Minute No. 147
Report – Executive Policy Committee – January 17, 2023

Item No. 9 Rezoning – 157 and 159 Scott Street
(Fort Rouge-East Fort Garry Ward)
File DAZ 216/2022 [c/r DAV 166749/2022D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 216/2022 by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated January 5, 2023 and included in 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 December 6, 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 the Development Application, 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 2 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 – January 17, 2023

COUNCIL DECISION (continued):

8. That the variance order for DAV 22-166749D 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 216/2022.

Report – Executive Policy Committee – January 17, 2023

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2023, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 5, 2023, 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 216/2022

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

Public Hearing: January 5, 2023
Council Building, 510 Main Street

Applicant: ANT Architecture Inc. (Blaine Repko)

Subject:



Premises Affected: 157 and 159 Scott Street

For submission to: Executive Policy Committee

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

Report date: January 5, 2023

Community Committee Recommendation:

On January 5, 2023, 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 216/2022 by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated January 5, 2023 and included in 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 December 6, 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 the Development Application, 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 2 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 for DAV 22-166749D 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 216/2022.

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

1. The arc of the moral universe leans towards justice. This is what it takes to get the E-store built back and this family should have just been grandfathered in after arson. I'm proud to state that there's no fees association with this application.

2. This doing justice in a neighborhood that just wants their E-store and the Shin family convenience store back.

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 objection has not been met.

Exhibits Filed:

1. Application dated October 7, 2022
2. Notification of Public Hearing dated November 24, 2022
3. Manitoba Status of Title 2713071/1
4. Letter of authorization dated May 5, 2022 from Hae-Kyung Shin, 6016430 Manitoba Ltd. to Blaine Repko, ANT Architecture Inc.
5. Plans (2 pages)
6. Report from the Urban Planning Division dated December 13, 2022
7. Inspection Report
8. Communication dated December 20, 2022, from Hae-Kyung (Heather) Shin, in support of the application

REPRESENTATIONS:

In Support:

Hae-Kyung (Heather) Shin
Blaine Repko

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DAZ 216/2022

ADMINISTRATIVE REPORT

Title: DAZ 216/2022 – 157 Scott Street

Issue: For consideration at the public hearing for a Rezoning to permit the construction of a 2-storey commercial and residential 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, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 216/2022 by rezoning the subject land to a "C1" – Commercial Neighbourhood District, as shown on the map dated January 5, 2023 and included in 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 December 6, 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 the Development Application, 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 2 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 for DAV 22-166749D 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 216/2022.

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 216/2022 – 157 Scott Street will be approved with conditions.

HISTORY

- A corner store and dwelling existed on the property until 2021, when the building was destroyed by arson.
- The corner store was operating on land zoned for residential, having been approved many years ago under a different City policy and zoning framework.
- In zoning terms, the corner store was a "non-conforming use". Non-conforming uses are permitted to continue operating (aka 'grandfathered') until such a time as the building is either demolished or is vacant for 12 months or more.
- If demolished or vacant for 12 months or more, any new development on the property must either comply with the property's existing zoning, or be subject to a rezoning to a district that properly accommodates the new development.
- Because the owner wishes to re-establish a corner store, which is not permitted in the existing residential zoning district, the subject rezoning application has been submitted in order to change the zoning district to "C1", which accommodates the proposal.

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: December 13, 2022

1. Appendix A - Planning Discussion
2. Appendix B - Proposed By-Law

APPENDIX 'A'

DATE: December 13, 2022
FILE: **DAZ 216/2022**
RELATED FILES: DAV 22-166749\D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.111 – River-Osborne

SUBJECT: A rezoning for DAZ 216/2022 to permit a 2-storey commercial and residential building.

LOCATION: 157 Scott ST
LEGAL DESCRIPTION: LOT 25 PLAN 27488 35/36 ST B



APPLICANT: Blaine Repko (ANT Architecture Inc)
25 Purcell Ave
Edmonton, AB R3G 0Z9

OWNER: 6016430 MANITOBA LTD.
5485 Brydon Cres 104
LANGLEY, BC V3A 0N5

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the west side of Scott Street, near Wardlaw Avenue, in the River-Osborne neighbourhood of the Fort Rouge - East Fort Garry ward.
- The site is designated as Mature Community under the *Complete Communities Direction Strategy 2.0,* and Village Mixed Use Transition under the *Osborne Village Neighbourhood Plan* (OVNP).

