Agenda – Council – June 23, 2022

Report – Executive Policy Committee – June 15, 2022

Item No. 13 Rezoning – 863 Weatherdon Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 203/2022 [c/r DAV 114365/2022D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, 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 by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated May 30, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That the developer shall meet all conditions identified in Schedule "B" – Report of the Administrative Coordinating Group, dated May 5, 2022.

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 203/2022, as determined by the City's Director of Planning, Property and Development.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under Recommendation 3 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

6. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

Report – Executive Policy Committee – June 15, 2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 203/2022.

Report – Executive Policy Committee – June 15, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 30, 2022, 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 203/2022

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

Public Hearing: May 30, 2022
Council Building, 510 Main Street

Applicant: Trademark Properties Inc. (Adam Porte)

Subject:



Premises Affected: 863 Weatherdon Avenue

For submission to: Executive Policy Committee

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

Report date: May 30, 2022

Community Committee Recommendation:

On May 30, 2022, 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 by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated May 30, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That the developer shall meet all conditions identified in Schedule "B" – Report of the Administrative Coordinating Group, dated May 5, 2022.

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 203/2022, as determined by the City's Director of Planning, Property and Development.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under Recommendation 3 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

6. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

8. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 203/2022.

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

1. In this section of Stafford there are a lot of commercial uses, including a large hydro station. I am cognizant though that there's also a seniors' home, Bethel Place, but insofar as it's going to improve pedestrian access, so moved.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objections has not been met.
Exhibits Filed:	1. Application dated February 20, 2022 2. Notification of Public Hearing dated April 13, 2022 3. Manitoba Status of Title 3117147/1 4. Letter of authorization dated February 8, 2022 from 10092641 Manitoba Ltd. (Addison Herosian) to Trademark Properties Inc. 5. Surveyor's Building Location Certificate and sketch dated November 8, 2021 6. Plans (2 pages) 7. Report from the Urban Planning Division dated May 19, 2022 8. Inspection Report 9. Supporting documentation in support of the application, submitted by Greg Grewal at the public hearing 10. Recording of Representations

REPRESENTATIONS:

In Support:

Greg Grewal

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 203/2022

ADMINISTRATIVE REPORT

Title: DAZ 203/2022 – 863 Weatherdon Ave.

Issue: For consideration at the public hearing for a Rezoning to permit the construction of an 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated May 30, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".
2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated May 5, 2022.
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 203/2022, as determined by the City's Director of Planning, Property and Development.
4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at next available Council meeting.
5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under Recommendation 3 and all associated ancillary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.
6. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.
8. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 203/2022.

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 203/2022 – 863 Weatherdon Ave. will be approved.

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: May 19, 2022
File No: DAZ 203/2022

Appendix 'B' – Proposed By-Law

DATE:	May 18, 2022
FILE:	**DASZ 203/2022**
RELATED FILES:	DAV 22-114365\D
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.107 - Ebby-Wentworth

SUBJECT: For a subdivision and rezoning to permit the construction of an office building.

LOCATION: 863 Weatherdon AVE
LEGAL DESCRIPTION: LOT 1 PLAN 28081 26/27 ST B



APPLICANT: Adam Porte (TRADEMARK PROPERTIES)
695 Osborne St
WINNIPEG, MB R3L2B8

OWNER: 10092641 MANITOBA LTD.
55 Creemans Cres
Winnipeg, MB R3R 3Z2

SITE DESCRIPTION

- The subject property is located on the northeast corner of Stafford Street and Weatherdon Avenue, in the Ebby-Wentworth neighbourhood of the Fort Rouge - East Fort Garry ward.
- The site is designated as Mature Community under the *Complete Communities Direction Strategy.*
- The property is zoned "R1-M" – Residential Single Family - Medium, is 3,999 sq. ft. in size, and currently contains a single family dwelling.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Rear lane, then Hydro corridor and vacant land zoned "R1-M" – Residential Single Family - Medium, then Grant Avenue.

