

ADMINISTRATIVE REPORT

Title: DAV 23-224518/C – 820 Ellice Avenue

Issue: For a Variance associated with the establishment of a fuel sales kiosk use.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division **approves** the application to vary the “C2 PDO-1Neighbourhood Main Streets District” use specific standards of Winnipeg Zoning By-Law No. 200/2006 to permit displays or storage of merchandise, parts or refuse located closer than 20 feet from the street or lane.

Subject to the following condition(s):

1. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

REASON FOR THE REPORT

This report provides information and makes recommendations regarding the subject application's compliance with *The City of Winnipeg Charter*, section 249.

FILE/APPLICANT DETAILS

FILE: DAV 23-224518/C
RELATED FILES: DCU 23-224401/C
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.112 (St. Matthews)

SUBJECT: To vary the "C2 PDO-1Neighbourhood Main Streets District" use specific standards of Winnipeg Zoning By-Law No. 200/2006 to permit displays or storage of merchandise, parts or refuse located closer than 20 feet from the street or lane.

LOCATION: 820 Ellice Avenue
LEGAL DESCRIPTION: LOT 54/59 BLOCK 3 PLAN 775 65 ST JAMES

APPLICANT: Peter Langevin (Absolute Petroleum, Ltd.)
 44 Poneida Road
 West St. Paul, MB R4A 5A9

OWNER: 10075464 MANITOBA LTD.
 18 Cloverdale Crescent
 Dugald, MB R0E 0K0

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(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.

:

(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;

[DISCUSSION2]

SITE DESCRIPTION

- The subject site is located at the southwest corner of Ellice Avenue and Arlington Street, in the St. Matthews Neighbourhood of the Daniel McIntyre Ward.
- The subject site is located on an Urban Mixed Use Corridor (Ellice Avenue) under the *Complete Communities Direction Strategy 2.0*. It is zoned "C2" Commercial Community and is subject to the Neighbourhood Main Streets Planned Development Overlay 1 under the Winnipeg Zoning By-law.
- The subject site is 16,955 square feet in area, and contains a one-storey commercial building. This building has functioned as an establishment which includes a convenience store, car wash, and laundromat. This commercial establishment has operated at this location for more than 20 years.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Ellice Avenue, then commercial uses zoned “C2” Commercial Corridor.

South: Public lane, then a mix of multi-family and single-family residential uses zoned “R2” Residential Two-Family.

East: Arlington Street, then commercial uses zoned “C2” Commercial Corridor.

West: Commercial uses zoned “C2” Commercial Corridor.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant proposes to construct a fuel sales kiosk on the subject site. The proposed kiosk will have two (2) fuel pumps, which can accommodate as many as four (4) vehicles at a time.
- The fuel proposed sales use will operate in addition to the existing commercial uses on the subject site. No changes to the existing building is proposed.
- Access to the fuel sales kiosk will be from an existing private approach from Ellice Avenue, and from a proposed new access from the public lane on the south side of the property. An existing private approach from Arlington Street will be closed.

Associated DCU

- An associated Conditional Use application is also applied for, concerning the establishment of a fuel sales kiosk use on a Neighbourhood Main Street. Please refer to Conditional Use file no. DCU 23-224401/C for more information.

COLLABORATIVE PLANNING

- The applicant discussed the proposal with the Urban Planning and Design Division prior to submitting a formal application. A number of improvements to the site design were made as a result of these conversations. These improvements are highlighted in the Analysis of Variance section, below.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The subject site is location on a portion of Ellice Avenue that is designated as an Urban Mixed Use Corridor under Complete Communities Direction Strategy 2.0 (CCDS 2.0).
- Relevant policies for Urban Mixed Use Corridors include:
 - 1.0 Encourage strategic residential intensification on Corridors.*
 - 1.1 Support densities in accordance with Policy 3.1 of the General Growth section, at a height and scale compatible with surrounding land uses.*
 - 1.2 Where higher intensity commercial or residential uses are interrupted by lengths of low density residential development along Corridors, higher intensity residential development should be directed towards established nodes.*
 - 3.0 Ensure Corridors provide a comfortable pedestrian environment and attractive public realm.*
 - 3.1 Ensure that development on Urban Mixed Use Corridors is designed to prioritize a comfortable pedestrian environment and attractive public realm through the use of design elements which may include, but are not limited to the following:*
 - 3.1.1 Providing minimal building setbacks from the public right-of-way to define the street edge.*
 - 3.1.2 Having entrances provide direct access to the public sidewalk.*
 - 3.1.3 Promoting a fine-grained and transparent street-level façade with active ground floor uses.*

