Agenda – Executive Policy Committee – April 16, 2024

REPORTS

Item No. 13 Rezoning – 1112 Notre Dame Avenue
(Daniel McIntyre Ward)
File DAZ 203/2024 [c/r DAV 235289/2023D]

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2024, 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 203/2024 by rezoning the subject land to a "C2 – Commercial Community" District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 4, 2024 and attached as Schedule "A" to this report.

2. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 203/2024 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

3. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

5. That Development Application No. DAZ 203/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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

COMMUNITY COMMITTEE RECOMMENDATION (continued):

7. That the variance order for File No. DAV 23-235289\D 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 203/2024.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2024, 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 203/2024

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

Public Hearing: April 4, 2024
Council Building, 510 Main Street

Applicant: Z Architect Inc. (Richard Wang)

Subject:



Premises Affected: 1112 Notre Dame Avenue

For submission to: Executive Policy Committee

Prepared by: K. Dolski, Senior Committee Clerk
City Centre Community Committee

Report date: April 8, 2024

Community Committee Recommendation:

On April 4, 2024, 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 203/2024 by rezoning the subject land to a "C2 – Commercial Community" District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 4, 2024 and attached as Schedule "A" to this report.

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3. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

5. That Development Application No. DAZ 203/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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

7. That the variance order for File No. DAV 23-235289\D 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 203/2024.

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

1. It's a good use of the land. Having development in that area and getting people in that area, it's a fantastic idea.

2. It is a minor change and it will deal with some illegal surface parking.

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 January 11, 2024 2. Notification of Public Hearing dated February 13, 2024 3. Manitoba Status of Title 3186572/1 4. Letter of authorization dated September 5, 2023 from Acupuncture College of Manitoba Inc. (Zhelong Wang) to Z Architect Inc. 5. Plan of Subdivision 6. Plans (3 pages) 7. Report from the Urban Planning Division dated March 13, 2024 8. Inspection Report 9. Recording of Representations

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

A. Ross, Senior Planner, Planning, Property and Development Department
D. Iskierski, Senior Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit “7” referred to in File DAZ 203/2024

ADMINISTRATIVE REPORT

Title: DAZ 203/2024 – 1112 Notre Dame Avenue

Issue: For consideration at the public hearing for a rezoning to permit a commercial school.

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

7. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 203/2024 by rezoning the subject land to a "C2 – Commercial Community” District in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated April 4, 2024 and attached as Schedule “A” to this report.
8. 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 203/2024 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.
9. 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 (the “By-law”) and bring same directly to Council by way of communication for first reading.
10. That upon instruction from the Director of Planning, Property and Development that the Developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.
11. That Development Application No. DAZ 203/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law,

unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

12. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.
13. That the variance order for File No. DAV 23-235289\D 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 203/2024.

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 203/2024 – 1112 Notre Dame Avenue may be approved with conditions.

HISTORY

An acupuncture clinic has been onsite for several years. The applicant wishes to add an acupuncture school to the building. Doing so requires a rezoning to "C2" since commercial schools are not an allowable use in the current district of "C1".

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: March 13, 2024

List of Appendices and Schedules

1. Appendix A Planning Report
2. Appendix B Proposed By-Law
3. Schedule A Rezoning map

APPENDIX A – Planning Report

DATE: March 13, 2024
FILE: **DAZ 203/2024**
RELATED FILES: DAV 23-235289\D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.118 - Sargent Park

SUBJECT: For a rezoning for DAZ 203/2024 – 1112 Notre Dame Avenue to permit a commercial school.

LOCATION: 1112 Notre Dame AVE
LEGAL DESCRIPTION: LOT 41/43 PLAN 32883 57/60 ST JA



APPLICANT: Zhi Yong Wang (Z Architect Inc.)
27 Copperfield Bay
Winnipeg, MB R3T 3M2

OWNER: ACUPUNCTURE COLLEGE OF MANITOBA INC.
1112 Notre Dame Ave 1110
Winnipeg, MB R3E 0N8

DISCUSSION

SITE DESCRIPTION

- The subject property is located at the southeast corner of Notre Dame Avenue and Dominion Street, in the Sargent Park neighbourhood of the Daniel McIntyre ward.
- The property is located within a Mature Community under the Complete Communities Direction Strategy 2.0 (CCDS 2.0).
- The property is currently zoned “C1” – Commercial Neighbourhood, is 9,860 sq. ft. in size and contains a one-storey commercial building that is being maintained and the school added within.

