PUBLIC HEARINGS

Item No. 2 Variance – 3045-3059 Ness Avenue (St. Charles Ward) File DAV 143093/2018C [c/r DCU 143080/2018C]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "C2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1. for the establishment of an accessory parking area to permit the following:
 - a) a west front yard of 18 feet (5.49 metres) instead of 25 feet (7.62 metres);
 - b) no east side yard instead of 8 feet (2.44 metres).

Subject to the following condition(s):

1. That for the development of any building, plans showing the location and design of proposed buildings, accessory parking areas, private approaches, free-standing signage, garbage enclosures, landscaping and fencing shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

File:	DAV 143093/2018C
Applicant:	Seymour Pacific Developments Ltd. (Matthew Fitzgerald)
Premises Affected:	3045-3059 Ness Avenue
Legal Description:	LOT 1; SLY 12F LOT 2 PLAN 10339 10 ST JA, hereinafter called "the land"
Property Zoned:	"C2" - Commercial Community District
Nature of Application:	 To vary the "C2" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 as follows: 1. for the establishment of an accessory parking area to permit the following: A. a west front yard of 18 feet (5.49 metres) instead of 25 feet (7.62 metres); B. no east side yard instead of 8 feet (2.44 metres).
Exhibits Filed:	 Application dated July 9, 2018 Notification of Public Hearing dated July 9, 2018 Manitoba Status of Title 2425335/1 Letter of authorization dated R. Williams, President, Swancoat Investments Ltd. to Matthew Fitzgerald, Broadstreet Properties Caveat 80/8042 Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising Plans, Sheets 1 to 3 inclusive dated July 9, 2018 and Sheets 4 to 11 inclusive dated June 27, 2018 for File DAV 143093/2018C Report from the Urban Planning Division dated July 17, 2018 Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the report of the Winnipeg Public Service be taken as read.

Moved by

That the receipt of public representations be concluded.

Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

is consistent is not consistent (a) with Plan Winnipeg, and any applicable secondary plan; (b) does create does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; (c) is is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and (d) is is not compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

That the public hearing with respect to this application be concluded.

Exhibit "8" referred to in File DAV 143093/2018C

ADMINISTRATIVE REPORT

Title: DAV 18-143093/C – 3045-3049 Ness Avenue

- **Issue:** For consideration at the public hearing for a variance associated with the establishment of a mixed use commercial and residential development.
- **Critical Path:** Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
R. Galston, MCP	B. Smith, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "C2" dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1. for the establishment of an accessory parking area to permit the following:
 - a) a west front yard of 18 feet (5.49 metres) instead of 25 feet (7.62 metres);
 - b) no east side yard instead of 8 feet (2.44 metres).

Subject to the following condition(s):

 That for the development of any building, plans showing the location and design of proposed buildings, accessory parking areas, private approaches, free-standing signage, garbage enclosures, landscaping and fencing shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

REASON FOR THE REPORT

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the Board of Adjustment'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, development permits for the construction of a mixed use development may be issued.

FILE/APPLICANT DETAILS

FILE: RELATED FILES: COMMUNITY: NEIGHBOURHOOD #:	DAV 18-143093/C DCU 18-143080/C Assiniboia Committee 2.212 (Heritage Park)
SUBJECT:	To vary the "C2" dimensional standards of Zoning By-Law No. 200/2006 as follows: 1) for the establishment of an accessory parking area to permit the following: a) a west front yard of 18 feet (5.49 metres) instead of 25 feet (7.62 metres); b) no east side yard instead of 8 feet (2.44 metres).
LOCATION: LEGAL DESCRIPTION:	3049 Ness AVE LOT 1; SLY 12F LOT 2 PLAN 10339 10 ST JA
APPLICANT:	Matthew Fitzgerald 100 St. Annes's Rd. Campbell River , British Columbia V9W 4C6
OWNER:	305 BROADWAY AVE Winnipeg , Manitoba R3C 3J7

HISTORY

N/A

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the north side of Ness Avenue, in the Heritage Park Neighbourhood of the St. Charles Ward.
- The subject property is approximately 3.2 acres in size. A one storey commercial building with seven (7) commercial units is currently located on the subject property. The largest of these commercial units, a former Safeway store, has been vacant for several years.
- The site is located within the Areas of Stability Recent Communities policy area under the *Complete Communities Direction Strategy*. The property is zoned "C2" – Commercial Community.
- The subject property is serviced by eastbound and westbound Transit stops located on Ness Avenue adjacent to the subject property. Each of these stops which have regular daily service (Route 24) and a weekday express service (Route 25).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Multi-family residential uses zoned "RMF-S" Residential Multi-Family Small.

