Minute No. 627
Report - Standing Policy Committee on Property and Development – September 4, 2007

Item No. 4 **Subdivision and Rezoning – 690 Notre Dame Avenue / 740 Maryland Street / Pt 458 – 460 McGee Street**
(Daniel McIntyre Ward)
File DASZ 26/2007 [c/r DAOC 1/2007]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That the plan of subdivision under File DASZ 26/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2007 dated July 10, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2007 dated July 10, 2007, to a "C2" 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. "advertising sign"
            b. "automobile cleaning"
            c. "automobile rental, sales"
            d. "automobile repair, service, installation of supplies/parts"
            e. "automobile washing"
            f. "beverage room, after September 1, 2012"
            g. "contractors establishment"
            h. "fuel sales"
            i. "machinery/heavy equipment supplies and parts: sales, installation, service"
            j. "motors or machines, recreational or utility: rental, sales, service"
            k. "pawnshop"
            l. "tire sales, service"

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COUNCIL DECISION (continued)

ii. That mobile and temporary signs shall not be permitted.

iii. That a six (6)-foot high lightproof fence be constructed along the south property line and thereafter maintained to the satisfaction of the Director of Planning, Property and Development, adjacent to the vendor / restaurant / cocktail lounge building.

iv. That no building, structure, or sign shall be located within ten (10) feet of the south property line adjacent to Maryland Street.

v. That vehicular egress from the site via the public lane shall be restricted to south-bound only - not via the east-west connection to McGee Street - and that directional signage be established indicating this restriction and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vi. That for the development of any building, accessory parking area 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 free-standing signage to City Centre Community Committee and 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.

3. 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 lots.

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

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.

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COUNCIL DECISION (continued):

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 – September 4, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, with the following amendment, namely:

- Reinstate and amend Recommendation 2.A.i.f. to read "beverage room, after September 1, 2012" and renumber the remaining items accordingly

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee with the following amendment, namely:

- That Recommendation 2.A.i.f. be deleted in its entirety and the remaining items renumbered accordingly,

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

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Recommendation 2.A.v.
  After the words "That vehicular egress from the site" add the words "via the public lane",

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

RE: **Subdivision and Rezoning - – 690 Notre Dame Avenue / 740 Maryland Street / Pt 458 – 460 McGee Street**
File DASZ 26/2007 [c/r DAOC 1/2007, DAV 136932/2007D, DCU 136931/2007D]

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

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

Report date: **July 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, the City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 26/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2007, dated July 10, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/07, dated July 10, 2007, to a "C2" 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. "advertising sign";
            b. "automobile cleaning";
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            d. "automobile repair, service, installation of supplies/parts";
            e. "automobile washing";
            f. "beverage room", after September 1, 2008;
            g. "contractors establishment";
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k. "pawnshop";
l. "tire sales, service".

ii. That mobile and temporary signs shall not be permitted.

iii. That a six (6)-foot high lightproof fence be constructed along the south property line and thereafter maintained to the satisfaction of the Director of Planning, Property and Development, adjacent to the vendor / restaurant / cocktail lounge building.

iv. That no building, structure, or sign shall be located within ten (10) feet of the south property line, adjacent to Maryland Street.

v. That vehicular egress from the site ***via the public lane*** shall be restricted to south-bound only - not via the east-west connection to McGee Street - and that directional signage be established indicating this restriction and thereafter maintained to the satisfaction of the Director of Planning, Property, and Development.

vi. That for the development of any building, accessory parking area, 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 free-standing signage to City Centre Community Committee and 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.

3. 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 lots.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 proposal is going to be an enhancement to the area.

