Agenda - Council – January 27, 2010

Report - Standing Policy Committee on Property and Development – January 5, 2010

Item No. 3 Rezoning – West side of St. Mary's Road at Redview Road (St. Norbert Ward) File DAZ 217/2009

STANDING COMMITTEE RECOMMENDATION:

On January 20, 2010 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/2009 dated November 30, 2009, to a "C1" 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 general hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday to Friday except for the occasional after hours meeting, evenings or weekends.

        ii. That uses on the land shall be restricted to:

            a. Office and accessory parking areas and structures.

        iii. That access to the site, subject to the approval of the Public Works Department, shall be restricted to St. Mary's Road.

        iv. That final detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, exterior lighting, landscaping and signage be submitted to and approved by 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.

Report - Standing Policy Committee on Property and Development – January 5, 2010

v. That the maximum square footage (gross floor area) of the proposed office use shall be 5,200 square feet.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

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

Report - Standing Policy Committee on Property and Development – January 5, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, 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 January 5, 2010, 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 December 7, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Delete Recommendation 1. A. v. in its entirety and replace with the following:

  "1.A.v. That the maximum square footage (gross floor area) of the proposed office use shall be 5,200 square feet",

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – West side of St. Mary's Road at Redview Road**
File DAZ 217/2009

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

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

Report date: **December 8, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217/2009 dated November 30, 2009, to a "C1" 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 general hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday to Friday except for the occasional after hours meeting, evenings or weekends.

        ii. That uses on the land shall be restricted to:

            a. Office and accessory parking areas and structures.

        iii. That access to the site, subject to the approval of the Public Works Department, shall be restricted to St. Mary's Road.

        iv. That final detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, exterior lighting, landscaping and signage be submitted to and approved by 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.

v. That the ~~***minimum***~~ ***maximum*** square footage (gross floor area) of the proposed office use shall be 5,200 square feet~~***., in accordance with the use specific standards for "C1" Commercial uses identified under By-Law 200/2006.***~~

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

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

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

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 30, 2009.

PUBLIC HEARING SUMMARY

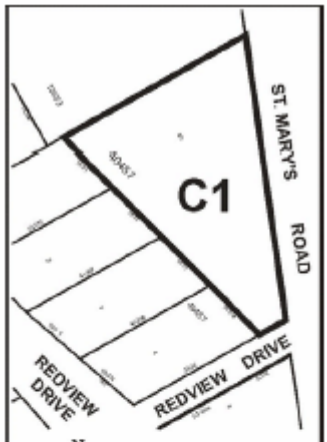
File: DASZ 217/2009

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves
Councillor Swandel

Public Hearing: December 7, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Pollock and Wright (Jim Watling)

Subject:



APPLICANT : POLLOCK & WRIGHT
FILE : DAZ 217/09
PROPOSAL : To rezone the land shown outlined above from an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the establishment of an office use. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : POLLOCK & WRIGHT
N° DE RÉFÉRENCE : DAZ 217/09
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R1-L (SECTEUR D'HABITATIONS UNIFAMILIALES) à la catégorie C1 (SECTEUR COMMERCIAL DE QUARTIER) afin de permettre l'établissement de bureaux. **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: West side of St. Mary's Road at Redview Drive

Exhibits Filed:

1. Application dated October 5, 2009
2. Notification of Public Hearing dated October 15, 2009
3. Manitoba Status of Title 2245015
4. Letter of authorization dated September 4, 2009 from Maria Reddy to Pollock and Wright
5. Surveyor's Building Location Certificate and sketch
6. Drawing of subject property (2 pages)
7. Report from the Planning and Land Use Division dated November 30, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on December 7, 2009

REPRESENTATIONS:

In Support:

Jim Watling, Pollock & Wright
Steve and Tanya Maric
Dan Rolfe

In Opposition

Nil

For Information:

Spender and Josephine Lytwyn

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiak, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 217/2009

ADMINISTRATIVE REPORT

ISSUE: DAZ 217/2009 St. Mary's Road @ Redview Drive Public Hearing.

Critical Path: RIEL Community Committee as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 217 /2009 dated November 30, 2009, to a "C1" 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 general hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday to Friday except for the occasional after hours meeting, evenings or weekends.

      ii. That uses on the land shall be restricted to:
         a. Office and accessory parking areas and structures.

      iii. That access to the site, subject to the approval of the Public Works Department, shall be restricted to St. Mary's Road.

      iv. That final detailed plans showing the location and design of the proposed building, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, exterior lighting, landscaping and signage be submitted to and approved by 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.

v. That the minimum square footage (gross floor area) of the propose office use shall be 5,200 sq. ft., in accordance with the use specific standards for "C1" Commercial uses identified under By-Law 200/2006.