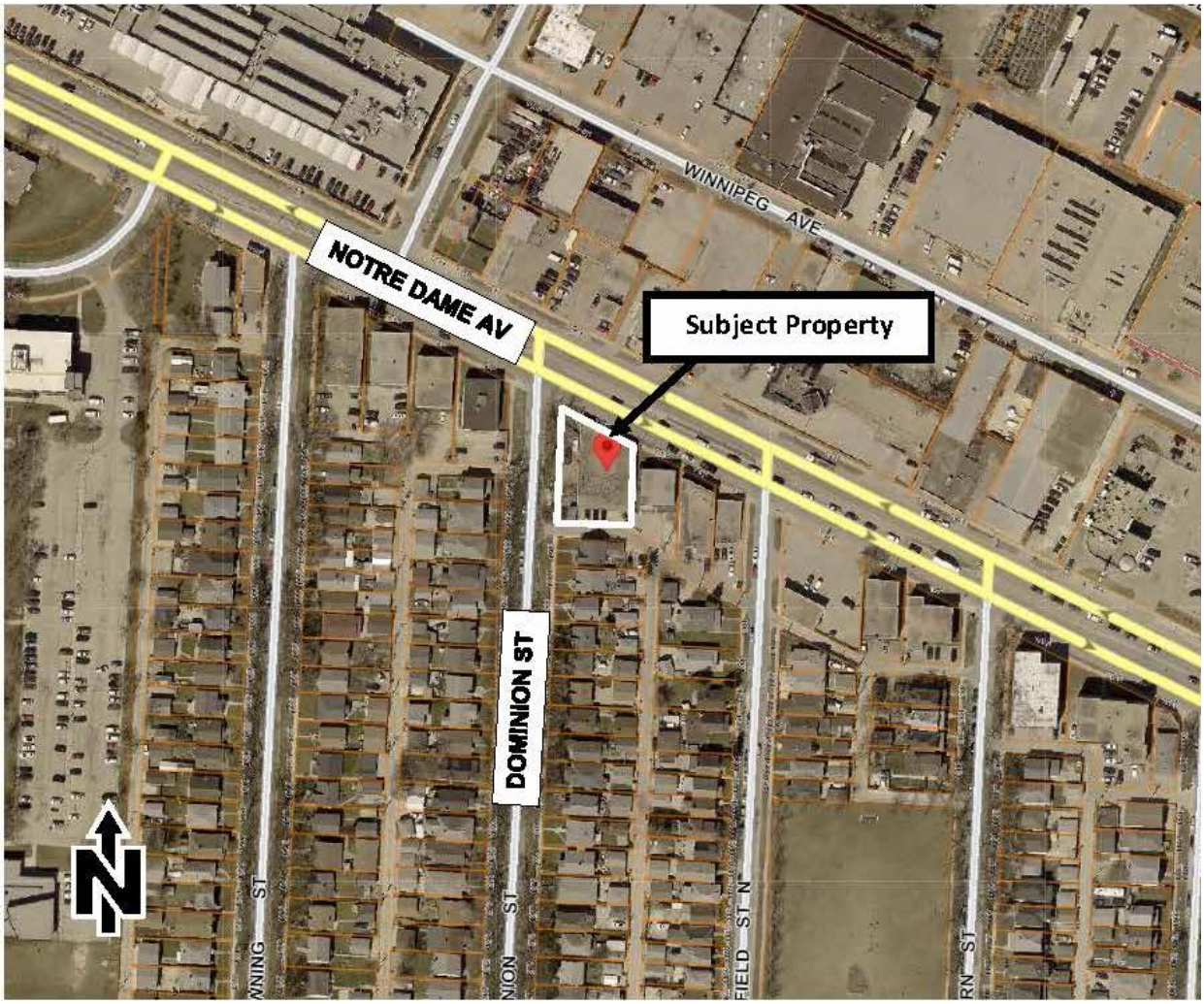


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2023)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Notre Dame Avenue, then commercial development zoned “C2” – Commercial Community.