2. The applicant has a proven record of running establishments that improve the neighbourhood.

PUBLIC HEARING SUMMARY

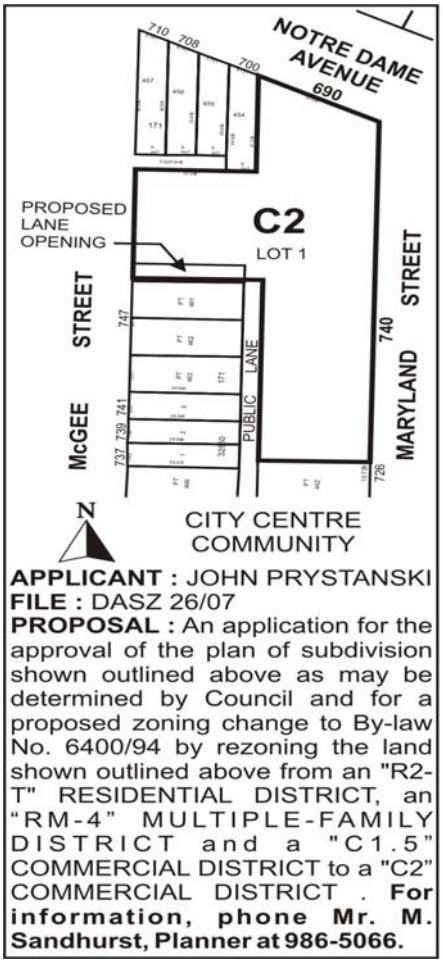
File: DASZ 26/2007 [c/r DAOC 1/2007, DAV 136932/2007D, DCU 136931/2007D]

Before: North Community Committee
Councillor Gerbasi, Chairperson
Councillor Leipsic
Councillor Smith

Public Hearing: July 17, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: John Prystanski

Subject:



Premises Affected: southwest corner of Notre Dame Avenue and Maryland Street

Exhibits Filed:

1. Application dated June 19, 2007
2. Notification of Public Hearing dated June 21, 2007
3. Manitoba Status of Titles 1957365, 1957366, 1958817, 2049259
4. Confirmation that Amarjeet Warraich is the owner of 2886503 Manitoba Ltd. And 3956891 Manitoba Ltd.
5. Letter of authorization dated March 24, 2007 from Amarjeet Warraich to John Prystanski
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated July 10, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:
Jim Dunn
Gordon B. McDiamond
Bragomir Lazar
Wayne Mitchell
John Prystanski
Hardev Sandhu
Amarjeet S. Warraich

In Opposition:
Nil

For Information:
Fred Curry

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, John Prystanski accompanied by Amarjeet S. Warraich, appeared in support of the application and gave a brief overview on the proposal. Mr. Prystanski stated concerns with Recommendations 2.A.i.f and 2.A.iv, of the Report from the Planning and Land Use Division dated July 10, 2007, and requested that "beverage room" be deleted from the list of prohibited uses, to allow for the option in the future, and that plan approval only be required from the Director of Planning, Property and Development so as not to delay the application process.

In response to committee's questions, the Senior Planner stated the intent of recommendation 2.A.i.f. prohibiting a beverage room after September 1, 2008 was to provide a period of time to sustain the operation. He also stated the option of making a Zoning Agreement Amendment application in the future, to allow for a beverage room, which would be heard by the Community Committee.

Amarjeet S. Warraich appeared in support of the application. Mr. Warraich stated he was investing a large amount of money into the subject property with the intention of providing the community with a safe facility. He reiterated the concerns of Mr. Prystanski.

Bragomir Lazar appeared in support of the application. Mr. Lazar stated the proposal was good for the area.

Gordon B. McDiamond appeared in support of application. Mr. McDiamond stated the applicant has good intentions and is improving the subject property. He also stated that beverage rooms and lounges are a normal activity for hotels.

Fred Curry appeared for information. Mr. Curry stated he supported the administrative report's recommendation 2.A.i.f. to prohibit a beverage room. He also stated the new owner had cleaned up the subject property and the proposal was good for the area.

