Minute No. 520
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2021

Item No. 14 **Extension of Time – Subdivision and Rezoning – 755 Golspie Street (Elmwood-East Kildonan Ward)**
File DASZ 1/2017

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 43/2020 be extended to May 6, 2022.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2021

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2021, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 9, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 26, 2021, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: Extension of Time – Proposed Subdivision and Rezoning – 755 Golspie Street – File No. DASZ 1/2017

Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Trenchard		N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 43/2020 under File No. DASZ 1/2017 expire on May 6, 2021. The developer has not been able to satisfy all of the conditions prior to expiry and has requested a second extension of time to complete the necessary registrations at the Winnipeg Land Titles Office.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 43/2020 be extended to May 6, 2022.

2. 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

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to May 6, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 25, 2018, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 8, 2018 which recommended approval of the subject subdivision and rezoning application to an "RMF-M" Residential Multi-Family District under the Winnipeg Zoning By-law 200/2006 as shown on Appendix "A" attached. Recommendation 6 contained in the Council Decision stipulates:

> "That in the event the application is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this two (2) year period and Council approves the extension."

On February 27, 2020, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 25, 2021 which recommended approval of an Extension of Time and that the time limit for enactment of the necessary by-law for DASZ 1/2017 be extended to January 25, 2021.

The rezoning By-law No. 43/2020 was passed by Council on May 6, 2020. See Appendix "A" map attached.

Section 3 of By-law No. 43/2020 stipulates:

Coming into force

3 This By-law comes into force when the plan of subdivision and Zoning Agreement are registered at the Winnipeg Land Titles Office.

4(1) Subject to subsection (2), this By-law will expire without coming into force one year after the date on which this By-law is enacted if:

(a) The plan of subdivision and the Zoning Agreement have not been registered at the Winnipeg Land Titles Office; and

(b) The owner has not applied for an extension of time.

4(2) This By-law will be deemed to have expired without coming into force on the date provided in subsection (1) when:

(a) The owner has applied for an extension of time prior to the date provided in subsection (1); and

(b) Council denies the extension of time.

By-law No. 43/2020 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 1/2017 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on May 6, 2021.

On April 26, 2021, the Developer, Gateway Construction & Engineering Ltd., Attention: Taylor Wiebe, 434 Archibald Street, Winnipeg, Manitoba, R2J 0X5, on behalf of the Owners, submitted a request for a second extension of time in order to re-apply for expired variances related to this application and to complete the necessary registrations at the Winnipeg Land Titles Office. See Appendix "B" attached.

The Winnipeg Public Service has reviewed this request for an extension of time and is of the opinion that approval of the subject extension of time would be acceptable and circumstances leading to the original approval remain unchanged.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The subject property is located in a Mature Communities Policy Area, which is a type of Area of Stability Policy Area of OurWinnipeg and Complete Communities. The proposed plan of subdivision and rezoning complies with the Key Direction, being quite broad and with OurWinnipeg in general.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: May 3, 2021
File No: DASZ 1/2017

Attachments: Appendix "A" – DASZ 1/2017 Map
Appendix "B" – Letter Requesting Extension of Time

