Minutes - Executive Policy Committee – July 13, 2011

Minute No. 390
Report - Standing Policy Committee on Property and Development – July 5, 2011

Item No. 1 Subdivision and Rezoning – 1375 Grant Avenue
(River Heights-Fort Garry Ward)
File DASZ 14/2011 [c/r DCU 119401/2011D & DAV 119674/2011D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre 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 DASZ 14/2011 dated May 25, 2011 to a "C2" Commercial District, subject to the following conditions:

   A. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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.

Report - Standing Policy Committee on Property and Development – July 5, 2011

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

7. 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.

Minutes - Executive Policy Committee – July 13, 2011

Report - Standing Policy Committee on Property and Development – July 5, 2011

DECISION MAKING HISTORY:

Moved by Councillor Havixbeck,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2011, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Recommendation 1A
  Delete the words " to the Director of Planning, Property and Development for plan approval" and replace with the words "to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval",

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

RE: **Subdivision and Rezoning – 1375 Grant Avenue**
File DASZ 14/2011

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

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

Report date: **June 14, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2011, the City Centre 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2011 dated May 25, 2011 to a "C2" Commercial District, subject to the following conditions:

   A. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development ***and the City Centre Community Committee*** for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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 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.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal has a lower usage and traffic patterns, improved entrances and exits, and a greater green space than what previously existed.

PUBLIC HEARING SUMMARY

File: DASZ 14/2011

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow
Councillor Smith

Public Hearing: June 13, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: MMM Group Limited (Brock Feenstra)

Subject:



Premises Affected: 1375 Grant Avenue

Exhibits Filed:

1. Application dated April 13, 2011
2. Notification of Public Hearing dated May 5, 2011
3. Manitoba Status of Title 2501669
4. Letter of authorization dated March 1, 2011 from Carpathia Credit Union to MMM Group Limited
5. Surveyor's Building Location Certificate and sketch dated March 24, 2011
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated May 25, 2011
8. Inspection Report
9. Audio Recording of public hearing held on June 13, 2011
10. Photographs (4) in support of the application, submitted by the applicant at the public hearing.
11. Site Plans (3) in support of the application, submitted by the applicant at the public hearing.
12. Communication dated April 7, 2011, from Bram Ramjiawan in support of the application, submitted by the applicant at the public hearing

REPRESENTATIONS:

In Support:

Walter Dlugosh, on behalf of Carpathia Credit Union
Demyan Hyworon, on behalf of Carpathia Credit Union
Roman Jaworsky
David Jopling
Bram Ramjiawan
Markian Yereniuk

In Opposition

Bev Jacobs
Morley Jacobs

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 14/2011

ADMINISTRATIVE REPORT

Title: DASZ 14/2011 – 1375 Grant Avenue

Issue: For consideration at the public hearing for a Rezoning for DASZ 14/2011 – 1375 Grant Avenue

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

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	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 DASZ 14/2011 dated May 25, 2011 to a "C2" Commercial District, subject to the following conditions:

    i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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 Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the 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 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

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will be rezoned and permits may be issued.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

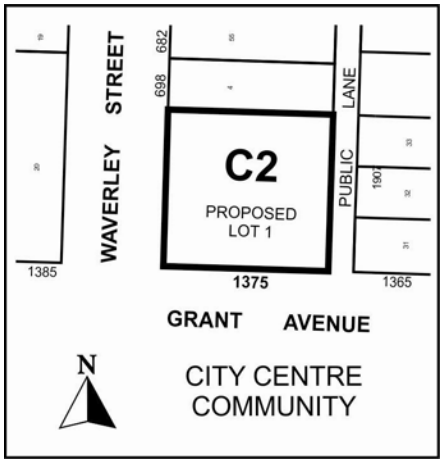
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	May 25, 2011
File No.	DASZ 14/2011

APPENDIX 'A'

DATE: May 25, 2011
FILE: DASZ 14/2011
RELATED FILES: DAV 11-119674/D, DCU 11-119401/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from a "C1" Commercial District to a "C2" Commercial District

LOCATION: 1375 Grant AVENUE
LEGAL DESCRIPTION: Lot: 1, 2, and 3 Block: 1 Plan: 1907



APPLICANT: MMM Group (Brock Fenestrate)

OWNER: Carpathian Credit Union

RECOMMENDATION: Approval

SITE DESCRIPTION
The subject property, which is currently zoned "C1" Commercial District, is located at the northeast corner of Grant Avenue and Waverley Street in the Central River Heights neighborhood of the River Heights-East Fort Garry ward.

North: Residences zoned "R1-M" Single-Family Residential
South: Grant Avenue, then commercial use zoned "C1" Commercial District
East: Commercial use zoned "C1" Commercial District and residences zoned "R1-M" Single-Family Residential
West: Commercial use zoned "C1" Commercial District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the currently vacant property from a "C1" Commercial District to a "C2" Commercial District for the purpose of establishing a credit union with a drive-thru.

Reason for application
An accessory drive-thru is not a permitted use in the "C1" Commercial District. In light of this, a rezoning is required.

It should be noted that the bank, without an accessory drive-thru, could be accommodated without a rezoning.

ANALYSIS AND ISSUES

Proposed Use
The subject property was previously occupied by a gas station and has been vacant and derelict for the last few years. The proposed redevelopment will clean up the site and provide a compatible use for the area.

Buffering and Landscaping
North side
The applicant is proposing a 10 foot landscape buffer on the north side of the property to buffer the credit union parking lot for the residence to the north. The landscape buffer will be heavily planted with a mix of deciduous and coniferous trees and shrubs. As well, an existing 6 foot tall wood fence will continue to be maintained between the properties.