In rebuttal the applicant, John Prystanski, stated currently there was no intention of operating a beverage room, but would like the option to remain for the future. He also stated no opposition had registered on the application. He further stated he would concur with the plan approval being submitted to Community Committee.

Exhibit "7" referred to in File DASZ 26/2007 [c/r DAOC 1/2007, DAV 136932/2007D, DCU 136931/2007D]

Planning, Property and Development Department Report

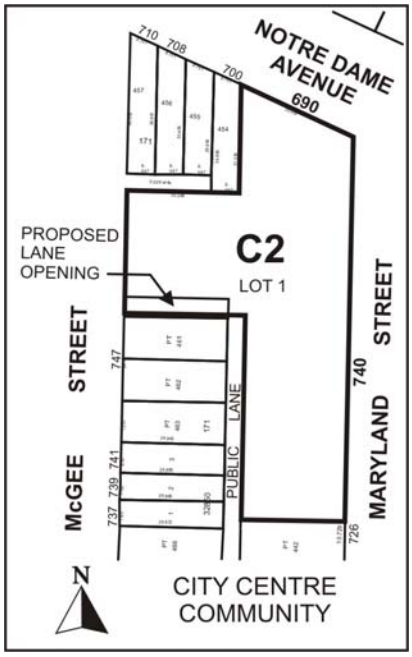
To City Centre Community Committee

Date: July 10, 2007
File: **DASZ 26/07**
Related Files: DCU 07-136931/D, DAV 07-136932/D, DAOC 1/07
Subject: To subdivide the land shown below to consolidate lots and to rezone from "R2-T" Two-Family Transitional District, "RM-4" Multiple Family District, and "C1.5" Commercial to "C2" Commercial District.

Location: 690 Notre Dame Avenue (south west corner at Maryland Street)

Legal Description:

Lots 443 and 444 Plan 171 WLTO (W Div) Exc out of Lot 443, the southerly 16.3 feet, and further Exc out of both of lots, lane, Plan 6057 WLTO together with a right-of-way for all purposes and as appurtenant to the land above described, over and upon the easterly 2 feet of the westerly 10 feet of Lots 442, 441, and 440 on said Plan 171, over and upon the easterly 2 feet of the westerly 10 feet of the southerly 16.2 feet in RL 71 Parish of St James; Lots 445 to 453 Plan 171 WLTO (W Div) Exc out of Lots 445 to 459 and Lot 453 said lane, Plan 6057 in RL 71 Parish of St James; Lot 458 Plan 171 WLTO (W Div) Exc lane Plan 6057 WLTO in RL Parish of St James; Lot 459 Plan 171 WLTO (W Div) Exc lane Plan 6057 WLTO in RL Parish of St James; Lot 460 Plan 171 WLTO (W Div) Exc easterly 8 feet in RL 71 Parish of St James.

