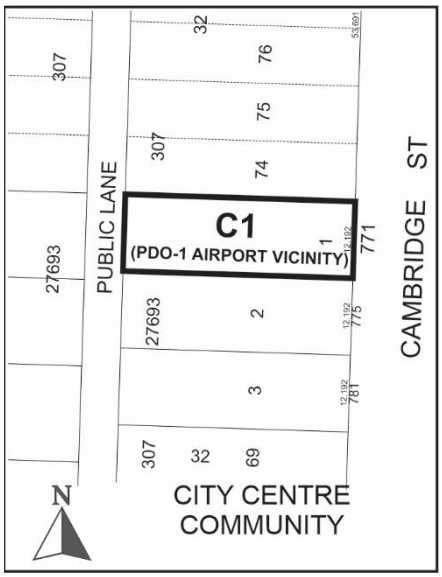
SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Andrew Ross, RPP, MCIP
Date: August 25, 2021
File No: DAZ 210/2021

DATE: August 25, 2021
FILE: **DASZ 210/21**
RELATED FILES: DAV 21-153966\D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: **1.628** - South River Heights

SUBJECT: For a subdivision and rezoning to permit the conversion of an existing dwelling into a commercial office building.

LOCATION: 771 Cambridge ST
LEGAL DESCRIPTION: LOT 1 PLAN 27693 46 ST B



APPLICANT: Brian Mcwhirter
430 Oxford St
Winnipeg, MB R3M 3J8

OWNER: Brian Mcwhirter
430 Oxford St
Winnipeg, MB R3M 3J8

SITE DESCRIPTION

The subject property is located on the west side of Cambridge Street, in the South River Heights neighbourhood of the River Heights - Fort Garry ward.

The site is located in a Mature Community per the *Complete Communities Direction Strategy.* The property is zoned "R1-M" – Residential Single Family - Medium, is 4,809 sq. ft. in size, and currently contains a single-family dwelling.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Surface parking lot zoned "R1-M" – Residential Single Family – Medium).

South: Place of Worship zoned "R1-M" – Residential Single Family – Medium).

East: Cambridge Street, then Public Library and Aquatic Facility zoned "PR-3" – Parks and Recreation – Regional, and Grant Park Shopping Centre zoned "C4 – Commercial Regional.

West: Rear lane, then Single Family Residential uses zoned "R1-M" – Residential Single Family – Medium).



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks to rezone the property from the “R1-M” – Residential Single Family – Medium district to a “C1 PDO-1 Airport Vicinity” – Commercial Neighbourhood district in order to convert the existing onsite building to a medical office (chiropractic).

The existing garage will be demolished to make way for a paved parking compliant with the Winnipeg Zoning By-Law.

The proposal requires variances for the conversion of the existing dwelling to the new use, and a Temporary Change of Use variance to enable the establishment of a clinic use prior to finalization of the associated rezoning application. Information on variances can be found in the Administrative Report for Associated File No. DAV 21-153966D.

The building footprint will not change other than the addition of a 6 ft. x 6 ft. front vestibule on the front to provide weather protected entry for customers and staff.

The proposal will include barrier-free access on the south side.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

The applicant worked with the Urban Planning Division to make adjustments to the project. Specifically, the following elements were incorporated into the design as a result of the collaborative planning process leading up to receipt of the application:

- The Division indicated that only a rezoning to the smallest/ least intensive commercial district (C1) will be supported. This was met.
- The applicant agreed to adjust their plan to move the parking stalls from immediately behind the building to off the lane, to ensure a grassed and permeable rear yard can be provided rather than a paved rear yard.
- The applicant agreed to meet the required minimum length for parking stalls off the lane.

COMPLETE COMMUNITIES DIRECTION STRATEGY

As per the *Complete Communities Direction Strategy,* the proposed development falls within Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

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

  The clinic will be housed within the existing building and will not pose any significant change to the scale, character, or built form of the property in its context.

- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*

  The clinic does not pose any significant change to the scale, character, or built form of the property in its context, and it meets parking requirements.

- *Support a mix of commercial services and employment uses that serve the local community.*

  The clinic fills a service need in the community.

The proposal meets the above policies of *Complete Communities.*

WINNIPEG ZONING BY-LAW 200/06

Rezoning

As noted above, the proposed development meets Complete Communities policies.

