Agenda – Executive Policy Committee – June 15, 2011

REPORTS

Item No. 4 Subdivision and Rezoning – 228 Isabel Street, 513 Pacific and 514 Alexander Avenue
(Point Douglas Ward)
File DASZ 7/2011 [c/r DAV 111851/2011D]

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 7/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2011 dated May 29, 2011, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning proposed Lots 1 and 2 of Schedule "A" to this report, with amendments and revisions contained therein for File DASZ 7/2011 dated May 29, 2011, to an "RMU" Residential Mixed-Use 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, for the development of any building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage in proposed Lot 3 of Schedule "A" to this report, plans, showing the locations and designs of any proposed building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the following principal uses shall be deemed conditional principal uses in the planned area:

a. community/recreation centre
b. library
c. post office/carrier depot
d. day care centre
e. gallery/museum
f. restaurant
g. office
h. personal services (unless otherwise listed in Zoning By-law 200/2006)
i. medical/dental/optical/ counselling clinic
j. retail sales (unless otherwise listed in Zoning By-law 200/2006)

iii. That the following accessory uses shall be deemed conditional accessory uses in the planned area:

a. amusement devices
b. automated teller machine
c. micro-brewery/distillery/winery
d. retail sales

iv. That there shall be no advertising signs, mobile signs, poster signs or A-frame signs in the planned area, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

v. That there shall be no illuminated signs in proposed Lot 1 or 2 of Schedule "A" to this report.

vi. That all illuminated signs in proposed Lot 3 of Schedule "A" to this report shall be oriented to face in a direction that is parallel to the west property line of said lot.

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 Caveats 1118407 and 3202667 be withdrawn as they affect the planned area.

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

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 228 Isabel Street, 513 Pacific and 514 Alexander Avenues**
File DASZ 7/2011 [c/r DAV 111851/2011D]

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **June 8, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2011, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 7/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2011 dated May 29, 2011, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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ii. That the following principal uses shall be deemed conditional principal uses in the planned area:

a. community/recreation centre
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vi. That all illuminated signs in proposed Lot 3 of Schedule "A" to this report shall be oriented to face in a direction that is parallel to the west property line of said lot.

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 Caveats 1118407 and 3202667 be withdrawn as they affect the planned area.

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

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 29, 2011.

PUBLIC HEARING SUMMARY

File: DASZ 7/2011 [c/r DAV 111851/2011D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: June 7, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Ashiana Corporation

Subject:



Premises Affected: 228 Isabel Street, 513 Pacific and 514 Alexander Avenues

Exhibits Filed:

1. Application dated March 25, 2011
2. Notification of Public Hearing dated April 14, 2011
3. Manitoba Status of Title 2118545
4. Surveyor's Building Location Certificate and sketch dated October 5, 2010
5. Caveats 1118407 and 3202667
6. Report from the Planning and Land Use Division dated May 29, 2011
7. Inspection Report

REPRESENTATIONS:

In Support:

Apee Panchhi

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 7/2011

ADMINISTRATIVE REPORT

Title: DASZ 7/2011 – 228 Isabel Street, 513 Pacific Avenue and 514 Alexander Avenue

Issue: for consideration at the June 7th, 2011, public hearing of the application for approval of:

- a proposed plan of subdivision to create three lots from one, such that one lot encompasses an existing car wash, gas kiosk and convenience store, another lot encompasses an existing two-family dwelling and a third lot encompasses an existing single-family dwelling; and
- a proposed rezoning of the aforementioned single- and two-family dwelling lots from "CMU" Commercial Mixed-Use District to "RMU" Residential Mixed-Use District.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development, only if the Community Committee recommendation differs from that of the Public Service or if there is opposition at the public hearing → Executive Policy Committee → Council, as per the Development Procedures By-law and *The City of Winnipeg Charter*

