Minutes - Executive Policy Committee – July 20, 2005

Minute No. 496
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 16 Subdivision and Rezoning - 1390 Grant Avenue
File DASZ 15/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2005 dated May 18, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the plan be amended to provide the right-of-way corner-cut as illustrated on Sketch Plan No. PR96-2, revised date 2000-08-17.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2005 dated May 18, 2005, to an "C1.5" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That access to the proposed lot will be restricted to those approaches as illustrated on Sketch Plan No. PR96-2, that being the widened public lane approach off of Grant Avenue and a single right-in/out approach off of Waverley Street.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 twenty-four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - July 5, 2005

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report – Standing Policy Committee on Property and Development – July 5, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 1390 Grant Avenue**
File DASZ 15/2005 [c/r DAV 117938/2005D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **June 10, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2005, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 15/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2005, dated May 18, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the plan be amended to provide the right-of-way corner-cut as illustrated on Sketch Plan No. PR96-2, revised date 2000-08-17.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2005, dated May 18, 2005, to an "C1.5" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

    A. That access to the proposed lot will be restricted to those approaches as illustrated on Sketch Plan No. PR96-2, that being the widened public lane approach off of Grant Avenue and a single right-in/out approach off of Waverley Street.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The development is in keeping with the neighbourhood.
2. The site has been empty and eyesore for some time.

PUBLIC HEARING SUMMARY

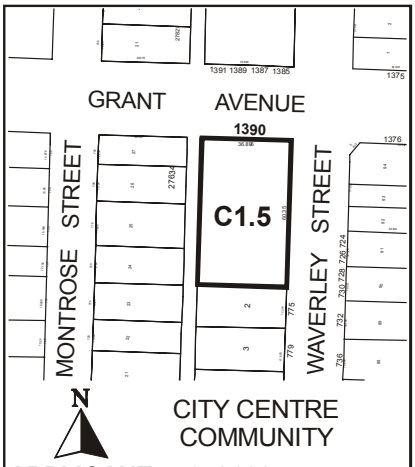
File: DASZ 15/2005 [c/r DAV 117938/2005D]

Before: City Centre Community Committee
Councillor Benham, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: June 7, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: 4953186 Manitoba Ltd. (Myles Kraut)

Subject:



APPLICANT : 4953186 MANITOBA LTD.
FILE : DASZ 15/05
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-4A" RESIDENTIAL DISTRICT and a "C1" COMMERCIAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 1390 Grant Avenue

Exhibits Filed:

1. Application dated April 7, 2005
2. Notification of Public Hearing dated April 29, 2005
3. Manitoba Status of Title 1238206
4. Letter of authorization dated March 29, 2005 from Saleem M. Rizvi, Imperial Oil to 4953186 Manitoba Ltd.
5. Plans (6 pages)
6. Report from the Manager of Planning and Land Use dated May 18, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

Myles Kraut
Robin Lee

In Opposition:

Nil

For Information:

Lorraine and Yale Gilbert

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Myles Kraut, 4953186 Manitoba Ltd., accompanied by Robin Lee, appeared in support of the application and gave a brief overview on the development. Mr. Lee stated that they have met with administration and had met all requirements and had taken into consideration minimizing any impact on neighbours.

Lorraine Gilbert appeared for information and inquired as to snow removal.

Yale Gilbert appeared for information and inquired as to the access onto the site. Mr. Gilbert stated that his questions on fencing and garbage had been answered in the presentation.

In rebuttal, Mr. Kraut, stated that the new access and turning lane would create a better traffic flow. Mr. Kraut also stated that snow removal was a priority due to the site size.

Exhibit "6" referred to in File DASZ 15/2005 [c/r DAV 117938/2005D]

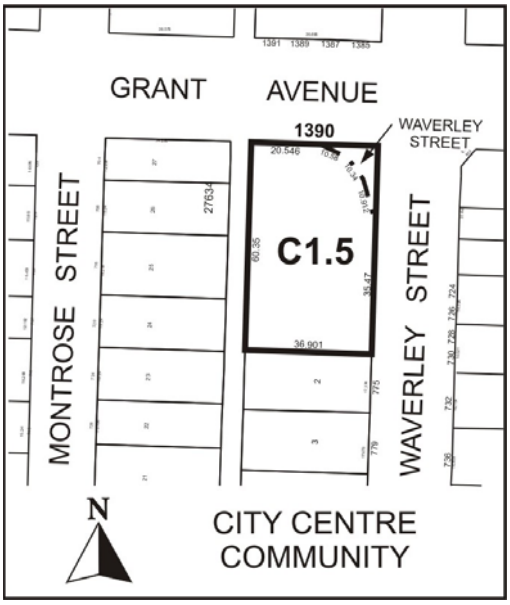
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: May 18, 2005
File: DASZ 15/05
Related Files: DAV 05/117938/D
Subject: Re-zone from 'C1' Commercial and 'R1-4A' Residential to 'C1.5' Commercial and to consolidate two existing lots into one lot.

