Minutes – Executive Policy Committee – December 7, 2011

Minute No. 73
Report – Standing Policy Committee on Property and Development – November 29, 2011

Item No. 2 Rezoning – 1580 Taylor Avenue
(River Heights-Fort Garry Ward)
File DAZ 219/2011

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 planned area as shown on Schedule "A" for File DAZ 219/2011 dated October 31, 2011 , to a "C2" Commercial Community 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. Only the following uses shall be permitted uses on the land:
            a. Amusement enterprise, indoor
            b. All uses which are permitted in the "C1" Commercial Neighbourhood District

        ii. The following uses shall be permitted as conditional uses:
            a. All uses which are conditional uses in the "C1" Commercial Neighbourhood District
            b. Drinking establishment, as an accessory use to a restaurant

        iii. Only the following signage shall be permitted:
            a. Any signage which is permitted in the "C1" Commercial Neighbourhood District

        iv. That the following uses shall be limited to a maximum of 10,000 square feet of gross floor area per tenant
            a. Retail sales
            b. Office
            c. Personal services
            d. Medical/dental/optical counseling clinic

e. Animal hospital or veterinary clinic
f. Amusement enterprise, indoor

v. That the following uses shall be limited to a maximum of 5,000 square feet of gross floor area:
a. Restaurant, including any accessory drinking establishment

vi. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

vii. For the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

viii. That there shall be no advertising signs, mobile signs, poster signs, and A-frame signs on the entire site.

2. That the existing Zoning Agreement, put into place under DAZ 215/2009 (By-law No.42/2010) and registered under Caveat No. 3938424, be withdrawn.

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.

4. 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

Report – Standing Policy Committee on Property and Development – November 29, 2011

6. 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 planned area, provided that the said effective date occurs within one year of the date by-law is passed.

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

8. 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.

Report – Standing Policy Committee on Property and Development – November 29, 2011

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

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 November 29, 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 November 1, 2011, the City Centre Community Committee concurred in the revised recommendation of the Winnipeg Public Service dated October 31, 2011, and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1580 Taylor Avenue**
File DAZ 219/2011

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

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

Report date: **November 3, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2011, The City Centre Community Committee concurred in the revised recommendation of the Winnipeg Public Service dated October 31, 2011, 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 planned area as shown on Schedule "A" for File DAZ 219/2011 dated October 31, 2011, to a "C2" Commercial Community 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. Only the following uses shall be permitted uses on the land:
            a. Amusement enterprise, indoor
            b. All uses which are permitted in the "C1" Commercial Neighbourhood District

        ii. The following uses shall be permitted as conditional uses:
            a. All uses which are conditional uses in the "C1" Commercial Neighbourhood District
            b. Drinking establishment, as an accessory use to a restaurant

        iii. Only the following signage shall be permitted:
            a. Any signage which is permitted in the "C1" Commercial Neighbourhood District

        iv. That the following uses shall be limited to a maximum of 10,000 square feet of gross floor area per tenant
            a. Retail sales
            b. Office
            c. Personal services
            d. Medical/dental/optical counseling clinic
            e. Animal hospital or veterinary clinic
            f. Amusement enterprise, indoor

v. That the following uses shall be limited to a maximum of 5,000 square feet of gross floor area:
   a. Restaurant, including any accessory drinking establishment

vi. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

vii. For the erection of any signage, plans shall be submitted showing the location and design of proposed signage to the Director of Planning, Property, and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

viii. That there shall be no advertising signs, mobile signs, poster signs, and A-frame signs on the entire site.

2. That the existing Zoning Agreement, put into place under DAZ 215/2009 (By-law No.42/2010) and registered under Caveat No. 3938424, be withdrawn.

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.

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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. 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 planned area, provided that the said effective date occurs within one year of the date by-law is passed.

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

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

1. The location is backing on to the rail line.

2. There is ample parking.

3. The restrictions on lighting and signage results in a minimal impact on the neighbourhood.

4. The proposal is quite beneficial to neighbourhood.

PUBLIC HEARING SUMMARY

File: DAZ 219/2011

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

Public Hearing: November 1, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Globe General Agencies (Richard Wishnowski)

Subject:



Premises Affected: 1580 Taylor Avenue

Exhibits Filed:

1. Application dated September 1, 2011
2. Notification of Public Hearing dated September 19, 2011
3. Manitoba Status of Title 1694223
4. Letter of authorization dated August 8, 2011 from Ethan Real Estate Development Corporation to Globe General Agencies
5. Surveyor's Building Location Certificate dated August 7, 2006
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated October 18, 2011
8. Revised Report from the Planning and Land Use Division dated October 31, 2011
9. Inspection Report
10. Audio Recording of representations of public hearing held on November 1, 2011