- The property is currently zoned “RMF-M” – Residential Multifamily - Medium.
- The property is 1,845 sq. ft. in size and is currently vacant following a fire that destroyed the building in 2021.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Rear lane, then accessory surface parking zoned “RMF-M” – Residential Multifamily - Medium

South: Single family dwelling zoned “C1 – Commercial Neighbourhood

East: Scott Street, then vacant commercial uses zoned “C2” – Commercial Community

West: Single family dwelling zoned “RMF-M” – Residential Multifamily – Medium.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to construct a 2-storey building with a commercial store on the ground level and one dwelling unit above.
- As noted above under “History”, An older building with the same uses burned in a fire in 2021. The applicant wishes to essentially build a new version of what was previously onsite.
- In addition to the subject rezoning, the proposal also requires variances for lot area, yards, lot coverage, parking, and landscaping (See Associated File No. DAV 22-166749\D).
- The existing vehicular approach from Scott Street will be removed and the public boulevard restored with landscaping. Vehicular access will be taken from the public lane.
- The site plan will include an accessible parking stall, bike parking at the main entrance, and a walkway connecting the front and rear of the property.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

The applicant worked with the Urban Planning Division through a collaborative planning process leading up to completion of the application. The following design adjustments were made:

Vehicular approach

Given the presence of a rear lane, the applicant agreed with a request of the Division to close the existing front vehicular approach and restore the boulevard. This reintroduces a pedestrian friendly site with no vehicles crossing the public sidewalk.

Storefront windows

The originally proposed commercial street-facing windows were small. In order to best meet Sections 3.1.1.C.2 and 3.1.1.C.3 of the OVNP, the applicant agreed to enlarge these widows to provide a more welcoming traditional urban storefront design.

Facade materials

Given the Osborne Village context and the Character policies of the OVNP, the applicant agreed to provide a balance of more than one substantial/quality exterior façade material.

Landscaping

Originally the plan lacked landscaping; the applicant agreed to provide landscaping.

Lane separation

Originally the plan provided a 0-foot north side yard against the lane. The Division recommended 1-2 ft. to avoid conflicts with snowplowing equipment; this is provided.

Window security

An earlier design contained solid metal exterior security shutters on the storefront windows. Interior options such as mesh, bars or reinforced glass offer a more subtle/ nicer neighbourhood appearance. The applicant agreed to use inset bars.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0 (CCDS 2.0)

The site is designated as Mature Community under CCDS 2.0. Key policies most relevant to this proposal include:

Goal 2

2.2 Encourage the location of commercial or mixed-use buildings at or near the front and corner side property lines to create a pedestrian orientation. Use setbacks to reinforce the public realm through landscaping and pedestrian amenities, such as entryways, patios, benches, and bicycle parking.

Building design

2.4 Encourage the use of high-quality, energy efficient, and durable exterior building façade materials.

2.5 Encourage a variety of architectural styles.

2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the visual aesthetics of the street and neighbourhood.

2.8 Buildings with commercial uses should be designed to support pedestrian activity by providing building elements that increase visual interest which may include, but are not limited to, the following:

a. Direct pedestrian access to main building entrances from the street;

b. Transparent storefront displays;

c. Human scaled signage; and

d. Decorative lighting, awnings, benches and other pedestrian oriented amenities.

Massing and scale

2.12 New development should respect and complement the existing character of the built form of surrounding properties.

2.15 Encourage the use of architectural features to articulate building walls in order to mitigate the impact of new building mass.

Parking and loading

2.16 For properties with public lane access, vehicular access should be taken from the public lane in order to:

a. Reduce potential conflict between pedestrians using sidewalks and motor vehicles crossing the public right-of-way to access private property;

b. Preserve green space and protect existing trees that can be impacted by the establishment of front approaches and corresponding private driveways; and

c. Prevent fragmentation of the public boulevard in order to better accommodate on-street motor vehicle parking and public snow clearing.

2.17 Locate commercial, mixed-use, or multiple family residential parking underground or behind buildings in order to create a more pedestrian-oriented built form. Active uses should be located at grade when these buildings face public streets.

Site design

2.21 Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.

2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development has a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.

Goal 4

4.0 Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.

General policies

4.6 Vertical commercial/residential mixed-use development is generally supported where local commercial development currently exists, where there is the presence of a public lane, or where the site is large enough to accommodate the proposed development where a public lane is not present.