Location: 1390 Grant Avenue
Legal Description: Lot 17 Plan 5786 Lot 1 Plan 27634



Applicant: Mr. Robin Lee, Pre-Con Developments
Owner: Imperial Oil Limited

Recommendation: Approved with Conditions

Report Summary: Formerly Imperial Oil Gas Station
Vacant for over 8 years
Extensive environmental clean-up
Proposed 2-storey mixed-use office/retail 12,000 S.F. +/-

Site Description

Existing Land Use and Zoning

The subject site is currently split zoned into a north portion and south portion, the northerly designation fronting on Grant Avenue is zoned 'C1' Commercial. The southerly portion is zoned 'R1-4A' Residential.

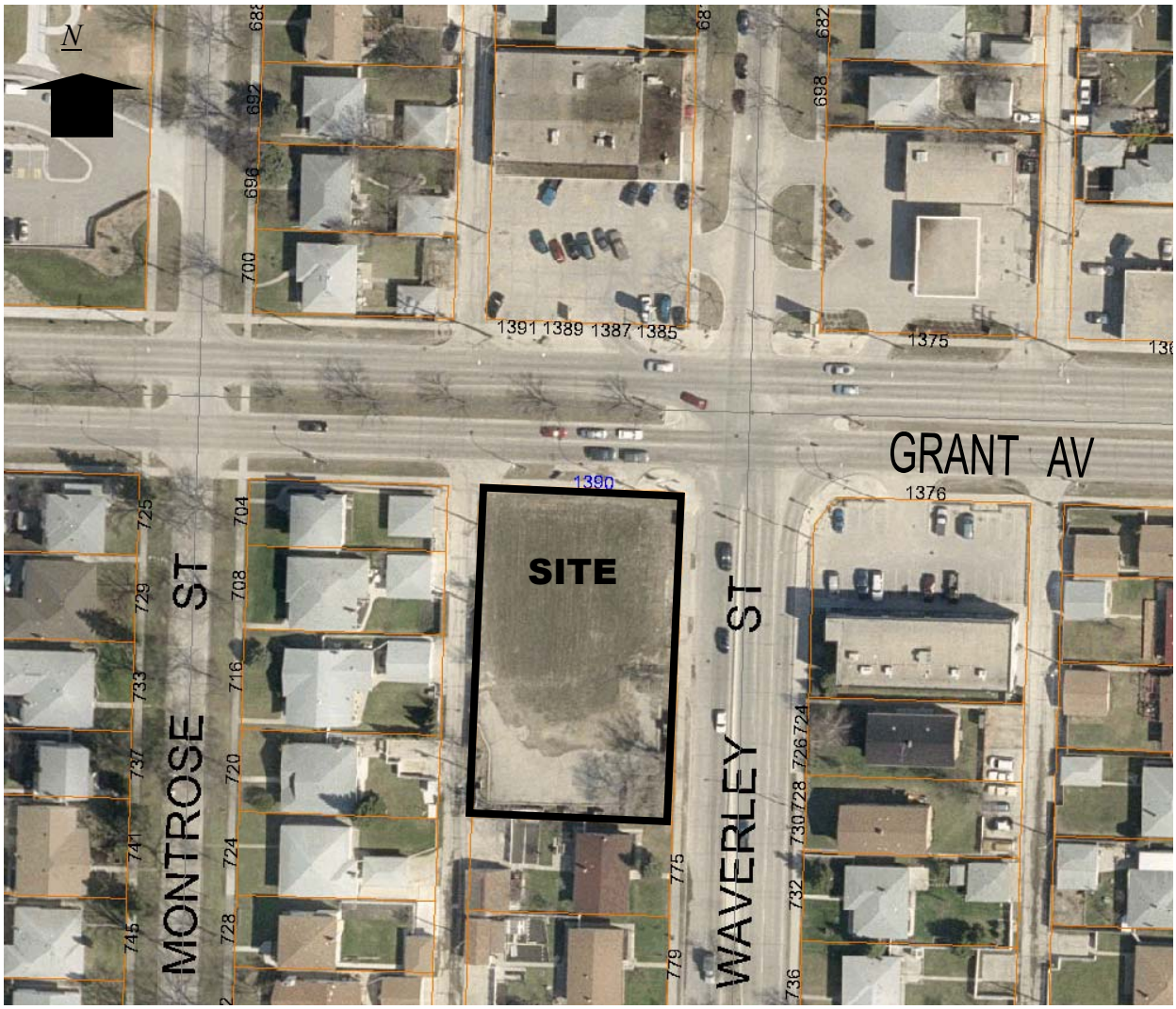


Figure 1: Aerial Photo of Subject Site (Flown 2002)

Surrounding Land Use and Zoning

North: Grant Avenue then 'C1' Commercial (small strip mall)
South: 'R1-4A' Residential
East: Waverley Street then 'C1' Commercial (offices)
West: Back Lane then 'R1-4A' Residential

Background

The subject site was an Imperial Oil Gas Station and has been vacant for the past 8 years and has undergone extensive environmental clean up. The prospective property owner has enlisted the services of Pre-Con Builders to develop the property with a mixed used office/retail facility.

Description of the Proposed Development

The new owner intends to develop the property with a 2-storey, 12,000 square foot +/-, mixed-use office/retail facility. Some of the uses may include medial / dental offices, health / tanning salons and retail such as children's clothing. The development will face Grant Avenue with parking in the front and rear of the site. Access will be gained off of both Grant Avenue and Waverley Street.

Analysis

Plan Winnipeg Compliance
The subject site is within the 'Neighbourhood' designation in Plan Winnipeg. Policy 3A-01 Promote Orderly Development promotes a local neighbourhood identity with a mixed use of residential, educational, commercial, etc. at a compatible scale and density. Policies 3B-01 Promote Vibrant Neighbourhoods and 3B-05 Promote Commercial Densification discuss encouraging and promoting mixed uses in residential areas and commercial densification where appropriate.

Compatibility with Existing Neighbourhood and Surrounding Uses
