Minute No. 412
Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 5 **Rezoning - 200 Old Mill Road**
(St. James - Brooklands Ward)
File DAZ 206/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 206/2008 not be proceeded with.

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

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development, that the application for rezoning under File DAZ 206/2008 not be proceeded with, be adopted by consent.

Carried

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 Assiniboia Community Committee that the application for rezoning under File DAZ 206/2008 not be proceeded with 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 Assiniboia Community Committee that the application for rezoning under File DAZ 206/2008 not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2008 the Assiniboia Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 206/2008 not be proceeded with.

RE: **Rezoning - 200 Old Mill Road**
File DAZ 206/2008 [c/r DCU 108783/2008D and DAV 108694/2008D]

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **April 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

The Assiniboia Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 206/2008 not be proceeded with.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. There are parking and traffic issues associated with the application.

2. The proposed development dose not fit with the character of the street.

PUBLIC HEARING SUMMARY

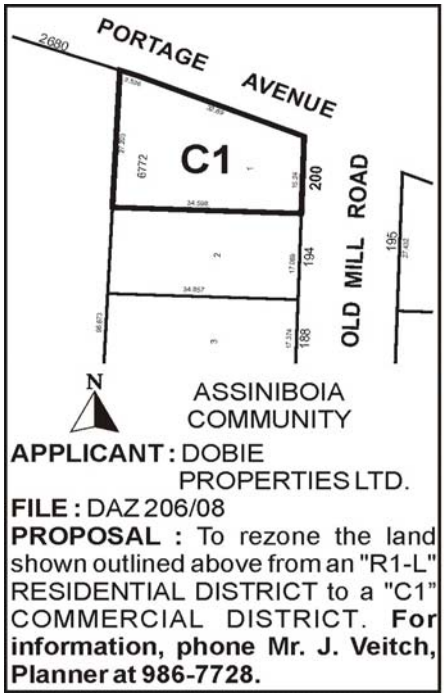
File: DAZ 206/2008 [c/r DCU 108783/2008D and DAV 108694/2008D]

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Clement
Councillor Nordman

Public Hearing: April 15, 2008
West Committee Room
Council Building, 510 Main Street

Dobbie Properties Ltd.

Subject:



Premises Affected: 200 Old Mill Road

Exhibits Filed:
1. Application dated March 6, 2008
2. Notification of Public Hearing dated March 7, 2008
3. Manitoba Status of Title 2223588

4. Letter of authorization dated February 11, 2008 from Celtic Enterprises Ltd. to Dobie Properties Ltd.
5. Surveyor's Building Location Certificate and sketch dated April 23, 2007
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated March 31, 2008
9. Inspection Report
10. Communication dated April 15, 2008, from Erin Robbins with respect to the application
11. Communication undated from Bryan Salvador, Sales/Property Manager, Dobie Properties Ltd. to residents of Old Mill Road, submitted at the public hearing by Bryan Salvador
12. Petition purporting to contain the signatures of thirty-six (36) area residents in opposition to the application, submitted at the public hearing by Catherine Winkworth
13. Communication dated April 13, 2008 from Tracey Adam in opposition to the application, submitted at the public hearing by Catherine Winkworth
14. Communication dated April 25, 2008 from Tom Carlyle in opposition to the application, submitted at the public hearing by Catherine Winkworth
15. Petition purporting to contain the signatures of fourty-three (43) area residents in opposition to the application, submitted at the public hearing by Janet Gowan
16. Petition purporting to contain the signatures of fifty (50) area residents in opposition to the application, submitted at the public hearing by Dennis Cale
17. Photographs (2) of the subject property, submitted at the public hearing by Dennis Cale
18. Communication dated April 14, 2008, from Sherryl Butland in opposition to the application, submitted at the public hearing by Dennis Cale
19. Audio Recording of representations of public hearing held on April 15, 2008

REPRESENTATIONS:

In Support:

Cameron Dobie
Bryan Salvador, Sales/Property Manager, Dobie Properties Ltd.