4.8 Commercial signage should be pedestrian-oriented and contextually sensitive to adjacent uses.

4.11 Conserve traditional, fine-grained commercial store fronts where possible.

The proposal was reviewed against the above policies of CCDS 2.0. The proposed development meets the intent of the above policies.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN (OVNP)

The property falls within the Village Mixed Use Transition Area of the OVNP.

The Village Mixed-Use Transition area *"provides for transition between commercial concentrations and predominantly (and historically) residential areas, where residential and low-impact commercial activities can co-exist in a mixed-use environment. Development within this category is to retain current built forms and lot configurations, and to encourage mixed-use redevelopment."*

The policies for this area are:

> *6.1.1 Village Mixed-Use Transition (V-MUT)*
>
> *6.1.1.A Residential development in Mixed-Use Transition areas will conform to the Village Medium Density Residential (V-MDR) policies;*
>
> *6.1.1.B Commercial and employment uses in Mixed-Use Transition areas should be compatible in lot size, building scale, and character to the existing context (particularly that of the immediate block);*
>
> *6.1.1.C New developments and additions will have a minimum height of two storeys and a maximum height of four storeys;*
>
> *6.1.1.D Non-residential uses are not to emit any noise, odour, dust, smoke, or similarly objectionable operational characteristics detectable outside the building.*

Based on the above, the Division is supportive of the mixed use concept proposed in this location.

WINNIPEG ZONING BY-LAW 200/06

REZONING AND SUBDIVISION

- The subject property is currently zoned "RMF-M" Residential Multi-Family (Medium) District.
- The Urban Planning Division believes that the proposed rezoning to the "C1" – Commercial Neighbourhood District is appropriate, given:
    - CCDS 2.0 states: Conserve traditional, fine-grained commercial store fronts where possible.

- The OVNP states that in the Village Mixed-Use Transition area, *"residential and low-impact commercial activities can co-exist in a mixed-use environment" and "Development within this category is to …encourage mixed-use redevelopment."*
- Other properties on this corner are already zoned "C1", including 363 Wardlaw Avenue and 156 Scott Street.
- The property has operated as a corner store and dwelling for many years and its presence has become part of the established neighbourhood.

SERVICING CONSIDERATIONS

The Water and Waste Department advises that:

- 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.

OTHER CONSIDERATIONS

Substantial conformance

The applicant is required to build in substantial conformance with the plans submitted. Should changes be required, a condition for plan approval is included on Associated Variance File. No DAV 22-1166749/D in order to provide opportunity the Division to review.

SUMMARY

The Urban Planning Division supports the subdivision and rezoning, because:

- The proposal provides a traditional, fine-grained commercial storefront per policies of *Complete Communities 2.0* and meets all applicable land use and design policies of the *Osborne Village Neighbourhood Plan.*

OURWINNIPEG POLICY ALIGNMENT

- Section 6.16 states that Established Neighbourhoods should*:*

  "accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability."

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

- Section 6 states:

  "Infill and compact development can increase proximity to work, school and services such as healthy food, employment, and recreation opportunities, resulting in benefits to the local economy and reduced dependency on vehicles."

