Agenda - Council - May 14, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 7 Subdivision and Rezoning - Southwest corner St. Mary's Road and Avalon Road (1212 St. Mary's Road)
(St. Vital Ward)
File DASZ 29/2007

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 29/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 29/2007 dated April 14, 2008 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 "C" for File DASZ 29/2007 dated April 14, 2008 to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That final plans, generally in accordance with and as outlined by Proposal B, showing the location and design of all proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development and the Riel 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 the subject City owned property identified as "Potential Residential Lots" on Misc. Plan No. 6622/38 be deleted from DASZ 29/2007 and that the said lands be retained by the City. (See attached Schedule "B")

        iii. That the Plan of Subdivision be amended by the applicant in accordance with the above noted clause.

Report - Standing Policy Committee on Property and Development - April 29, 2008

iv. That the height of any and all commercial buildings be limited to two (2) stories.

v. That no illuminated signage be erected on the south or west sides of either of the proposed buildings.

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 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.

Report - Standing Policy Committee on Property and Development - April 29, 2008

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 29, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 7, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2008, the Riel Community Committee concurred in the recommendation contained in the revised report from the Winnipeg Public Service dated April 14, 2008 and forwarded the matter to the Standing Policy Committee on Property and Development:

On February 25, 2008, the Riel Community Committee adjourned the public hearing to its meeting on April 21, 2008.

RE: **Subdivision and Rezoning - Southwest corner St. Mary's Road and Avalon Road (1212 St. Mary's Road)**
File DASZ 29/2007 [c/r DAC 15/2007]

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **April 15, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2008, Riel Community Committee concurred in the recommendation contained in the revised report from the Winnipeg Public Service dated April 14, 2008 and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 29/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 29/2007 dated April 14, 2008 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 "C" for File DASZ 29/2007 dated April 14, 2008 to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

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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.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the revised report from the Planning and Land Use Division dated April 14, 2008.

PUBLIC HEARING SUMMARY

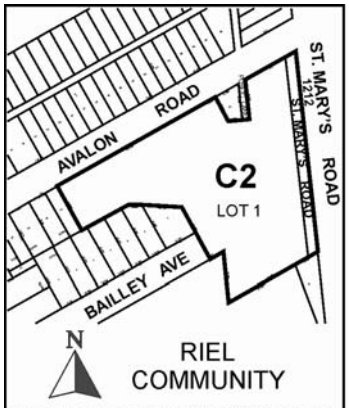
File: DASZ 29/2007 [c/r DAC 15/2007]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves

Public Hearing: February 25, 2008
April 14, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: 215 Holdings Ltd. (Patrick Hamilton)

Subject:



APPLICANT: 215 HOLDINGS LTD.
FILE : DASZ 29/07
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 "R1-5" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : 215 HOLDINGS LTD.
N° DE RÉFÉRENCE : DALZ 29/07
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal n° 6400/94 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-5 (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Southwest corner St. Mary's Road and Avalon Road (1212 St. Mary's Road)

Exhibits Filed:

1. Application dated November 23, 2007
2. Notification of Public Hearing dated December 17, 2007
3. Certificate of Title B 72593
4. Manitoba Status of Titles 1367413, 1458450, 1458451, 1470614 and 1917783
5. Surveyor's Sketch dated November 23, 2007
6. Easement Declaration dated July 2, 1996
7. Plan
8. Report from the Planning and Land Use Division dated February 18, 2008
9. Inspection Report
10. Presentation in opposition to the application submitted by Murray Gibson at the Public Hearing held on February 25, 2008
11. Audio Recording of representations from the public hearing held on February 25, 2008
12. Revised Report from the Planning and Land Use Division dated April 14, 2008
13. Audio Recording of representations from the public hearing held on April 14, 2008

REPRESENTATIONS:

In Support:

Patrick Hamilton

In Opposition:

Rebecca Bradburn
Christopher and Laurie Brewster
David Delipper
Murray Gibson
Stan and Anita Groshak
Walter Korolyk
Henry Neufeld
Kellie O'Rourke
Werner Steinhilber
Alphonso Valesco

For Information:

Janice Lukes

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 29/2007 [c/r DAC 15/2007]

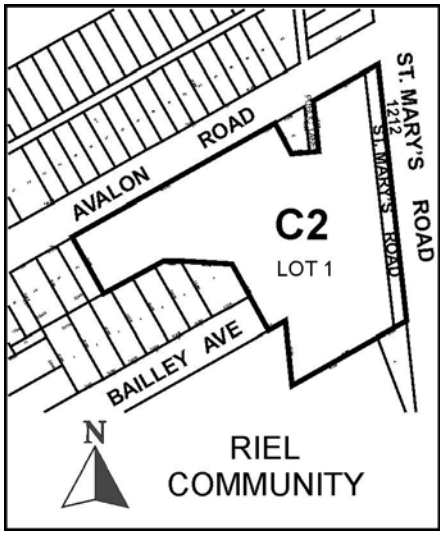
Planning, Property and Development Department Report

To the Riel Community Committee

Date: **REVISED REPORT (as per April 14/08)**
File: DASZ 29 /07
Related Files: None
Subject: The purpose of the application is to consolidate several parcels and rezone the entire site to a "C2" Commercial category to permit a range of commercial businesses totaling 30,000 sq. ft. of floor space.