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	D. Joshi		

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 7/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/2011 dated May 29, 2011, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning proposed Lots 1 and 2 of Schedule "A" to this report, with amendments and revisions contained therein for File DASZ 7/2011 dated May 29, 2011, to an "RMU" Residential Mixed-Use District subject to the following:

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ii. That the following principal uses shall be deemed conditional principal uses in the planned area:

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f. restaurant

g. office

h. personal services (unless otherwise listed in Zoning By-law 200/2006)

i. medical/dental/optical/ counselling clinic

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v. That all illuminated signs in proposed Lot 3 of Schedule “A” to this report shall be oriented to face in a direction that is parallel to the west property line of said lot.

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 Caveats 1118407 and 3202667 be withdrawn as they affect the planned area.

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

6. 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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12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

This report is for consideration of the application for approval of:

- a proposed plan of subdivision to create three lots from one, such that one lot encompasses an existing car wash, gas kiosk and convenience store, another lot encompasses an existing two-family dwelling and a third lot encompasses an existing single-family dwelling; and
- a proposed rezoning of the aforementioned single- and two-family dwelling lots from “CMU” Commercial Mixed-Use District to “RMU” Residential Mixed-Use District.

The Winnipeg Public Service recommends approval of the application because, with conditions, it:

- conforms to Plan Winnipeg 2020 Vision and the West Alexander Centennial Neighbourhood Plan (which is a secondary plan); and

- is compatible with the neighbourhood.

The planned area is:

- in the Centennial Neighbourhood and the Point Douglas Ward;
- one parcel of land held under CT 2118545 that is approximately 20,160 square feet and abutting the western limit of Isabel Street as well as Alexander and Pacific Avenues;
- subject to two City of Winnipeg caveats,
  - one of which, identified as Caveat 1118407, prohibits subdividing or rezoning the land identified as proposed Lot 3 in Schedule "A" to this report and
  - the other of which, identified as Caveat 3202667, requires any proposed development in, and any proposed private approach to, the planned area to be built in accordance with plans approved by the Director of Planning, Property and Development and the Lord Selkirk – West Kildonan Community Committee;
- developed with a car wash, gas kiosk and convenience store facing Isabel Street, a two-family dwelling facing Pacific Avenue and a single-family dwelling facing Alexander Avenue, accordingly to the applicant's letter of intent;
- in a "CMU" District;
- abutting an "RMF-S" Residential Multiple-Family [smaller scale] District;
- in a Commercial Mixed-Use policy area and abutting a Medium Density policy area of the secondary plan titled West Alexander and Centennial Neighbourhood Plan; and
- in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.*

In addition to the subdivision and rezoning application is a variance application under File DAV 11-111851D. The Winnipeg Public Service recommends approval of this application because it conforms to Subsection 247(3) of *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service regarding the application that is the subject of this report and the application under File DAV 11-111851D are implemented, the proposed rezoning and subdivision can proceed.

HISTORY

On July 22, 2009, Council approved a rezoning application by the Planning and Land Use Division that rezoned several properties in the West Alexander and Centennial Neighbourhoods, including the planned area, to implement Action 2 of Chapter 13 of the West Alexander and Centennial Neighbourhood Plan.

On December 13, 2000, Council approved a rezoning application, under File DASZ 20/2000, to rezone the planned area to "C2" Commercial District (under Zoning By-law 6400/94) and to

consolidate it into one lot to permit the construction of an addition to expand the existing uses of convenience store, gas kiosk and are car wash and for the maintenance of two residential uses.