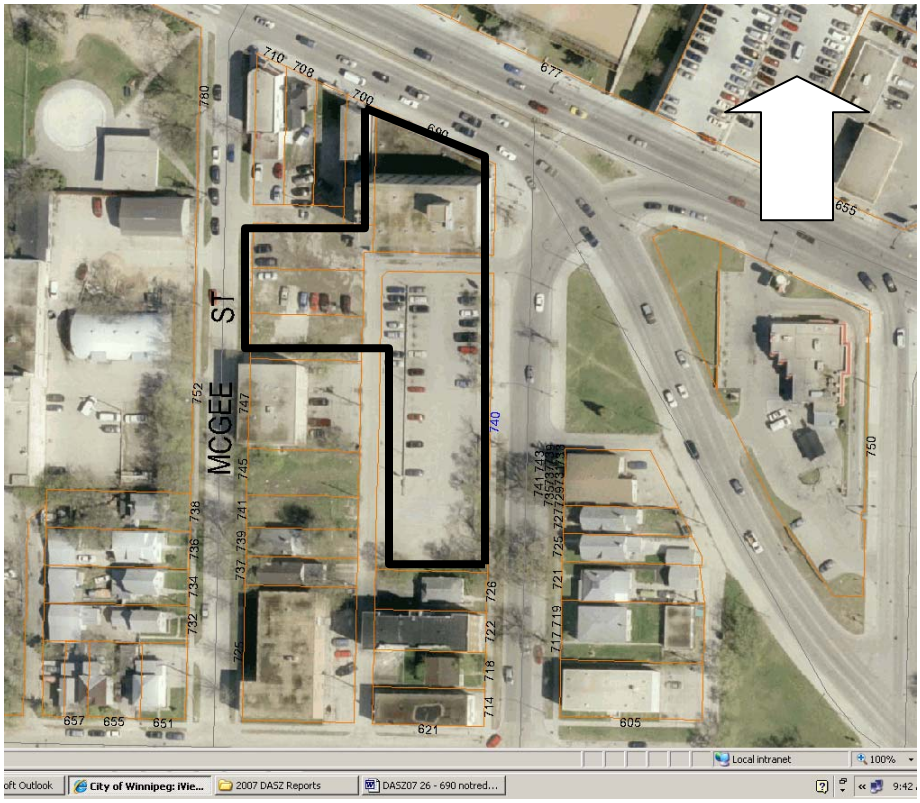


Applicant: John Prystanski
Owner: 3956891 Manitoba Ltd (Amarjeet Warraich)

Recommendation: *Approved with conditions*

Site Description
The subject site is located generally at the south west corner of Notre Dame Avenue and Maryland Street. In addition, the application includes lands along the east side of McGee Street, south of Notre Dame Avenue. The majority of the site is currently developed with a hotel (including accessory restaurant, cocktail lounge, beverage room vendor, and parking area), zoned "C1.5" Commercial District and "RM-4" Multiple-Family District. That portion located along McGee Street is currently vacant, zoned "R2-T" Two-Family Transitional District.

Neighbouring properties along the south side of Notre Dame are commercial (zoned "C2"). Across Notre Dame to the north is a hospital (zoned "C2"). South and east of the subject site are low- and medium-density residential properties (zoned "R2-T" and "RM-4").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to redevelop the existing hotel, in partnership with a national hotelier. The existing 60 hotel rooms will be renovated. The main floor will be reconfigured to encourage guest business-related services (including small meeting and short-term office spaces), replacement of the beverage room / cocktail lounge with a conference room, and establishment of a new licensed dining room / cocktail lounge. A new 1-storey building will be established towards the south end of the site, intended to accommodate a new vendor and restaurant / cocktail lounge. In addition, the vacant lands fronting McGee Street will be developed as additional accessory parking area.

Manitoba Liquor Control Commission regulations require that vendor sales be established on the same lot as a hotel. This requirement—and the desire to develop the McGee Street lands with parking spaces—necessitates the rerouting of the existing public lane, which currently provides access to the hotel site and residential properties to the south. The portion of the public lane that provides access at Maryland Street along the south wall of the hotel is to be closed. In order that residential properties to the south continue to have public lane access, the applicant has proposed opening a new public lane access to McGee Street along the north property line of the multiple-family building at 747 McGee Street.

The resulting hotel lot is to be rezoned to "C2" Commercial District in order to accommodate the reconfigured hotel site. In addition to the subdivision and rezoning application, the following applications are also necessary or desired:

- conditional use (under DCU 07-136931/D) application in order to re-establish the vendor and cocktail lounge at new locations onsite;
- variance application in order locate the proposed vendor / restaurant / cocktail lounge building adjacent to Maryland Street, to locate the proposed expanded parking area adjacent to McGee Street, and to establish the vendor and cocktail lounge prior to the rezoning coming into force and effect (under DAV 07-136932/D); and
- lane opening / closing application in order to reorient the public lane (under DAOC 1/07, which also includes a recommendation that the applicant enter into a Servicing Agreement).