Location: SW corner of St. Mary's Road & Avalon Road

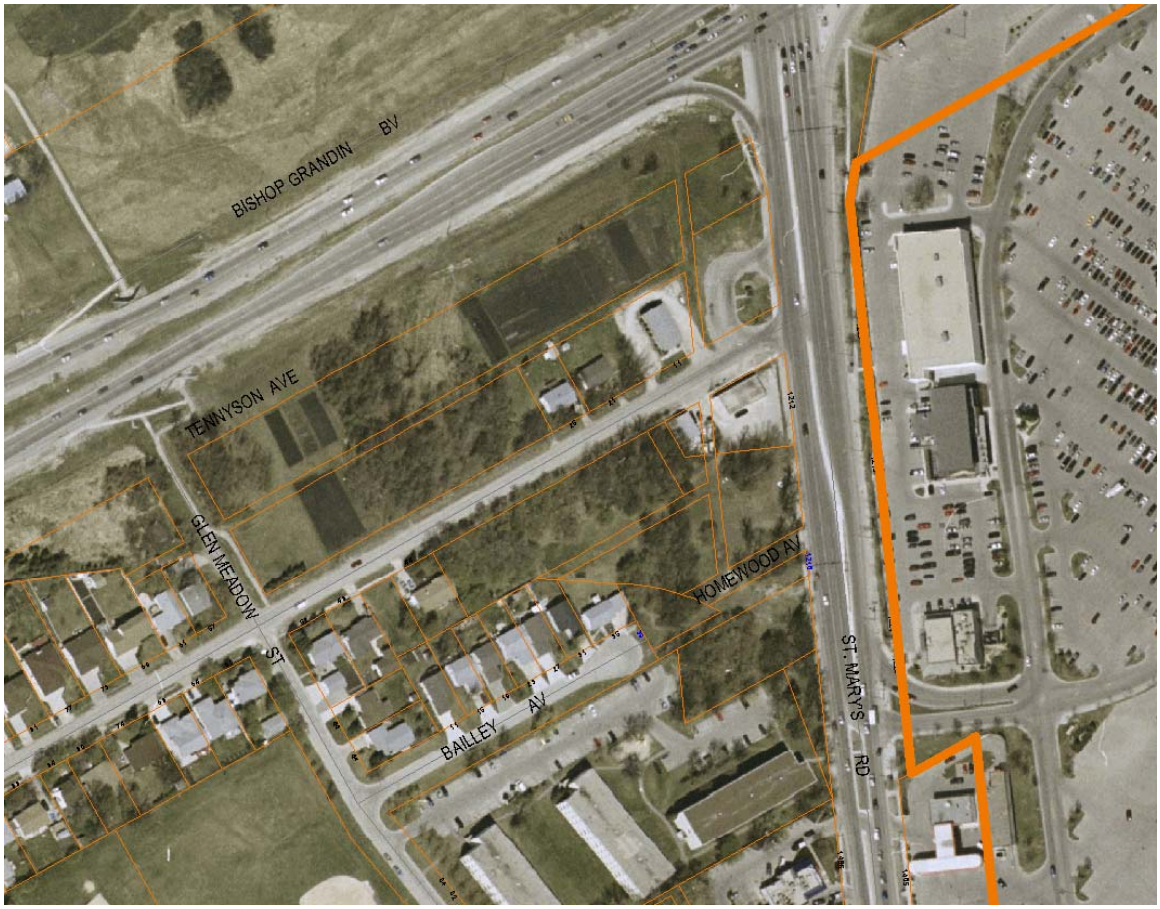
Legal Description: refer to File Application # DASZ 29/08



Applicant: 215 Holdings Ltd.
Owner: City of Winnipeg

Recommendation: Recommend approval with conditions

Site Description:



The subject lands (3.12 ac.) were acquired by the City years ago and form part of a larger City holding north of Avalon Road. They were being held in abeyance until such time as the lands were required for a new interchange at the corner of St. Mary's Road and Bishop Grandin Blvd. Those plans have been modified to the extent that the subject City lands south of Avalon have been declared surplus to the City's needs and have been sold to the applicant subject to obtaining the necessary approvals for commercial development. The bulk of the property, as defined, is zoned " R1-5" Single Family, with the exception of a small parcel at the intersection of Avalon and St. Mary's Road which is currently already zoned 'C2" Commercial.

North: Most of the land north of Avalon Road is zoned " R1-5" Residential and is occupied with a church and several dwellings. There are several frontage parcels abutting St. Mary's Road which are unoccupied and zoned "C2" Commercial. A single lathing and plastering business

zoned “C2” remains on the south side of Avalon Road which is privately owned and not part of the application.

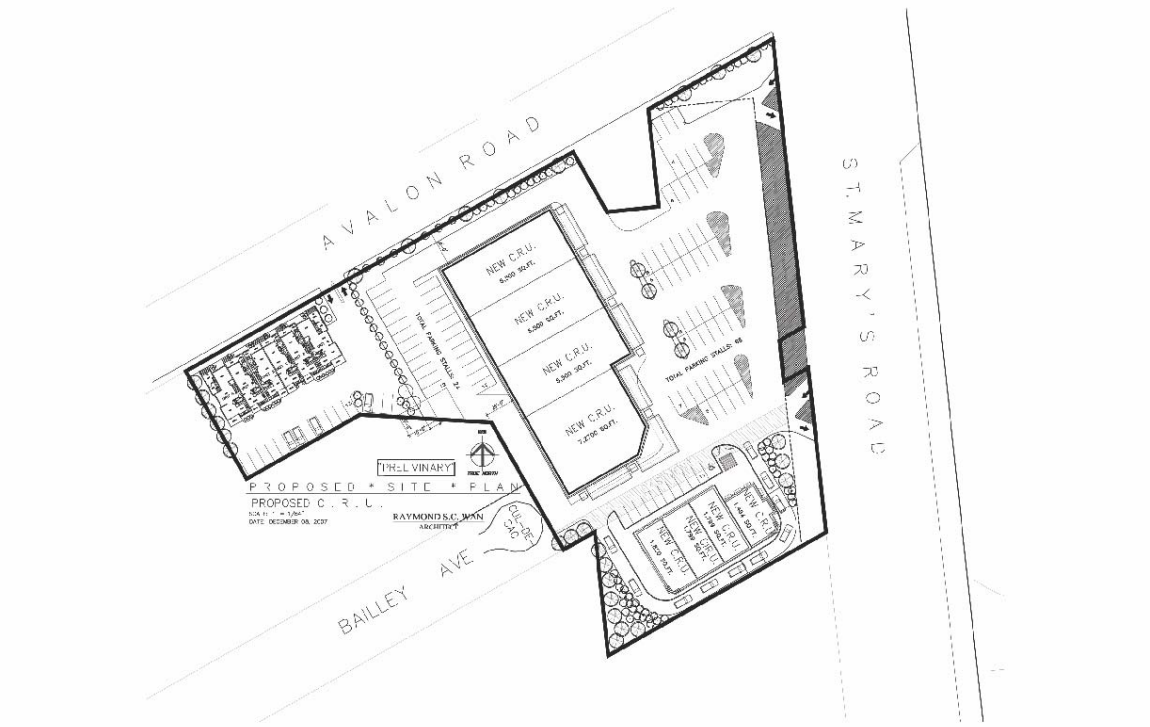
East: To the east of St. Mary’s Road is the St. Vital Shopping Centre zoned “ CR” Regional Shopping Centre.

