Minutes - Executive Policy Committee – April 19, 2006

Minute No. 352
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 5 Rezoning - 454 Kimberly Avenue
File DAZ 261/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 261/2005 dated March 2, 2006, to a "PR-2" Parks and Recreation District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development

2. That a ten per cent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance, subject to the submission by the YM/YWCA of documentation verifying it is a non-profit organization or charity registered with the Canada Revenue Agency.

Report - Standing Policy Committee on Property and Development - April 4, 2006

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Minutes - Executive Policy Committee – April 19, 2006

Report - Standing Policy Committee on Property and Development – April 4, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- That Recommendation No. 2 be amended by adding the following words at the end thereof:

  "subject to the submission by the YM/YWCA of documentation verifying it is a non-profit organization or charity registered with the Canada Revenue Agency.",

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation No. 2 be deleted in its entirety and replaced with the following new recommendation, namely:

  "2. That a ten per cent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 454 Kimberly Avenue**
File DAZ 261/2005 [DCU 170082/2005D and DAV 170130/2005D]

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **March 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 261/2005 dated March 2, 2006, to a "PR-2" Parks and Recreation District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. That, prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development

2. That a ten per cent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. That YM/YWCA is a non-profit organization, and is a wonderful asset to the community.

2. The purpose of the land dedication is to provide funding for the creation or continuation of recreational facilities, which is the purpose of the YM/YWCA expansion.

PUBLIC HEARING SUMMARY

File: DAZ 261/2005 [DCU 170082/2005D and DAV 170130/2005D]

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: March 21, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Smith Carter Architects and Engineers Incorporated
(Richard Baronins)

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : SMITH CARTER ARCHITECTS AND ENGINEERS INCORPORATED
FILE : DAZ 261/05
PROPOSAL : To rezone the land shown outlined above from a "PR1" PARKS AND RECREATION DISTRICT to a "PR2" PARKS AND RECREATION DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 454 Kimberly Avenue

Exhibits Filed:
1. Application dated February 6, 2006
2. Notification of Public Hearing dated February 13, 2006

3. Certificate of Title 834808
4a. Letter of authorization dated January 25, 2006, from the Manager of Real Estate, Planning, Property and Development Department, City of Winnipeg, to the YMCA-YWCA
4b. Letter of authorization dated October 19, 2005, from the YMCA-YWCA of Winnipeg to Smith Carter
5. Plan
6. Plan by Smith Carter
7. AirPhoto
8. Report from the Planning and Land Use Division dated March 2, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Wayne Johnson
Kent Paterson, YMCA-YWCA of Winnipeg
Grant Van Iderstine
Mike Whalen

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Grant Van Iderstine appeared in support of the application, and requested that Recommendation No. 2 of the Report from the Planning and Land Use Division, pertaining to land dedication fees, be waived. He advised that any money saved will create more options for those that utilize the facility.

Grant Van Iderstine advised a couple of open houses were held and that members of the community were invited to view architectural drawings of the proposed expansion of the YM/YWCA.

Exhibit "8" referred to in File DAZ 261/2005 [c/r DCU 170082/2005D and DAV 170130/2005D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **March 2, 2006**
File: **DAZ 261/05**
Related Files: **DCU 05-170082/D; DAV 05-170130/D**
DCU 05-170083/C; DAV 05-170129/C

Subject: **Rezone the land to allow the expansion of the existing YMCA.**

Location: **454 Kimberly Avenue**
Legal Description: NLY 225F OF WLY 200F LOT 2 PLAN 6191 87/89 K



Applicant: **Smith – Carter (Richard Baronins)**
Owner: **City of Winnipeg**

Recommendation: Approve with Conditions.