South: Rear lane, then then single family development zoned “R2” Residential Two Family.

East: Multifamily residential development zoned “C1” – Commercial Neighbourhood.

West: Dominion Street, then multifamily residential development zoned “C1” – Commercial Neighbourhood.

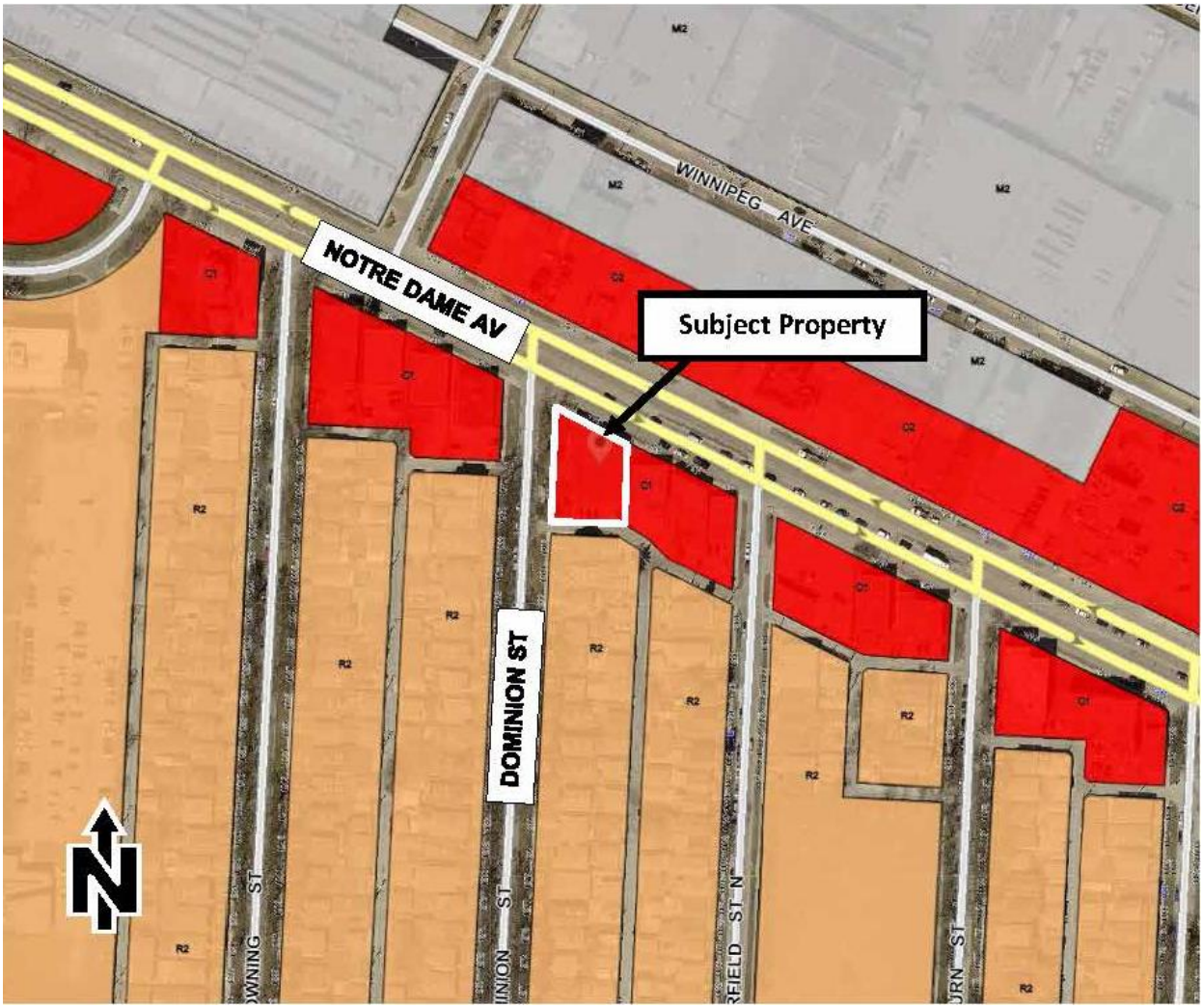


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks to add an commercial school to an existing one-storey commercial building that currently contains an acupuncture clinic.
- Adding the school requires a rezoning to the “C2’ district.