South: To the immediate south are several medium density apartment blocks zoned “RM-2” Multiple Family.

West: To the immediate west is an established residential single family housing subdivision zoned “ R1-5” Single Family.

Description of the Proposed Development:

Proposal A

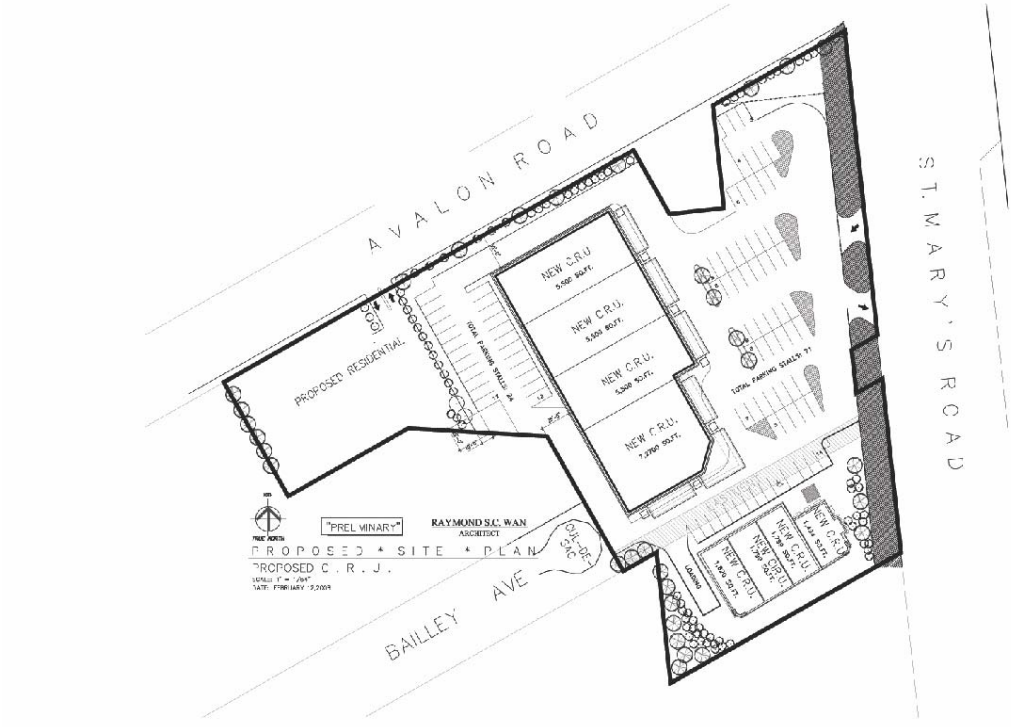


From the outset, the applicants have indicated their intention to consolidate the subject parcels and construct a viable commercial development on the site with direct access to St. Mary’s Road. In their first preliminary proposal (see above Proposal A) which was outlined at an earlier public open house, approximately 30,000 sq. ft. of commercial floor space was proposed in two

separate distinctive one story building complexes . The commercial outlets would, as shown , be accessed at two points via St. Mary's Road. This plan, in addition to suggesting a future drive through component along the south property line also high-lighted a potential future six unit condo project at the west periphery of the site with direct private access to Avalon Road. Overall provision of parking relative to the level of floor space indicated, would appear to be sufficient in meeting the by-law requirements. There was significant resident response to the aforementioned 1st proposal, some of which was negative and was directed specifically and most notably at 1) the proposed future residential component along Avalon Road and 2) the proposed future drive – through at the south end of the project.

Presumably in response to the concerns outlined at the public open house, the applicants have submitted a revised and modified proposal which has generally the same level of commercial floor space but notably deletes the previous drive –through component and suggests that the area originally slated for specific condo development merely be left as 'possible' future residential development. The location and number of approaches to St. Mary's Road from the site has further been altered and reduced, presumably as a concession to the Public Works Department who are attempting to reduce the level of traffic conflict at the existing signalized intersection immediately at the south end of the property. The revisions are reflected in referenced Proposal B as outlined below.

Proposal B



Analysis:

The Planning Property & Development Division has , from the outset, supported a conversion of the subject into a reasonable level of commercial development. However, it was always emphasized that an endorsement from this Department was contingent upon several things. There was to be no direct vehicle access from the subject commercial site to either Avalon Road or Bailley Avenue. Development on site was to be of a reasonable level of intensity such that both traffic circulation on site would prove to be manageable and the departure of vehicles from the site onto St. Mary's Road would not cause major problems at the nearby signalized intersection. Finally the specifics of the site design/development , itself, had to be done in such a way as to minimize impact on the adjacent residential neighbourhood. With the revisions outlined in accompanying Proposal B, the applicants have gone along way towards addressing some of the concerns outlined by the neighbourhood residents and obtaining administrative support for the project. The proposed drive-through has been removed from the plan which was, in our view, a major obstacle to approval; similarly the possibility of a future multiple family component on Avalon did not have resident support and , in that regard, we are taking the added step of recommending that any reference to a future residential component in Proposal B be deleted and that that area identified as a possible future housing project, (whether single family or multiple family) be retained in its natural state. We are recommending that that be reflected in the final plans. The applicants also assured the immediate property owners that they would endeavor to install diffused lighting on the west, south and north sides of the proposed buildings so as to reduce the impact on the residential neighbourhood. This also, it is hoped will be clearly addressed in the final plans. It is the opinion of this Division that the commercial development , as proposed, should remain largely independent of and have little impact on the adjoining neighbourhood. This is , in large part, due to the fact that there will be no vehicle access to adjacent residential streets and that much of the natural treed area will be hopefully maintained as buffer area. It should be noted that traffic on Avalon Road will, at some point be further reduced , when, according to the Public Works Department, future plans related to the implementation of a grade separated interchange at the intersection of Bishop Grandin and St. Mary's Road (S.W. corner) will require the connection of Avalon Road to St. Mary's Road to be severed. When exactly that will happen has not as yet been determined but the matter was discussed at the public open house.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The site is an appropriate location for commercial development if buildings are generally oriented towards St. Mary's Road and if care is taken to buffer the activity on the site from adjoining residential housing with a combination of separation space, fencing and landscaping. Certain use like carwashes, convenience stores, drive through restaurants are also not deemed to be appropriate use at this location.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 29/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 29/2007 dated April 14/2008 , 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 "C" for File DASZ 29 /2007 dated April 14/2008, to a "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That final plans, generally in accordance with and as outlined by Proposal B, showing the location and design of all proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development and the **Riel** 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 the subject City owned property identified as " Potential Residential Lots" on Misc. Plan No. 6622/38 be deleted from DASZ 29/2007 and that the said lands be retained by the City. (see attached Schedule "B".

