Agenda – Executive Policy Committee – February 14, 2023

REPORTS

Item No. 3 Zoning Agreement Amendment – 1155 Wilkes Avenue (Charleswood-Tuxedo-Westwood Ward) File ZAA 8/2022

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2023, 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 the Zoning Agreement Caveat No. 2491048/1 under File DAZ 224/1999 dated November 17, 1999 (By-law No. 7521/1999), be amended as follows:

    A. That Clause 2 be amended by removing the list of uses on the land and replacing with the following uses:

        A. Drinking establishment

        B. Hall rental

        C. Offices

        D. Place of worship/parish hall

        E. Day care centre

        F. Accessory uses relating to the above uses.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 224/1999 (By-law No. 7521/1999) as approved in aforesaid Recommendation 1.

3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

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

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2023, 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

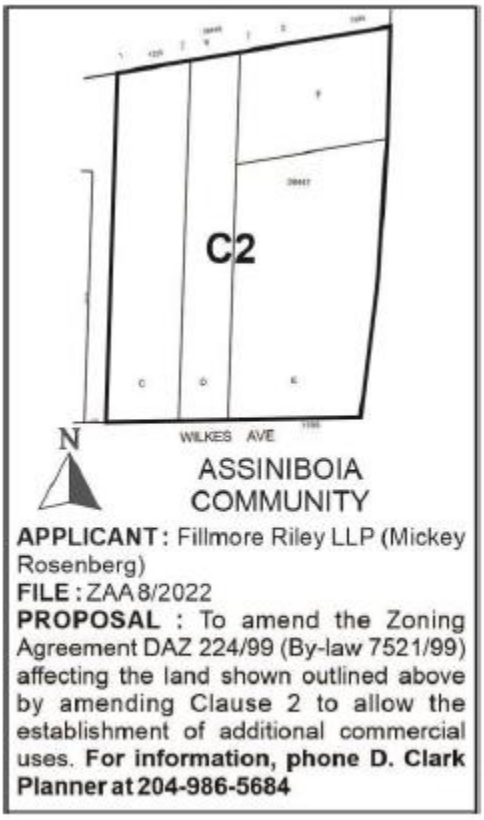
File: ZAA 8/2022

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Dobson
Councillor Duncan

Public Hearing: January 24, 2023
Council Building, 510 Main Street

Applicant: Fillmore Riley LLP (Mickey Rosenberg)

Subject:



Premises Affected: 1155 Wilkes Avenue

For submission to: Executive Policy Committee

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee
Report date: January 24, 2023

Community Committee Recommendation:

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        E. Day care centre

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3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

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

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

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

1. This is an appropriate use of the land.

2. The applicant did do their due diligence in providing information to this committee.

3. This will be supportive of the community.

Exhibits Filed:

1. Application dated December 1, 2022
2. Notification of Public Hearing dated December 8, 2022
3. Manitoba Status of Title 1725528/1
4. Letter of authorization dated October 4, 2022 from Khartum Shrine Temple Ltd (Douglas Collins) to Filmore Riley LLP
5. Surveyor's Building Location Certificate and sketch dated October 3, 2022
6. Caveats 3088961, 2491054, 2491053, 2491049, 2491048, 259956
7. Report from the Urban Planning Division dated January 13, 2023
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Avrom Charach
Mark Newman
Jonathan Buchwald

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 8/2022

ADMINISTRATIVE REPORT

Title: ZAA 8/2022 – 1155 Wilkes Ave.

Issue: For consideration at the public hearing for a Zoning Agreement Amendment to include additional uses under clause 2.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Clark, RPP MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 2491048/1 under File DAZ 224/1999 dated November 17, 1999 (By-law No. 7521/1999), be amended as follows:
    A. That Clause 2 be amended by removing the list of uses on the land and replacing with the following uses:
        A. **Drinking establishment**
        B. **Hall rental**
        C. **Offices**
        D. **Place of worship/parish hall**
        E. **Day care centre**
        F. **Accessory uses relating to the above uses.**
2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 224/1999 (By-law No. 7521/1999) as approved in aforesaid Recommendation 1.
3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.
4. That, the proper officers of the City are hereby authorized to execute said Amending Agreement.