Normally when considering rezonings to a commercial district, the Urban planning Division will consider support when the property is either within, or contiguous to, and existing commercial ‘node’. The main reasons for this are twofold: 1) to avoid commercial next to sensitive land uses such as low density residential properties, and 2) to promote orderly planning.

This location is somewhat unique, but upon review by the Division it supportable as a “C1” – Commercial Neighbourhood district because:

- The site is located directly across from Major Park and a Major Commercial shopping centre uses (Grant Park Shopping Centre).

- The properties north and south of the subject property are already transitioned to non-residential uses. The property to the north is a non-accessory (commercial) parking lot, and the property to the south is a place of worship.
- The site is one property away from an existing commercial node on Grant Avenue (see Figure 2). There are two intervening properties, however the two intervening properties are non-residential.
- The site is buffered from residential to the west by an intervening lane.
- The property, at **4,809 sq. ft.,** is small in size and as such will only support very small commercial uses.
- The "C1" – Commercial Neighbourhood district is the lowest intensity commercial district, allowing for commercial uses that produce the least impacts.

Comments from other departments are included under "Key departmental comments", below.

For the above reasons, the Urban Planning Division supports the rezoning to C1.

PDO-1 Airport Vicinity Protection Area

The property falls within "Area 2" of the Airport Vicinity Protection Area PDO-1. The PDO-1 deals with residential densities. It does not impose any limitations on commercial development and has no bearing on this application.

Variances

There are 7 Variances associated with the proposal. These are analyzed in the Administrative Report for Associated File No. DAV 21-153966\D.

KEY DEPARTMENTAL COMMENTS

WATER AND WASTE DEPARTMENT

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

The peak land drainage discharged from the site must be based on a c-value of 0.35, with a 5 year rainfall event applied.

PUBLIC CONSULTATION

At the request of the Division, the applicant conducted public consultation, and provided the following information:

> *"I have spoken with everyone in close proximity to 771 Cambridge. This includes but is not limited to:*
>
> *1) Faithworks church*
> *2) Bethesda church*
> *3) the 2 neighbors directly south of Faithworks church*
> *4) the 3 successive neighbors across my back lane (houses face Oxford) south of Bethesda church*
>
> *Thus far everyone I have spoken with are supportive of the project."*

SUMMARY

The Urban Planning Division supports the proposed rezoning to C1, because**:**

- The site is located directly across from Major Park and a Major Commercial shopping centre (Grant Park).
- The properties north and south of the site are already transitioned to non-residential uses.
- The site is one property away from an existing commercial node on Grant Avenue.
- The site is buffered from the residential to the west by an intervening lane.
- The property, at 4,809 sq. ft., is small in size and as such will only support very small commercial uses.
- The “C1” – Commercial Neighbourhood district is the lowest intensity commercial district, allowing for commercial uses that produce the least impacts.
- The clinic does not pose any significant change to the scale, character, or built form of the property in its context, it meets parking requirements, and it fills a service need in the community.
- The applicant consulted with adjacent neighbours.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross RPP, MCIP
DAZ 210/2021

Schedule “A” for File No. DAZ 210/21, City Centre Community Committee, September 3, 2021