      iii. That the Plan of Subdivision be amended by the applicant in accordance with the above noted clause.

      iv. That the height of any and all commercial buildings be limited to two stories.

      v. That no illuminated signage be erected on the south or west sides of either of the proposed buildings.

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.

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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.

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

Report Prepared by: Kevin Lalor
PPD File # . 519

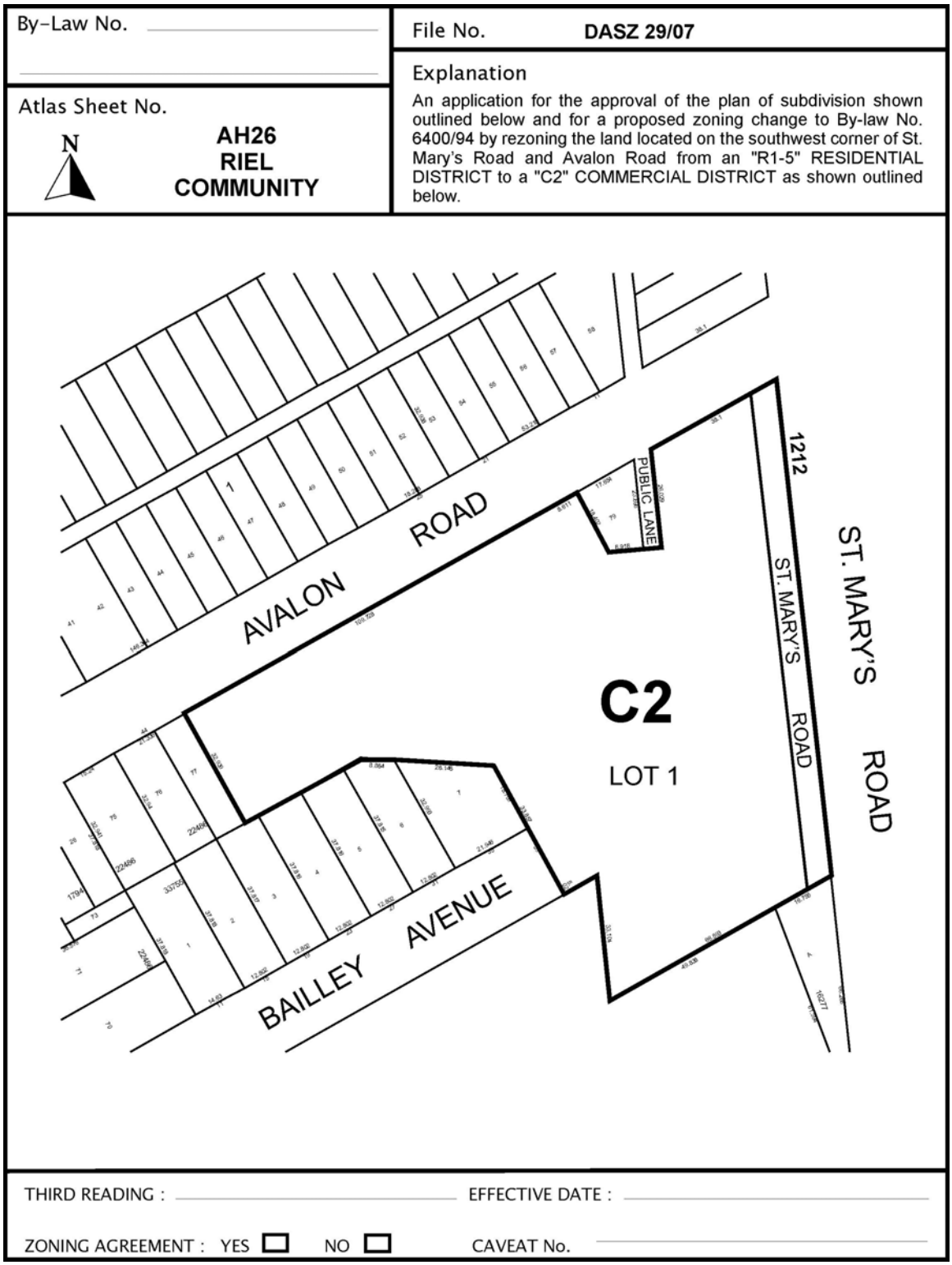


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 29/2007, dated February 18, 2008.