South: Office uses zoned "R1-M" – Residential Single Family – Medium.

East: Single Family dwelling uses "R1-M" – Residential Single Family – Medium.

West: Stafford Street, then Manitoba Hydro substation "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 the “C1” – Commercial Community district in order to build a two-storey office building.

The proposal requires variances for front yard, street edge landscaping, and parking. Information on the variances can be found in the Administrative Report for Associated File No. DAV 22-114365\D.

The existing dwelling will be demolished.

The proposal will include a pedestrian connection to both the Weatherdon Avenue and Stafford Street sidewalks, an accessible car parking stall, and 8 bike parking stalls.

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;
    - Generally align their front yard with adjacent dwellings.
    - Provide a 10 foot buffer between the new mixed use building and the adjacent dwelling.
    - Design the building with a façade 'front condition' on both Stafford and Weatherdon (entrances, windows, balconies, interesting façade materials etc.).
    - Provide an arborist report (attached as Appendix A to the Administrative Report for Associated File No. DAV 22-114365\D).
    - Provide 3 off the lane parking stalls at regulation widths including an accessible stall.
    - Screen the parking from Stafford with decorative fencing / landscaping.
    - Reconfigure the rear parking area in order to avoid the existing Hydro pole.
    - Provide a garbage/ recycling enclosure.

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 office is being built with consideration for neighbouring dwelling including with its modest footprint and height, its larger 25-foot front yard (even though all that is required it 10 ft.), a 10-foot landscaped buffer from the adjacent residential neighbour, and compliant parking.
- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- The office is being built with consideration for neighbouring dwelling including with its modest footprint and height, its larger 25-foot front yard (even though all that is required it 10 ft.), a 10-foot landscaped buffer from the adjacent residential neighbour, and compliant parking.
- *Support a mix of commercial services and employment uses that serve the local community.*

  The office 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 is supportable as a "C1" – Commercial Neighbourhood district because:

- The site is located at Stafford Avenue, which generally accommodates commercial uses on corners.
- The site is transitional in that it is:
    - Located directly across from a Utility use (Hydro Substation) to the west.
    - Located kiddie corner to a 140-unit multifamily dwelling to the southwest.
    - There is no development to the north; there is a hydro corridor, a control strip, then Grant Avenue.
    - The proposal will be buffered from the residence to the south by Weatherdon Avenue; and will be buffered from the residence to the east by a 10-foot buffer being provided as required under the Winnipeg Zoning By-Law.
- The property, at 3,999 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.
- Local neighbourhood-based commercial amenities help reduce greenhouse gas emissions by allowing people to access services by foot, bike or transit within their neighbourhoods rather than driving to more distant 'big box' locations.

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

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

Variances

There are 5 Variances associated with the proposal. These are analyzed in the Administrative Report for Associated File No. DAV 22-114365\D.

KEY DEPARTMENTAL COMMENTS

WATER AND WASTE DEPARTMENT

- There is adequate water servicing for the proposed development.
- 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.

PUBLIC CONSULTATION

The Division recommended area public consultation. The application included signatures of support from two nearby neighbours. At the time of the writing of this report, the Division is not aware of additional consultation having been completed.

SUMMARY

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

- The site is located at Stafford Avenue, which generally accommodates commercial uses on corners where appropriate.
- The site is transitional in that it is:
    - Located directly across from a Utility use (Hydro Substation) to the west.
    - Located kiddie corner to a 140-unit multifamily dwelling to the southwest.
    - There is no development to the north; there is a hydro corridor, a control strip, then Grant Avenue.
    - The proposal will be buffered from the residences to the south and east by Weatherdon Avenue and a 10-foot buffer, respectively.
- The property, at 3,999 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 proposed building will be approximately 10 ft. lower than the permitted height for buildings on this block of Weatherdon Ave.
- Local neighbourhood-based commercial amenities help reduce greenhouse gas emissions by allowing people to access services by foot, bike or transit within their neighbourhoods rather than driving to more distant ‘big box’ locations.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross RPP, MCIP
DAZ 203/2022

