Minutes – Executive Policy Committee – October 20, 2021

REPORTS

Item No. 12 Rezoning – 206 Elmhurst Road
(Charleswood-Tuxedo-Westwood Ward)
File DAZ 205/2021 [c/r DCU 133650/2021D & DAV 133647/2021D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and recommended to Council:

1. That Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 205/2021 by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District as shown on the map dated September 17, 2021 and attached as Schedule "A" to this report.

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 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 Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

5. 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 Gilroy,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On October 5, 2021, the Assiniboia 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

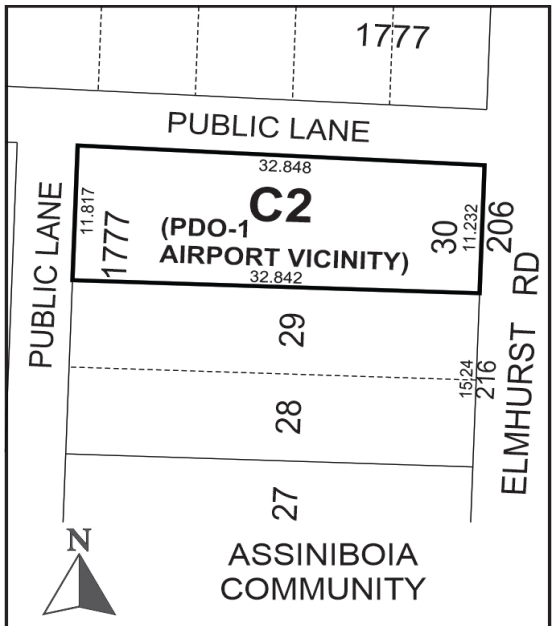
File: DAZ 205/2021

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

Public Hearing: October 5, 2021
Council Building, 510 Main Street

Applicant: Andrew Wach Architects Inc. (Andrew Wach)

Subject:



APPLICANT : Andrew Wach Architects Inc. (Andrew Wach)
FILE : DAZ 205/2021
PROPOSAL : PROPOSAL: To rezone the land shown outlined above from an "R1-M PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C2 PDO-1 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to allow the maintenance of the Non-Accessory Surface Parking Area use. **For information, phone Mr. D. Clark, Planner at 204-986-5684.**

Premises Affected: 206 Elmhurst Road

For submission to: Executive Policy Committee

Prepared by: L. Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: October 6, 2021

Community Committee Recommendation:

On October 5, 2021, the Assiniboia 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 Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 205/2021 by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District as shown on the map dated September 17, 2021 and attached as Schedule "A" to this report.

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 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 Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

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

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

1. The parking lot has been in this location for decades.

2. They have made various improvements to the building and to the neighbourhood and the proposed changes that are being considered.

Exhibits Filed:

1. Application dated July 27, 2021
2. Notification of Public Hearing dated August 23, 2021
3. Manitoba Status of Title(s) 2935898/1, 2935899/1, 2935900/1 and 2935901/1
4. Letter of authorization undated, from 3360 Roblin Holdings Ltd. to Andrew Wach Architects Inc. (Andrew Wach)
5. Surveyor's Building Location Certificate and sketch dated March 23, 2006
6. Plan (1 page) dated July 21, 2021
7. Report from the Urban Planning Division dated September 17, 2021
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Andrew Wach

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 205/2021

ADMINISTRATIVE REPORT

Title: DAZ 205/2021 – 206 Elmhurst Road

Issue: For consideration at the public hearing for rezoning the subject property from "R1-M PDO-1 Airport Vicinity Protection Area" Residential Single-Family (Medium) district to "C2 PDO-1 Airport Vicinity Protection Area" Commercial Community district, in order to permit the maintenance of an existing non-accessory parking lot that was expanded without a development permit.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/06 be amended under Development Application No. DAZ 205/2021 by rezoning the subject land to a "C2 PDO-1 Airport Vicinity" Commercial Community District as shown on the map dated September 17, 2021 and attached as Schedule "A" to this report.
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 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 Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.
5. 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

- 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 non-accessory parking lot can be maintained in its current expanded form.