The intersection of Grant and Waverley is presently occupied by several retail / office uses that are zoned Commercial. A Shell Gas Station operates at the northeast corner; an office building is at the southeast corner and a small strip mall with a bank, a hairdresser and other small retail uses. The proposed office / retail development of the southwest corner appears to be a compatible fit with the existing uses and compatible with the neighbourhood.

Single family dwellings exist to the south of the proposed development, the developer is proposing a 6-foot high solid wood fence with a 10-foot landscape buffer along the south property line to help mitigate any impact to the residents.

Transportation and Site Access
There will be two means of access to the site. The development will make use of the existing entrance off of Grant Street adjacent to the Waverley / Montrose back lane. The second means of access is proposed off of Waverley Street. It will be limited to a right in/out access due to the existing median on Waverley Street. The proposed accesses have been reviewed and adjusted by

the City's Transportation Division. Their preferred design and layout has been added as a condition of the rezoning approval.

Site Design Issues

The proposed 2-storey office / retail building will be located approximately 60 feet back from the front property line at Grant Avenue and 21 feet back from the Waverley flankage. The west side of the building will be set 2 feet off the property line shared with the back lane. The developer is proposing a 2-foot high retaining wall planted with climbing vines and trellises along the west wall of the building. The site plan shows 9 parking stalls in front of the building facing south against the building. The developer is proposing an 11-foot landscape strip along the majority of the front of the property. The building itself has an approximately 6,000 square foot footprint. A 6-foot high wooden fence is proposed along the remainder of the west property line and the southern property line to provide screening and prevent access on to the back lane from the rear parking area. The site plan shows 31 parking stalls and will require a variance from the 32 stall requirement.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- It complies with Plan Winnipeg 3A-01, 3B-01 & 3B-05
- It is compatible with the existing neighbourhood and uses