REPRESENTATIONS:

In Support:

Ron Penner
Richard Wishnowski, Globe General Agencies

In Opposition

Judy Plotkin

For Information:

Nil

For the City:

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

ADMINISTRATIVE REPORT

Title: DAZ 219/2011 – 1580 Taylor Avenue

Issue: Application to rezone the subject property from a "C1" Commercial Neighbourhood District to a "C2" Commercial Community District to allow for the expansion of an indoor amusement enterprise (fitness centre)

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
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DAZ 219/2011 dated, to a "C2" Commercial Community 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. Only the following uses shall be permitted uses on the land:
         a. Amusement enterprise, indoor
         b. All uses which are permitted in the "C1" Commercial Neighbourhood District

      ii. The following uses shall be permitted as conditional uses:
         a. All uses which are conditional uses in the "C1" Commercial Neighbourhood District
         b. Drinking establishment, as an accessory use to a restaurant

      iii. Only the following signage shall be permitted:
         a. Any signage which is permitted in the "C1" Commercial Neighbourhood District

      iv. That the following uses shall be limited to a maximum of 10,000 square feet of gross floor area per tenant
         a. Retail sales
         b. Office
         c. Personal services
         d. Medical/dental/optical counseling clinic

e. Animal hospital or veterinary clinic
f. Amusement enterprise, indoor

v. That the following uses shall be limited to a maximum of 5,000 square feet of gross floor area
   a. Restaurant, including any accessory drinking establishment

vi. That for the development of any new building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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4. 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.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. 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 planned area, provided that the said effective date occurs within one year of the date by-law is passed.

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

8. 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.

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, MCIP
Date:	October 31, 2011
File No.	DAZ 219/2011

APPENDIX 'A' **REVISED**
DATE: October 31, 2011
FILE: DAZ 219/2011
RELATED FILES: DAZ 215/2009, DCU 142951/2011D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.628

SUBJECT: Application to rezone the subject property from a "C1" Commercial Neighbourhood District to a "C2" Commercial Community District to allow for the expansion of an indoor amusement enterprise (fitness centre)

LOCATION: 1580 Taylor AVENUE
LEGAL DESCRIPTION: Lot 2, Plan 37964



APPLICANT: Globe General Agencies (Richard Wishnowski)
494 St. James Street
WINNIPEG MB R3G 3J4

OWNER: Ethan Real Estate and Development Corporation

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION
The subject property is located on the south side of Taylor Av, between Renfrew and Lindsay Streets in the South River Heights neighbourhood of the River Heights-Fort Garry ward.

North: Taylor Avenue, then railroad tracks zoned "R1-M" Residential Single-Family District
South: Railroad tracks zoned "C1' Commercial District and "M2" Industrial District
East: Railroad tracks and a commercial use zoned "R1-M" Residential Single-Family District
West: Railroad tracks, then residences zoned "RMF-S" Residential Multi-Family District and "R2" Residential Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the property from a "C1" Commercial District to a "C2" Commercial District, to accommodate the expansion of an indoor amusement enterprise (fitness centre). The applicant would also like "C2" Commercial District zoning to enjoy a broader range of available uses under Zoning By-law 200/2006.

ANALYSIS AND ISSUES

"C2" zoning

The subject property was rezoned to a "C1" Commercial District less than two years ago (City Council approval January 27, 2010). At the time, the proposal put forward by the applicant was for offices and medical/dental clinic.

Since that time, the site has been developed and has evolved into a retail commercial centre.

While the site has moved in a different direction than what was originally proposed, there are no issues or concerns with the way it has evolved.

With that said, the range of uses and intensity allowed under a "C2" Commercial District is beyond the scope of what was originally proposed and is not compatible with the area.

To that point, the definition of "C2" Commercial Corridor District in Zoning By-law 200/2006 is as follows:

The "C2" District is intended to accommodate **more intensive commercial sites that do not have a local or neighbourhood orientation.** *The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the broader community. "C2" districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.*

Indoor amusement enterprise use

While allowing general "C2" zoning on the site is not recommended, the Winnipeg Public Service does support the expansion of the existing fitness centre, which requires a rezoning to "C2".

Recommendation

Consequently, the Winnipeg Public Service is recommending approval of the rezoning with a zoning agreement which limits the range of uses and signage to what is permitted or conditional in the "C1" Commercial District, with the exception of indoor amusement enterprise (fitness centre) and accessory drinking establishment. It also provides limits on square footage for several uses.