Schedule “A” for File No. DAZ 203/2022, City Centre Community Committee, May 30, 2022

By–Law No. _____

File No. **DAZ 203/2022**

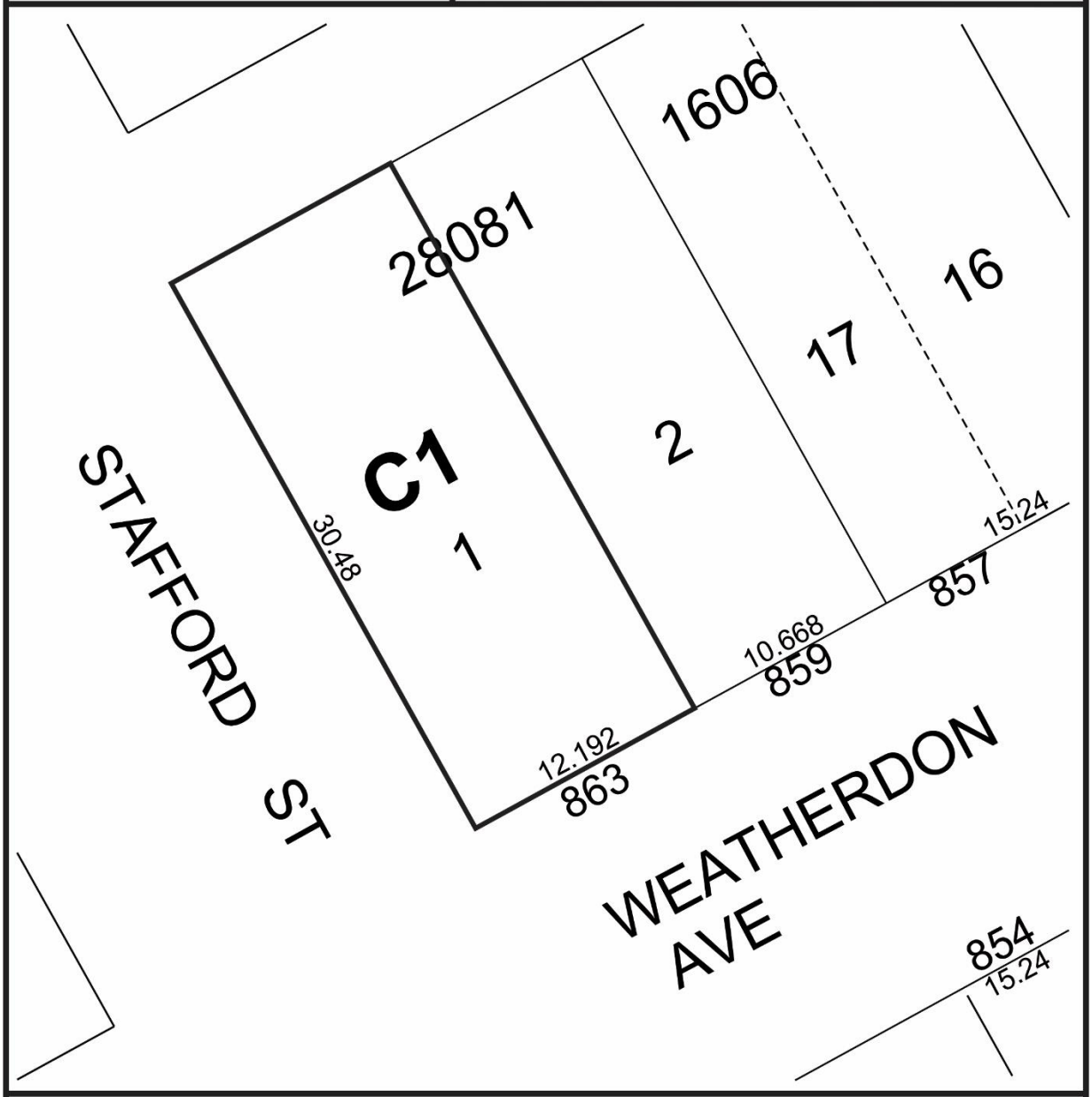
Atlas Sheet No. **AD24**

N

CITY CENTRE COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located 863 Weatherdon Avenue from an “R1-M” RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a “C1” COMMERCIAL NEIGHBOURHOOD DISTRICT to facilitate the establishment of an office 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 863 WEATHERDON AVENUE