In Opposition

Tracey Adam
Sherryl Butland
Timothy and Kerry Buzunis
Dennis Cale
Tom Carlyle
Lillian Ficek
Desmond L. and Sandra Francis
Matthew and Natalie Gale
Janet Gowan
Marsha Katz
Fred Morris
Bruce Ormiston
Raymond Wheeler
Catherine Winkworth

For Information:

Erin Robbins

For the City:

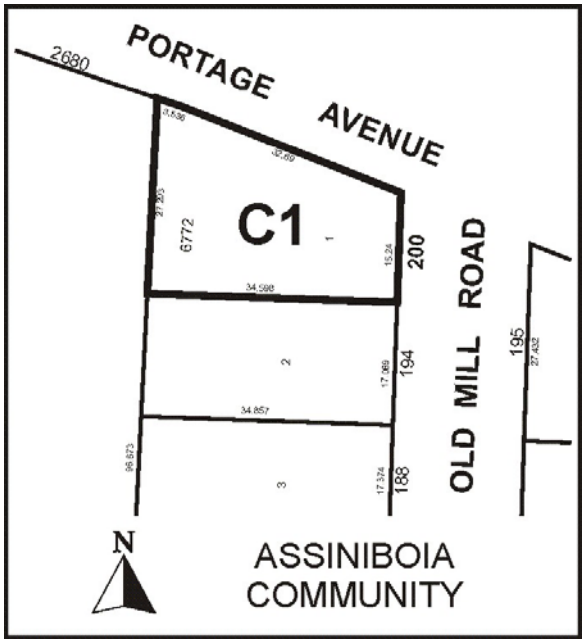
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 206/2008 [c/r DCU 108783/2008D and DAV 108694/2008D]

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date:	March 31, 2008
File:	**DAZ 206/2008**
Related Files:	DCU 08-108783/D, DAV 08-108694/D
Subject:	To rezone from 'R1-L' Single Family Residential PDO-1 Airport Vicinity to 'C1' PDO-1 Airport Vicinity Commercial district to allow for the establishment of Office uses
Location:	200 Old Mill Road
Legal Description:	Lot 1 Plan 6772



Applicant: Dobie Properties Ltd.
Owner: Celtic Enterprises Ltd. & Claude Gerard Davis

Recommendation: ***Approval***

Site Description

Existing Land Use and Zoning

The approximately 7,900 square foot subject site is currently vacant and zoned 'R1-L' Single Family Residential. The site is designated as Neighbourhood in *Plan Winnipeg 2020* and is located in the Birchwood Neighbourhood of the Assiniboia Community.



Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: Portage Avenue then 'C2' Commercial
South: 'R1-L' Single Family Residential
East: Old Mill Road then 'R1-L' Single Family Residential
West: 'C3' Commercial (multiple family condo

Description of the Proposed Development
The applicant intends to construct a new 4-storey office building. The drawings submitted illustrate the proposed building elevated above13 parking stalls at grade. The 3 floors of office space and the main floor entrance/foyer total approximately 9,184 square feet. In conjunction with this application the developer is applying for a Variance (DAV 08-108694/D) to allow a FAR of 1.2 and a Conditional Use to allow a 9,184 s.f. Office.