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
  - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

HISTORY

DAV 695/1977

On October 3, 1977, the Assiniboine Park Community Committee approved a Variance to allow the expansion of a parking area into an "R1-5" (residential single-family) district, subject to the following conditions:

1. *That the front yard setback be no less than 26 feet.*
2. *That a 4 ft. high opaque ornamental fence be erected on the perimeter of the actual parking surface (on the east, west and south limits).*
3. *That the parking lot be surfaced with asphalt or concrete.*
4. *That the 26 ft. front yard and 10 ft. side yard be landscaped, retaining the existing trees within these areas.*
5. *That a landscaping and final site plan be submitted for the approval of the Director of Environmental Planning indicating the trees to be retained prior to the issuance of a Development Application for the parking lot or an Occupancy Permit for the commercial building commonly known as 3324 Roblin Boulevard.*

6. *That the first and last (end) parking stalls be 9 ft. in width.*
7. *That the aforesaid parking lot extension on Elmhurst Road be restricted to staff parking.*
8. *That the landscaping required be planted no later than June 30, 1978.*
9. *That the site and landscaping be maintained in good condition, in accordance with the plans approved as per Condition 5.*
10. *That the applicant agree to petition the City for installation of a land drainage sewer in Elmhurst Road (Roblin to the first lane South) and for installation of concrete pavement in this portion of Elmhurst Road and in the public lane between Elmhurst and McLean; all to be installed as local improvement.*
11. *That all parking stalls immediately to the South of the building and to the North of the lane be designated as customer and/or patient parking only.*

At some point in time between 2005 and 2007, the parking area approved under DAV 695/1977 was expanded into the front yard setback without any development permit.

CONSULTATION

N/A

SUBMITTED BY

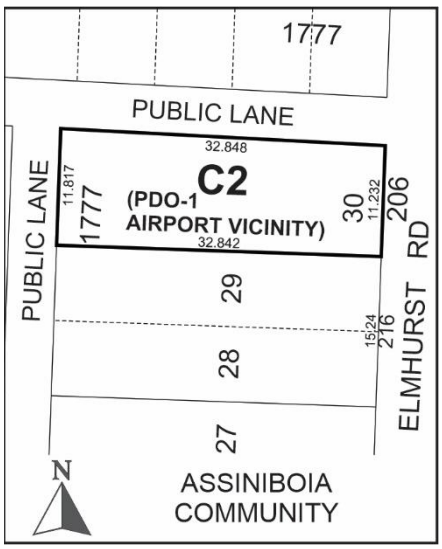
Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Robert Galston, MCP
Date: September 17, 2021
File No: DAZ 205/2021

List of Schedules and Attachments

- Appendix “A,” Planning Discussion
- Schedule “A,” of File DAZ 205/2021**,** Assiniboia Community Committee, dated September 17, 2021

APPENDIX 'A'

DATE:	September 17, 2021
FILE:	**DAZ 205/21**
RELATED FILES:	DAV 21-153966/D DCU 21-133650/D
COMMUNITY:	Assiniboia Committee
NEIGHBOURHOOD #:	2.608 (Varsity View)
SUBJECT:	For a rezoning to permit the maintenance of an existing non-accessory parking that has expanded without a development permit.
LOCATION:	206 Elmhurst Road
LEGAL DESCRIPTION:	LOT 30 BLOCK 8 PLAN 1777 WLTO IN RL 32, 33, AND 34 PARISH OF ST CHARLES



APPLICANT:	Andrew Wach Architects, Inc. (Andrew Wach) 745 South Drive Winnipeg, MB R3T 0C2
OWNER:	3360 Roblin Holdings, Ltd. 1686 Pembina Highway Winnipeg, MB R3T 2G2

SITE DESCRIPTION

- The subject property is located on the west side of Elmhurst Road, near the intersection of Elmhurst Road and Roblin Boulevard, in the Varsity View Neighbourhood of the Charleswood – Tuxedo – Westwood Ward.
- The subject property has a total land area of 3,971 square feet. It is currently zoned "R1-M" Residential Single-Family (Medium) district.
- The subject property is vacant, and has contained a surface parking use since 1977. This parking use is reserved for staff and visitors of the commercial building located to the north of the subject property. This commercial building is known as the Charleswood Medical Centre, and contains medical clinics and pharmacy tenants.
- The subject site is located within the Areas of Stability – Recent Communities policy area of the *Complete Communities Direction Strategy* Urban Structure Map.