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 203/2022. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – General Comments

1) The Water and Waste Department wishes to advise that there is adequate water servicing for the proposed development based on the development plans provided. Additional review will be required by their Department should the plans of development change during the design process.

Section II - 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 203/2022
May 5, 2022

"*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 “6” referred to in File DAZ 203/2022

863 WEATHERDON AVENUE
NEW 2 STOREY OFFICE SPACE

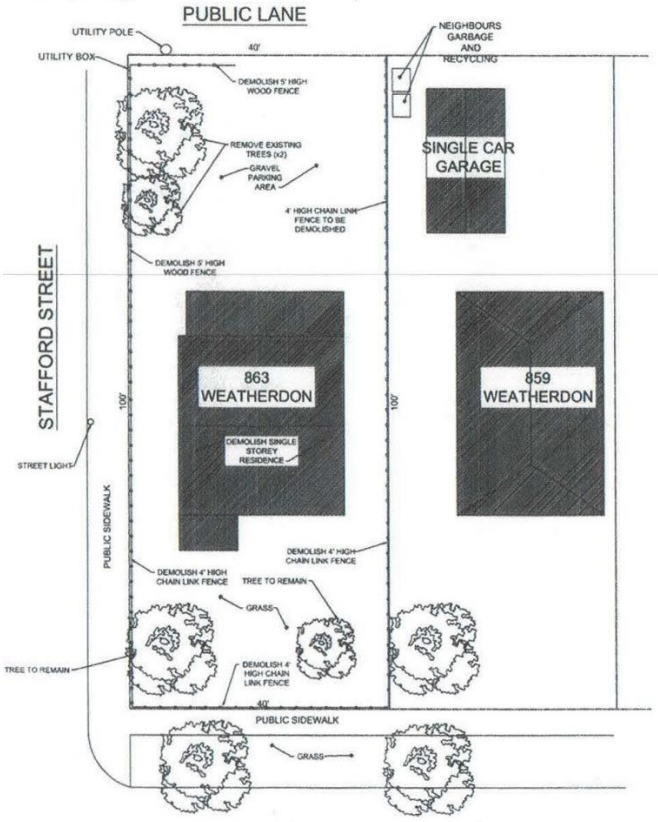
THESE DRAWINGS ARE NOT FOR CONSTRUCTION.
THESE DRAWINGS ARE FOR ZONING APPROVAL ONLY