Report Summary:

- The YM/YWCA is proposing an expansion that will increase the facility's square footage from **34,000 square feet** to **43,000 square feet**.
- The YM/YWCA is considered a 'Sports Club' under Zoning By-law 6400 and is not permitted in the "PR-1" District, and requires a rezoning.
- **DCU 05-170082/D** and **DAV 05-170130/D** are for the expansion of the YM/YWCA and will be heard at the East Kildonan – Transcona Community Committee on March 21, 2006.
- **DCU 05-170083/C** is for the expansion of the parking area at Miles Macdonell High School to accommodate parking for the YM/YWCA will be heard at the Board of Adjustment on March 22, 2006.
- **DAV 05-170129/C** was advertised for a public hearing at the Board of Adjustment but cancelled when a new site plan submitted did not require variances at 757 Roch: variances for the parking area are required on the YM/YWCA lands.
- The Planning and Land-Use Division supports the rezoning applications; and all the associated variance and conditional use applications.

Site Description

The subject property is the YM/YWCA at 454 Kimberly Avenue is approximately **1.0 acre** located on the south side of Kimberly Avenue between Roch and Watt Streets in the Munroe West neighbourhood of the Elmwood – North Kildonan Ward. The site is zoned **"PR-1" Parks and Recreational District** and is occupied by the Elmwood – Kildonan Family YM/YWCA. Adjacent lands include Melrose Park Community Centre to the east and Miles Macdonell High School to the west zoned "PR-1". Surrounding uses include single family dwellings to the north.

Background

DAV 96/01C and DCU 41/01C

The YM/YWCA added 450 square feet in order to accommodate a new swimming pool. Several minor variances were required including substandard parking, lot area and coverage. A conditional use was required for the public pool and an expanded parking area on the adjacent lands at Miles Macdonnell High School. Site plans were requested for landscaping along Kimberly Avenue.

PROCEDURE ISSUES

The YM/YWCA is on a leased lot from the City of Winnipeg. The adjacent property is owned by the River East School Division. Variance and Conditional Use applications related to the expansion of a parking area on Miles Macdonell High School lands have been made by the applicant in conjunction with the expansion of the YM/YWCA. The Procedures By-Law of the City of Winnipeg requires Community Committee to hear the variance applications for the YM/YWCA properties since these application are associated with a rezoning (**DAZ 261/05**). The Board of Adjustment must hear the applications for the River East School Division since there is

no rezoning being made on these lands. As a result, application **DCU 05-170083/C** to expand the parking area at the High School, to accommodate the YM/YWCA parking, will be heard at the Board of Adjustment on March 22, 2006. The variances and conditional uses may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for the rezoning can proceed to Council without an additional public hearing.

Description of the Proposed Development

The YM/YWCA is proposing an expansion that will increase the facility's square footage from **34,000 square feet** to **43,000 square feet**. The project includes 2,400 square feet on the ground floor, 6,800 square feet on the second floor and renovating 2,800 square feet of existing space. A large part of second floor expansion will be constructed on piles over the east side driveway in order to preserve existing parking stalls. The expansion will occur on the north east corner of the building.

Analysis

PLAN WINNIPEG

The proposed concept in consistent with Plan Winnipeg in that a parks rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"PR-1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their neighbourhood location. It allows 10 permitted uses, and 17 conditional uses. The minimum front yard is 20 feet, rear yard 25 feet and maximum building height of 30 feet.
- The **"PR-2" Parks and Recreation District** is intended to provide parks and recreation development in a more regional nature. It allows 39 permitted uses, and 19 conditional uses. The minimum front yard is 20 feet, rear yard 25 feet and no maximum building height.

LAND USE BY-LAW ISSUES

The YM/YWCA is considered a 'Sports Club' under Zoning By-law 6400 and is not permitted in the "PR-1" District. The expansion of the existing building is considered a 'Conditional Use' in the "PR-2" District and not permitted in the "PR-1" District. The applicant is required to make an application for a 'Conditional Use' (**DCU 05-170082/D**). The applicant is also required to make application for a variance for a substandard east side yard, and parking (**DAV 05-170130/D**).

SITE DESIGN ISSUES

The site plan submitted does not indicate any landscaping, fencing, or building materials being proposed for the YM/YWCA expansion. A site visit was performed in February: landscaping

with coniferous trees in the north front yard is suggested to mitigate the negative impacts the parking area and building for the residential buildings to the north in all four seasons. The garbage containers have not been located on the site plan and the materials used to screen such containers is not indicated. A coloured rendering provided at the open house indicates the building may have a red and blue corrugated metal façade (**Figure 4**).