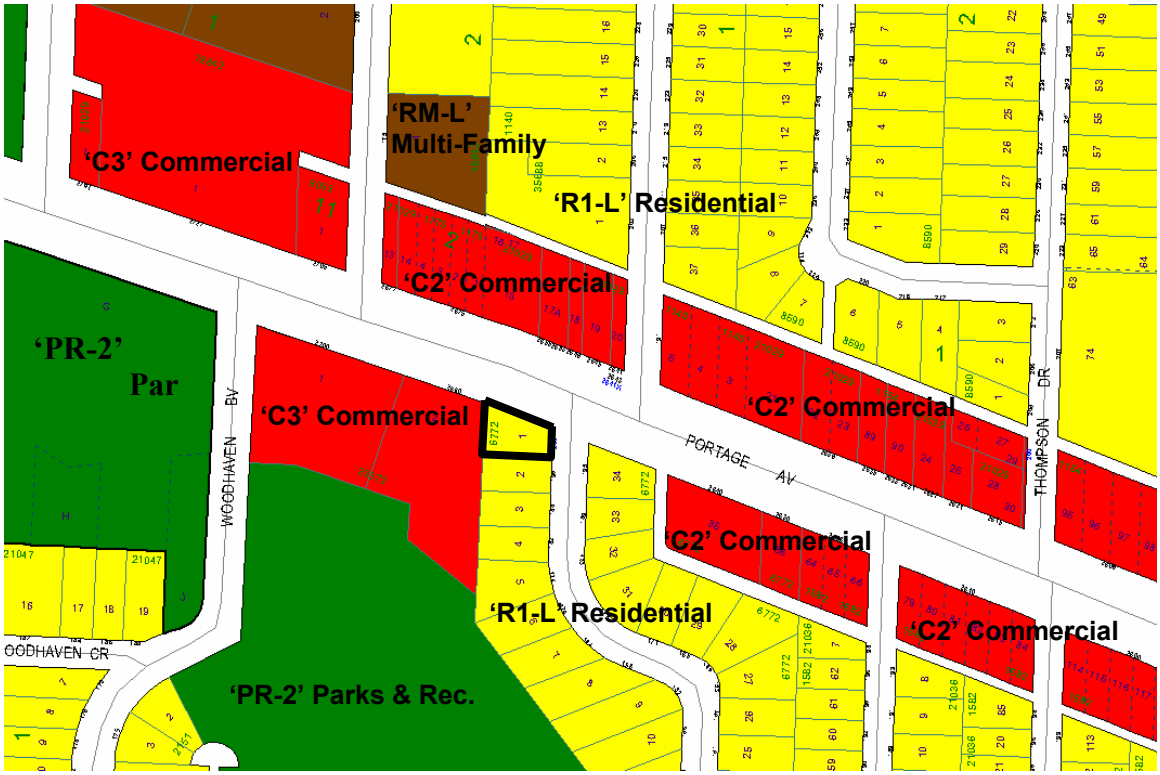


Figure 2: Existing Zoning Designation (Zoning By-law 200/06)

Analysis

PLAN WINNIPEG

The site is designated as Neighbourhood in *Plan Winnipeg 2020*, this designation is intended to allow for mutually supportive uses including residential with a variety of educational, recreational, institutional, commercial, and possibly industrial uses at a scale and density compatible with each other.

Under *Plan Winnipeg 2020* Policy 3B-01 Promote Vibrant Neighbourhoods it discusses the encouragement and accommodation within new and existing developments a variety of compatible mixed uses in recognition of traffic flows. The policy goes on to explain that high-density residential and ancillary uses are appropriate on sites adjacent to major traffic or transit corridors.

Portage Avenue is a major arterial corridor and one of Winnipeg's busiest streets with 8 lanes of traffic handling approximately 54,000 cars on average each day east west. The majority of the existing frontage along both sides of Portage Avenue has developed into a mix of commercial and multiple family residential uses. Rezoning the subject site to allow commercial development is appropriate given its proximity to Portage Avenue and *Plan Winnipeg 2020* policies.

SECONDARY PLANS
The subject site is within Area II of the Airport Vicinity Development Plan. The regulatory by-law associated with that plan has been incorporated into the new City of Winnipeg Zoning By-law 200/06 as a Planned Development Overlay (PDO). The purpose of the PDO1 Airport Vicinity is to minimize the exposure of residential land uses to aircraft and their potential impacts. In addition it is intended to ensure that the 24-hour operation of Winnipeg's airport continues.

The PDO1 Airport Vicinity designation does not effect the proposed office development.
If the proposal was to rezone the property to allow a multiple family development then Area II would allow a maximum of 35 residential units per acre, translating into 6 residential units on the subject site.