Analysis

The Daniel McIntyre neighbourhood characterization area is designated "Neighbourhood" under Plan Winnipeg. This designation accommodates a variety of residential, commercial, institutional, and parks & recreation uses—including establishment or redevelopment of hotels and accessory uses. The subject site has been developed with a hotel for many years. Under new ownership, extensive renovations to the existing hotel building, establishment of a new building, and redevelopment of the accessory parking area and vehicular access/egress are proposed. The intent is to thoroughly revamp the hotel property in order to better market the site's proximity to a major regional health centre and its location along an important route between the airport and the downtown.

Renovations to the hotel could be accommodated under the existing "C1.5" Commercial District regulations. The rezoning to "C2" is necessary in order to establish the proposed vendor / restaurant / cocktail lounge building, due to its location on a portion of the site currently zoned "RM-4" Multiple-Family District (along Maryland Street) and the proposed expansion of the parking area to a portion of the site currently zoned "R2-T" Two-Family Transitional District (along McGee Street). The subdivision component is necessary in order to consolidate all hotel operations on one site—particularly the proposed vendor and the expanded parking area.

Hotel site redevelopments such as this are not unusual. City Centre Community Committee considered and recommended approval of a similar proposal at Pembina Highway and Grant Avenue in September, 2005 (under DASZ 26/05). In both cases, extensive renovations to existing hotels and consolidations of holdings were proposed—including reorientation of public rights-of-way in order to meet MLCC requirements regarding vendor location.

While the proposed redevelopment and reconfiguration of the subject site is still somewhat preliminary in terms of plan details, on balance the proposal has a number of merits. In order to ensure that the development continues to resemble the proposal as outlined so far, as redevelopment plans are finalized the applicant should be prepared to submit more detailed site plans for City Centre Community Committee and Planning, Property, & Development Department approval prior to the issuance of building and development permits. It should also

be noted that the redevelopment prompts compliance with the zoning by-law's parking area development requirements, including: setbacks to rights-of-way, landscaping, fencing, and asphalt or concrete parking area surfacing.

Recommendation

Planning & Land Use Division recommends approval, with conditions, for the following reasons:

- The proposed hotel redevelopment complies with the "Neighbourhood" designation of *Plan Winnipeg*, particularly policies concerned with the vitality of commercial areas;
- The subdivision and rezoning enable the redevelopment of an existing hotel that better integrates with its context, in particular potential relationships with the Health Sciences Centre and broader health care facilities;
- The elimination of the beverage room component and the new dual focus on business- and hospital-generated clientele signal significant changes to the hotel's traditional revenue streams;
- The proposed public lane reorientation will not impair access to adjacent residential properties;
- Subject to conditions recommended in order to ensure the proposed redevelopment proceeds as indicated, the subdivision and rezoning application in concept can be assured via subsequent community committee and division review.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 26/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 26/07, attached hereto and dated July 10, 2007, for registration in the Winnipeg Land Titles Office.

2. 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 26/07, attached hereto and dated July 10, 2007, to a "C2" Commercial District, subject to the following:
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l. "Tire sales, service".

ii. That mobile and temporary signs shall not be permitted.

iii. That a 6-foot high lightproof fence be constructed along the south property line and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development, adjacent to the vendor / restaurant / cocktail lounge building;

iv. That no building, structure, or sign shall be located within 10 feet of the south property line, adjacent to Maryland Street;

v. That vehicular egress from the site shall be restricted to south-bound only—not via the east-west connection to McGee Street—and that directional signage be established indicating this restriction and thereafter maintained to the satisfaction of the Director of Planning, Property, & Development;

vi. That for the development of any building, accessory parking area, 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 free-standing signage to City Centre Community Committee and 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.

3. 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 lots.

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

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

8. 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.

9. 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.

10. 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.