PUBLIC OPEN HOUSE
The YM/YWCA hosted one public open house on February 27, 2006 and scheduled a second public open house on March 11, 2006. Architectural drawings were on display in the East Kildonan YM/YWCA lobby from February 27, 2006 to March 12, 2006.

Recommendation

The Planning and Land-Use Division supports the rezoning application. The expansion of the facility is meet the recreational needs of the surrounding community. The scale and density of the proposed building is consistent with the existing facility. The related expansion of the adjacent parking area will assist in the parking demands.

The Division is recommending that plans be submitted for final approval that indicate the landscaping, garbage enclosures, etc.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ 261/05**, attached hereto and dated, **March 2, 2006**, to a "**PR-2" Parks and Recreation District**, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. That, prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

2. That a ten (10) per cent 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 the market value of the land.

3. 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.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: John S. Wintrup
PPD File # DAZ 261/05

Schedule "A"

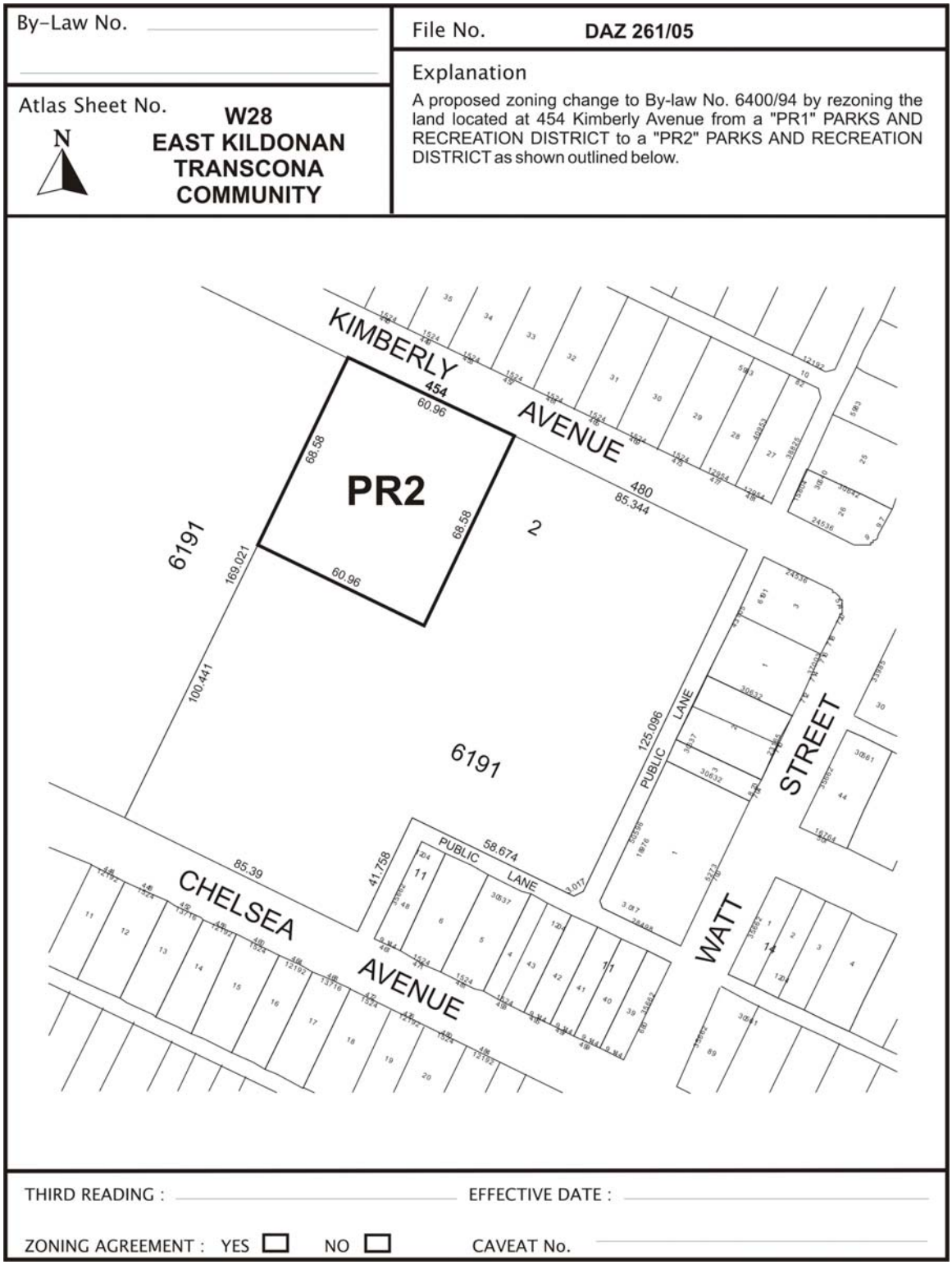

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 261/05, dated March 2, 2006.

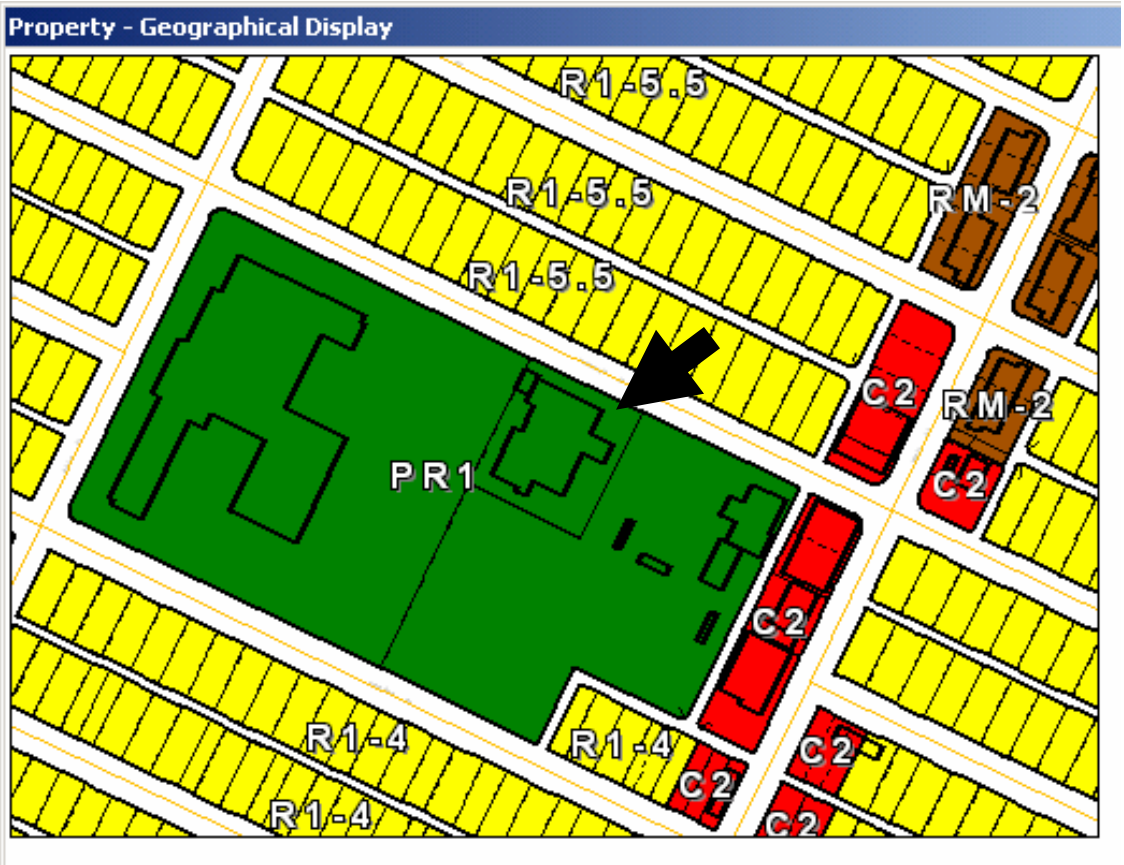

Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.