COMPATIBILITY with existing neighbourhood and surrounding uses
Rezoning the subject site from residential to commercial to develop office space in this location is appropriate as long as the scale and intensity of the development are compatible with the immediate context. As discussed the subject site fronts onto Portage Avenue which is predominantly zoned commercial. The property immediately adjacent to the west is zoned 'C3' Commercial and developed as a 7-storey condominium. This development proposal is providing a 5' 5" landscaped setback from the condo site that portion of which is occupied by the condo surface parking.

The 'C1' Commercial zoning category is defined as a commercial neighbourhood zoning district intended to accommodate small compact commercial uses within or surrounded by residential areas that are attractive and compatible with the scale and character with the surrounding residential uses… With 9,000 square feet of office space this proposal is relatively modest by typical standards. For comparison, a similar transition from residential to commercial took place at the north east corner of Harrow Street and Corydon Avenue. In this case two 6,000 square foot lots were combined and rezoned to commercial. Fronting onto Corydon Avenue and backing onto single family residential this development has over 27,000 square feet of office space and is 45 feet in height.

Across Old Mill Road from the subject site at the south east corner of Old Mill Road and Portage Avenue is another single family lot which has seen its own transformation over the years into more of a commercial use through the Home Occupation process. This evolution is most likely due to the similarities in the context and proximity to Portage Avenue and the effect those pressures have on the viability of a single family use.

Immediately south of the subject site is single family development, the development is providing a 10-foot landscaped setback from the southern property line as required by the Zoning By-law. The proposed building is set back from Old Mill Road echoing the development character of the rest of the residential street. The building and the associated landscaping will also likely provide a buffer from the noise generated by Portage Avenue. Due to the fact that the proposed building

is located north of the existing single family development there will be issues regarding the undo shading of the neighbouring properties.

TRANSPORTATION AND SITE ACCESS
The developer intends to take access off Old Mill Road. During their design development several factors prompted this approach. Under the City by-law governing approaches, access at this location off Portage Avenue would require angular both a right-in right out entrance and exit, spaced 50-feet apart. These dimensional requirements and the resultant traffic would most likely conflict with the existing Transit stop located along the flankage of the subject site at Portage Avenue. Accessing the site from Old Mill Road allows the developer to provide the 13 parking stalls, (1 stall for every 750 s.f. of floor area) and landscaping required by the Zoning By-law for the proposed 9,184 square foot office use.

PUBLIC INPUT
The Planning and Land Use Division has received calls from several residents of the immediate neighbourhood, including the adjacent condominium to the west. Their concerns centre around the appropriateness of the commercial rezoning at this location and the potential negative impacts this development may have on the neighbourhood. Some of the main concerns that were relayed to us were those of increased traffic, parking on the street, safety, noise, lighting and garbage.

The developer has circulated a set of plans, a rendering of the proposed building and a letter of intent to the local residents. They attempted to hold a public open house but were unable to secure a meeting place prior to the hearing date. They have indicated in their letter that they would be happy to meet and explain the project to anyone interested.

The development will increase the traffic beyond what now exists as the subject site is currently undeveloped. The amount of additional traffic generated and its impact on the neighbourhood is unknown but certain assumptions can be made. Typically office uses operate on a daytime schedule with little to no activity on weekends and evenings. Employees generally arrive in the morning, conduct their business and leave at the end of the day. It is often the case that if they do not require a vehicle as part of their daily business and a convenient bus route is in close proximity they will take public transit to and from their workplace. Most offices of this scale will generate significantly less daily traffic volumes compared to other personal service and retail uses typical of the more intensive commercial zones.

The Planning and Land Use Division has recommended a plan approval clause be added to the conditions of approval for the associated Conditional Use application. Through the plan approval process we will have an opportunity to address any concerns related to the design details of the site such as building aesthetics, parking, landscaping, garbage, lighting and signage.

Recommendation

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

- The proposed development is consistent with Plan Winnipeg and any applicable secondary plan,
- The proposal is compatible with the location and context,
- Does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area.

Recommended Conditions of Approval

1. That the Winnipeg Zoning By-law 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2008 dated March 31, 2008 to a 'C1' PDO-1 Airport Vicinity Commercial District.

2. 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.

