Agenda - Council - April 25, 2007

Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 9 Subdivision and Rezoning – 1735 Corydon Avenue
File DASZ 53/2006

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2007, 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 53/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2006 dated February 20, 2007, for registration in the Winnipeg Land Titles Office.

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 53/2006 dated February 20, 2007, to a "C1.5" Commercial 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 the following uses shall not be permitted:
            a. "cocktail lounge, exceeding one-half of its restaurant floor area";
            b. "exterminator";
            c. "fuel: sales kiosk";
            d. "restaurant, drive-in / drive-through";
            e. "taxidermist";
            f. "tire: sales and service";
            g. "restaurant";
            h. "grocery, confectionery, including baked goods, candy, meats, soft drinks, or other specialties: sales including incidental food preparation".

    B. That the second floor be restricted to office (including "medical, dental, optical, counselling, or health or therapeutic clinic") uses.

Report - Standing Policy Committee on Property and Development – April 3, 2007

C. That the building footprint and parking area configuration be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6.

D. That free-standing signs not exceed five (5) feet in height.

E. That mobile and temporary signs not be permitted.

F. That no vehicular access to or egress from the public lane or Lanark Street be permitted.

G. That lightproof fences (minimum three (3) foot high, maximum four (4) foot high) be provided and maintained to screen those portions of the parking area adjacent to the west property line and to Lanark Street and that a lightproof fence (minimum four (4)foot high) be provided and maintained adjacent to the public lane.

H. That an ornamental fence (minimum three (3) foot high, maximum four (4) foot high) be provided and maintained along that portion of the parking area adjacent to Corydon Avenue, between the private approaches.

I. That for the development of any building, accessory parking area or free-standing 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 free-standing signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

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 and the creation of additional sites (if applicable).

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 – April 3, 2007

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 Zoning Agreement has been registered in 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.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

9. 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.

10. 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.

11. 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.

Report - Standing Policy Committee on Property and Development – April 3, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 3, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 27, 2007, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That the following be added to Recommendation 1A.i.:
  g. "restaurant"
  h. "grocery, confectionery, including baked goods, candy, meats, soft drinks, or other specialties: sales including incidental food preparation",

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

RE: **Subdivision and Rezoning – 1735 Corydon Avenue**
File DASZ 53/2006 [c/r DAV 164763/2006D]

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

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

Report date: **March 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 27, 2007, 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 53/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 53/2006, dated February 20, 2007, for registration in the Winnipeg Land Titles Office.

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 53/2006, dated February 20, 2007, to a "C1.5" Commercial 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 the following uses shall not be permitted:
        a. "cocktail lounge, exceeding one-half of its restaurant floor area";
        b. "exterminator";
        c. "fuel: sales kiosk";
        d. "restaurant, drive-in / drive-through";
        e. "taxidermist"; and
        f. "tire: sales and service";
        g. "restaurant"
        h. "grocery, confectionery, including baked goods, candy, meats, soft drinks, or other specialties: sales including incidental food preparation"

B. that the second floor be restricted to office (including "medical, dental, optical, counselling, or health or therapeutic clinic") uses;

C. that the building footprint and parking area configuration be established and maintained in substantial conformity with plans submitted and identified as Exhibit 6;

D. that free-standing signs not exceed five (5) feet in height;

E. that mobile and temporary signs not be permitted;

F. that no vehicular access to or egress from the public lane or Lanark Street be permitted;

G. that lightproof fences (minimum three (3)-feet high; maximum four (4)-feet high) be provided and maintained to screen those portions of the parking area adjacent to the west property line and to Lanark Street and that a lightproof fence (minimum four (4)-feet high) be provided and maintained adjacent to the public lane; and

H. that an ornamental fence (minimum three (3)-feet high; maximum four (4)-feet high) be provided and maintained along that portion of the parking area adjacent to Corydon Avenue, between the private approaches; and

I. that for the development of any building, accessory parking area, or free-standing 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 free-standing signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

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 and the creation of additional sites, (if applicable).