PROJECT SUMMARY

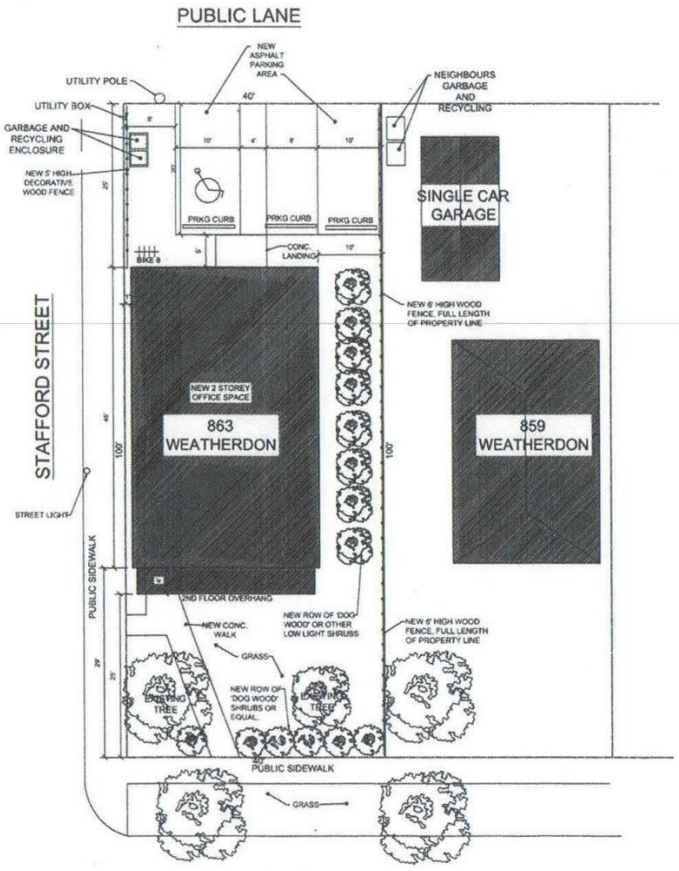
2 storey open office space with basement for service and storage space only.
Basement level = 1,334 sqft
Main floor = 1,334 sqft
2nd floor = 1,446.5 sqft

3 parking stalls
8 bike parking

Rear yard set back = 25'
Side yard set back (street) = 1'
Front yard set back = 19' with 4' 2nd floor overhang
Side yard set back (residential) 10' (buffer)



1 A1 A1 EXISTING / DEMO SITE PLAN
SCALE 1/8" = 1'-0"



2 A1 A1 NEW SITE PLAN
SCALE 1/8" = 1'-0"



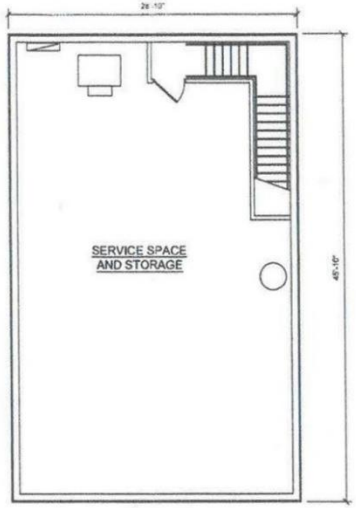
Leisure Season 5 ft. 2-inch x 2 ft. 10-inch x 4 ft. Cypress Horizontal Refuse Storage Shed Model # RSS2001|Store SKU # 1000742735

MAA DIGITAL SIGNATURE APPLIED

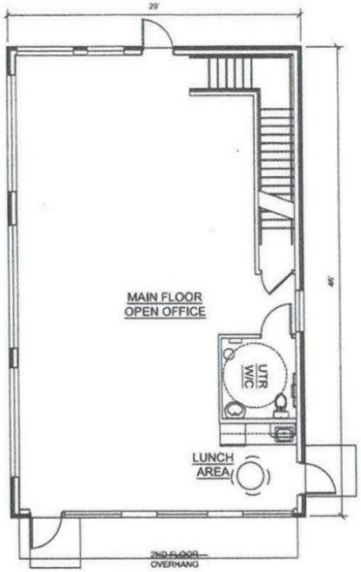
RUSSELL ARCHITECT

Russell Architect

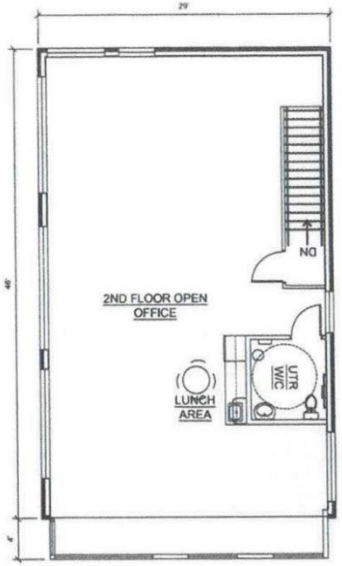
PROJECT TITLE: New 2 Storey Office
DRAWING TITLE: SITE PLAN(S)
SCALE : AS NOTED
DRAWN BY : R. KNISTER
CHECKED BY:
PROJECT NO.: 05-2021
DRAWING NO.: A-1