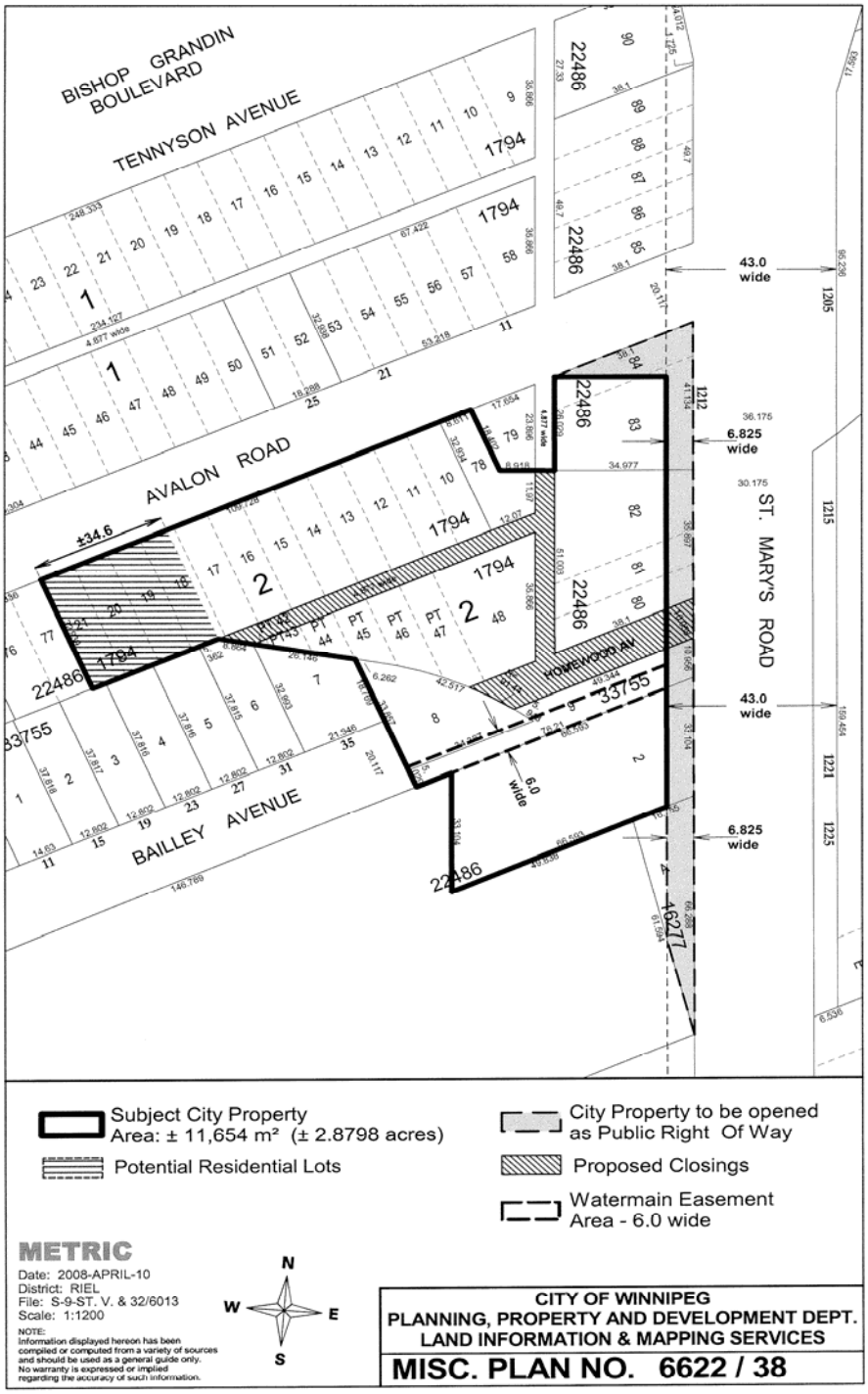


Figure 2: Schedule "B" to the report to the Riel Community Committee for File DASZ 29/07 dated April 14/2008.

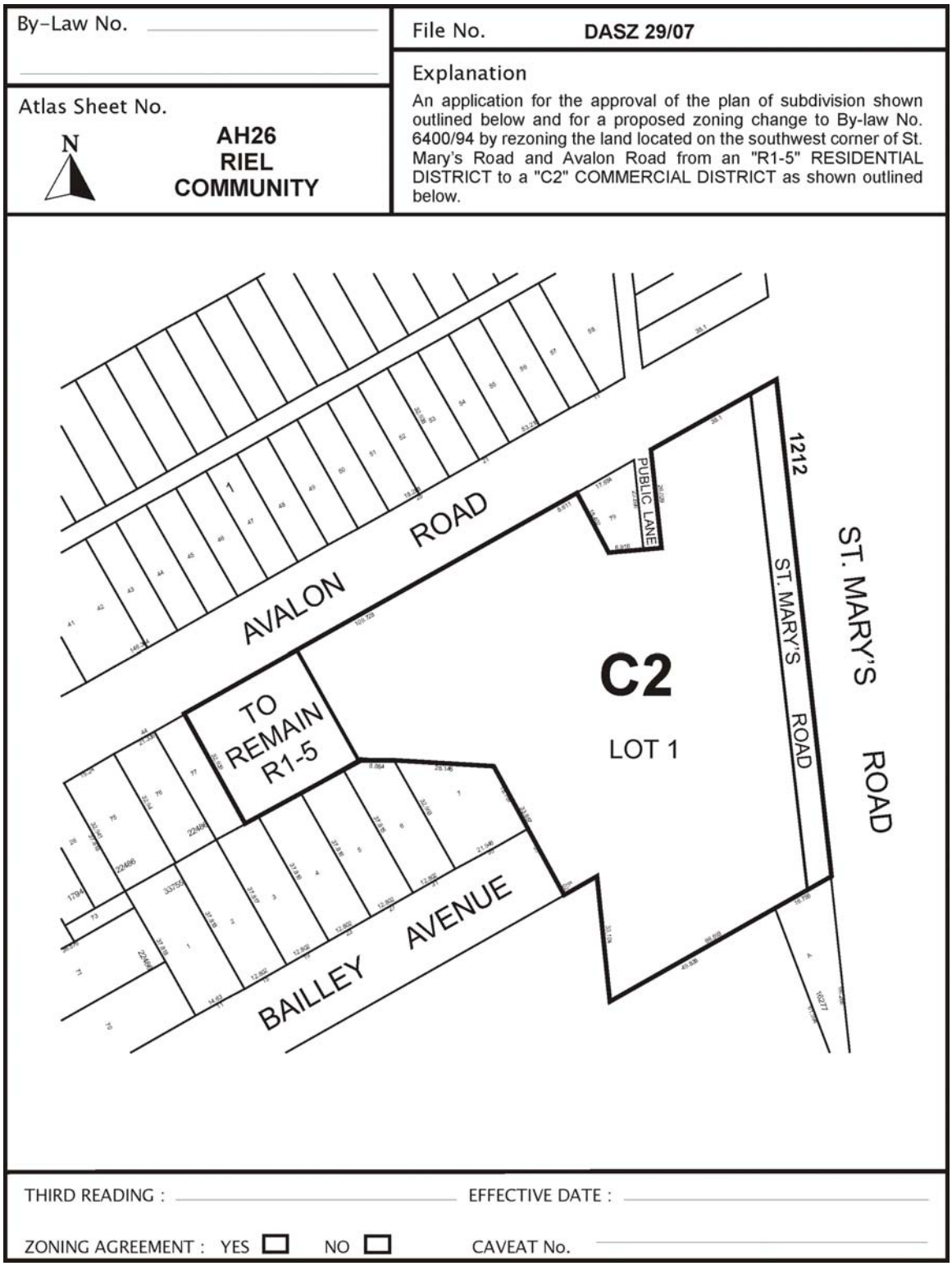


Figure 3: Schedule "C" to the report of the Riel Community Committee for File DASZ 29/2007 dated April 14/2008.