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 15/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 15/05, attached hereto and dated May 18, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the plan be amended to provide the right-of-way corner-cut as illustrated on sketch plan no. PR96-2, revision dated 2000-08-17.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 15/05, attached hereto and dated May 18, 2005, to an "C1.5" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. Access to the proposed lot will be restricted to those approaches as illustrated on PR96-02, that being the widened public lane approach off of Grant Avenue and a single right-in/out approach off of Waverley Street.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 twenty-four (24) month period and the extension is subsequently approved by Council.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch, District Planner
PPD File # DASZ 15/05

Schedule "A"

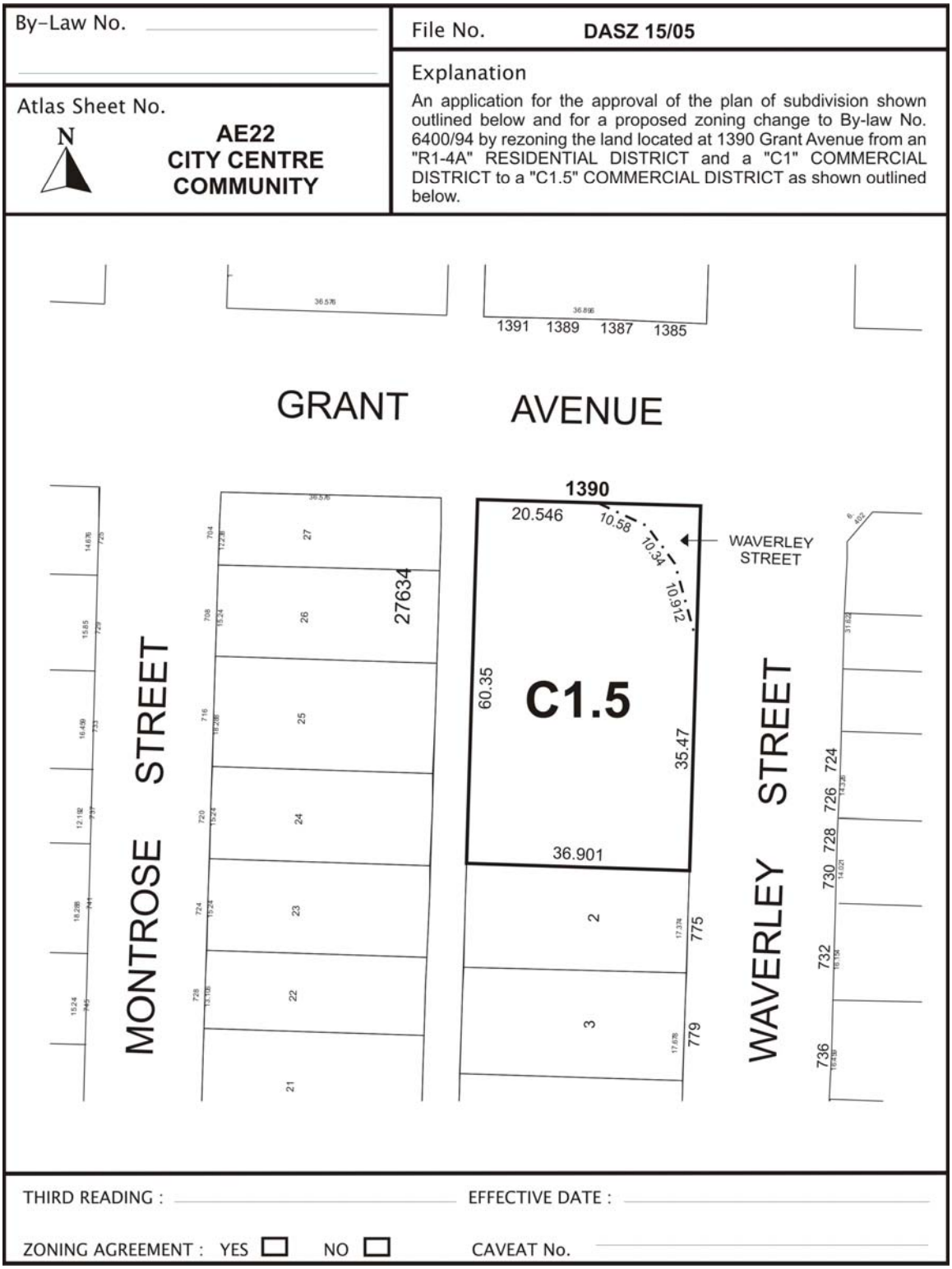


Figure 2: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 15/2005, dated May 18, 2005.

Sketch Plan No. PR96-2