- The proposal also requires variances for buffering, pedestrian connection and parking off the lane. See Administrative Report for DAV 23-235289\D for information on variances.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

- The applicant contacted the Urban Planning Division for feedback in advance of filing their application.
- On the west side of the building, there has been illegal surface parking for several years, established by a previous owner. The current owner agreed with a request of the Division to transform that area into an outdoor break area for students with seating, trees, landscaping and bike parking. This is being provided per the plans.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The site is designated as Mature Community under the *Complete Communities Direction Strategy 2.0*. Key policies most relevant to this proposal, which re-uses and existing building, include:

Goal 2

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.

The proposal includes pedestrian access from Notre Dame Avenue, transparent front windows, human scale signage and amenity space on the west side.

2.10 Discourage building designs that orient the back of the building to the street.

The building's front is oriented to the street.

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.

2.18 Strongly discourage locating surface parking lots between streets and building fronts.

The parking is located behind the building.

2.20 Where loading areas require access from a street, they should be discreet and incorporated into the building in a manner that contributes to the attractiveness of the streetscape.

The loading area is existing, and is being improved through this application by making it more discreet and buffered with landscaping and bike parking.

Goal 4

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

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

The proposal supports the continuation of commercial services within walking distance of homes, and maintains a traditional commercial storefront.

OTHER CONSIDERATIONS

SERVICING

No servicing concerns are identified for this proposal.

SUMMARY

The Urban Planning Division supports the rezoning, with conditions, because:

- The proposal meets the CCDS 2.0 goal to "*Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs."*
- The proposal includes pedestrian access from Notre Dame Avenue, transparent front windows, human scale signage and amenity space on the west side.
- The parking is located behind the building, out of view of Notre Dame Avenue.

OURWINNIPEG POLICY ALIGNMENT

The proposal aligns with *OurWinnipeg* city building objective 6.40, which states:

"6.40 Commercial Areas
Facilitate the redevelopment, infill, and expansion of existing commercial areas as the preferred method of accommodating new commercial development, while also accommodating local commercial amenities in new neighbourhoods, to ensure completeness from its inception."

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal complies with the *Winnipeg Climate Action Plan* because the proposed development would increase the commercial intensification of an established neighbourhood.

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 203/2024 – 1112 Notre Dame Avenue

Appendix B - Proposed By-Law

Schedule “A” for File No. DASZ 203/2024, City Centre Community Committee, April 4, 2024