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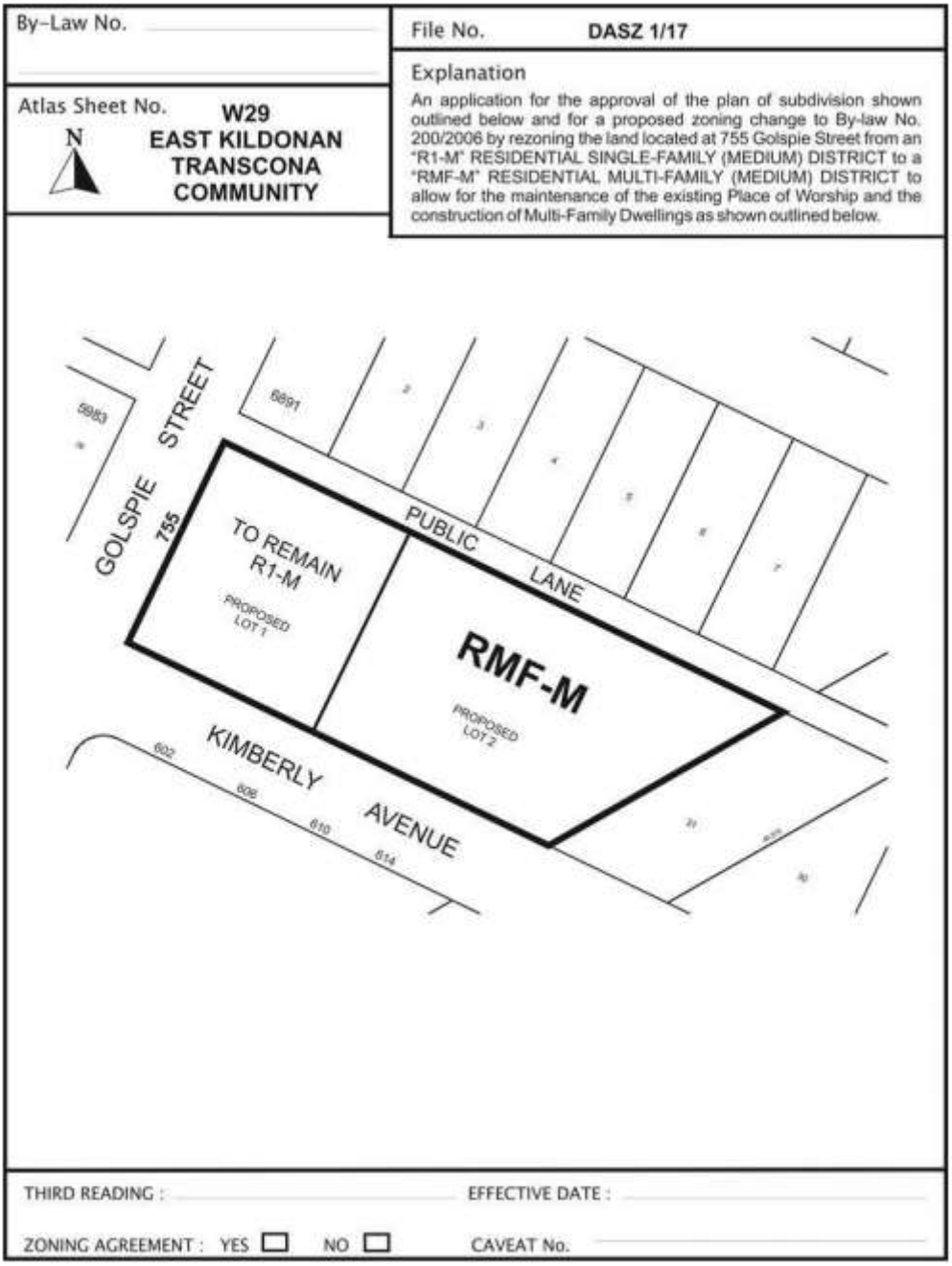
APPENDIX "A" – DASZ 1/2017 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

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Updated: January 1, 2021 Page 1 of 1

Letter of Authorization

(Registered owner(s) of the property whose name(s) appear on the title)

Date: April 16, 2021

To: The City of Winnipeg
Planning, Property & Development Department
Zoning and Permits Branch
31 – 30 Fort Street
Winnipeg, Manitoba R3C 4X7

RE: 755 Golspie Street, Winnipeg (address or legal description of application)

I (we) hereby give authorization to:

Gateway Construction & Engineering Ltd. (Applicant's name)

To apply for an Extension of Time application for the above address under Development Application File No. DASZ 1/2017.

Registered Owner(s) on the Current Status of Title or Certificate of Title:

ROBERT KENYON IMMANUEL CHURCH
Robert Kenyon
Please print name and company name (if applicable)
Signature

Neil Barbour NEIL BARBOUR
Please print name and company name (if applicable)
IMMANUEL CHURCH
Signature

Judy Gierys Judy Gierys
Please print name and company name (if applicable)
Immanuel Church
Signature

Joy Weizel JOY WEIZEL
Please print name and company name (if applicable)
IMMANUEL CHURCH
Signature

October 1, 2020

East Kildonan – Transcona Community Committee
City Clerk's Department
Administration Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Members of the Committee,

RE: Conditional Use - Immanuel United Church, 755 Golspie Street

On behalf of Gateway Construction and Immanuel United Church, I am pleased to provide this Letter of Intent in support of a Conditional Use application for a portion of the property municipally known as 755 Golspie Street. The site, consisting of a Place of Worship and an open lawn, is currently zoned R1-M in *Zoning By-Law No. 200/2006*. The owners have submitted an application to subdivide the property and rezone the eastern parcel, which contains a large portion of the open lawn, to an RMF-M Zone in order to permit a medium density stacked development. The western parcel, which houses Immanuel United Church and a smaller portion of the open lawn, is intended to continue operating as a Place of Worship (herein referred to as "the site").