CONSULTATION

Consultation with other City departments was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J.G. Doney
Date	May 29, 2011
File	DASZ 7/2011

Attachments and Schedules

Attachment 1 - Planning Discussion
Schedule “A”

Attachment 1

DATE:	May 29, 2011
FILE:	DASZ 7/2011
RELATED FILE:	DAV 11-111851D
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #:	3.312
SUBJECT:	application for approval of: a proposed plan of subdivision to create three lots from one, such that one lot encompasses an existing car wash, gas kiosk and convenience store, another lot encompasses an existing two-family dwelling and a third lot encompasses an existing single-family dwelling; and a proposed rezoning of the aforementioned single- and two-family dwelling lots from “CMU” Commercial Mixed-Use District to “RMU” Residential Mixed-Use District
LOCATION:	228 Isabel Street, 513 Pacific Avenue and 514 Alexander Avenue



LEGAL DESCRIPTION:	LOT 1 PLAN 44394 10 ST J
APPLICANT:	ASHIANA CORP 70 STACEY BAY WINNIPEG MB R2K 3V3
OWNER:	ASHIANA CORP 70 STACEY BAY WINNIPEG MB R2K 3V3
RECOMMENDATION:	approval with conditions

THE PLANNED AREA (THE SITE)

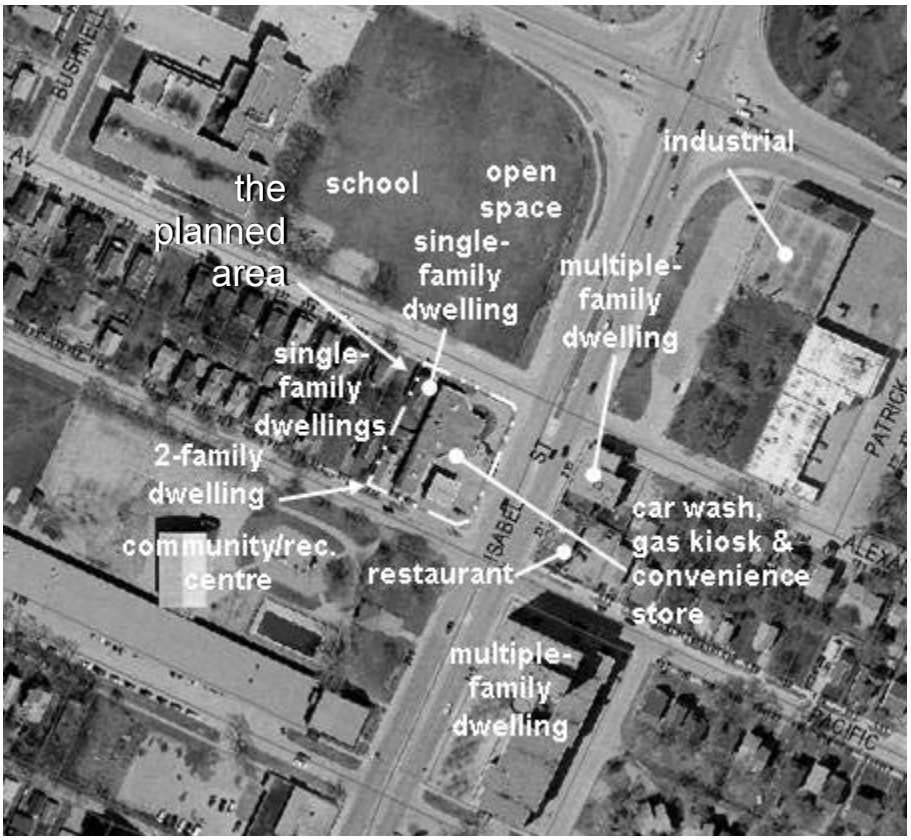
The planned area is:

- in the Centennial Neighbourhood and the Point Douglas Ward;
- one parcel of land held under CT 2118545 that is approximately 20,160 square feet and abutting the western limit of Isabel Street as well as Alexander and Pacific Avenues; and
- subject to two City of Winnipeg caveats,
  - one of which, identified as Caveat 1118407, prohibits subdividing or rezoning the land identified as proposed Lot 3 in Schedule "A" to this report and
  - the other of which, identified as Caveat 3202667, requires any proposed development in, and any proposed private approach to, the planned area to be built in accordance with plans approved by the Director of Planning, Property and Development and the Lord Selkirk – West Kildonan Community Committee.