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 Zoning Agreement has been registered in 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.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

9. 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.

10. 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.

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

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated January 20, 2007.

2. The amendment will address traffic issues and respect the neighbourhood.

PUBLIC HEARING SUMMARY

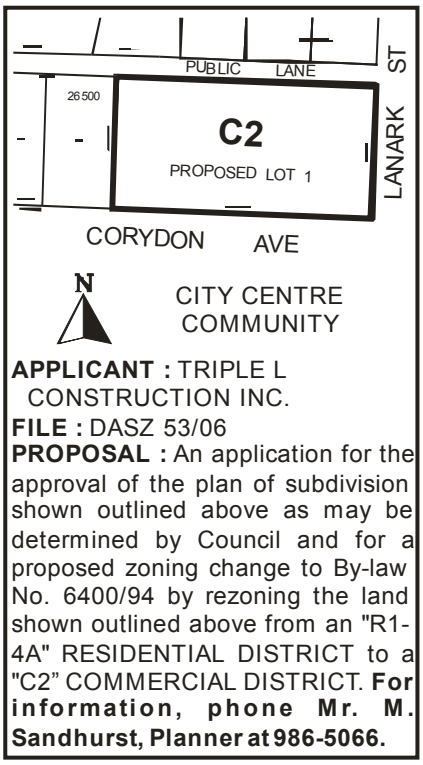
File: DASZ 53/2006 [c/r DAV 164763/2006D]

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

Public Hearing: February 27, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: Triple L Construction Inc. obo 2892007 Manitoba Limited

Subject:



Premises Affected: 1735 Corydon Avenue

Exhibits Filed:
1. Application dated January 24, 2007
2. Revised notification of Public Hearing dated February 7, 2007
3. Manitoba Status of Title 2166749

4. Letter of authorization dated October 6, 2006 from Allan Malbranck, President, 2892007 Manitoba Limited to Doug McKay, Triple L Construction
5. Drawing of subject property (2 pages)
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated January 20, 2007
8. Inspection Report
9. Presentation and sketches submitted by Doug Mackay at the public hearing, in support of the application
10. Presentation and map submitted by Camera Geisbrecht at the public hearing, in opposition to the application
11. Presentation submitted by Sharon Leibl at the public hearing, in opposition to the application

REPRESENTATIONS:

In Support:

Doug Mackay

In Opposition

June-Anne Ferries
Cameron Giesbrecht
Sharon Leibl

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Doug Mackay, appeared in support of the application and gave a brief overview on the proposal. Mr. Mackay submitted supporting documentation; placed on file as Exhibit 9. He also stated there are plans for landscaping.

In response to committee's questions, the Senior Planner stated that with the location of the customer parking area in front of the building, there is a desire to protect the residents to the north; there exists commercial properties in the area with no provision for pedestrians; and there are several means to ensure pedestrian comfort along the edge of the parking area.

Cameron Giesbrecht appeared in opposition to the application. Mr. Giesbrecht read into the record a written presentation; filed as Exhibit 10.

Sharon Leibl accompanied by June-Anne Ferries, appeared in opposition to the application. Ms Leibl read into the record a presentation; filed as Exhibit 11. Ms Ferries stated concerns with the increase of parking in the area.

In response to committee's questions, the Senior Planner stated that a "C1.5" Commercial District is a more appropriate designation for the proposal; discussion ensued as to the definition of the "C1.5" Commercial District designation. He explained the process of circulating applications to civic departments for commentary; and stated the Public Works Department had not responded with concerns in this instance.

In rebuttal, Mr. Mackay stated concerns with adding "restaurant" as a not permitted use. He also stated the access was off of Corydon in order to be able to reach the refuse container. He further stated the proposal's intent is to take traffic off the street by providing parking.