Figure 4: Information provided at Public Open House.

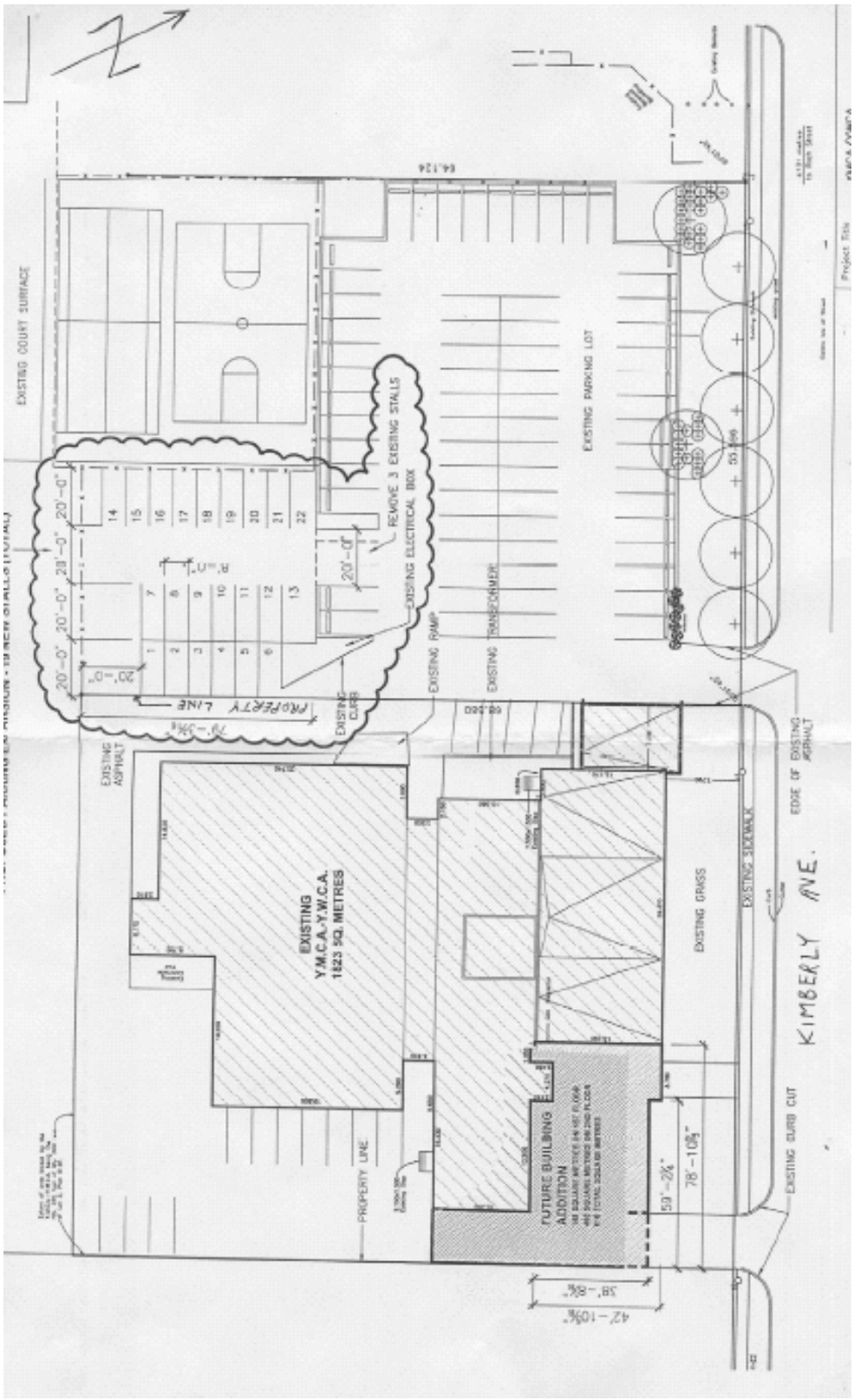

Figure 5: Proposed site plan of YMCA building and High School parking area expansions.