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

REASON FOR THE REPORT

- Zoning Agreement Amendment 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 Winnipeg Public Service are concurred in, the subject Zoning Agreement will be amended by replacing the current list of uses, with an updated list of uses including a place of worship and daycare use. Other uses remain the same, though will be updated to reflect the wording of the uses in the current Zoning By-law 200/2006.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

OUR WINNIPEG 2045

Key policies applicable to the proposed development include:

Goal - City Building

6.25 Employment Lands - Designate Employment Lands within the Urban Structure areas, to accommodate larger-scale employment opportunities according to land use categories that include Core Industrial, General Industrial, Business Parks and Institutional, and proximities through design and development standards that ensure community health and safety.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Climate Action Plan and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

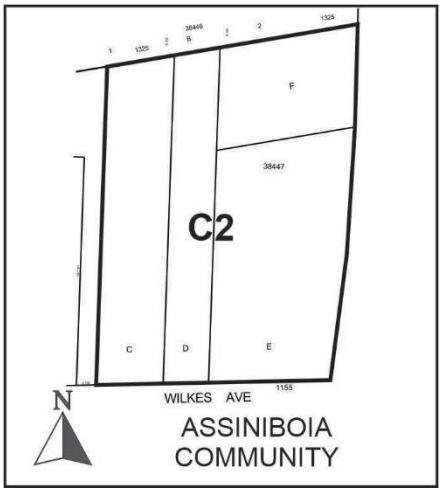
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Devin Clark, RPP MCIP
Date:	January 13, 2023
File No.	ZAA 8/2022

List of Schedules and Attachments

1. Appendix “A” Planning Discussion

APPENDIX 'A'

DATE:	January 13, 2023
FILE:	**ZAA 8/2022**
RELATED FILES:	
COMMUNITY:	Assiniboia Community
NEIGHBOURHOOD #:	2.668 (Tuxedo Industrial)
SUBJECT:	For consideration at the public hearing for a Zoning Agreement Amendment to allow for additional uses on the land, including a place of worship and day care use, while updating other currently permitted uses to reflect the language of the current Zoning By-law (200/2006).
LOCATION:	1155 Wilkes
LEGAL DESCRIPTION:	PCL C,D,E,F PLAN 38447 57/58 ST B



APPLICANT:	**Fillmore Riley LLP (Mickey Rosenberg)** **360 Main St. Unit 1700** **Winnipeg, Manitoba R3C 3Z3**
OWNERS:	Khartum Shrine Temple Ltd. 1155 Wilkes Ave. Winnipeg, Manitoba R3P 1B9
RECOMMENDATION:	Approval

HISTORY

Zoning Agreement – Under file DAZ 224/99, the land was rezoned to the "C2" Community Commercial Zoning District. As a condition of approval, a Zoning Agreement was caveated on title. Below are the relevant conditions of the Zoning Agreement to this application:

1) The land and any building or structure on it shall not be used for, and no building or structure shall be erected, placed, altered or enlarged on the land for any use except:
   - A club, including licensed premises
   - A banquet hall/dance hall
   - Offices; and
   - Accessory uses relating to the above uses.

2) No new building(s), structure(s) or works, accessory parking, loading areas, vehicular access to the site, onsite traffic circulation, fencing, landscaping, garbage enclosures and free standing signage shall be erected or located on the land and no building permit issued for construction on the land unless and until final construction plans indicating the design and location of the proposed building, including elevations and details of exterior finishing materials are submitted to and approved by the Director of Property and Development Services Department or his designate and the Assiniboia Community Committee, and thereafter identified by the signature of the Director of Property and Development Services Department of his designate under the designation of Schedule "A" to Zoning Agreement DAZ 224/99, and no building, structure or works shall be erected or located on the land except in accordance with Schedule "A" and amendments to that schedule or this agreement.

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the north side of Wilkes Avenue in the Tuxedo Industrial Neighbourhood of the Charleswood, Tuxedo, Westwood ward.
- The subject property site has a total land area of approximately 175,452 square feet (4.03 acres).
- Per *OurWinnipeg 2045*, the subject site is located in the Employment Lands Policy Area in the *Complete Communities Direction Strategy* 2.0 Urban Structure Map.
- The subject property is currently zoned "C2" Commercial Community