Exhibit "8" referred to in File DASZ 29/2007 [c/r DAC 15/2007]

Winnipeg

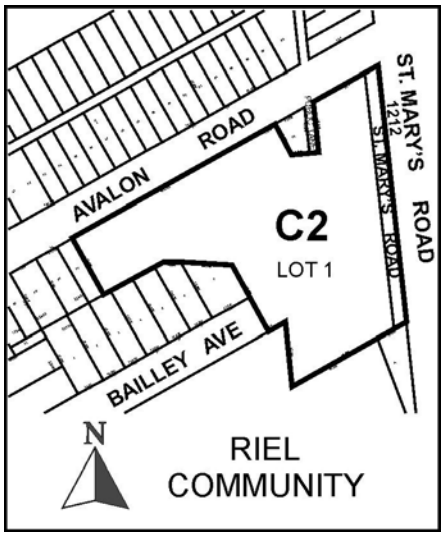
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 18/2008
File: DASZ 29 /07
Related Files: None
Subject: The purpose of the application is to consolidate several parcels and rezone the entire site to a "C2" Commercial category to permit a range of commercial businesses totaling 30,000 sq. ft. of floor space.

Location: SW corner of St. Mary's Road & Avalon Road

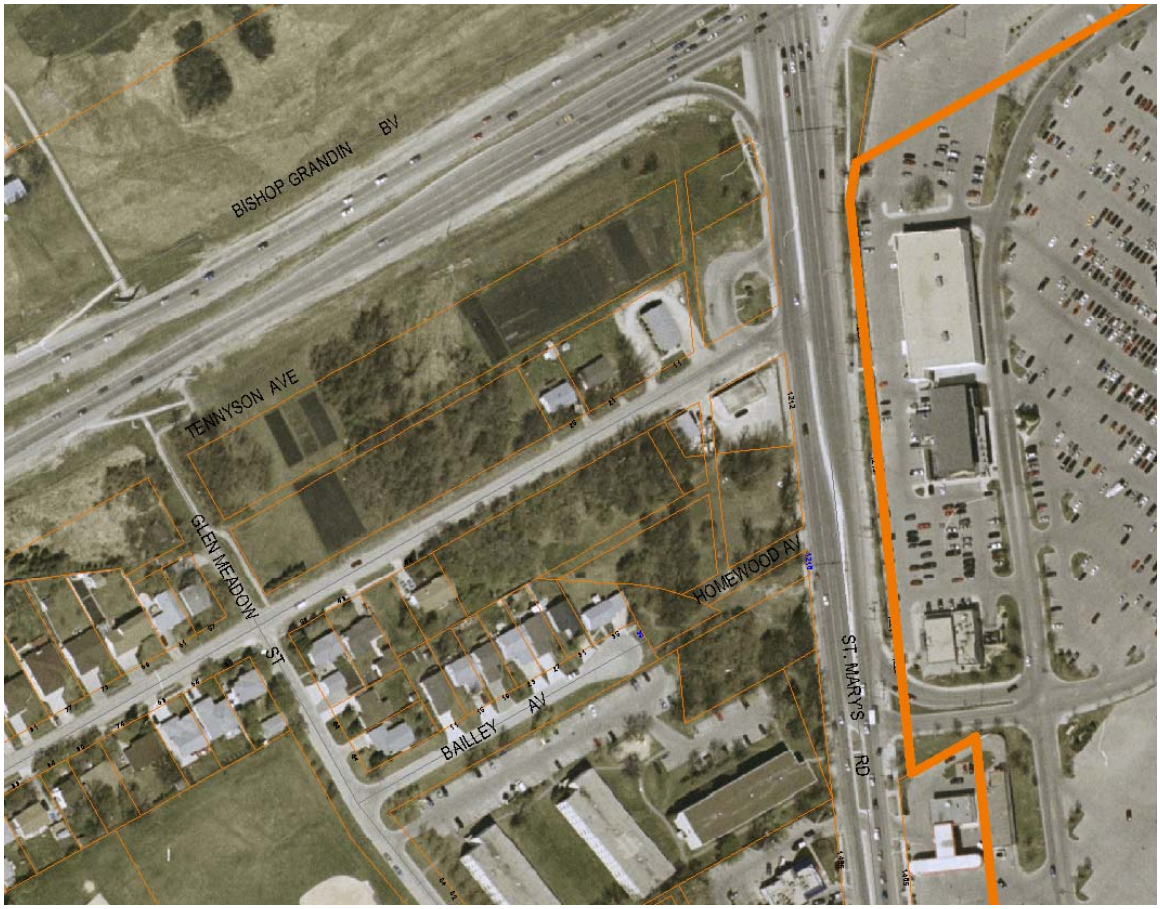
Legal Description: refer to File Application # DASZ 29/08



Applicant: 215 Holdings Ltd.
Owner: City of Winnipeg

Recommendation: Recommend approval with conditions

Site Description:



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North: Most of the land north of Avalon Road is zoned " R1-5" Residential and is occupied with a church and several dwellings. There are several frontage parcels abutting St. Mary's Road which are unoccupied and zoned "C2" Commercial. A single lathing and plastering business zoned "C2" remains on the south side of Avalon Road which is privately owned and not part of the application.