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 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: James Veitch
PPD File # DAZ 206/2008

Schedule "A"

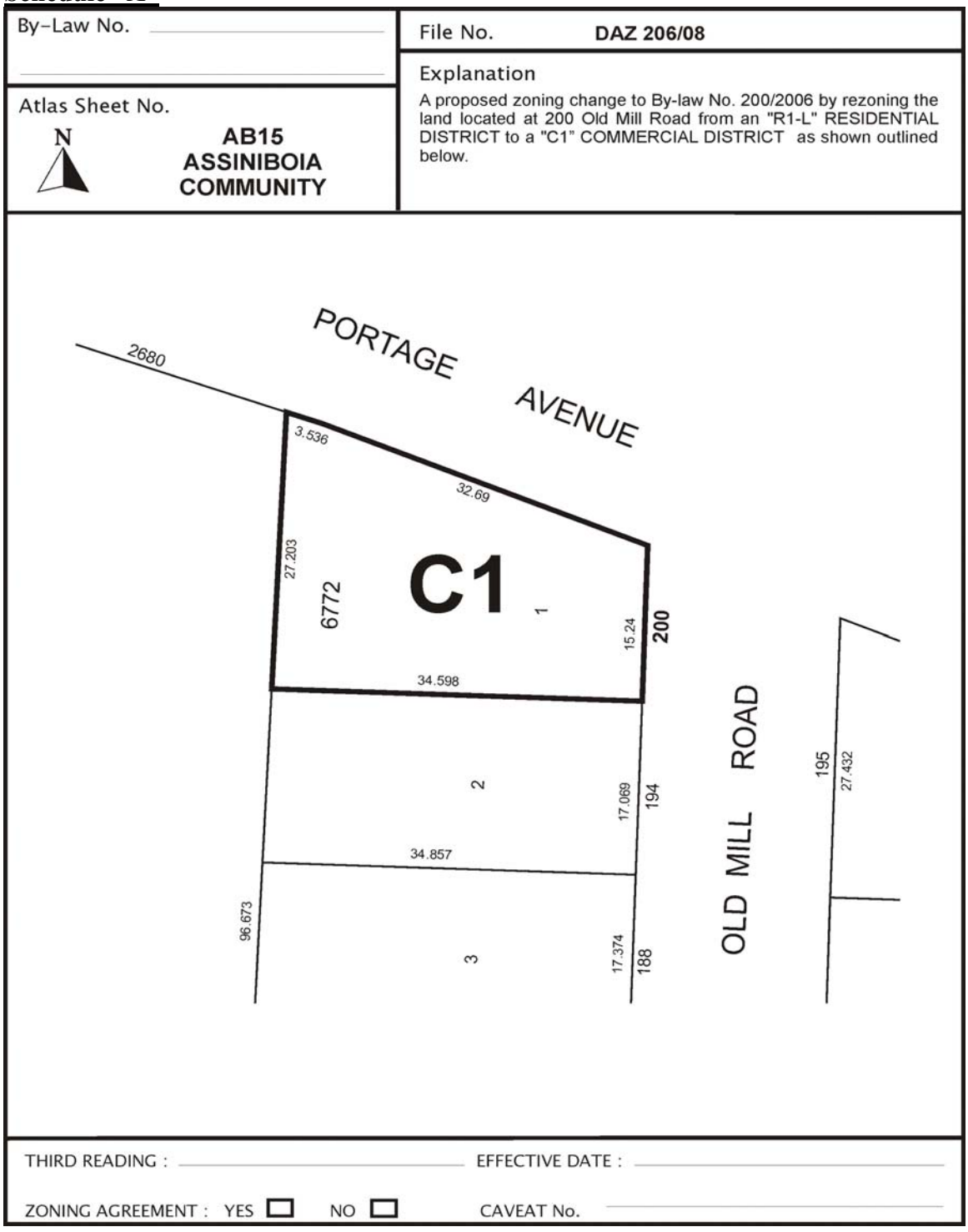


Figure 3: Schedule "A" to the report to the Assiniboia Community Committee for File DAZ 206/2008, dated March 31, 2008.