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 zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

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

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will allow a C2 Commercial Community District facilitating the proposed two story 5012 sq. ft. office use with ten parking stalls to be developed on the property after a site plan has been approved by the RIEL Community Committee.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

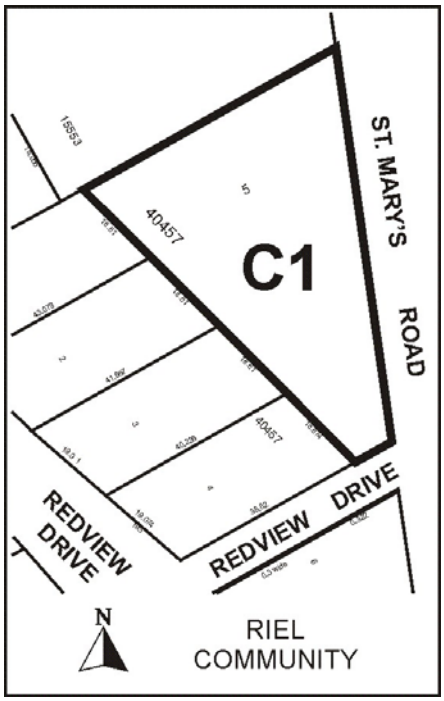
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	November 30, 2009
File No.	DAZ 217/2009

APPENDIX 'A'

Date: November 30/2009
File: DAZ 217/2009
Related Files: N/A
Subject: The purpose of this application is to rezone the subject vacant property from an "R1-L" Residential category to a " C1" Commercial classification in order to permit the construction of an office building.

Location: St. Mary's Road @ Redview Drive

Legal Description: Lot 5, Plan 40457



Applicant: Pollock & Wright

Owner: Maria Cecilia Reddy

Recommendation: *Approval*

Report Summary:

- The applicants on behalf of Maric Housing, are proposing to rezone the subject property from its current "R1-L" Residential Single Family category to a " C1" Commercial category.
- If the rezoning is successful, Maric Homes will relocate their corporate head office to the site.
- The proposed two story structure will have a total floor area of 5012 sq. ft. and ten parking stalls on the west half of the site.

- The Planning and Land Use Division is prepared to support the rezoning but will be recommending that the use of the site be restricted to office uses and accessory parking and structures. The Planning Department will also recommend, that access (subject to approval by the Public Works Department) be restricted to and from St. Mary's Road.

Site Description:



Existing Use & Zoning:

The subject site is vacant, pie shaped, partially treed and has an overall area of 24,324 sq. ft. It has 250' of frontage along St. Mary's Road and is zoned " R1-L" Single Family Residential.

Surrounding Land Use & Zoning:

North: To the north is a spacious property owned by the Odd Fellows Lodge of Manitoba and occupied with a multi-wing personal care home. It is zoned " RMF-S" Multiple Family.

East: To the east is a mix of single family, two family and condominium housing, the largest project of which is a new seventeen unit condo development at 2307 St. Mary's Road which is zoned " RMF-S" Multiple Family.

South: On the south side of Redview Drive is a large vacant parcel and several single family dwellings all of which are zoned " RR-5" Rural Residential.

West: Immediately west of the subject parcel is a twenty five year old subdivision comprised of exceedingly large single family lots, many in the 8,000 sq. ft. range. The area is zoned " R1-L" Residential Single Family.

Background:

In August 2009, Maric Homes approached the City of Winnipeg Planning Department with a preliminary proposal to rezone the subject property from its current "R1-L" Single Family category to a " C1" Commercial category to facilitate development of an office facility. The new building would have a total of 6804 sq. ft. of floor area, be two stories high and would house the corporate offices of Maric Homes. The plan also made provision for an asphalted fifteen (15) stall parking area, immediately adjacent to the west property line with neighboring residences with little or no room for an adequate landscaping buffer. The primary approach to the site was proposed to be directly off of Redview Drive very close to the intersection with St. Mary's Road. The Planning Department at that time, was generally supportive of the proposed zoning change and use but outlined certain suggested modifications to the plan which would be necessary in order to 1) achieve a full administrative endorsement and 2) to hopefully obtain support from the adjoining residential neighborhood. In October, a rezoning application was officially processed and , in the interim, new site and building plans have been submitted by Maric Homes which are significantly closer to what would constitute a supportable proposal. Also, in accordance with a suggestion initially recommended by the Planning Department, the applicants have distributed a letter of intent to property owners along that portion of Redview Drive, immediately abutting the proposed office development.

Description of the Proposed Development:

The most recent plan submitted outlines a smaller office structure, which has a total of 5012 sq. ft., 3192 sq. ft. of which is on the main floor. The proposed new structure is 12' 6" closer to the St. Mary's Road right-of –way than was suggested in the initial preliminary plans, allowing for a minimum separation of 56' between the west wall of the building and closest single family residential properties. A 10' north side yard separates the proposed north wall of the new structure from the property to the north. The number of parking stalls has been reduced to fourteen (14) and a 10' to 20' wide landscaped buffer area is to be provided along the west property line in an effort to more adequately separate the parking area from the rear yards of existing residential homes . A landscaping plan with detailed plant list has been recently submitted and is being evaluated at the present time . The enclosed garbage enclosure has been relocated to a location approximately twenty six (26) feet further to the east adjacent to the proposed office building. And it should be noted that, on the advice of the Public Works Department, the private approach is to off of St. Mary's Road approximately 136' north of the intersection with Redview Drive. Public Works has also indicated that no new median openings will be permitted at this location. The building itself appears to be approximately 30' high at the peak of the roof with a small second story deck on the south side of the structure. The main entrance – way is similarly on the south side of the building. The applicants have stated that their business hours are regulated Monday to Friday, 8:00 a.m. to 5:00 p.m. with the occasional after hours meeting or weekend meeting.