Exhibit "7" referred to in File DASZ 53/2006 [c/r DAV 164763/2006D]

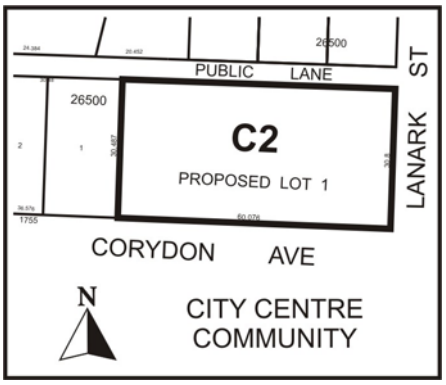
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: January 20, 2007
File: **DASZ 53/06**
Related Files: DAV 07-164763/D
Subject: To subdivide the land shown below to create 1 lot and to rezone from an "R1-4A" Single-Family District and to a "C2" Commercial District.

Location: 1735 Corydon Avenue
Legal Description: SP Lot 2 Plan 26500, Lots 6-9 Block 3 Plan 2843



Applicant: Triple L Construction Inc
Owner: 2892007 Manitoba Ltd

Recommendation: *Approval of the subdivision and approval of the rezoning to "C1.5"*

Site Description
The subject site is located at the north west corner of Corydon Avenue and Lanark Street. The site is currently developed with a church building and is zoned "R1-4A" Single-Family District. Neighbouring properties include single-family dwellings (to the north across the public lane,

zoned “R1-4A”); single-family dwellings and retail / personal services (to the west across Lanark Street, zoned “R1-4A” and “C1” Commercial districts, respectively); retail / personal services and multiple-family dwellings (to the south across Corydon Avenue, zoned “C1” and “RM-2A” Multiple-Family districts, respectively); and multiple-family dwellings (to the west, zoned “RM-2A”).



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to demolish the church and construct a 2-storey, multi-tenant commercial building. Main floor tenants are expected to be retailers and personal service providers; 2nd-floor tenants are anticipated to be offices. The proposed building is to be located towards the north west corner of the site, with surface parking provided along the Corydon and Lanark frontages. Vehicular access to /egress from the 26-space parking area is via one-way private approaches to and from Corydon. Under DAV 07-164763/D, the applicant seeks relief from building setback, parking area setback, and parking development standard provisions.

Analysis

This portion of the Sir John Franklin neighbourhood is designated “Neighbourhood” under *Plan Winnipeg*. This designation accommodates residential, commercial, institutional, and parks & recreation uses. The subdivision component of the application consolidates five existing lots into one lot. The rezoning is requested in order to accommodate a mix of retail, personal service, and office uses. The site’s long history of institutional use, its location along a regional street, and

the existing mix of uses in the immediate vicinity suggest multiple-family, commercial, or mixed-use redevelopment of this site.

Although suitable for multiple-family or a mix of multiple-family and commercial uses, a mix of retail / personal service and office uses at this location can also be a beneficial addition to the neighbourhood. In order to ensure this is the case, care must be exercised in limiting the intensity of commercial uses, accommodating vehicular traffic, and providing enhanced pedestrian amenities.

In terms of intensity, the proposed "C2" district is not appropriate at this location. This designation is typically utilized along corridors such as Portage Avenue, Pembina Highway, and McPhillips Street. More appropriate, from the perspectives of impacts on the neighbourhood and on consistency with the existing commercial cluster, is the "C1.5" district. This district eliminates many of the more objectionable "C2" uses and is intended for neighbourhood main street contexts. Operational impacts of vehicular traffic can be reduced on the site's neighbours—particularly single-family properties to the north—by limiting vehicular access to / egress from the site to Corydon Avenue only. Visual and visceral impacts can be reduced through selective screening of the parking area, by enhanced landscaping, and via exemplary edge treatment (intended to sustain the valued pedestrian experience in this part of Sir John Franklin).

Recommendation
Planning & Land Use Division recommends the site be rezoned to **"C1.5" Commercial District** (instead of the requested "C2"), subject to several site development and vehicular circulation conditions. The division recommends approval to this extent for the following reasons:

- The proposal is consistent with *Plan Winnipeg*;
- Commercial uses can be introduced without substantive impacts on neighbouring properties or on the surrounding area.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 53/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 53/06, attached hereto and dated February 20, 2007, for registration in the Winnipeg Land Titles Office.