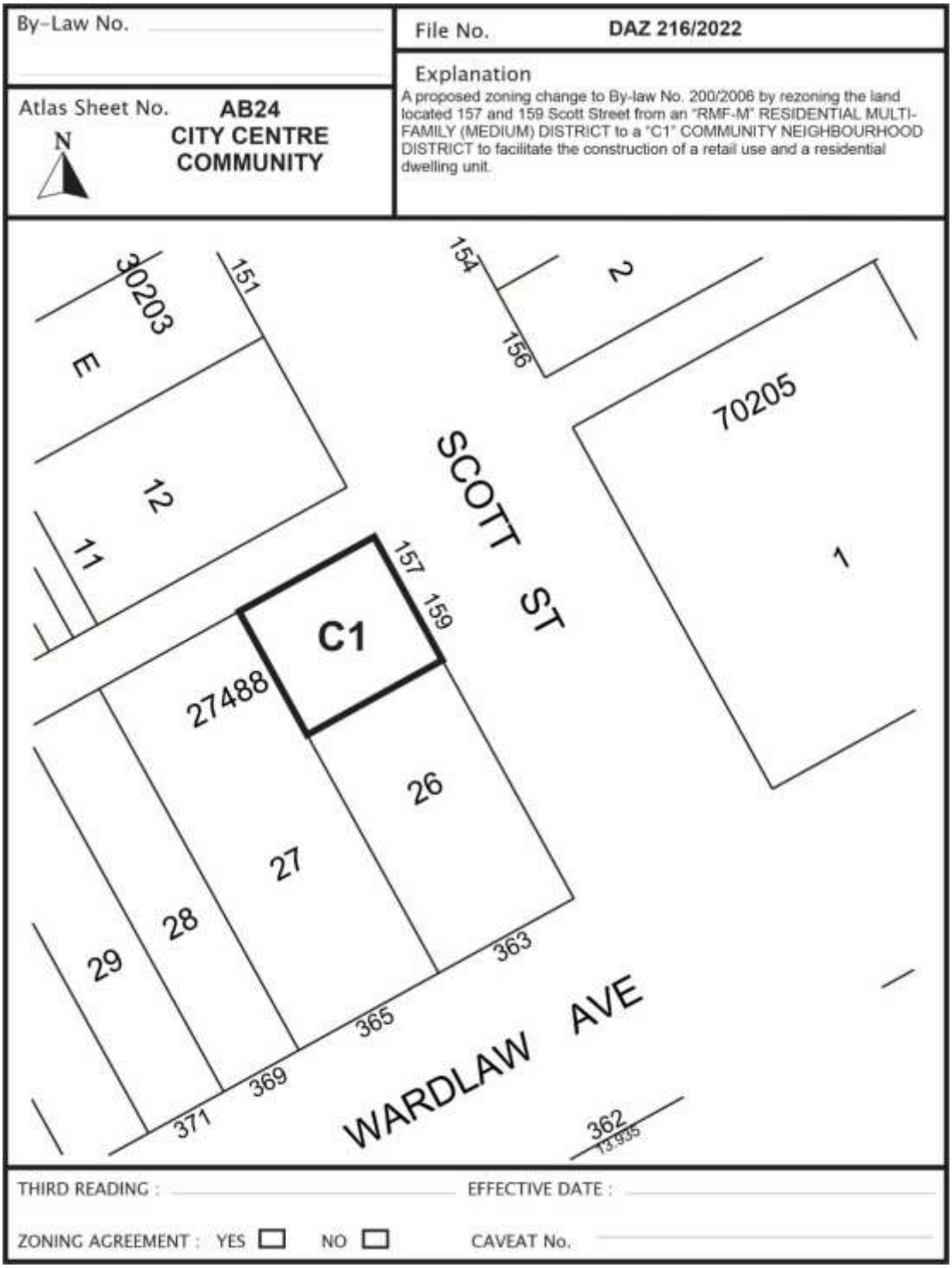
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

- 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.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Andrew Ross RPP, MCIP
DAZ 216/2022 – 157 Scott Street

Schedule “A” for File No. DAZ 216/22, City Centre Community Committee, January 5, 2023



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 157 & 159 SCOTT STREET

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 216/2022. 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.