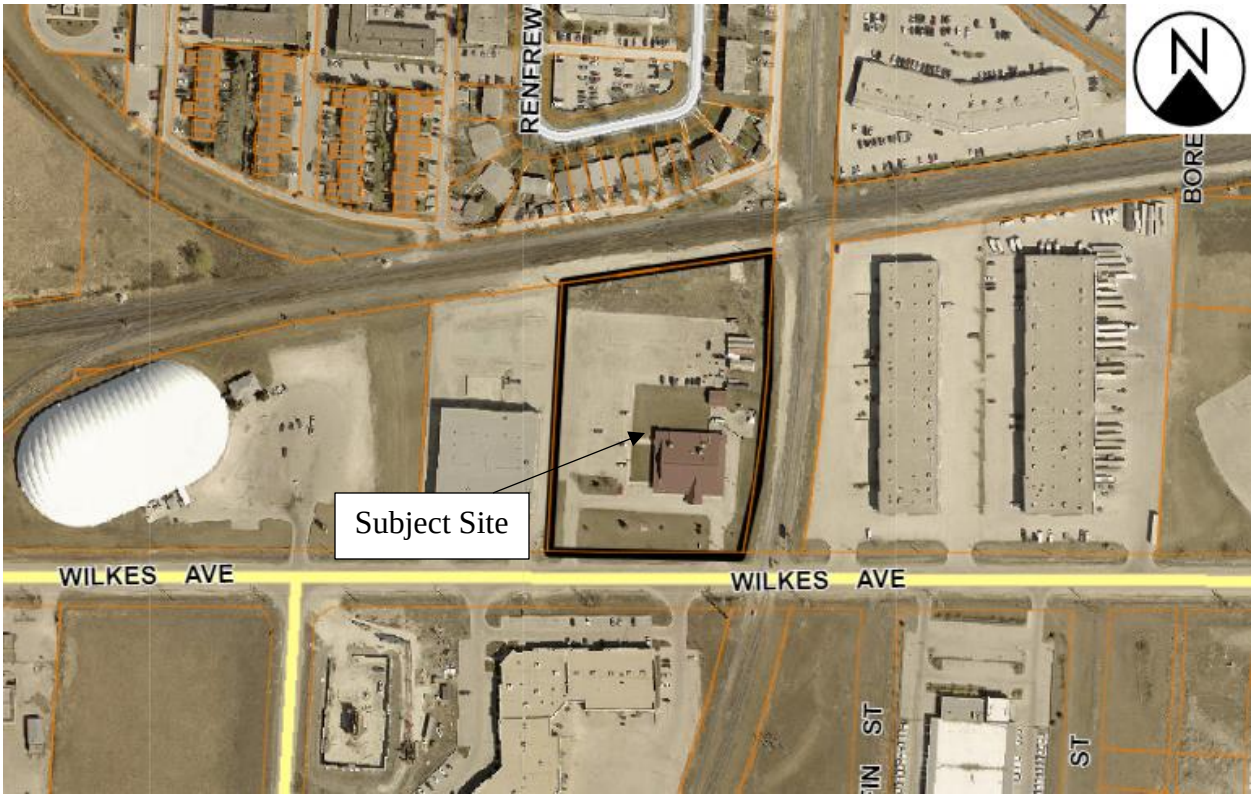


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: CNR Railway then side-by-side housing, zoned “R2” Residential Two-Family.

South: Wilkes Avenue then quasi industrial uses, zoned “M2” General Manufacturing.

East: CPR Railway then manufacturing uses zoned “M2” General Manufacturing

West: Manufacturing uses zoned “M2” General Manufacturing.