THE SITE & SURROUNDINGS

The site is located within the East Kildonan neighbourhood. Once subdivided, the site will be bound to the west by Golspie Street, to the north by a public lane which provides vehicular access to the rear garages of single family homes located on Helmsdale Avenue, to the east by the proposed stacked townhouse development and adjacent diagonal hydro transmission line corridor, and to the south by Kimberly Avenue. The result is a rectangular shaped parcel with an area of approximately 16,356sf, with approximately 134'-11" of frontage along Golspie Street, and approximately 121'- 1 7/8" of frontage along Kimberly Avenue and the adjacent public lane.

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The segment of Kimberly Avenue between Golspie Street and Raleigh Street is varied in character, containing a range of uses and built forms. East of the hydro transmission corridor, the north side of Kimberly Avenue is characterized by detached bungalows while the south side is characterized by a combination of single-storey townhouse developments, a fire station, a two-storey apartment building, and a single-storey commercial development.

The segment of Golspie Street, between Chelsea Avenue and Roberta Avenue, also contains a range of uses and built forms. While the majority of the street is characterized by detached bungalows, the street functions as a neighbourhood connector and contains a variety of community services and facilities including Neil Campbell School and associated recreational facilities and open space, the Kiwanis Homes of East Kildonan, and Immanuel United Church.

The site is located on the 90 bus route and within walking distance to a stop on the 20 route which provides access to Downtown Winnipeg, South Winnipeg and the West End.

OURWINNIPEG (2011)

The site is located within a *Mature Communities* policy area, considered an *Area of Stability* in the *Complete Communities Direction Strategy*, under *Our Winnipeg*. Section 04 of *OurWinnipeg* outlines supporting directions and enabling strategies for *Areas of Stability*. These include:

- "Promote quality public realm with a high level of accessibility to community services and amenities, and opportunities for gathering and social interaction";
- "Support Complete Communities"; and
- "Ensure that existing public open spaces meet the neighbourhood's current and future needs."

Section 04-1 provides a general overview of *Mature Communities*, with a list of supporting characteristics. This section states that "Mature Communities

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represent some of the most "complete" existing communities in Winnipeg." Key characteristics of *Mature Communities* include:

- Employment opportunities, services, amenities and community facilities, such as grocery stores, banks, restaurants, community centres, schools and day care centres, that are a reasonable walk or a short transit trip from dwellings."

The proposed Place of Worship is in conformity with the above policies. Specifically, it constitutes a community service and facility, as well as a local amenity, which combine to support the establishment of a complete community within the East Kildonan neighbourhood.

Community Service and Facility: In addition to weekly religious services, Immanuel United Church provides a dedicated meeting space for a variety of church and community-based groups, and is involved in outreach efforts at a local, regional, national and international scale. Specifically, the church provides a venue for the choir, study groups, Sunday school, Immanuel Players, Pastoral Care Services, Funeral and Memorial Committee, Golspie Club, Winnipeg Harvest Food Bank, Al-Anon and Alateen, and Betters Anonymous.

The church's Outreach Committee is involved with the North End Stella Community Ministry, the Interfaith Immigration Council, the Mission and Service Fund of the United Church of Canada, Amnesty International, Raymond Flett Memorial Church of the All Native Circle Conference, Kairos Initiatives, and refugee support. In addition to the Outreach Committee, members of the congregation participate in the River Elm Elementary School Breakfast Program, the Winnipeg Harvest Food Depot, the Immanuel Blanket Markers, Snow Night, Just Christmas, and One Hope Winnipeg.

Community Amenity: The southern portion of the site incorporates a generous open lawn, which is associated with Immanuel United Church. This open lawn constitutes a community amenity. In addition to facilitating use of this space for the East Kildonan neighbourhood at-large, the church recently entered into an agreement with the adjacent townhouse development to

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the east, which will allow residents to share use of the open lawn to fulfill a portion of the development's requirements for outdoor amenity space.

Complete Community: The church provides a range of community services, facilities and amenities, located in a convenient and central location within the East Kildonan neighbourhood, which assist in meeting the daily and weekly needs of local residents. This is in keeping with the principles of establishing a complete community.

ZONING BY-LAW NO. 200/2006 (2006)

Zoning By-law No. 200/2006 defines a Place of Worship as a facility used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Examples include churches, temples, synagogues, mosques, chapels, and meeting houses.

A Place of Worship is identified as a permitted use within the R1 Zoning District, under the Use Specific Condition that the facility has a maximum gross floor area of 40,000 square feet. The proposed Place of Worship is in conformity with Use Specific Condition, as it contains a gross floor area of approximately 6,555 square feet. Other institutional uses which are complementary in nature, including Day Care Centre, Elementary or Junior School, Senior High School, Library, and Community / Recreation Centre, are also permitted within the R1 Zoning District with Use Specific Conditions.