RECOMMENDATIONS

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

- A zoning agreement will limit the range of uses and signage to what is permitted or conditional in the "C1" Commercial District
- The "C1" Commercial District is generally more in sync with the surrounding neighbourhood
- The rezoning will accommodate the expansion of the existing fitness centre on the site

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 219/2011

APPENDIX "B"

Schedule "A" for File No. DAZ 219/2011, City Centre Community Committee, dated October 31, 2011

By-Law No. _____

File No. **DAZ 219/11**

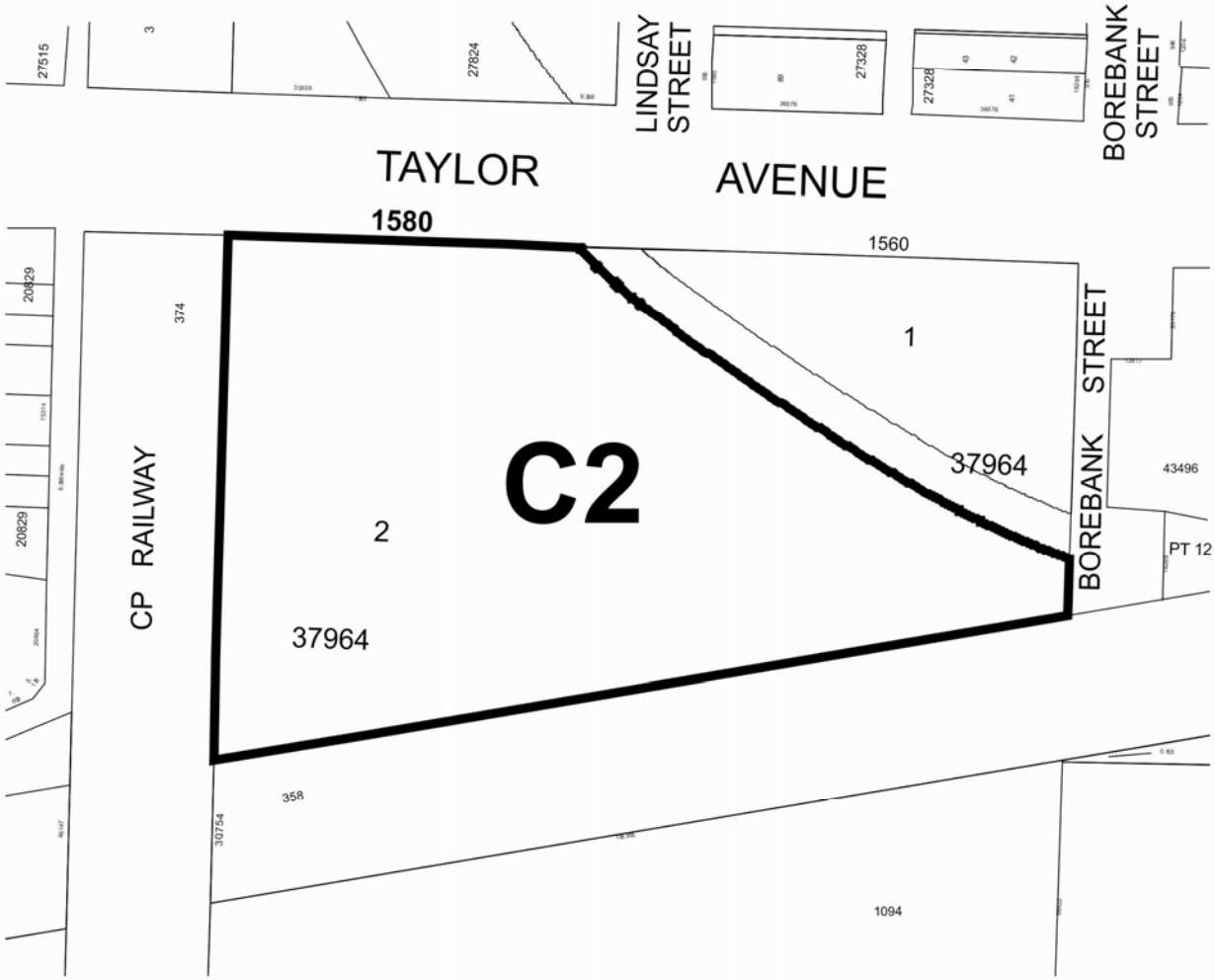
Atlas Sheet No.

N

AE21
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1580 Taylor Avenue from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to permit the expansion of an indoor amusement enterprise use (fitness centre) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2009)