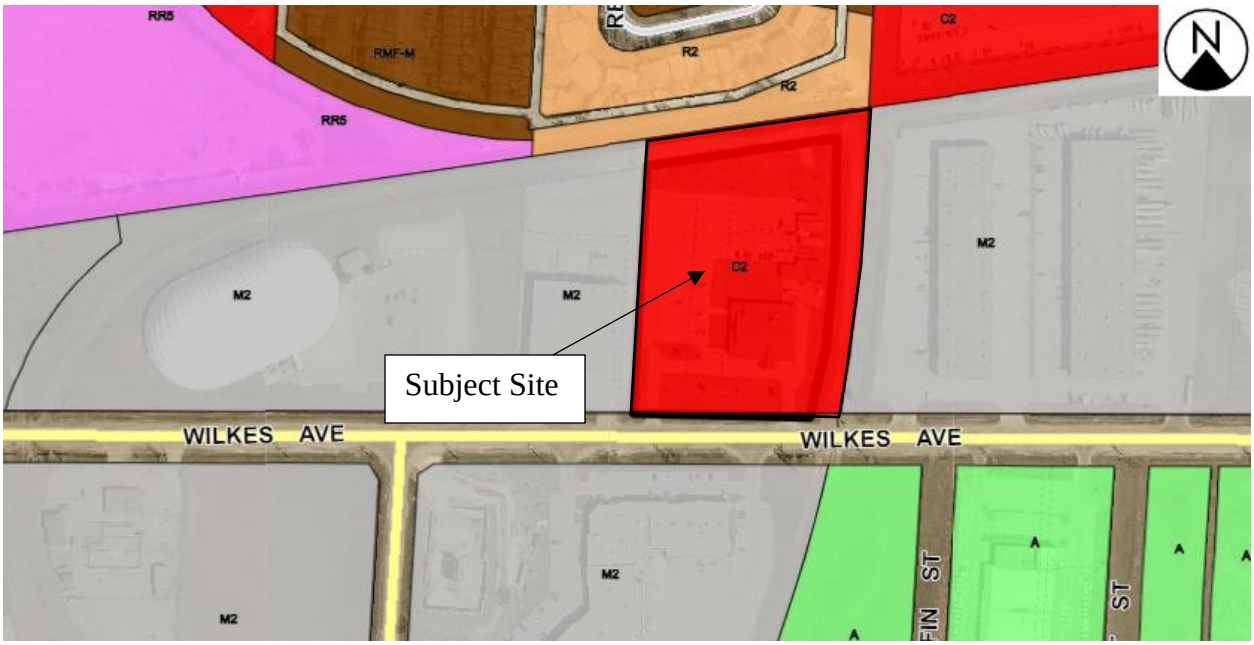


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- **According to the applicant the intent is to repurpose the existing building and convert the use to a place of worship. The applicant seeks to replace one of the conditions of the Zoning Agreement to allow for additional uses on the land.**
- **Current uses permitted on site include:**
    - A club, including licensed premises
    - A banquet hall/dance hall
    - Offices; and
    - Accessory uses relating to the above uses.
- **The applicant is seeking to add the following uses:**
    - **Place of worship/parish hall**
    - **Day care centre**

COLLABORATION AND PUBLIC CONSULTATION

- Prior to making application, the applicant contacted the Urban Planning Division about the potential for accommodating the proposed uses on site at this location. The Urban Planning Division indicated that it considered the uses to be generally consistent with the uses currently established within the building and that the uses were compatible with the area. Further, Planning indicated that the proposed use complied with policies for Employment Lands under the Complete Communities Direction Strategy 2.0.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

OurWinnipeg 2045

Relevant policies applicable to the proposed development include the following:

Goal - City Building

6.25 Employment Lands - Designate Employment Lands within the Urban Structure areas, to accommodate larger-scale employment opportunities according to land use categories that include Core Industrial, General Industrial, Business Parks and Institutional, and proximities through design and development standards that ensure community health and safety.

Complete Communities 2.0

Relevant policies applicable to the proposed development include the following:

Goal 1

1.0 Guide development in Employment Lands using the following designations.

General Industrial

1.1 Ensure that General Industrial areas:

a. Provide for light and medium industrial development;

b. Provide for limited employment-supportive commercial uses to serve the needs of employees within the employment area. These areas should be subordinate to the larger intent of General Industrial areas;

c. Provide for quasi-industrial uses that are more commercial in nature but may not fit well within other commercial designations due to their needs for large sites. These uses include, but may not be limited to: purpose-built commercial recreation enterprises, places of assembly, car dealerships, and self-storage facilities; and d. Provide for limited Small Office uses.

Goal 4

Industrial uses

4.15 Permit quasi-industrial uses in General Industrial and Business Park areas where it can be demonstrated that such uses cannot be accommodated elsewhere in the Urban Structure.

4.15.1 Where appropriate, encourage the siting of quasi-industrial uses along arterial roads and where they can be used as buffers between traditional industrial and more sensitive land uses.

Goal 5

5.1.2 Provide appropriate separation distances and/or buffering between General Industrial areas and residential uses.

5.2 Encourage light industrial uses, quasi-industrial uses, and subordinate commercial uses to act as buffers in Employment Areas that are close to existing and planned residential areas, as long as the scale and type of these uses is consistent with the planned function of the area.

Goal 7

7.0 Support high-quality design in the City's Employment Lands. Policies Employment Land design

7.1 Require that Employment Land areas be designed in accordance with the following design standards:

a. Facilitate a high standard of transit and active transportation connectivity. Opportunities to enhance this connectivity in existing Employment Areas shall be encouraged;

b. Streets that provide direct connections to transit service should provide facilities and amenities for pedestrians, cyclists, and transit;

c. Pathways and sidewalks should be provided to connect businesses to transit stops;

d. Encourage a high standard of design along collector and arterial roads, particularly those with transit service, through landscaping, fencing, building elevations, and architectural elements;

e. Encourage the provision of amenity areas for employees; and

f. Loading facilities and large open storage areas should be located in areas that minimize visual impact to other industrial uses and the street and/or screened through appropriate fencing and landscaping.