Within the R1-M Zoning Designation, Principal Non-Residential Structures, including a Place of Worship, are subject to the following site and building design regulations ***(indicates the proposed condition on the site)***:

- Min. Lot Area – 3,500sf ***(16,356sf)***
- Min. Lot width – 25' ***(134'-11")***
- Min. Front Yard – 20' ***(24'-5")***
- Min. Rear Yard – 25' ***(6'-6")***
- Min. Side Yard – 25' ***(5'-2 ½")***
- Min. Reverse Corner Street Side Yard – 30' ***(51')***
- Max. Height – 35' ***(25'-5")***
- Max. Lot Coverage – 50% ***(40%)***

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The proposed Place of Worship is in conformity with the above site and building design regulations, with the exception of the proposed side and rear yard setbacks. Where the Zoning By-law regulates a minimum 25' side yard setback, the proposed Place of Worship incorporates a 5'-2 ½" side yard setback. It should be noted that the proposed reduction represents an existing condition, which the City of Winnipeg permitted prior to the construction of Immanuel United Church in 1961, predating existing zoning standards.

Where the Zoning By-law regulates a minimum 25' rear yard setback, the proposed Place of Worship incorporates a 6'-6" rear yard setback. It should be noted that the proposed reduction is a result of the application to subdivide the eastern-most portion of the property. The intent of minimum rear yard setback regulation is to ensure that appropriate spatial separation is provided between adjacent facing units, in order to maintain adequate privacy and sunlight access and, in the case of residential uses, to ensure the provision of adequate outdoor amenity space. While the proposed condition represents a rear yard reduction of 18'-6", the proposed stacked townhouse units have been situated in order to maintain 25' of separation from Immanuel United Church. Additionally, the rear elevation of the church contains a minimal number of windows, and will not result in site overlook on the adjacent stacked townhouse development. Lastly, the height and location of the church ensure that it will not produce negative shadow impacts on the adjacent stacked townhouse development. In our opinion, the proposed separation distance meets the intent of the site design regulation.

NEIGHBOURHOOD IMPACT AND COMPATIBILITY

From a land use, site design, and building design perspective, the proposed Place of Worship demonstrates an appropriate degree of compatibility with adjacent properties, the surrounding street and block segment, and the broader East Kildonan neighbourhood.

Land Use: The following land use considerations demonstrate compatibility with the East Kildonan neighbourhood:

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- The church operates its primary services during off-peak hours, minimizing disruptions to the surrounding transportation network and residential uses; and
- The church provides a range of community services, facilities and amenities, located in a convenient and central location within the East Kildonan neighbourhood, which assist in meeting the daily and weekly needs of local residents. This is in keeping with the principles of establishing a complete community.

Site Design: The following site design considerations demonstrate compatibility with the East Kildonan neighbourhood:

- The enhancement of the Golspie Street and Kimberly Avenue frontages, through the provision of landscaped open space including sod, trees, shrubs and accent planting, establishes a prominent gateway to the East Kildonan neighbourhood while providing a shared public amenity for neighbourhood residents;
- The incorporation of landscape elements to soften building edges, mitigate the perception of massing, and break up and animate blank facades;
- The provision of on-site landscaped open lawn, which is accessible by local residents and formally shared with the proposed townhouse development to the east, enhances the landscaped character of the East Kildonan neighbourhood, while promoting community vitality;
- The location of the church within the East Kildonan neighbourhood capitalizes on opportunities for on-street parking, optimizing the use of existing infrastructure in off-peak periods, while minimizing the need for on-site surface parking;
- The sharing of surface parking with the proposed stacked townhouse development to the east mitigates the need for on-site surface parking, optimizing the potential for on-site landscaped open space;
- The location of shared surface parking, along the adjacent public lane to the north, allows for such features to be screened from view along

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- The use of solid building materials with strong acoustic properties, including brick masonry, mitigates potential issues associated with acoustic privacy;
- Pitched gable roof condition, which is complementary to the pitched gable and gamble roof conditions which are predominant throughout the East Kildonan neighbourhood; and
- The use of solid brick masonry, and incorporation of 1960's modern architectural style, which is characteristic of the East Kildonan neighbourhood.

CONCLUSION

Based on the findings of a detailed background review and analysis, it is our opinion that the proposed Place of Worship is in conformity with relevant policies of *OurWinnipeg (2011)*, is consistent with the intent of *Zoning By-law No. 200/2006 (2006)*, is compatible with the character of the East Kildonan neighbourhood, contributes toward the creation of a complete community, and reflects best planning principles and practices.

Yours truly,

Blair Scorgie, M.Arch., B.U.R.Pl., MCIP, RPP
Senior Planner and Urban Designer
SVN Architects + Planners

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