- 3.1.4 *Encouraging balconies and public spaces, such as plazas, patios, or other pedestrian amenities.*
- 3.1.5 *Minimizing impacts of vehicular access and parking on the pedestrian environment by having vehicular access off of existing lanes.*
- 3.1.6 *Encouraging the location of parking above- or below-grade, or behind the primary building. Parking located beside the building may be acceptable if the parking area occupies a minimal area and high-quality screening from the public right-of-way is provided.*
- 4.0 *Use Corridors to provide local commercial amenities and opportunities for the surrounding neighbourhood and community.*
- 4.4 *Support and protect Corridors' continued retail and service function by encouraging retail and service use intensification and by supporting reinvestment in existing Corridors.*
- 4.5 *Encourage the location of the most active retail and service uses to ground floor commercial spaces, and direct less active uses above-grade.*
- 4.6 *On Corridors where commercial and/or residential uses are clustered in nodes interrupted by lengths of low-density residential development, direct new commercial uses within or adjacent to these nodes.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Per the use-specific standards for fuel sales of the Winnipeg Zoning By-law, refuse (garbage) areas are required to be located within 20 feet of a public street or lane.
- The applicant proposes to establish a fuel sales kiosk on the existing commercial site, and maintain the existing garbage enclosure area zero (0) feet from the public lane on the south side of the property. As such, a Variance is required.

ANALYSIS OF VARIANCE

- As outlined above, the Neighbourhoods Main Streets PDO-1 regulates land uses on this portion of Ellice Avenue so that they are oriented to pedestrians in terms of design, and oriented to the surrounding neighbourhood in terms of scale. This is so that new commercial uses enhance, rather than detract from, the existing scale, character, or walkability of Ellice Avenue. These regulations for Neighbourhood Main Streets support policies for Urban Mixed Use Corridors under the *Complete Communities Direction Strategy 2.0*, outlined above.
- In the case of the proposed fuel sales kiosk, the applicant has worked with the Urban Planning and Design Division to include improvements to the site that will reduce the adverse effect on the pedestrian environment, and improve the visual quality of the site overall. These proposed improvements include:
 - Close an existing vehicular approach from Arlington Street.
 - Erect a black decorative fence along the north (Ellice Avenue) and east (Arlington Street) property lines. This fence will be 3.0 feet in height.
 - Provide a 2.0-foot landscaped setback along the east (Arlington Street) property line, and a 4.0-foot landscaped setback along a portion of the north (Ellice Avenue) property line.

- Provide a sidewalk directly connecting the commercial building to the Ellice Avenue sidewalk.
- Provide a traffic island with landscaping within the accessory parking area.
- With respect to the garbage collection area, the subject site has contained a garbage enclosure at this location on the site for more than 20 years, with no setback distance from the public lane to the south of the property. This was permitted under the Winnipeg Zoning By-law because there was no fuel sales use established on the site.
- The subject site is relatively small, with existing an existing building and it would be difficult to relocate the garbage enclosure to a place that is no less than 20 feet from the public lane or any public street with adversely impacting pedestrian and vehicle movement within the site and reducing the number of accessory parking stalls.
- Given that the garbage enclosure is proposed to remain in the same location it has been in for more than 20 years, and given that it is screened from nearby residential properties by a solid wood fence, the Urban Planning and Design Division approves the Variance.

REASONS FOR THE DECISION

In the context of Section 247(3), the Urban Planning and Design Division **approves** the application for the following reasons:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
In that, the applicant provides design improvements to the site that will improve the pedestrian environment along an Urban Mixed Use Corridor.
- (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 location of the fuel sales kiosk and design elements help reduce any potential adverse effects on adjoining properties, and the existing garbage collection area is screened from residential properties.
- (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 Variance allows the applicant to provide a fuel sales use and associated site improvements while maintaining a garbage enclosure in the area it has been in for more than 20 years.
- (d) is compatible with the area in which the property to be affected is situated.
In that, the surrounding area is characterized by a mix of commercial uses, and the conditions of approval will ensure the final plans include design improvements that improve the pedestrian environment.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

6.20 Corridors:

Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term.