By–Law No. _____

File No. **DAZ 203/2024**

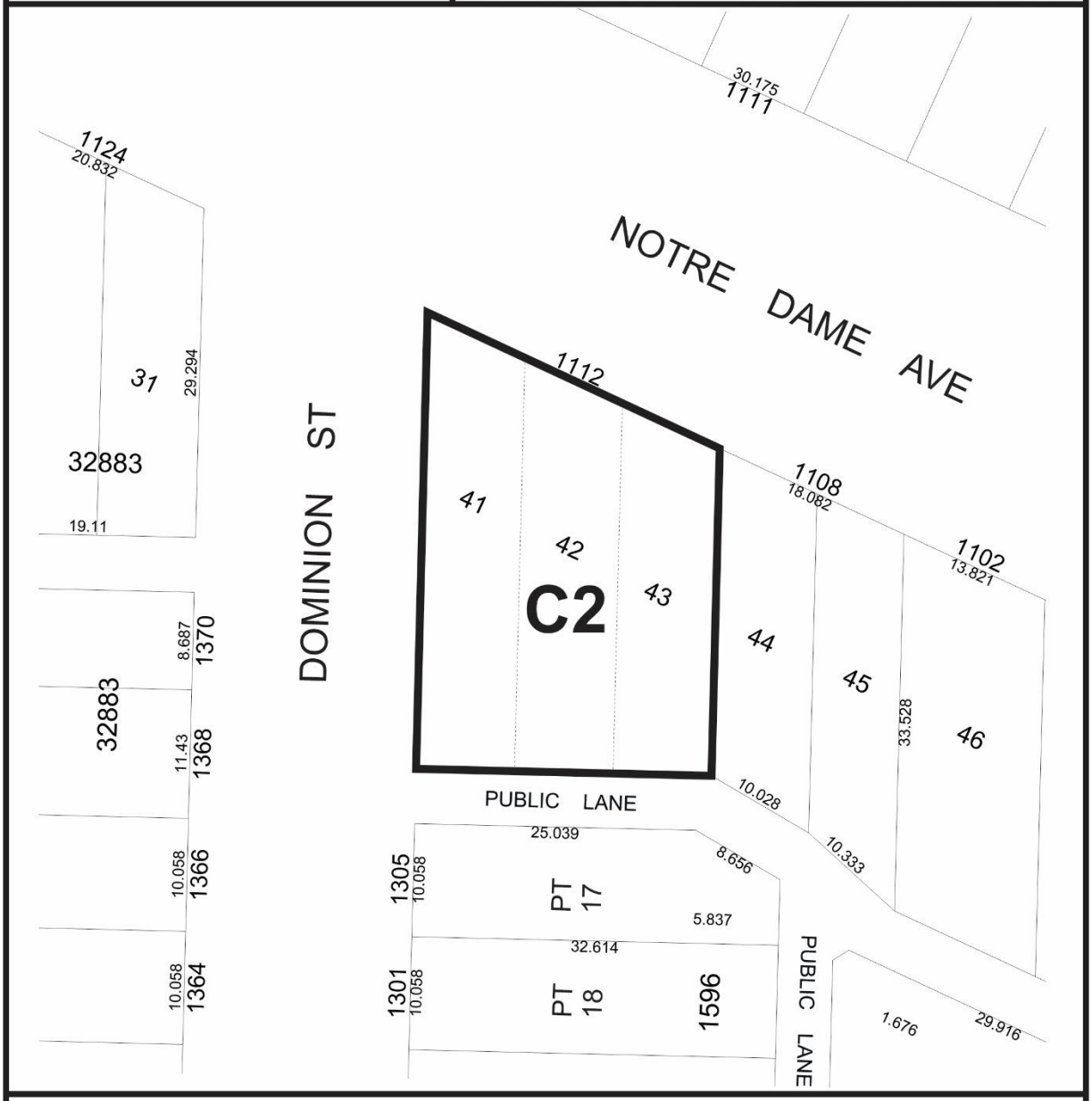
Atlas Sheet No. **Y22**

N

CITY CENTRE COMMUNITY

Explanation

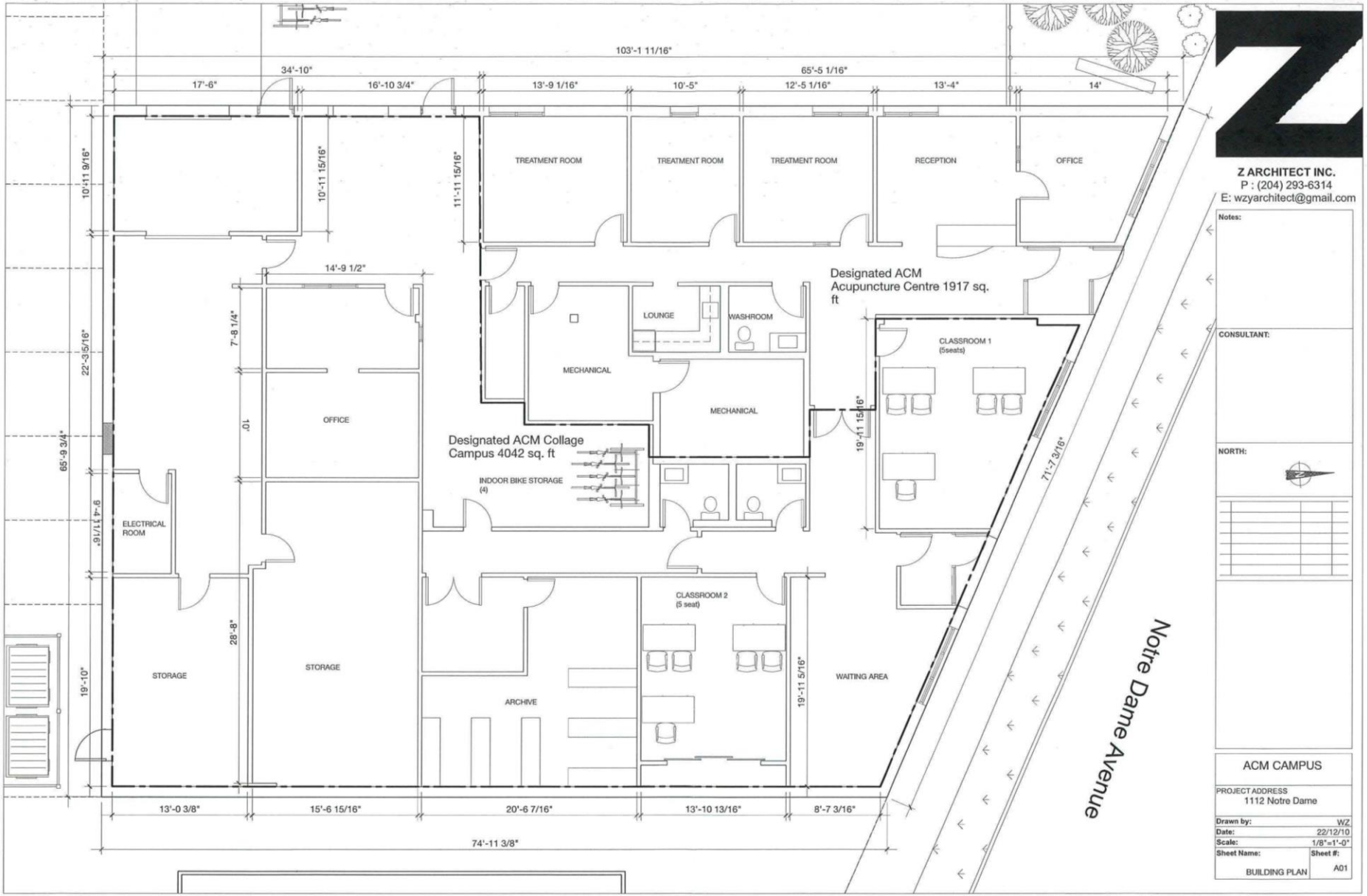
A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1112 Notre Dame Avenue from a “C1” COMMERCIAL NEIGHBOURHOOD DISTRICT to a “C2” COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of a Commercial School use, in conjunction with the existing Medical Clinic use.