Land Use

The image to the right, which identifies existing land uses on 2009 aerial photography, shows that the planned area is:

- developed with a car wash, gas kiosk and convenience store facing Isabel Street, a two-family dwelling facing Pacific Avenue and a single-family dwelling facing Alexander Avenue, accordingly to the applicant's letter of intent;
- near a community/recreation centre, a restaurant, multiple-family and single-family dwellings, open space, a school and an industrial use.



Zoning

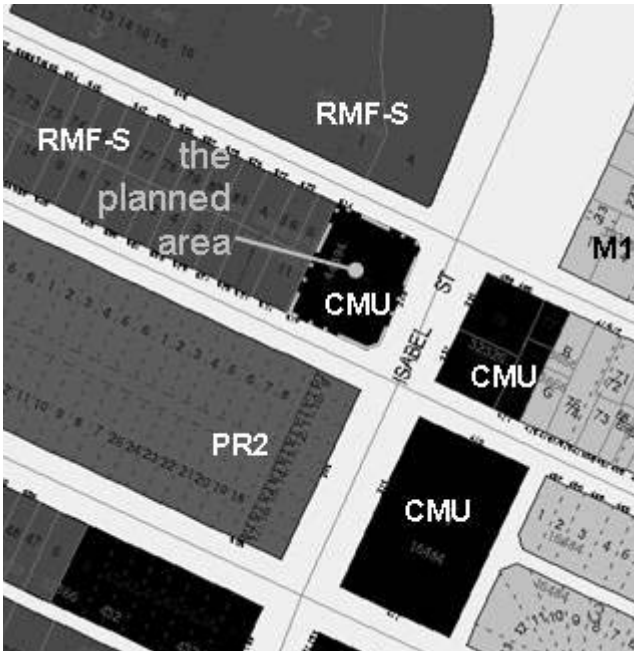
The first image on the next page identifies existing zoning and shows that the planned area is:

- in a "CMU" District;
- abutting an "RMF-S" Residential Multilple-Family [smaller scale] District and
- near an "RMF-S" District, "CMU" Districts, a "PR2" Parks and Recreation Community District and an "M1" Manufacturing-Light District.

Single- and two-family dwellings are not allowed in the “CMU” District but are permitted in the “RMU” District. The “RMU” District allows, as permitted or conditional uses, a wide range of uses that are generally consistent with the intent of the Commercial Mixed-Use policy area of the secondary plan, which is stated in the next subsection of this attachment.

It is of note, and will be discussed in the Analysis section of this attachment, that the planned area abuts an “RMF” District and that:

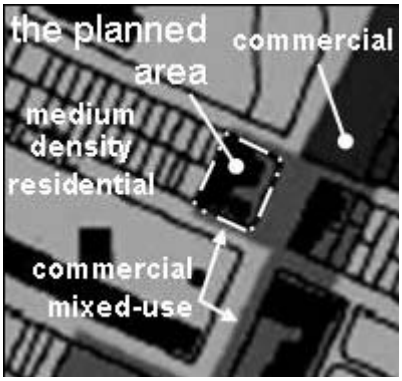
- the uses of community/recreation centre, library, post office/carrier depot, day care centre, gallery/museum, restaurant, office, personal services (unless otherwise listed in Zoning By-law 200/2006), medical/dental/optical/ counselling clinic and retail sales (unless otherwise listed in Zoning By-law 200/2006) are permitted principal uses in the “RMU” District but are conditional or not allowed as a principal use in the “RMF” Districts; and
- the uses of amusement devices, automated teller machine, micro-brewery/distillery/winery and retail sales are permitted accessory uses in the “RMU” District but are conditional or not allowed as an accessory use in the “RMF” District.