6.23 Urban Mixed Use Corridors:

Prioritize the creation of a comfortable pedestrian environment and attractive public realm along Urban Mixed Use Corridors through design guidelines and infrastructure investments.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4:

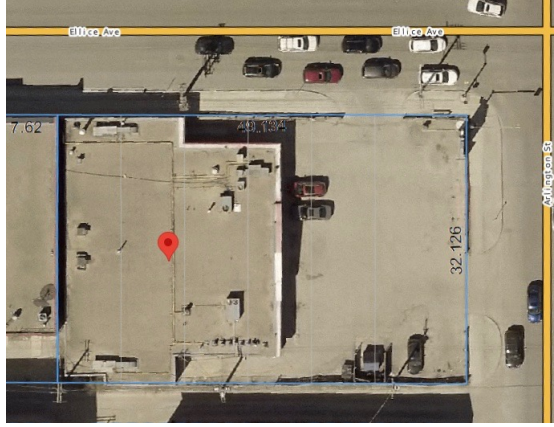
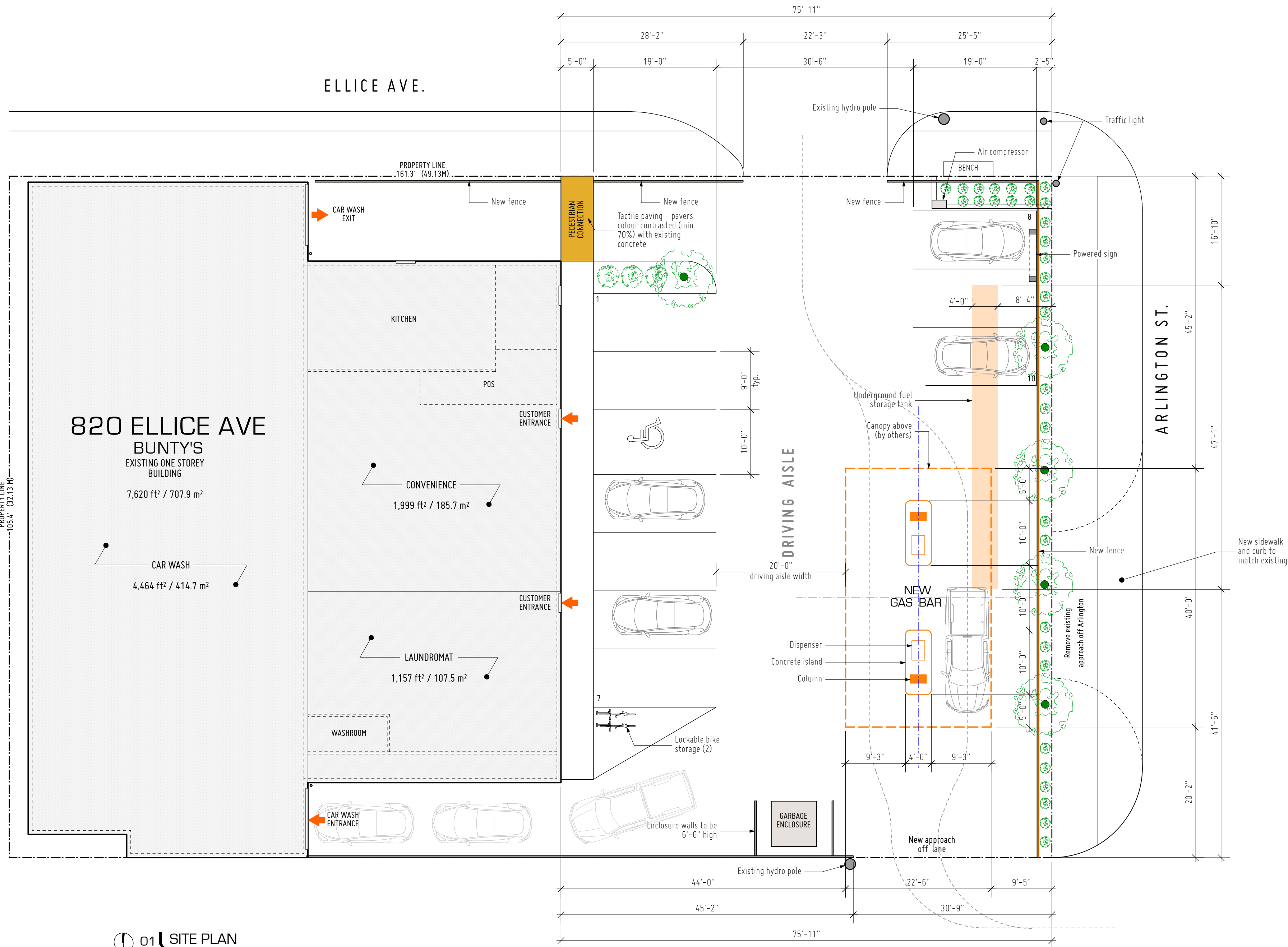
Facilitate Compact, Complete Development and Increase Density. 8 4.1 Increase Strategic Infill Development That Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service.