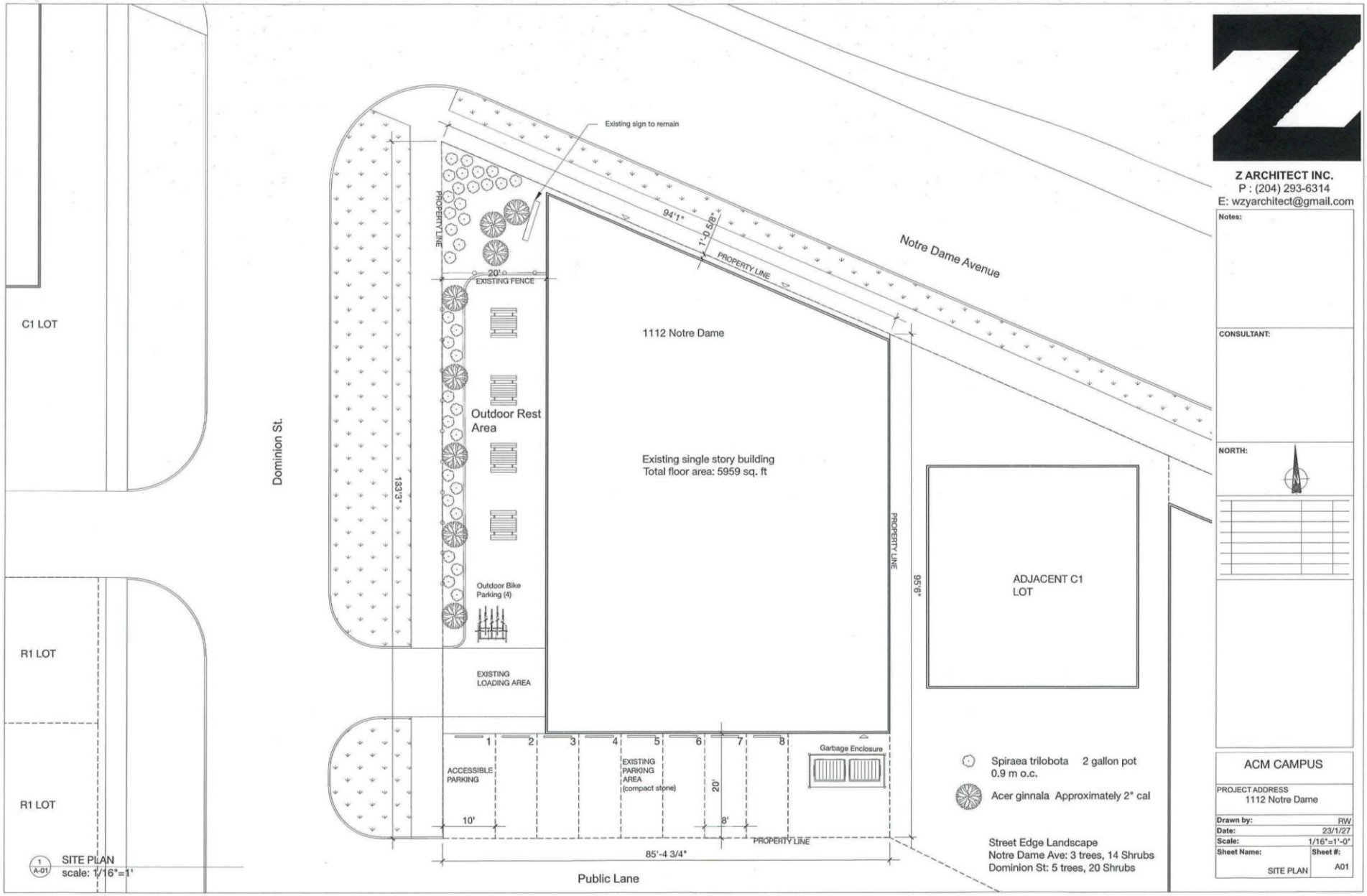


THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “6” referred to in File DAZ 203/2024




C1 LOT
R1 LOT
R1 LOT
Dominion St.
Existing sign to remain
PROPERTY LINE
20'
EXISTING FENCE
94'1"
1'-0 5/8"
PROPERTY LINE
Notre Dame Avenue
1112 Notre Dame
Outdoor Rest Area
Existing single story building
Total floor area: 5959 sq. ft
133'3"
PROPERTY LINE
95'6"
ADJACENT C1 LOT
Outdoor Bike Parking (4)
EXISTING LOADING AREA
1
2
3
4
5
6
7
8
ACCESSIBLE PARKING
10'
EXISTING PARKING AREA (compact stone)
20'
8'
Garbage Enclosure
PROPERTY LINE
85'-4 3/4"
Public Lane
Spiraea trilobota 2 gallon pot
0.9 m o.c.
Acer ginnala Approximately 2" cal
Street Edge Landscape
Notre Dame Ave: 3 trees, 14 Shrubs
Dominion St: 5 trees, 20 Shrubs
1
A-01
SITE PLAN
scale: 1/16"=1'
Z ARCHITECT INC.
P : (204) 293-6314
E: wzyarchitect@gmail.com
Notes:
CONSULTANT:
NORTH:
ACM CAMPUS
PROJECT ADDRESS
1112 Notre Dame
Drawn by: RW
Date: 23/1/27
Scale: 1/16"=1'-0"
Sheet Name: SITE PLAN
Sheet #: A01



Z ARCHITECT INC.
P : (204) 293-6314
E: wzyarchitect@gmail.com

Notes:

CONSULTANT:

NORTH:

ACM CAMPUS

PROJECT ADDRESS
1112 Notre Dame

Drawn by:	WZ
Date:	23/03/10
Scale:	1/8"=1'-0"
Sheet Name: ELEVATION	Sheet #: A01