Secondary Plan

The image to the right is of policy areas of the West Alexander and Centennial Neighbourhood Plan (the secondary plan) and shows that the planned area is:

- in a Commercial Mixed-Use policy area;
- abutting a Medium Density policy area; and
- near a Commercial policy area.



The intent for the Commercial Mixed-Use policy area is to encourage pedestrian-oriented commercial streets that connect residential areas.

Plan Winnipeg 2020 Vision

The planned area is in a Neighbourhood policy area. Policy 3A-01, Promote Orderly Development, of *Plan Winnipeg 2020 Vision* states: “the The City shall promote orderly development through land use designations on Policy Plate A by… considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of… commercial… uses, at a scale and density compatible with each other.

DESCRIPTION OF THE PROPOSAL

As previously stated, the application is for approval of:

- a proposed plan of subdivision to create three lots from one, such that one lot encompasses an existing car wash, gas kiosk and convenience store, another lot encompasses an existing two-family dwelling and a third lot encompasses an existing single-family dwelling; and
- a proposed rezoning of the aforementioned single- and two-family dwelling lots from "CMU" Commercial Mixed-Use District to "RMU" Residential Mixed-Use District.

The applicant's March 14, 2011, letter of intent states that the garage, fence and deck that are accessory to the two-family dwelling will be removed and the number of accessory parking spaces will be increased from one to two. The aforementioned proposed subdivision would allow different ownership of each of the three proposed lots.

Also previously stated is that a variance application, under File DAV 11-111851D, is part of the proposal. The Winnipeg Public Service recommends approval of this application because it conforms to Subsection 247(3) of *The City of Winnipeg Charter.*

ANALYSIS

Compliance with *Plan Winnipeg 2020 Vision* and the Secondary Plan and Compatibility with the Neighbourhood

The proposal conforms to *Plan Winnipeg 2020 Vision* and the secondary plan and is compatible with the neighbourhood because:

- the removal of some structures that are accessory to the two-family dwelling would be a minor change;
- the existing commercial uses provide services to the neighbourhood and the existing residential uses act as a buffer between those commercial uses and residential uses west of the planned area; and
- with a Zoning Agreement, certain uses that are permitted uses in the "RMU" District can be, instead, conditional uses, signage can be restricted and redevelopment of proposed Lot 3 of Schedule "A" to this report can be reviewed prior to issuing a development or building permit.

REASONS FOR THE RECOMMENDATIONS

The Winnipeg Public Service recommends approval of the proposed plan of subdivision and rezoning to "RMU" District because, with conditions, it complies with *Plan Winnipeg 2020 Vision* and
the Secondary Plan and is compatible with the neighbourhood.