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: Robert Galston, MCP
Date: Wednesday, May 15, 2024
File No. DAV 23-224518/C



BUILDING / PROPERTY INFORMATION
820 ELLICE AVE. - 'C2' ZONING

WINNIPEG ZONING BY-LAW 200/2006

Parking: 13 parking stalls required.
With drive-through facility, 1 for each 500 ft² of floor area over 2,000 ft², plus 1 for every 3 employees on the maximum shift. 10 stalls provided.

Bicycle parking: 2 bicycle spaces required.
1 lockable bicycle space per 10 required automobile spaces - located with convenient access to major building entrance(s). 2 bicycle spaces provided.

Vehicle Queing Space: Car wash (3) required - 3 provided.

01 SITE PLAN
3/32" = 1'-0"

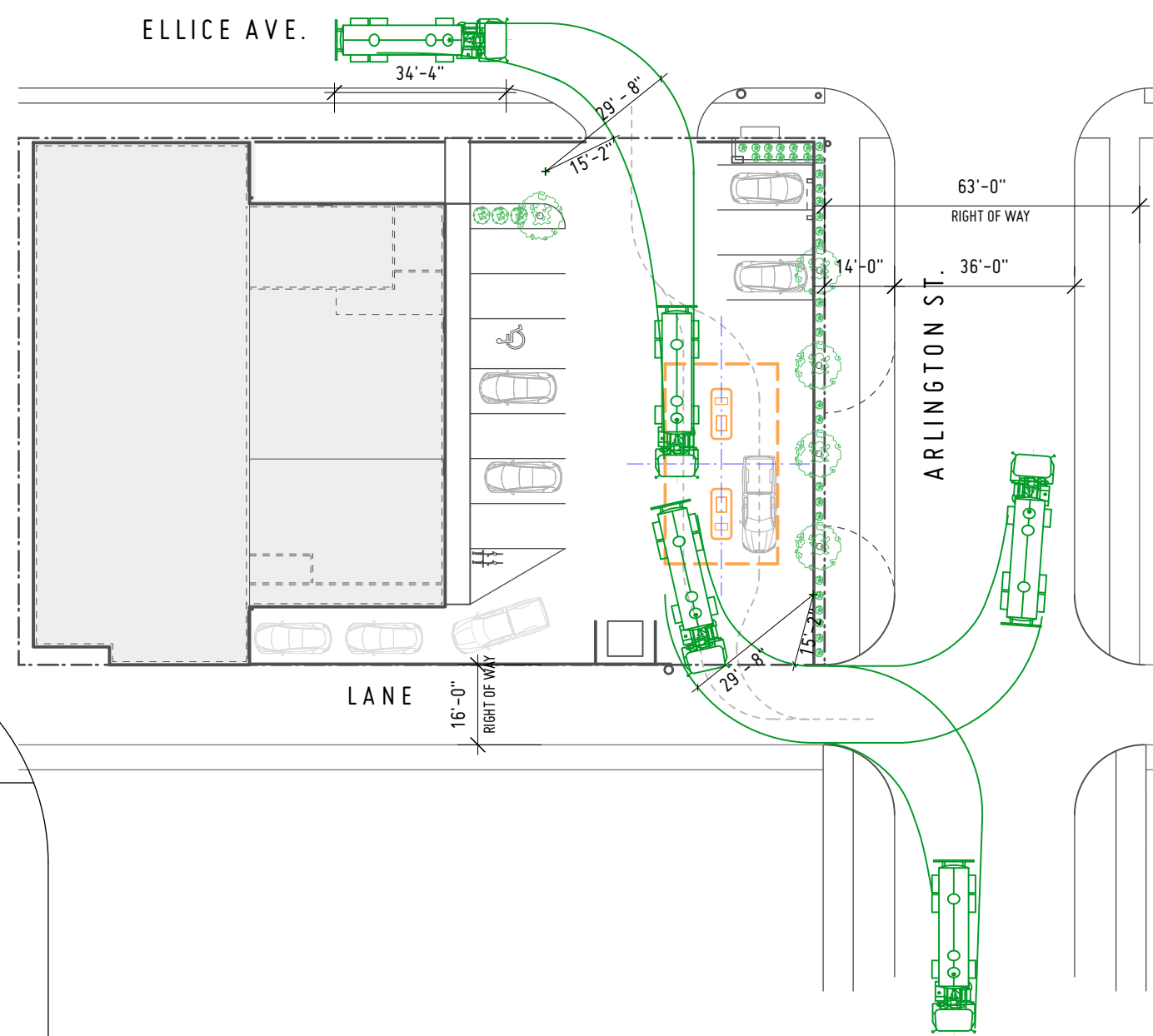
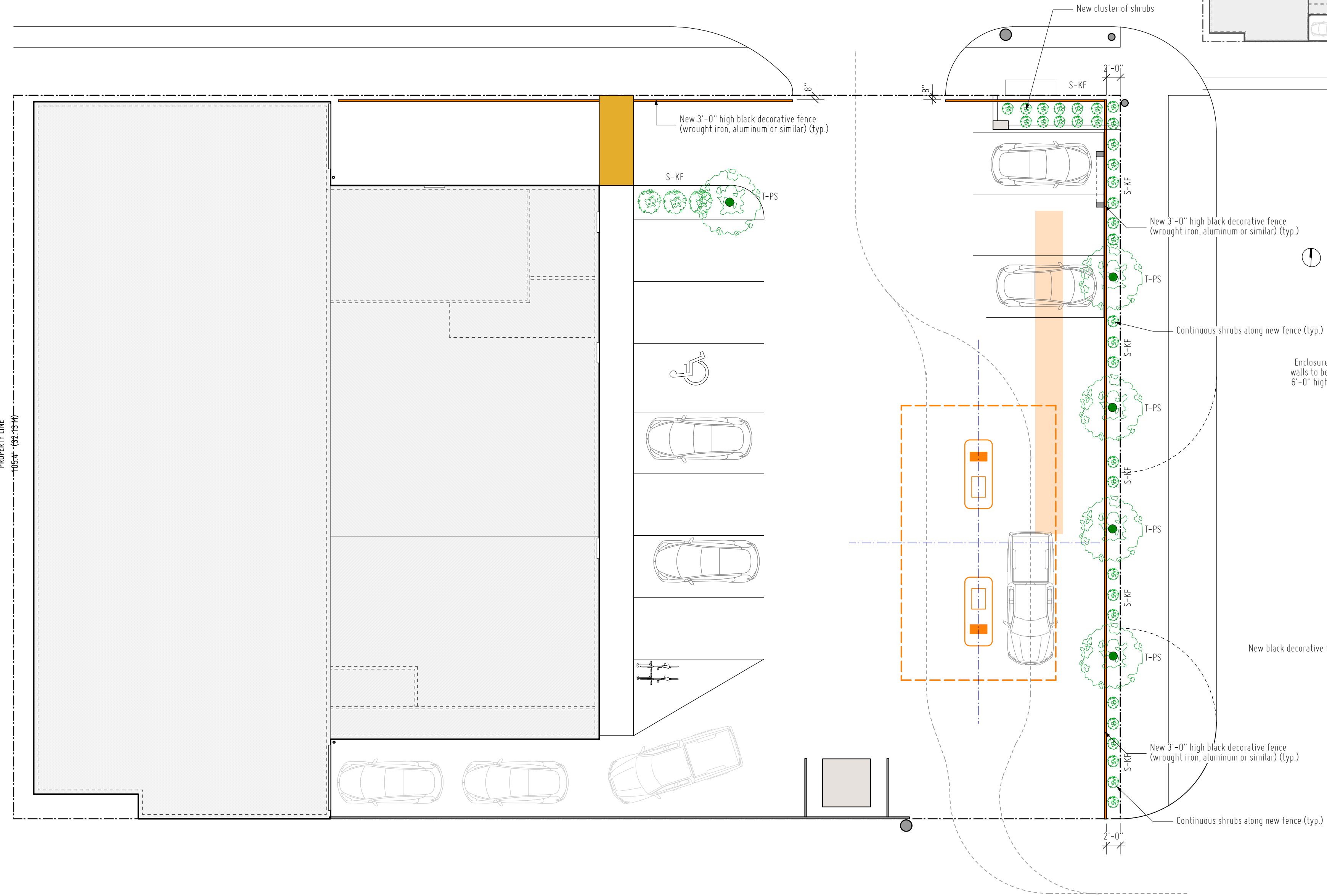
2023.13 2023/ 11 / 07