- **South:**Ness Avenue, then single-family residential uses zoned "R1-L" Residential Single Family Small.
- **East:** Public lane, then commercial uses zoned "C2" Commercial Community.
- **West:** Commercial uses zoned "C2" Commercial Community; and Pebblewood Lane, then single-family residential uses zoned "R1-L" Residential Single Family Large.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to construct a mixed use development consisting of two (2) buildings, Building "A" and Building "B," with a total of 119 residential units.
- The proposed development will contain four (4) commercial units on the ground floor of proposed Building "A," which are to be located near the south side of the subject property, along Ness Avenue. Building "B" will contain no commercial units.
- Each of the buildings will be four storeys in height.
- Vehicular access to the subject site is to be taken from Ness Avenue, Pebblewood Lane, and the public lane immediately to the east side of the site.
- The applicant has a concurrent application for a conditional use (DCU 18-143080/C) associated with the establishment of a mixed use building with residential uses on the ground floor in a "C2" district.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located along a "Community Mixed Use Corridor" (Ness Avenue) under Complete Communities. Complete Communities directs a significant share of growth to Corridors in a way that:
 - Provides compact, mixed-use, high-quality urban development.

- Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
- Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
- Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.
- With regard to this proposal, the key policies guiding the development of Community Mixed Use Corridors include:
 - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
 - Support a range of housing opportunities in terms of type, tenure, unit size.
 - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
 - Encourage urban design and/or form-based strategies that define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The "C2" Commercial Community zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
- "C2" districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- In "C2" zoning districts, dwelling units must not be located on the first storey of any principal building. The first storey of a principal building may only be used for any use in the following use categories:
 - Public and Institutional;
 - Cultural and Entertainment; and
 - o Commercial Sales and Service, except the Billboard Signs use sub-category.

Yard Variances

- The minimum required front yard for a multi-family dwelling and commercial building in the "C2" zoning district is 25 feet. The applicant is proposing a west front yard of 18 feet. As such, a variance for a front yard is required.
- The minimum required side yard is eight (8) feet. The applicant is proposing no east side yard (0 feet). As such, a variance for a side yard is required.

ANALYSIS OF VARIANCES

Front Yard

• The Urban Planning Division is supportive of the proposed front yard reduction to 18 feet instead of 25 feet for a parking area with approximately 75 feet on frontage on Pebblewood

Lane. The reduced front yard will allow the applicant to provide additional parking spaces for the proposed development. A front yard of 18 feet provides sufficient width to accommodate required landscaping elements in order to screen the parking area from adjacent properties on Pebblewood Lane.

Side Yard

- The Urban Planning Division is supportive of the east side yard variance of zero (0) feet instead of eight (8) feet because this side yard is adjacent to a public lane and to commercial use zoned "C2".
- Plans submitted show that the east side yards will contain a drive aisle (east of Building "A"). By reducing the east side yard at this location allows the mixed use Building "A" to be more oriented to Ness Avenue, thereby providing more street-oriented development along a Community Mixed Use Corridor.
- The reduced side yard located southeast of Building "B" is to permit a bicycle parking area approximately 140 square feet in area. The remainder of the reduced side yard area will accommodate a landscaped strip approximately 10 feet wide.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

In that, the application is consistent with the Complete Communities Direction Strategy, which supports intensification along Community Mixed Use Corridors.

 (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

In that, the proposed commercial and residential uses are compatible with the surrounding neighbourhood and Ness Avenue corridor.

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

In that, the variances as applied for will allow the applicant to introduce moderate intensification on the subject property which is consistent with the Complete Communities Direction Strategy.

(d) is compatible with the area in which the property to be affected is situated.

In that, the proposed mixed use development is compatible with the area, which is primarily defined by a mix of commercial and residential uses, including multi-family residential uses.

CONSULTATION

In preparing this report there was internal consultation with: N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Robert Galston, MCP
Date:	Tuesday, July 17, 2018
File No.	DAV 18-143093/C

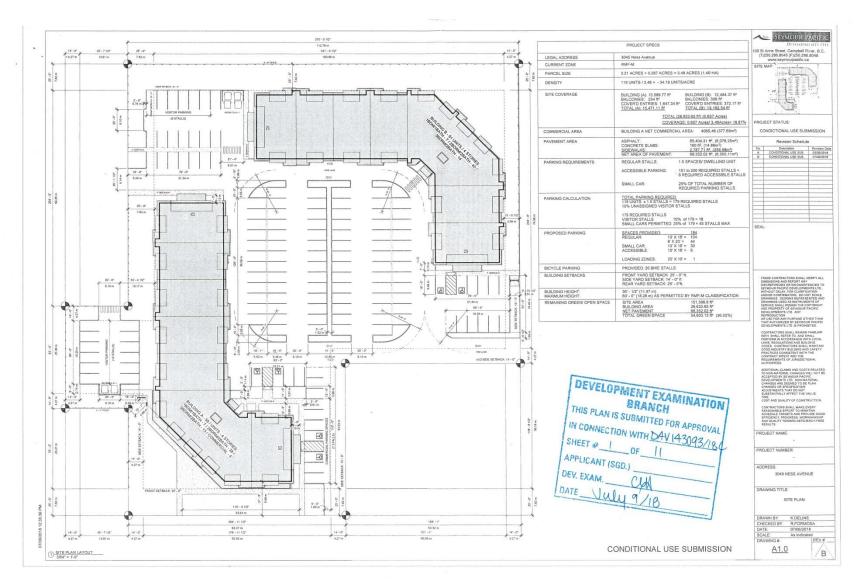


Exhibit "7" referred to in File DAV 143093/2018C