Analysis:

Over the last fifteen years, there have been numerous inquires related to the potential development of the subject site. Most have been regarded as unacceptable because they were high intensity commercial or multiple family proposals which did not 'fit' on the site and would ultimately have had a negative effect on the adjoining residential neighborhood. The proposed restrictive rezoning to "C1" Commercial (limited to corporate office use and accessory parking) can, in our view, 'fit" on the site- if care is taken to 1) properly site the building and 2) buffer the proposed parking area from adjacent residences along Redview Drive. The proposed building design (including scale of the structure) and location would appear to be satisfactory; however more intensive landscaping may ultimately be required for the buffer area along the west property line. That will likely be determined at the public hearing and it will be based on the position/comments of adjoining residential property owners. If heavier landscaped is required , as a condition of approval, those additions will be reflected in the final Plan Approval. The landscaping outlined for the St. Mary's Road frontage appears to be more than adequate. The right–in, right-out approach to the site (which will be 7.5 meters wide), appears to be now fixed, but as indicated by Public Works in an accompanying memo, no new median openings will be approved. It should finally be noted that the suggested floor area of the proposed building marginally exceeds the maximum allowable under By-Law 200/ 2006. To avoid a variance, it is suggested that the standard established under the By-Law be adhered to.

Recommendation:

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

- The subject parcel is not a suitable location for single family lots and it does not lend itself particularly well to multiple family development. The highest and best use is, in all likelihood, a low intensity commercial use (office) which is properly sited, is well designed, does not generate much traffic and is operational only during regular business hours, Monday – Friday.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 217/2009

<u>Schedule "A"</u> for File DAZ 217/2009, Riel Community Committee dated November 30, 2009.

By-Law No. _____

File No. **DAZ 217/09**

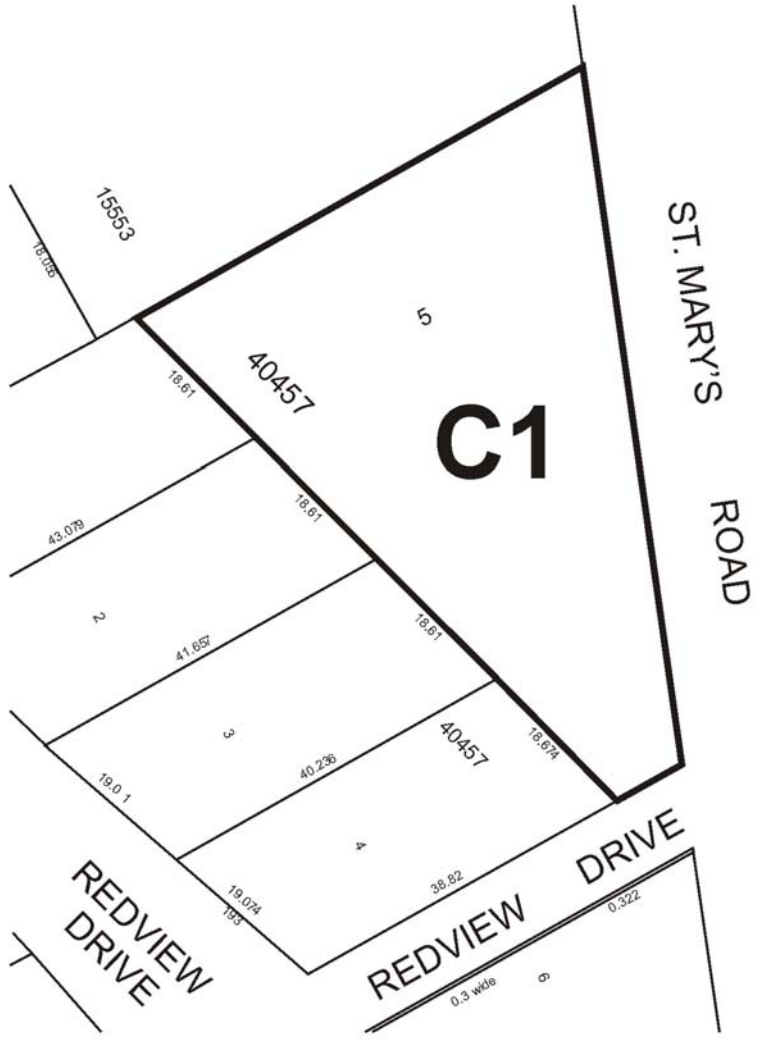
Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on the west side of St. Mary's Road at Redview Drive from an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for the establishment of an office use as shown outlined below.

Atlas Sheet No.

N

AL26
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____