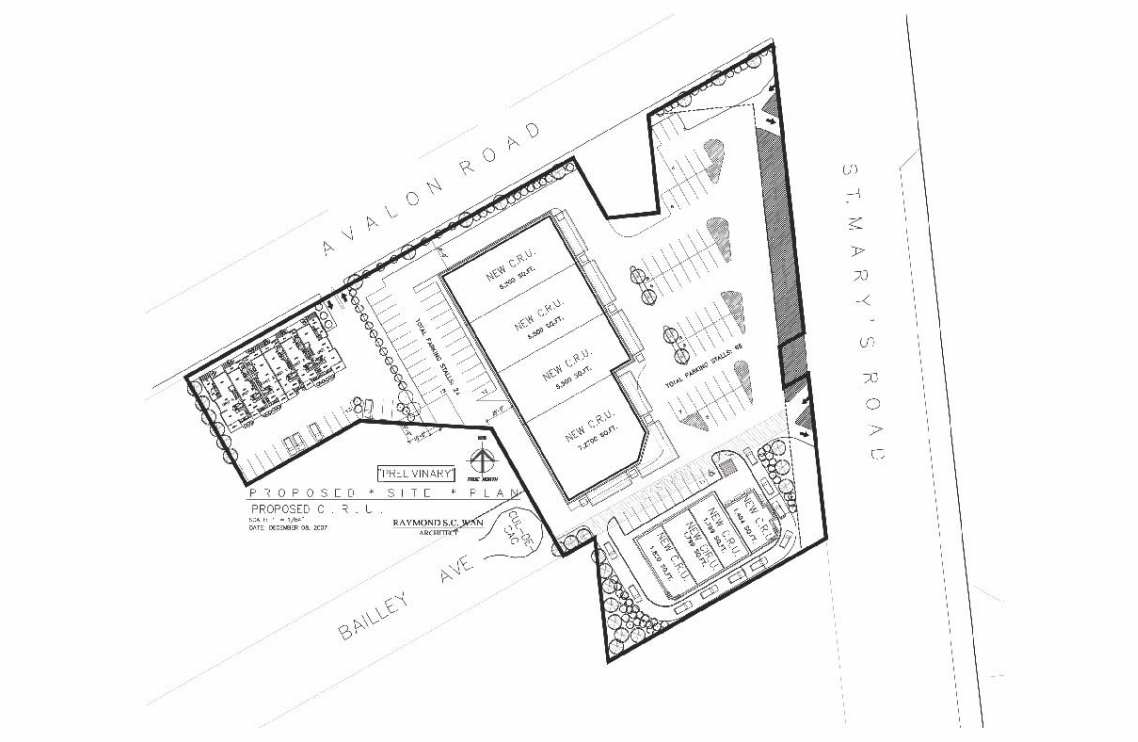
East: To the east of St. Mary's Road is the St. Vital Shopping Centre zoned " CR" Regional Shopping Centre.

South: To the immediate south are several medium density apartment blocks zoned “RM-2” Multiple Family.

West: To the immediate west is an established residential single family housing subdivision zoned “ R1-5” Single Family.

Description of the Proposed Development:

Proposal A

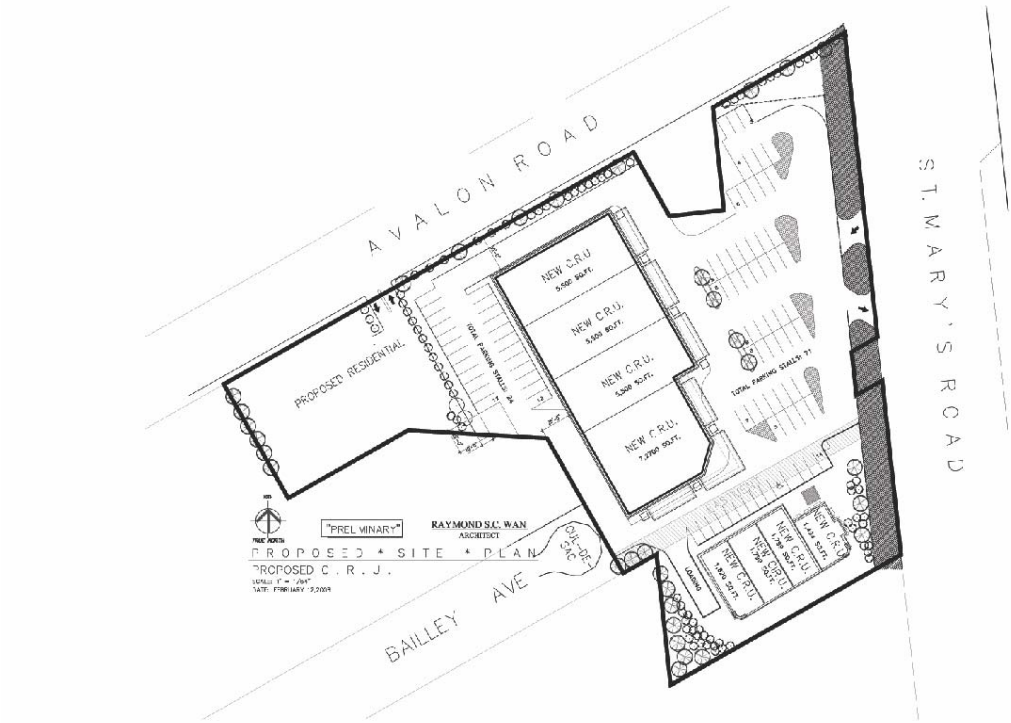


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Proposal B



Analysis:

The Planning Property & Development Division has , from the outset, supported a conversion of the subject into a reasonable level of commercial development. However, it was always emphasized that an endorsement from this Department was contingent upon several things. There was to be no direct vehicle access from the subject commercial site to either Avalon Road or Bailley Avenue. Development on site was to be of a reasonable level of intensity such that both traffic circulation on site would prove to be manageable and the departure of vehicles from

the site onto St. Mary's Road would not cause major problems at the nearby signalized intersection. Finally the specifics of the site design/development, itself, had to be done in such a way as to minimize impact on the adjacent residential neighbourhood. With the revisions outlined in accompanying Proposal B, the applicants have gone along way towards addressing some of the concerns outlined by the neighbourhood residents and obtaining administrative support for the project. The proposed drive-through has been removed from the plan which was, in our view, a major obstacle to approval; similarly the possibility of a future multiple family component on Avalon did not have resident support and , in that regard, we are taking the added step of recommending that any reference to a future residential component in Proposal B be deleted and that that area identified as a possible future housing project, (whether single family or multiple family) be retained in its natural state. We are recommending that that be reflected in the final plans. The applicants also assured the immediate property owners that they would endeavor to install diffused lighting on the west, south and north sides of the proposed buildings so as to reduce the impact on the residential neighbourhood. This also, it is hoped will be clearly addressed in the final plans. It is the opinion of this Division that the commercial development, as proposed, should remain largely independent of and have little impact on the adjoining neighbourhood. This is , in large part, due to the fact that there will be no vehicle access to adjacent residential streets and that much of the natural treed area will be hopefully maintained as buffer area. It should be noted that traffic on Avalon Road will, at some point be further reduced , when, according to the Public Works Department, future plans related to the implementation of a grade separated interchange at the intersection of Bishop Grandin and St. Mary's Road (S.W. corner) will require the connection of Avalon Road to St. Mary's Road to be severed. When exactly that will happen has not as yet been determined but the matter was discussed at the public open house.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The site is an appropriate location for commercial development if buildings are generally oriented towards St. Mary's Road and if care is taken to buffer the activity on the site from adjoining residential housing with a combination of separation space, fencing and landscaping. Certain use like carwashes, convenience stores, drive through restaurants are also not deemed to be appropriate use at this location.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 29/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2007 dated February 18/2008 , 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 29 /2007 dated February 18/2008, to a "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That final plans, generally in accordance with and as outlined by Proposal B, showing the location and design of all proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development and the **Riel** 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 the area identified as future residential on Proposed Plan B, in the extreme N.W. corner of the subject site be left undisturbed in its current treed state and that that be reflected in the above noted final Plan Approval. Further that, under the current Plan, no vehicular access be permitted from the overall subject site to Avalon Road.

      iii. That the height of any and all commercial buildings be limited to one story.

      iv. That no illuminated signage be erected on the south or west sides of either of the proposed buildings.

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 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.

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

Report Prepared by: Kevin Lalor
PPD File # . 519

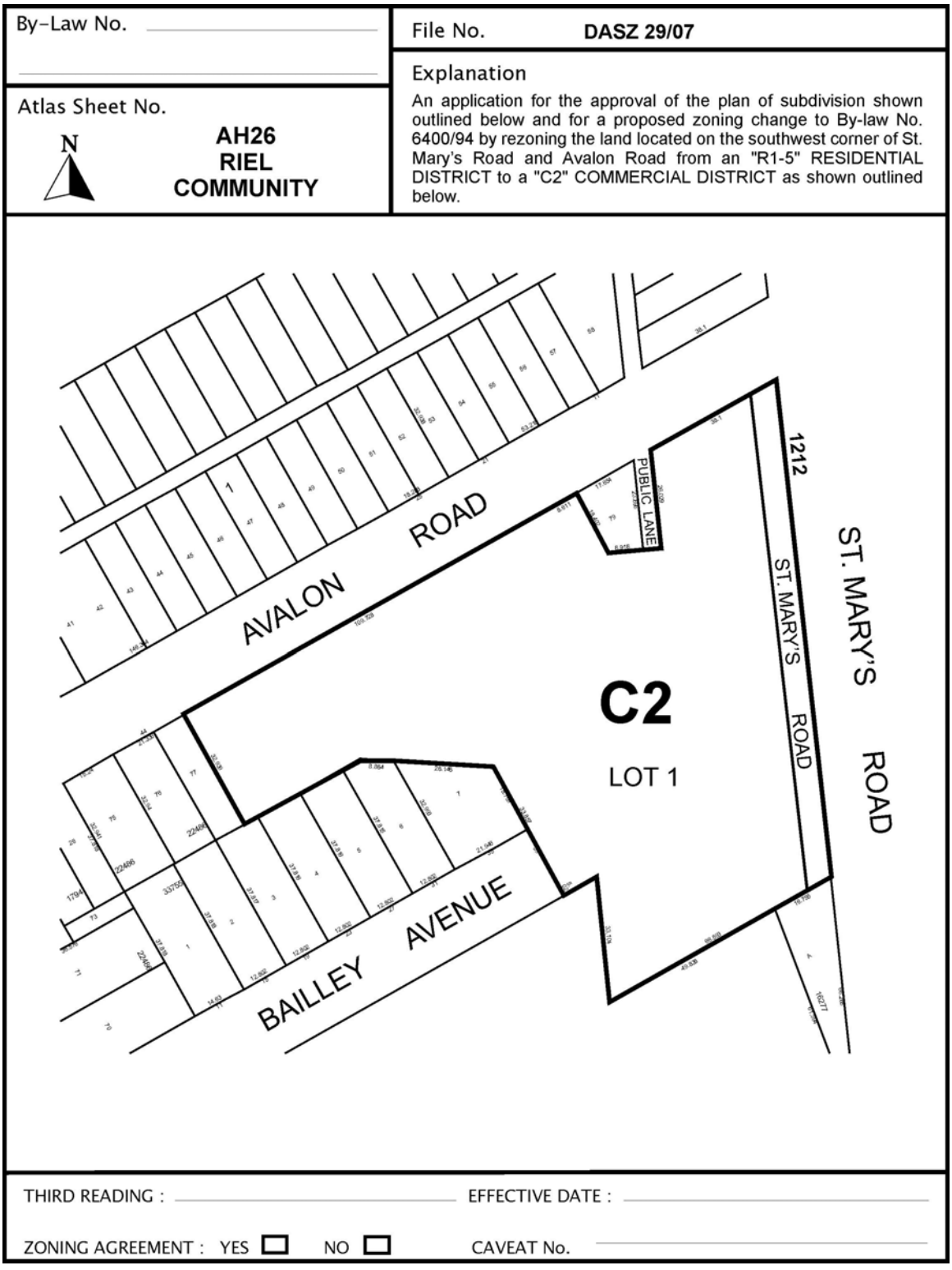


Figure 2: Schedule "A" to the report to the Riel Community Committee for File DASZ 29/2007, dated February 18, 2008.