By–Law No. _____

File No. **DAZ 210/2021**

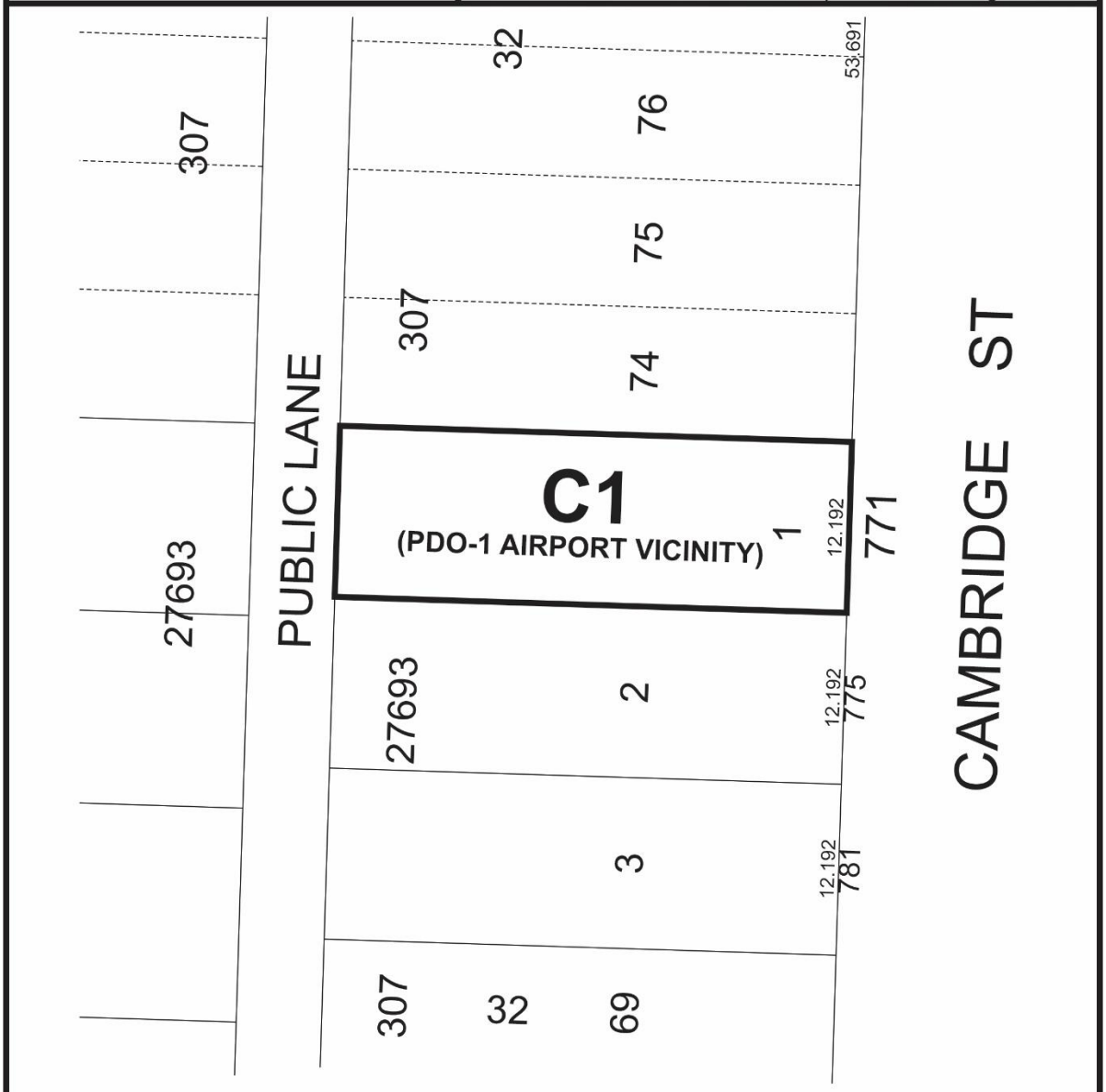
Atlas Sheet No. **AE22**

N

CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 771 Cambridge Street from an “R1-M PDO-1 AIRPORT VICINITY” RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a “C1 PDO-1 AIRPORT VICINITY” COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the establishment of a Medical/Dental/Optical/Counselling use.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 771 CAMBRIDGE STREET

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 210/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I - Servicing Considerations

1) Combined Sewer District

The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed development cannot exceed the allowable discharge rate:

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

ii. The peak land drainage discharged from the site must be based on a c-value of 0.35, with a 5 year rainfall event applied.

iii. The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm), unless otherwise approved.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 210/2021
August 6, 2021