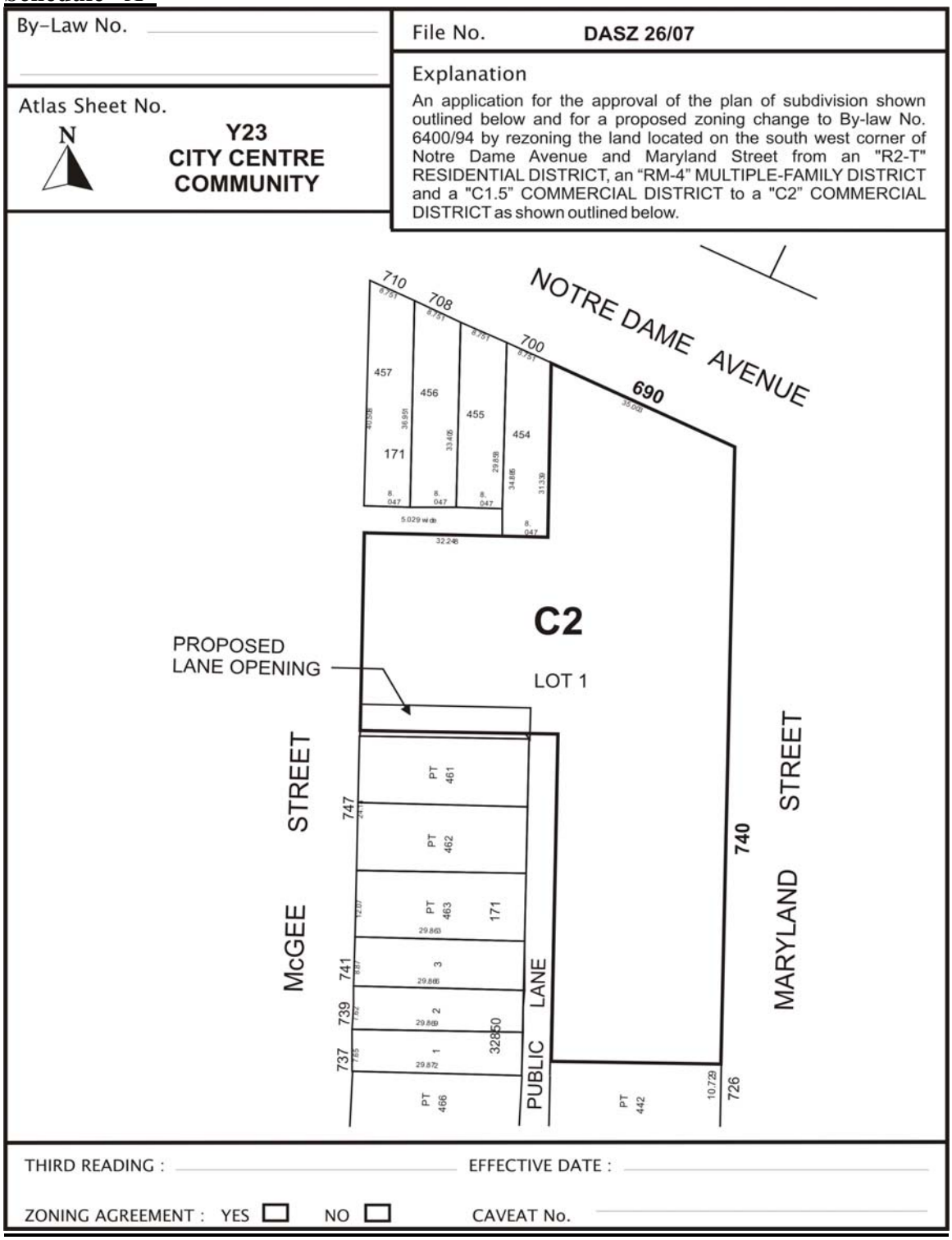
11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

12. 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 26/07

Schedule "A"



Schedule "A" to the report to City Centre Community Committee for file # DASZ 26/07 dated July 10, 2007.