1 A2 A3 BASEMENT PLAN
SCALE 3/16" = 1'-0"

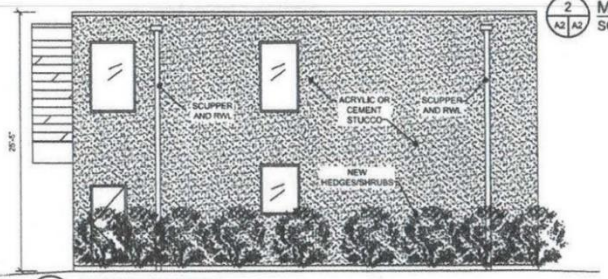


2 A2 A2 MAIN FLOOR PLAN
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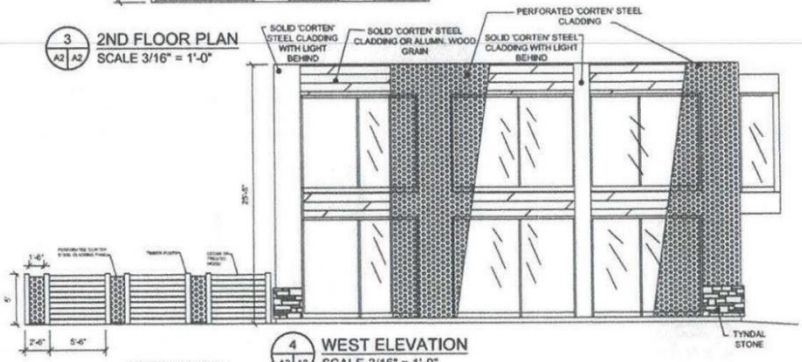


3 A2 A2 2ND FLOOR PLAN
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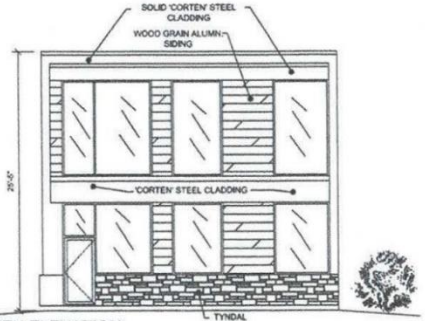
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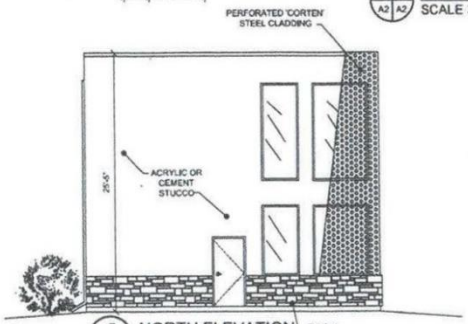
5 A2 A2 EAST ELEVATION
SCALE 3/16" = 1'-0"



4 A2 A2 WEST ELEVATION
SCALE 3/16" = 1'-0"



6 A2 A2 SOUTH ELEVATION
SCALE 3/16" = 1'-0"



7 A2 A2 NORTH ELEVATION
SCALE 3/16" = 1'-0"

REV. NO.	DATE	DESCRIPTION
4	JAN 16/22	ISSUED FOR ZONING
3	DEC 14/21	ISSUED FOR ZONING
2	DEC 14/21	ISSUED FOR REVIEW
1	DEC 06/21	ISSUED FOR REVIEW

MAA DIGITAL SIGNATURE APPLIED

RUSSELL ARCHITECT

Russell Architect

PROJECT TITLE: New 2 Storey Office

DRAWING TITLE: FLOOR PLANS AND ELEVATION

DATE:
SCALE: AS NOTED
DRAWN BY: R. MEISTER
CHECKED BY:
PROJECT NO.: 05-2021
DRAWING NO.: A-2
REVISION NO.: —