ZONING

- The current zoning of the subject property is "C2" Commercial Community
- Dimensional standards prescribed under Zoning By-law 200/2006 for the "C2" zoning district are as follows:
    - Minimum front yard – 0 feet
    - Minimum rear yard – 25 feet
    - Minimum interior side yard – 0 feet
    - Minimum corner side yard – 15 feet
    - Maximum height of building – 49 feet
    - Maximum floor area ratio – 3.0
- A place of worship use is permitted within the "C2" zoning district subject to use specific standards. These standards indicate that the place of worship use shall not exceed 40,000 square feet. The current size of the building is approximately 12,000 square feet.
- Day care use is permitted within the "C2" zoning district subject to use specific standards. This standard indicates that a drop-off/pick-up area shall be provided to ensure the safety of persons during pick up and drop off and that the loading area does not interfere with the smooth flow of traffic on adjacent public streets. The current layout provides for substantial room on site to allow for the pickup and drop off in a safe manner away from a public street.
- Drinking establishments are permitted in the "C2" zoning district, subject to a use specific standard that limits a maximum of 5,000 square feet. If interior alterations are proposed, this will be reviewed during permitting.

- Hall rentals are subject to conditional use in the “C2” zoning district. A conditional use was approved for a hall rental in 1999 and is permitted to continue to operate under that conditional use.
- Office uses are permitted in the “C2” district.

AMENDMENT TO ZONING AGREEMENT

- According to the applicant, the intent is to repurpose the building for a place of worship. In order to do so, the applicant seeks to replace one of the conditions of the Zoning Agreement to allow for additional uses on the land. Current uses permitted on site include:
    - A club, including licensed premises
    - A banquet hall/dance hall
    - Offices; and
    - Accessory uses relating to the above uses.
- The applicant is seeking to add the following uses:
    - Place of worship/parish hall
    - Day care centre
- The Plan Approval condition on title will remain in effect. As such, if any new development is proposed on site, plans will be reviewed by the Urban Planning Division and Assiniboia Community Committee. Notably, this would be an opportunity to review the plans against the above noted CCDS 2.0 policy, Goal 7.
- The Urban Planning Division considers the proposed additional uses of a place of worship and daycare to be consistent with the current use of the building, which is primarily intended to facilitate social gatherings.
- The use maintains a quasi-industrial character that is consistent with the above noted policy under CCDS 2.0 and is compatible with the area, which transitions to residential uses approximately 250 metres to the east.

  Traffic

- With respect to traffic volumes under the current and proposed uses, the applicant has provided the following:
    - Shriners Khartum Temple – pre-Covid an average week could include:
        - Daily 5-10 cars for office staff and visitors
        - 1 morning per week a meeting from Pembina Trails School division of staff – up to 60 cars
        - Monday evening meeting – 15-20 cars
        - Wednesday evening meeting 8-10 cars
        - Plus, occasional other meetings which bring 10-20 cars but not every day/week plus the occasional larger event which might bring more cars.
    - The proposed place of worship use could result in the following traffic volumes:

- Less than 50 cars a day, on average but on a busy day, maybe 100 cars.
- Every day, there may be 10 cars coming and going in the morning and evening.
- There will be occasional funerals which could bring less than 50 cars, on average.
- Every Saturday we will have 50 cars or less, some weeks we will have a few more.
- Then there will be Sunday morning; Torah tots – maybe 20 cars
- There will be some other uses, perhaps a USY program every month with 20 Cars, the occasional speaker and other such things that, on average, will see less than 50 cars.
- Jewish High Holidays and occasional other large events will see 100 cars or more.

Water and Waste

- The Water and Waste Department has noted that more information will be required to assess the capacity associated with the changes in use. The applicant has been notified to follow up with Water and Waste to provide this information.
- Servicing agreements are not tied to Zoning Agreement Amendments. Should upgrades to the sewer capacity be required, this would be addressed through the permitting process.

RECOMMENDATION

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

If the recommendation of the Public Service is concurred with:

- The list of uses will be expanded to include a place of worship use and day care centre use, as well as associated uses that support life cycle events associated with the place of worship, including, but not limited to weddings, funerals, bar mitzvahs and bat mitzvahs. The day care centre use fits within the typical operations of a place of worship use. The drinking establishment use is consistent with the current use identified as "club, including licensed premises", but is updated to reflect current language in the Zoning By-law. The current use permits a banquet hall/dance hall. The proposed hall rental use reflects language in the current Zoning By-law.
- The site use will continue to operate in a manner that it currently does and is deemed to be compatible with the area.
- The clause for plan approval will be maintained.
- The proposed use complies with policy under CCDS 2.0

This Report Submitted by: Devin Clark, RPP MCIP
Planning, Property and Development Department
Urban Planning Division

PPD File #: ZAA 8/2022