West side
The applicant is proposing to set the building back 25 feet from the east property line, and to maintain a landscaped front yard, which will keep continuity with the front yard setback alignment and appearance of residential properties to the north.

Access
Currently, there are four vehicular approaches into the property. The applicant proposes to close two of the approaches and to consolidate access to two vehicular access points – one on Waverley Street and one on Grant Avenue. This will improve safety and pedestrian flow.

Building Orientation
The building is oriented towards the street, with the front wall of the building and the main entrance adjacent to Grant Avenue. This orientation is preferred for several reasons:

1. It promotes walkability and improves the pedestrian friendliness of the street
2. It creates a greater separation between the building and the residence to the north
3. It places the parking on the side of the building and conceals the drive-thru in the rear of the building

Public Consultation
The applicant held a public open house on Wednesday April 6, 2011 at the River Heights Community Centre. Invitations to the meeting were sent by mail to 53 addresses (on both sides of the subject block) and there were two people in attendance at the meeting. Only one resident filled out the survey at the open house and they indicated that they were supportive of the project.

Zoning Agreement
At this time, the applicant has not submitted final plans for the architectural design of the building. In light of this, the Division is recommending that a zoning agreement be included which will require final plan approval prior to the issuance of any development permits. This condition further establishes that any future modifications to the site also be reviewed by the City

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

- The proposed redevelopment will clean up a vacant and derelict property
- The proposed use is compatible with the area
- The site plan promotes walkability and good urban form and provides suitable buffers from adjoining properties

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

APPENDIX "A"
Schedule "A" for File No. DASZ 14/2011, City Centre Community Committee, dated May 25, 2011

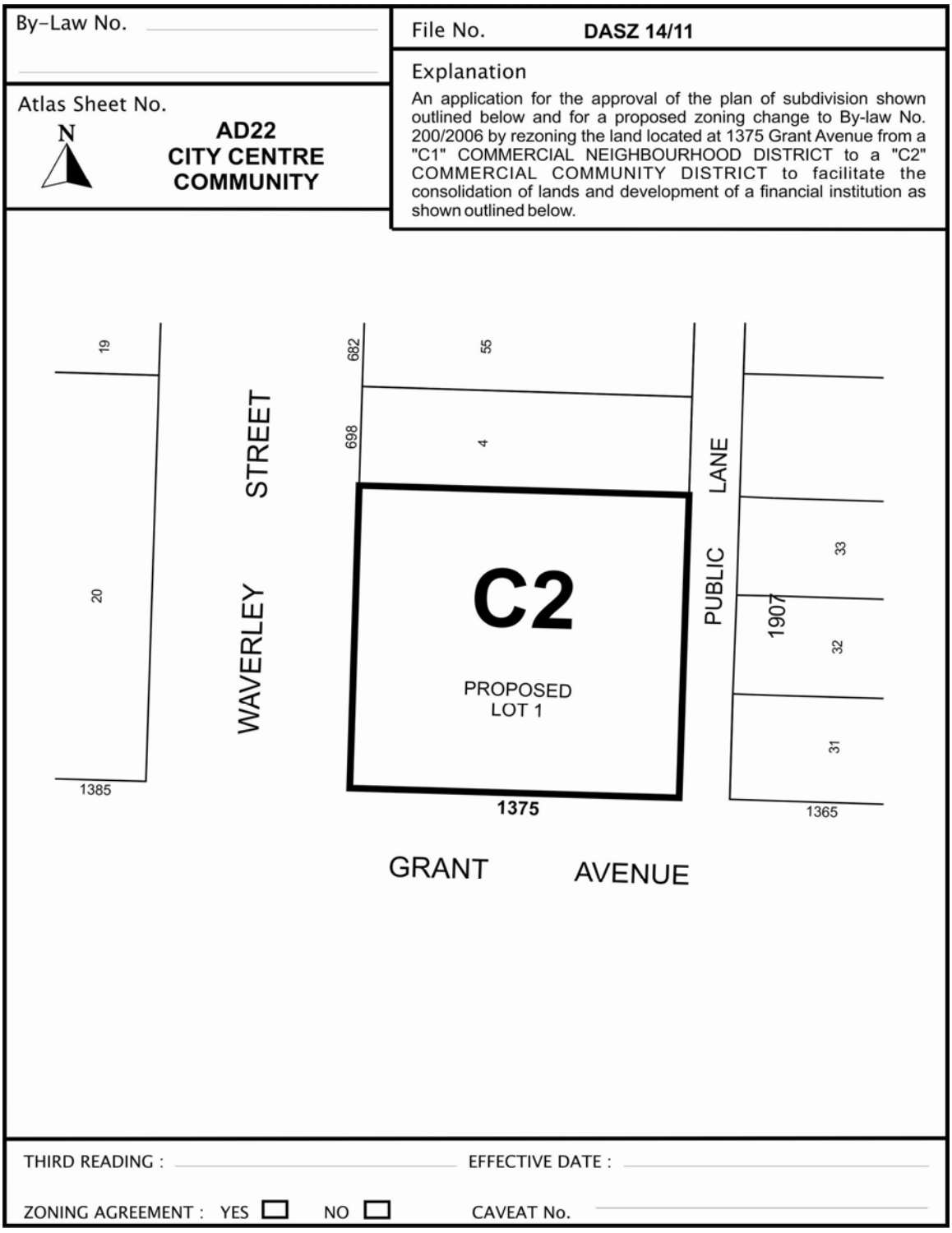




Figure 1: Aerial Photo (Flown in 2009)