UNIT7 ARCHITECTURE INC.
www.u7arc.com 204.488.8300 8-1700 Corydon Avenue, Winnipeg, MB, R3N 0K1

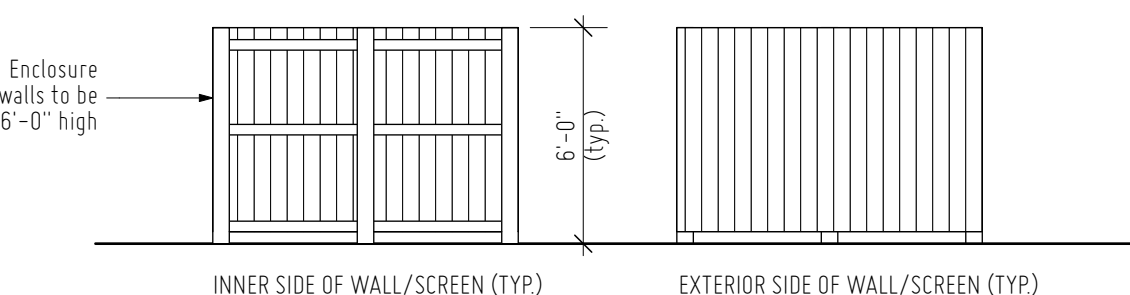
NEW FUELING STATION
820 Ellice
Winnipeg, MB
SITE PLAN

A1.0

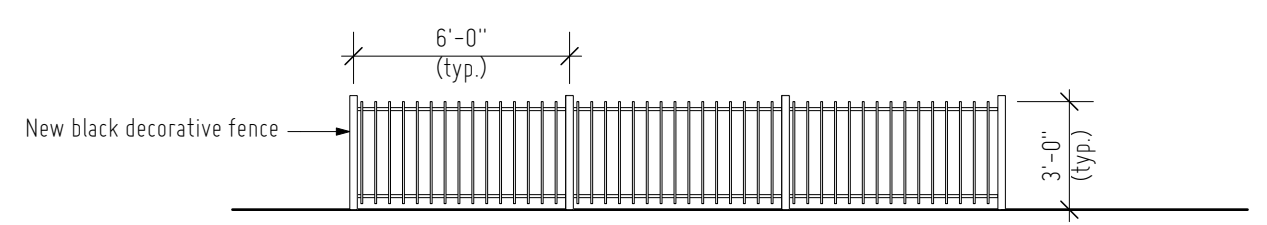
TREE:	CODE	SCIENTIFIC NAME	SIZE	QUANTITY
Purple Spire Ornamental Crabapple	T-PS	Malus x 'Jefspire'	Up to 15'-0" high, trunk base max. 6-8"	5
SHRUB:				
Karl Foerester Feather Reed Grass	S-KF	Calamagrostis x acutifolia	2 gallon	42



02 SITE PLAN - FUELING TRUCK TURNING RADIUS
1/32" = 1'-0"



03 GARBAGE SCREENING
3/16" = 1'-0"



04 NEW DECORATIVE FENCE
3/16" = 1'-0"

2023.13	2023/ 11 / 07
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NEW FUELING STATION 820 Ellice Winnipeg, MB
DETAILS

01 LANDSCAPING PLAN
3/32" = 1'-0"

A2.0