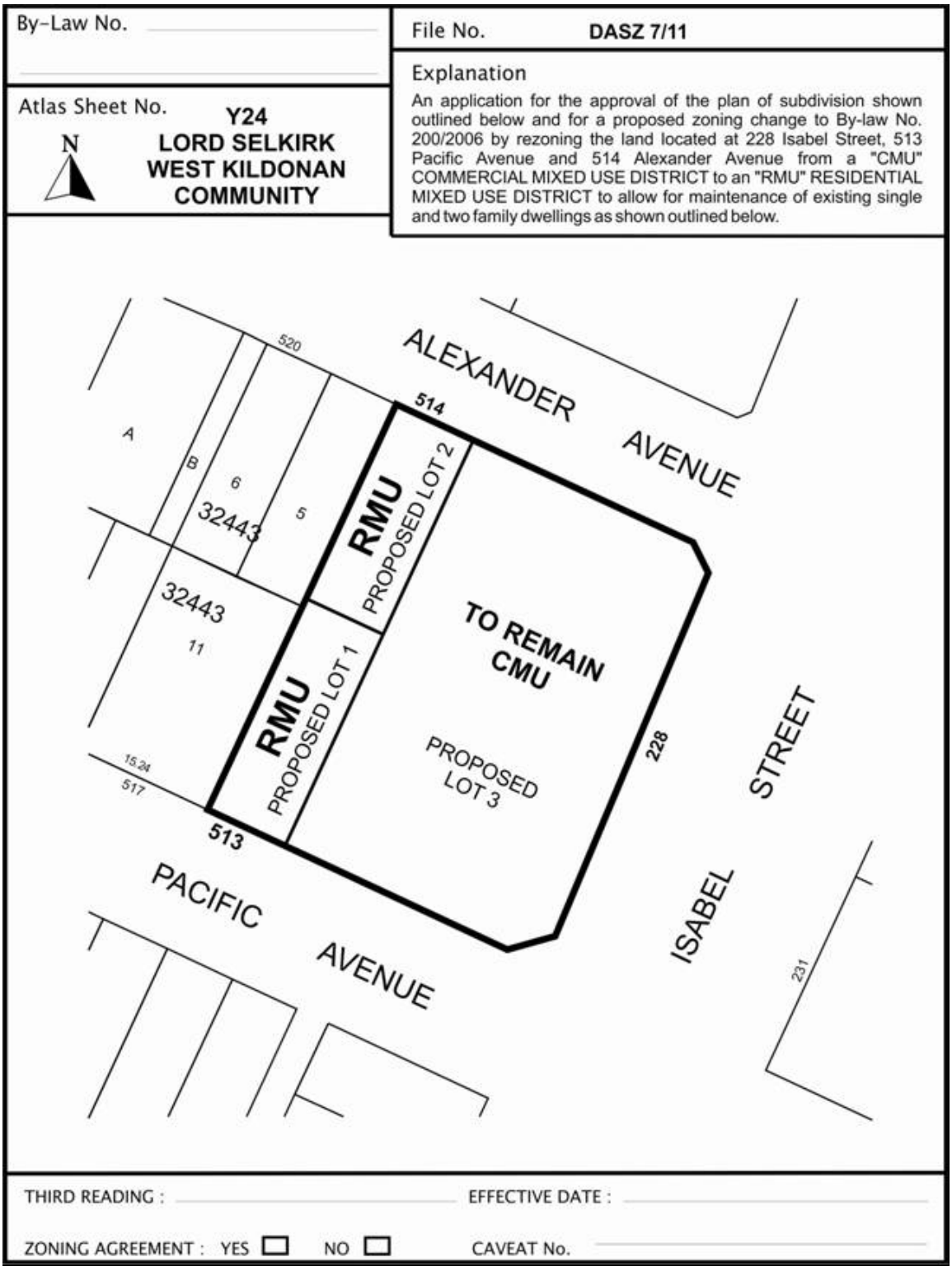
The recommendation to discharge Caveat 1118407, which prohibits subdividing or rezoning the land identified as proposed Lot 3 in Schedule “A” to this report, is because the secondary plan and the existing zoning of the land described as proposed Lot 3 in Schedule “A” provide sufficient policies and regulations with which to evaluate any future subdivision or rezoning proposal of said land.

The recommendation to discharge Caveat 3202667, which requires any proposed development (including a private approach) in the planned area to be built in accordance with plans approved by the Director of Planning, Property and Development and the Lord Selkirk – West Kildonan Community Committee, is because:

- it would be unnecessarily onerous to have such a requirement for the proposed lot that would encompass the existing single-family dwelling or the proposed lot that would encompass the existing two-family dwelling; and
- the recommended zoning agreement would
  - contain a requirement for plan approval by the Director of Planning, Property and Development for the proposed lot to remain in a “CMU” District,
  - make uses that are permitted principal uses in the “RMU” District and conditional or not allowed principal uses in the “RMF” District conditional principal uses and
  - would make uses that are permitted accessory uses in the “RMU” District and conditional or not allowed accessory uses in the “RMF” District conditional accessory uses.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by J. Glen Doney
PPD File DASZ 7/2011

Schedule "A"



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 7/2011, dated May 29, 2011