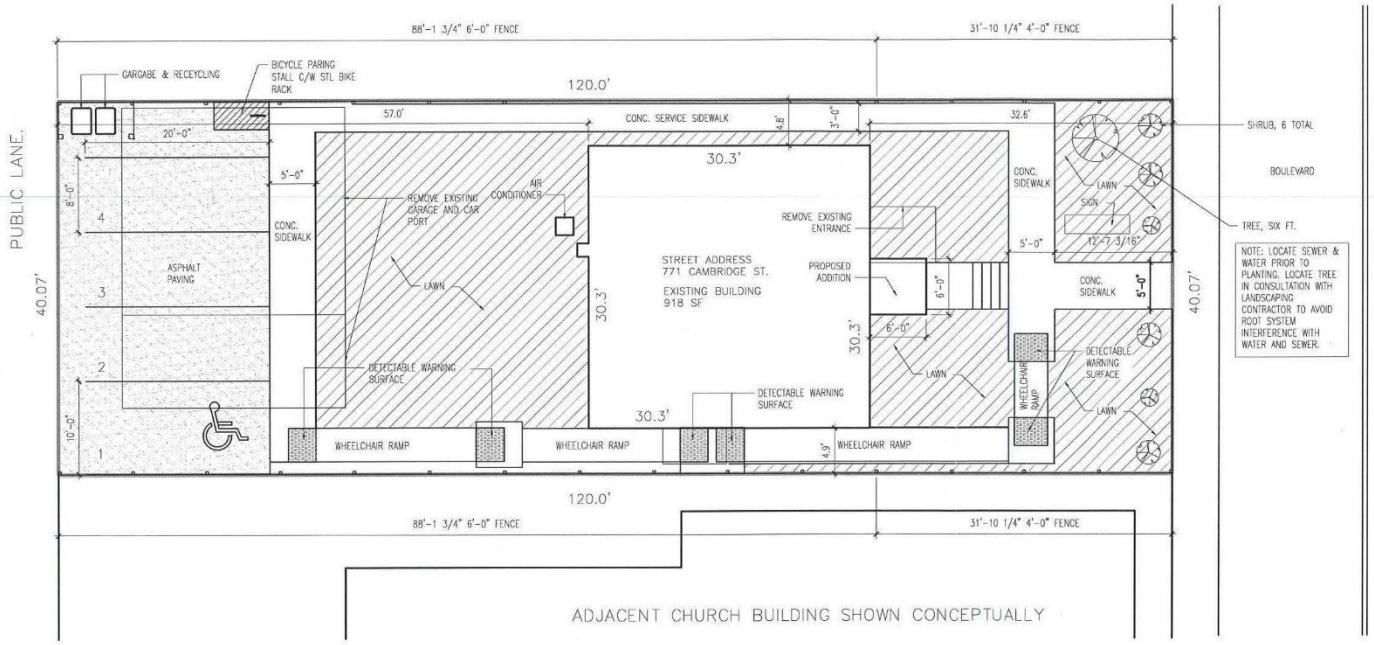
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

Exhibit “5” referred to in File DAZ 210/2021

CURRENT ZONING R1 RESIDENTIAL SINGLE–FAMILY

VARIANCES REQUIRED:
1. TEMPORARY CHANGE OF USE FOR THE ESTABLISHMENT OF A MEDICAL CLINIC (CHIROPRACTOR)
2. MAINTENANCE OF THE EXISTING BUILDING WITH A NORTH SIDE YARD OF 4.8 FT. INSTEAD OF 10 FT.
3. MAINTENANCE OF THE EXISTING BUILDING WITH A SOUTH SIDE YARD OF 4.8 FT. INSTEAD OF 10 FT.
4. AN ACCESSORY PARKING AREA OF 0 FT. TO THE NORTH SIDE YARD INSTEAD OF 10 FT.
5. AN ACCESSORY PARKING AREA OF 0 FT TO THE SOUTH SIDE YARD INSTEAD OF 10 FT.
6. NO BUFFERING ALONG THE REAR YARD PROPERTY LINE TO PARKING AREA.



1 SITE PLAN
1:150

0 5 10 15 20
SCALE: FEET

N

NO.	ISSUE	BY	
NO.	ISSUE	BY	
NO.	ISSUE	BY	
2	ISSUED FOR ZONING APPLICATION	BR	2021.05.13
NO.	ISSUE	BY	DATE
1	ISSUED FOR REVIEW	BR	2021.05.10

The contractor shall check all dimensions and other data from the work and report any discrepancies to the Owner before proceeding.

Architecture Inc.
25 Purcell Avenue, Winnipeg, Manitoba R3G 0Z9
t. (204) 292-7440 e. antarchitectureinc@gmail.com
www.antarchitectureinc.com

SEAL

MAA Digital Signature Applied
PROVINCE OF MANITOBA
BLAINE REPKO
REGISTERED ARCHITECT
2021-05-13

MAA Digital Signature Applied
PROVINCE OF MANITOBA
ANT ARCHITECTURE INC.
No. 248
APPROVED ARCHITECTURAL CORPORATION
2021-05-13

PROJECT TITLE
CHIROPRACTIC CLINIC REZONING

CLIENT
BRIAN McWHIRTER

PROJECT–LOCATION
771 CAMBRIDGE ST.,
WINNIPEG, MANITOBA

SITE PLAN
FOR RE–ZONING

APPROVED	CHECKED	DRAWN BY
BR		BR
SCALE	DATE	PROJECT NO.
AS NOTED	MAY 13, 2021	21.04

DRAWING NUMBER A1.0

REVISION NUMBER 0



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"