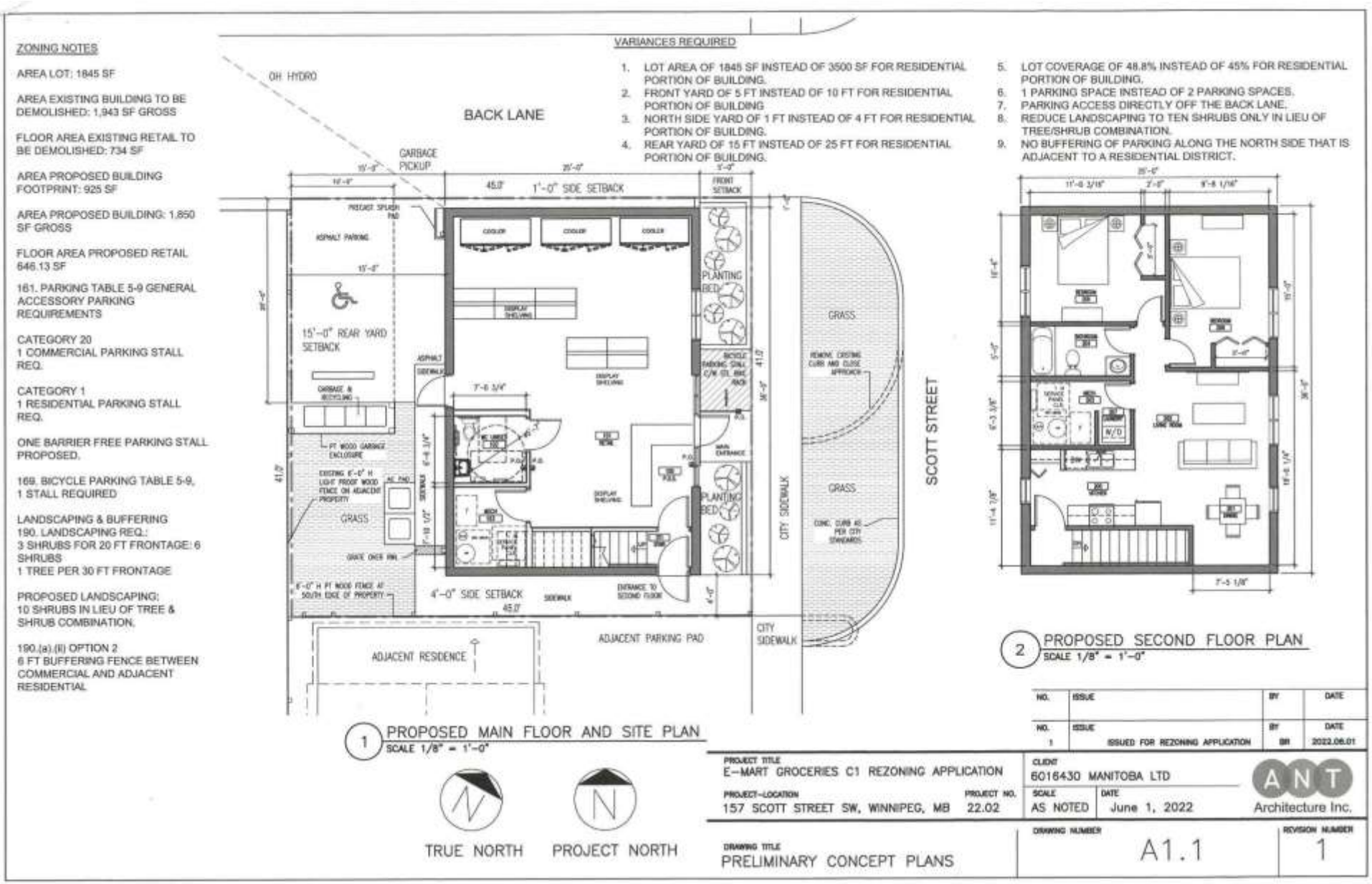
THIS REPORT SUBMITTED BY:

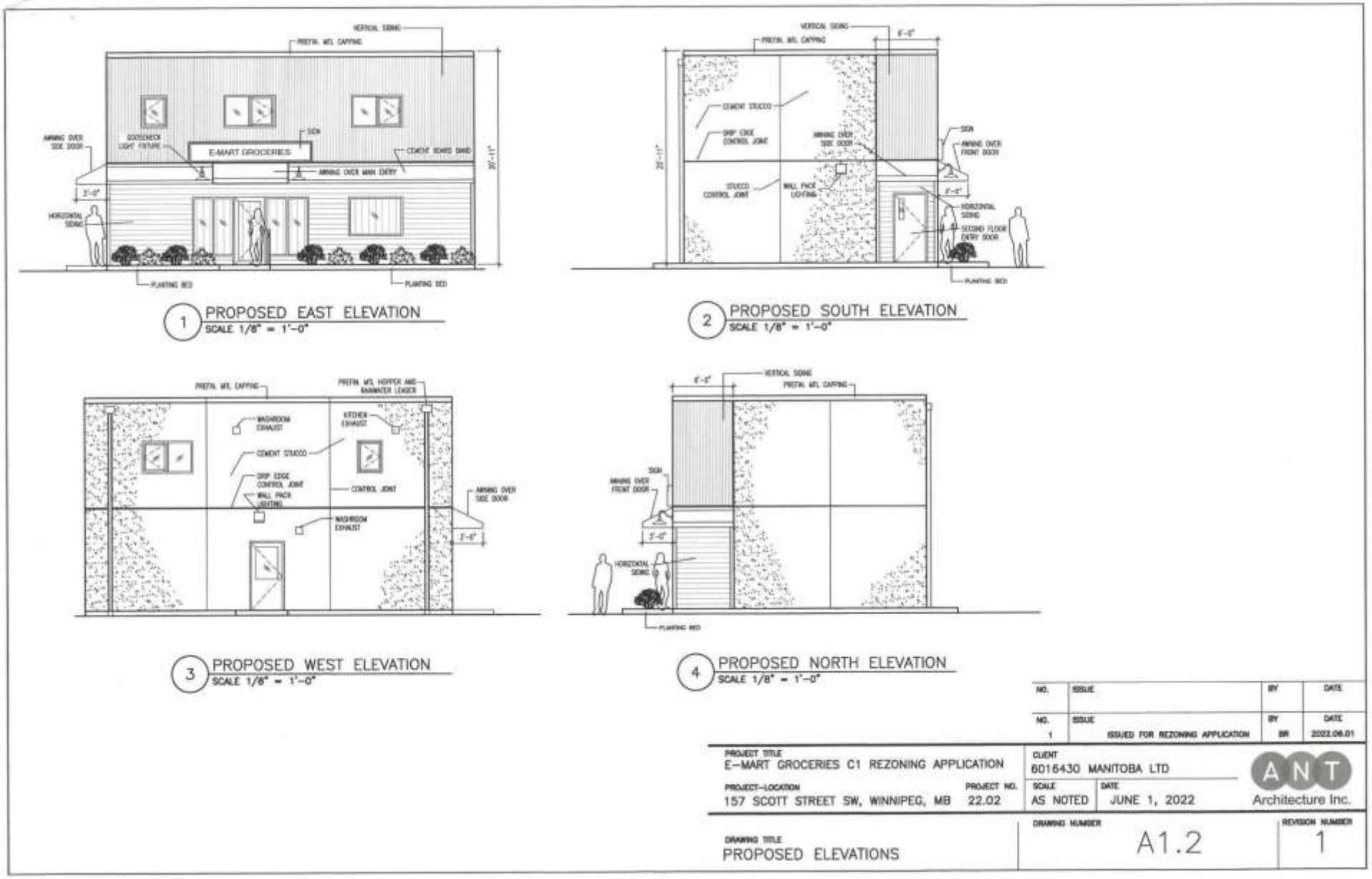
Administrative Co-ordinating Group
File No. DAZ 216/2022
December 6, 2022

"*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 "5" referred to in File DAZ 216/2022




VERTICAL SIDING
PRETIN. MTL CAPPING
GOOSENECK LIGHT FIXTURE
SIGN
E-MART GROCERIES
CEMENT BOARD BAND
AWNING OVER MAIN ENTRY
AWNING OVER SIDE DOOR
3'-0"
HORIZONTAL SIDING
30'-11"
PLANTING BED
1 PROPOSED EAST ELEVATION
SCALE 1/8" = 1'-0"
CEMENT STUCCO
DRIP EDGE CONTROL JOINT
STUCCO CONTROL JOINT
WALL PACK LIGHTING
AWNING OVER SIDE DOOR
SIGN
AWNING OVER FRONT DOOR
HORIZONTAL SIDING
SECOND FLOOR ENTRY DOOR
2 PROPOSED SOUTH ELEVATION
SCALE 1/8" = 1'-0"
PRETIN. MTL CAPPING
PRETIN. MTL HOPPER AND RAINWATER LEADER
WASHROOM EXHAUST
KITCHEN EXHAUST
CEMENT STUCCO
DRIP EDGE CONTROL JOINT
WALL PACK LIGHTING
CONTROL JOINT
AWNING OVER SIDE DOOR
3 PROPOSED WEST ELEVATION
SCALE 1/8" = 1'-0"
SIGN
AWNING OVER FRONT DOOR
HORIZONTAL SIDING
4 PROPOSED NORTH ELEVATION
SCALE 1/8" = 1'-0"
NO. ISSUE BY DATE
1 ISSUED FOR REZONING APPLICATION BR 2022.06.01
PROJECT TITLE
E-MART GROCERIES C1 REZONING APPLICATION
CLIENT
6016430 MANITOBA LTD
PROJECT-LOCATION
157 SCOTT STREET SW, WINNIPEG, MB
PROJECT NO.
22.02
SCALE
AS NOTED
DATE
JUNE 1, 2022
ANT Architecture Inc.
DRAWING TITLE
PROPOSED ELEVATIONS
DRAWING NUMBER
A1.2
REVISION NUMBER
1