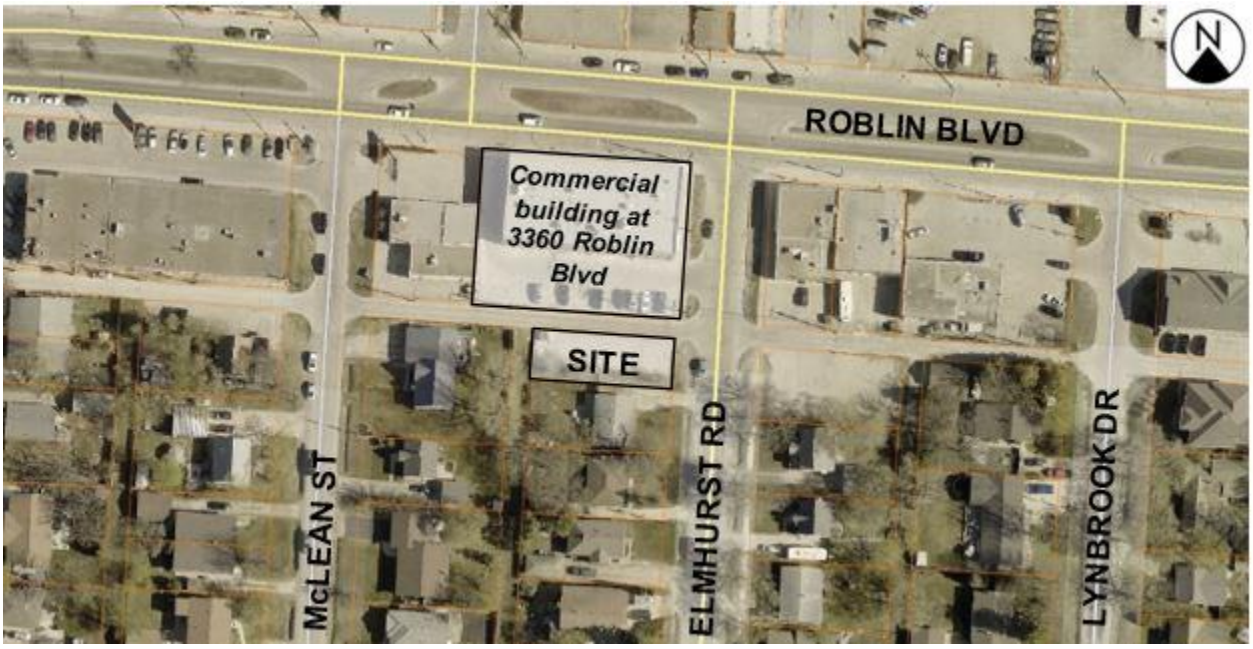


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2018)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Public lane, then commercial uses zoned "C2" Commercial Community.

South: Single-family residential uses zoned "R1-M" Residential Single-Family (Medium).

East: Elmhurst Road, then single-family residential uses zoned "R1-M" Residential Single-Family (Medium).

West: An undeveloped public lane, then single-family residential uses zoned "R1-M" Residential Single-Family (Medium).