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 53/06, attached hereto and dated February 20, 2007, to a **"C1.5" Commercial 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:

1. That the following uses shall not be permitted:
   a) "Cocktail lounge, *exceeding one-half of its Restaurant floor area*";
   b) "Exterminator";
   c) "Fuel: sales kiosk";
   d) "Restaurant, drive-in / drive-through";
   e) "Taxidermist"; and
   f) "Tire: sales and service".
2. That the 2nd floor be restricted to office (including "Medical, dental, optical, counselling, or health or therapeutic clinic") uses;
3. That the *building footprint and parking area configuration* be established and maintained in substantial conformity with plans submitted and identified as Exhibit _____, dated January 3, 2007;
4. That free-standing signs not exceed 5 feet in height;
5. That mobile and temporary signs not be permitted;
6. That no vehicular access to or egress from the public lane or Lanark Street be permitted;
7. That lightproof fences (minimum 3-feet high; maximum 4-feet high) be provided and maintained to screen those portions of the parking area adjacent to the west property line and to Lanark Street and that a lightproof fence (minimum 4-feet high) be provided and maintained adjacent to the public lane; and
8. That an ornamental fence (minimum 3-feet high; maximum 4-feet high) be provided and maintained along that portion of the parking area adjacent to Corydon Avenue, between the private approaches; and
9. That for the development of any building, accessory parking area, or free-standing 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 free-standing signage to the Director of Planning, Property, & Development for plan approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development.

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 and the creation of additional sites, (if applicable).

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 Zoning Agreement has been registered in 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.

VIII. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

IX. 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.

X. 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.

XI. 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: M. Sandhurst
PPD File # DASZ 53/06

Schedule "A"

By-Law No. _____

File No. **DASZ 53/06**

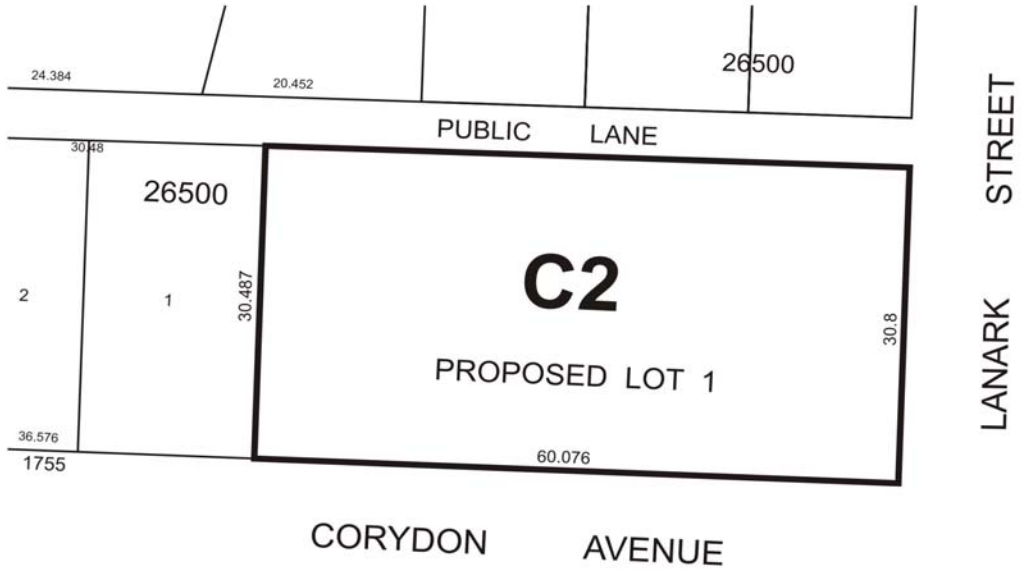
Atlas Sheet No.

N

AD20 CITY CENTRE COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1735 Corydon Avenue from an "R1-4A" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DASZ 53/06 dated February 20, 2007.