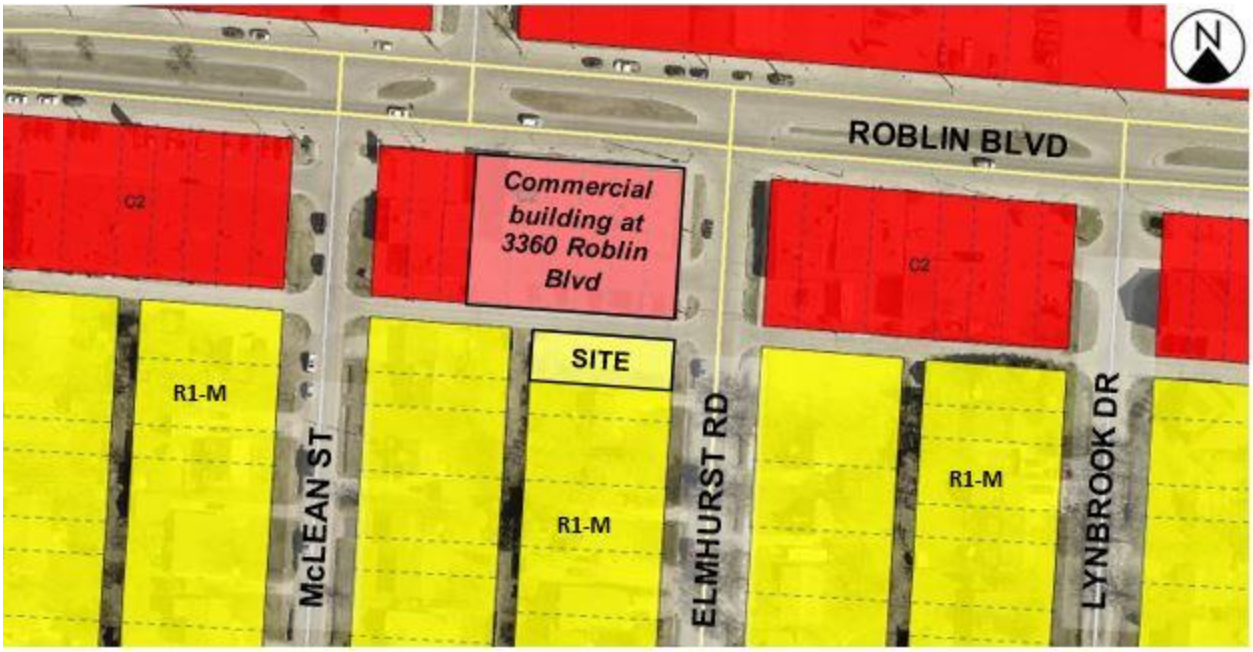


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks to rezone the property from the "R1-M" Residential Single Family (Medium) district, to a "C2" Commercial Community district. This is in order to maintain the non-accessory parking area located on the property, which was expanded without a development permit.
- The applicant proposes to maintain the non-accessory parking area in its current size and configuration, in order to accommodate vehicles of staff and visitors of the nearby commercial building at 3360 Roblin Boulevard, known as the Charleswood Medical Centre.
- Although the non-accessory parking area on the subject property was granted through a Variance under file no. DAV 695/1977, the surface parking area was expanded at some point in time between the years 2005 and 2007 without a required development permit. This expansion resulted in additional parking stalls being located within the front yard setback of 26 feet required under DAV 695/1977.
- For additional information on the history of this non-accessory parking area, please refer to the History section of this report.

Associated Conditional Use and Variance Applications

- The proposed development is the subject of an associated Conditional Use application under file no. DCU 21-133650/D. This Conditional use application concerns the maintenance of a non-accessory parking area in the proposed "C2" zoning district. Please refer to the Administrative Report for file no. DCU 21-133650/D for discussion of this Conditional Use.
- Additionally, the proposed development is the subject of a Variance application under file no. DAV 21-133647/D. This Variance application is to allow:

- The temporary maintenance of the parking area under this current “R1-M” zoning district (allowing time for the rezoning process to be completed); and,
- Reduced front yard and parking area dimensions, and insufficient street edge landscaping under the proposed “C2” zoning district.

- Please refer to the Administrative Report for file no. DAV 21-133647/D for discussion of these Variance.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City’s long-range development plan. The Key Direction of *OurWinnipeg* regarding Areas of Stability states:
  - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg’s changing population.*
- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the City’s long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an “Area of Stability – Recent Community” in *Complete Communities*’ Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- With regard to this proposal, key policies guiding the development of Areas of Stability include:
  - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
  - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
  - *Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.*
  - *Encourage intensification to occur at centres and along corridors.*
  - *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.*
  - *Support Complete Communities by ensuring diverse and high quality housing stock.*
  - *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*
  - *Provide opportunities to increase multi-modal connectivity when redevelopment occurs.*
- While the subject property is located in the Areas of Stability – Recent Communities policy area under *Complete Communities’* Urban Structure map, the subject property is

located approximately 130 feet south of Roblin Boulevard, which has characteristics of a Transformative Area – Neighbourhood Mixed-Use Corridor policy area. Neighbourhood Mixed-Use Corridors function as key strategic areas in neighbourhoods which provide a mix of uses and allow for further intensification of these uses over time, while serving as vibrant gathering spaces that support the daily activities of local residents.

- With regard to this proposal, key policies guiding the development of Neighbourhood Mixed-Use Corridors include:
    - *Promote orderly, minor intensification of neighbourhood mixed use corridors that is in character with the surrounding neighbourhood.*
    - *Promote the location of new development within existing clusters of commercial or multiple-family developments.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Under the Zoning By-law, the proposed "C2" Commercial Community district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
- The "C2" 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.

REZONING ANALYSIS

Proposed "C2" Zoning District

- As noted above, the proposed rezoning of the subject property is being applied for so that the owner can maintain an expanded non-accessory parking area on the subject property. The applicant has communicated that this parking area is necessary to accommodate visitors to the commercial uses at the nearby building at 3360 Roblin Boulevard.
- It should be noted that, while the parking area is used by staff and visitors of the nearby commercial building at 3360 Roblin Boulevard, it is not considered an accessory use of 3360 Roblin Boulevard, because the two properties, 3360 Roblin Boulevard and 206 Elmhurst Road, are separated from each other by a public lane.
- Non-accessory parking areas are not permitted under the current "R1-M" Residential Single-Family (Medium) district. Under the proposed "C2" district, the non-accessory parking area requires a Conditional Use. As noted above, an associated Conditional Use application has been made under file no. DCU 21-133650/D.
- In general, the Urban Planning Division does not typically support the encroachment of commercial uses into residential neighbourhoods through Rezoning applications. Instead, the City of Winnipeg's current planning and land use policies support new commercial development and associated uses directly along mixed-use corridors and in mixed-use centres.
- In reviewing this proposed Rezoning application, the Urban Planning Division considered the potential to develop the subject property with other uses permitted in the "C2" zoning district.

- Although the “C2” zoning district is generally intended for properties on mixed-use corridors or in mixed-use centres, the “C2” zoning district is necessary at this location in order to maintain the expanded non-accessory parking area.
- Given the relatively small size of the subject property, which is 3,971 square feet, it is unlikely that another use that is permitted in the “C2” district could be established without requiring Variances to the dimensional and design standards of the Zoning By-law. The Urban Planning Division would most likely not support any such Variance to accommodate a new “C2” use at this location, such as a commercial building.

Compatibility with the Surrounding Neighbourhood

- As noted above, the Urban Planning Division does not typically support the establishment of surface parking lots on residential streets near mixed-use corridors. This is because allowing surface parking lots to replace residential dwellings can be detrimental to the neighbourhood by:
    - reducing the number and variety of residential properties in the neighbourhood overall;
    - putting pressure on other residential properties on the block to be converted to parking lots;
    - reducing the efficiency of existing municipal services;
    - reducing the City’s tax base;
    - detracting from the visual quality of the neighbourhood; and,
    - increasing traffic on residential streets and lanes.
- In the case of the subject property, a surface parking lot has operated here since 1977. As noted above, the parking area expanded beyond what was permitted in 1977, notably by establishing parking stalls in the required front yard.
- It should also be noted that the subject parking lot supports the viability of a commercial building on Roblin Boulevard that has existed at this location for a number of decades. This building is oriented primarily to the public sidewalk environment, in an area of Roblin Boulevard considered to have characteristics of a neighbourhood mixed-use corridor.
- The subject property has a frontage width on Elmhurst Road of approximately 37 feet. Given this relatively narrow frontage, the visual impact on this block of Elmhurst Road could be considered relatively minor. This is particularly the case when considering that the applicant proposes to maintain the existing 10 foot-wide landscape strip on the south side of the property, and to erect a solid decorative fence along the Elmhurst Road frontage.
- With respect to traffic impact on the residential area, it should be noted the parking area on the subject property is accessed exclusively by a public lane that is immediately adjacent to the north side of the property. As such, the parking area is not likely to increase traffic on Elmhurst Road south of the public lane.
- It should be noted that the Urban Planning Division is not aware of any complaints against this parking area have been registered by the City through 311, the City’s customer service program.

- For these reasons, the proposed Rezoning is considered compatible with the surrounding area, and is unlikely to create or perpetuate any adverse effects on the neighbourhood.
- As noted above, the relatively small lot size limits the ability to establish other permitted uses in the “C2” zoning district without applying for Variances. The Urban Planning Division would likely not support such Variances to accommodate any permitted use that is not compatible with the lower-density residential character of this block of Elmhurst Road.

CONDITIONS OF APPROVAL

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10%.
- In the case of the subject proposed rezoning, the Property, Planning and Development is recommending that the developer provide ‘cash in lieu’ of a dedication of land.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed Rezoning for the following reasons:

- A surface parking lot has existed at this location for more than 40 years, and the Urban Planning Division is not aware of any public complaint regarding this parking lot.
- Access to the parking area will continue to be taken entirely from an adjacent public lane.
- The applicant proposes to construct a decorative fence along Elmhurst Road and maintain the existing landscaped side yard setback on the subject property.
- The Rezoning is not likely to enable other uses permitted in the “C2” district without requiring Variances.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Robert Galston, MCP
DAZ 205/2021

Schedule "A" for File No. DAZ 205/21, Assiniboia Community Committee, September 17, 2021

By–Law No. _____

File No. **DAZ 205/2021**

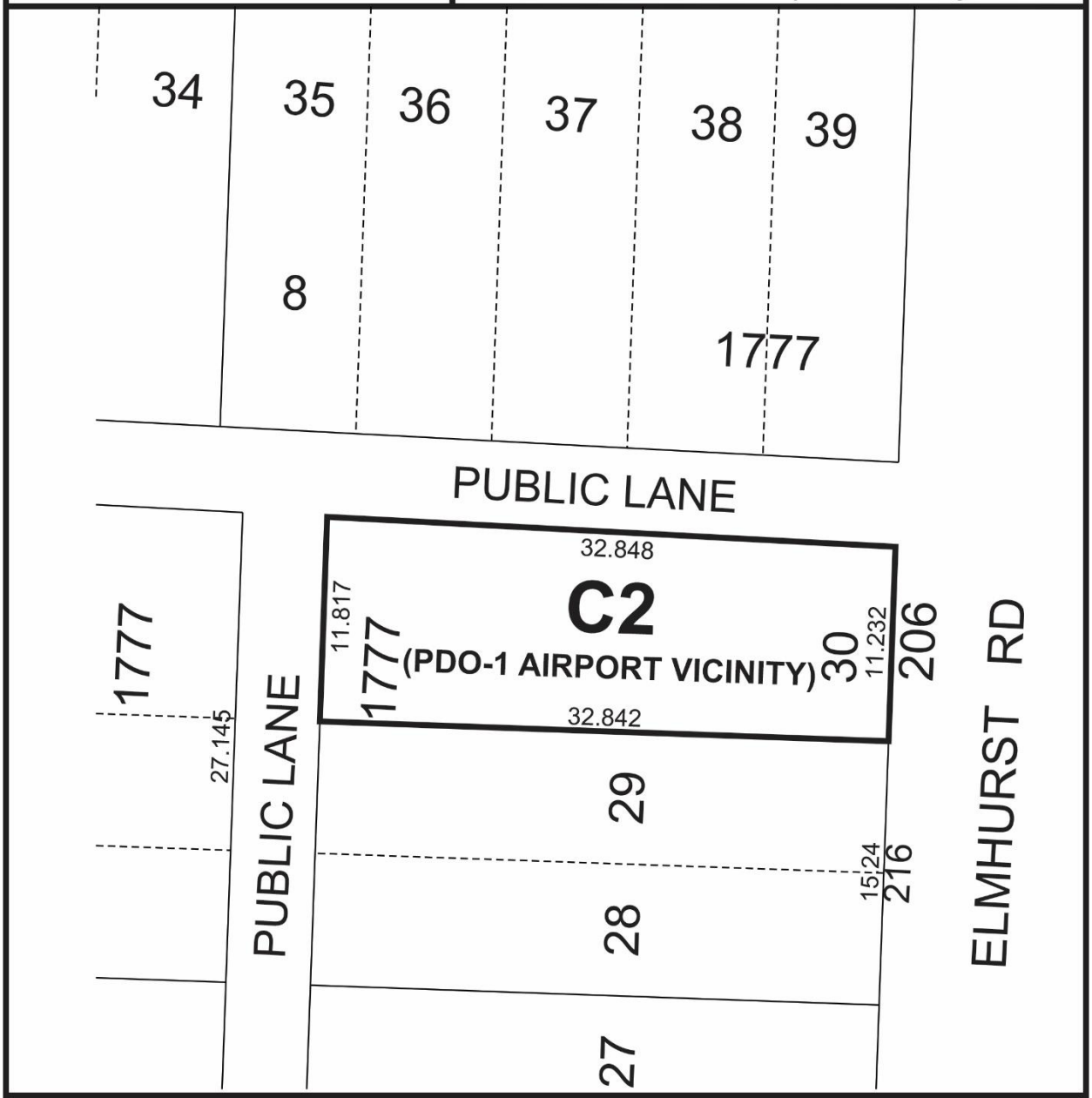
Atlas Sheet No. **AC16**

N

ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 206 Elmhurst Road from an "R1-M PDO-1 AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C2 PDO-1 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to allow the maintenance of the Non-Accessory Surface Parking Area use.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “6” referred to in File DAZ 205/2021

