Agenda – Council – April 25, 2012

Report – Executive Policy Committee – April 18, 2012

Item No. 3 Rezoning – 500 Academy Road
(River Heights – Fort Garry Ward)
File DAZ 220/2011 [c/r DAV 168207/2011D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of 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 DAZ 220/2011 dated April 2, 2012 to a "C1" (Academy Road Neighbourhood Main Street PDO-1 and Airport Vicinity Protection Area PDO-1) 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 following uses shall not be permitted on the land:

            A. Contractor's establishment.
            B. Restaurant.
            C. Post office/carrier depot.
            D. Protection and emergency services.

        ii. That the site development shall occur in substantial conformance with plans submitted and attached hereto and identified as Exhibit 5, Sheets 1 to 6.

        iii. 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.

iv. 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 sign permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

v. That no internally illuminated signage shall be permitted on the west or south sides of the building

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.

Report – Executive Policy Committee – April 18, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2012, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2012, the City Centre 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: **Rezoning – 500 Academy Road**
File DAZ 220/2011

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

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

Report date: **April 11, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2012, the City Centre 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2011 dated April 2, 2012 to a "C1" (Academy Road Neighbourhood Main Street PDO-1 and Airport Vicinity Protection Area PDO-1) 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 following uses shall not be permitted on the land:

            A. Contractor's establishment.
            B. Restaurant.
            C. Post office/carrier depot.
            D. Protection and emergency services.

        ii. That the site development shall occur in substantial conformance with plans submitted and attached hereto and identified as Exhibit 5, Sheets 1 to 6.

        iii. 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.

iv. 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 sign permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

v. That no internally illuminated signage shall be permitted on the west or south sides of the building

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.

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

1. The application is in line with plan development overlay for the area.
2. There is no opposition.
3. The applicant reached out to neighbours.

PUBLIC HEARING SUMMARY

File: DAZ 220/2011

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

Public Hearing: April 10, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Denis Lovoie

Subject:



Premises Affected: 500 Academy Road

Exhibits Filed:

1. Application dated February 8, 2012
2. Notification of Public Hearing dated February 28, 2012
3. Manitoba Status of Title 2469459
4. Surveyor's Building Location Certificate and sketch dated August 3, 2011
5. Plans (6 pages)
6. Photographs (4) of the subject property
7. Report from the Planning and Land Use Division dated April 3, 2012
8. Inspection Report
9. Presentation in support of the application, submitted by applicant at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Cynthia Gyles
Denise Lavoie
Kelsey Lavoie
Martin Sandurst

In Opposition:

Nil

For Information:

Barry Jansen
Janice Howard

For the City:

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

Exhibit "7" referred to in File DAZ 220/2011

ADMINISTRATIVE REPORT

Title: DAZ 220/2011 – 500 Academy Road

Issue: For consideration at the public hearing for a Rezoning for DAZ 220/2011 – 500 Academy Road

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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2011 dated April 2, 2012 to a "C1" (Academy Road Neighbourhood Main Street PDO-1 and Airport Vicinity Protection Area PDO-1) 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 following uses shall not be permitted on the land:
            A. Contractor's establishment.
            B. Restaurant
            C. Post office/carrier depot
            D. Protection and emergency services

        ii. That the site development shall occur in substantial conformance with plans submitted and attached hereto and identified as Schedule "A" for File No. DAZ 220/2011 dated March 30, 2012

        iii. 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.

iv. 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 sign permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

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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.

CONSULTATION

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

SUBMITTED BY

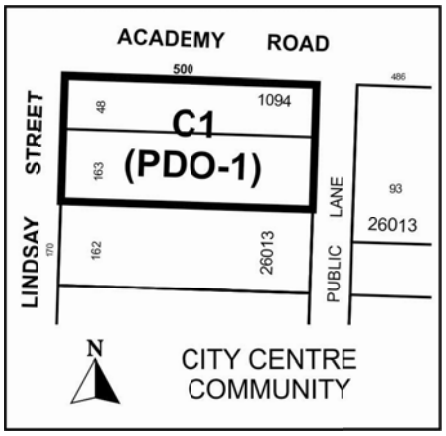
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	April 3, 2012
File No.	DAZ 220/2011

APPENDIX 'A'

DATE: April 3, 2012
FILE: DAZ 220/2011
RELATED FILES: DAV 11-168207/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.620

SUBJECT: To rezone the subject land from an "R1-M" (Academy Road Neighbourhood Main Street PDO-1 and Airport Vicinity Protection Area PDO-1) Residential Single-Family District to a "C1" (Academy Road Neighbourhood Main Street PDO-1 and Airport Vicinity Protection Area PDO-1) Commercial District

LOCATION: 500 Academy Road
LEGAL DESCRIPTION: Lot 48 Block 10 Plan 1094 Lot 163 Plan 26013 54/6 St. B



APPLICANT: Denise Lavoie

OWNER: Same

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is zoned "R1-M" Residential Single-Family District, is located at the southeast corner of Academy Road and Lindsay Street in the North River Heights neighbourhood of the River Heights – Fort Garry ward.

North: Academy Road, then a church zoned "R1-M" Residential Single-Family District
South: Residences zoned "R1-M" Residential Single-Family District
East: Commercial use zoned "C2" Commercial District
West: Residences zoned "R1-M" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant currently operates a small retail establishment selling home and personal décor pieces at Unit 1 – 484 Academy Road (corner of Academy and Borebank). At this time, the applicant seeks approval to rezone the subject house so that she can relocate the retail establishment and operate it from this new location.

The applicant indicates that she intends to continue to live at the subject location while operating the business.

Reason for application
The proposed use is classified as retail sales, which is not permitted in the "R1-M" Residential Single-Family District. Consequently, a rezoning to "C1" Commercial District is required.

BACKGROUND
In 2011, a Planned Development Overlay District (PDO-1) was approved for much of Academy Road. Among other things, the PDO identifies locations where commercial development may be permitted along Academy Road. **In the PDO, the subject location is within an area (Area 1A) where commercial may be permitted.**

ANALYSIS AND ISSUES
A. Context
There is a small retail cluster present immediately adjacent to the subject property. More specifically, frontage properties on the south side of Academy Road, immediately east of the subject property are commercial for approximately 1.5 blocks. Properties include an interior decorator, a small retail establishment, an insurance office, and an engineering firm. Immediately across the street are a church and a small retail establishment.

B. Policies
OurWinnipeg and Complete Communities Direction Strategy
Neighbourhood Mixed Use Corridor
Academy Road has the characteristics of a neighbourhood mixed use corridor. Neighbourhood mixed use corridors are local collector streets that accommodate retail and mixed use forms in small clusters with low to medium density housing located between the clusters. In order to accommodate the city's anticipated increase in residential, commercial, and employment densities, portions of neighbourhood mixed use corridors will experience moderate growth and change, including the introduction of new commercial development, when contextually suitable and required by market demand.

While commercial development is not appropriate at all locations along neighbourhood mixed use corridors, Complete Communities supports a cluster approach, whereby multi-block sections of corridors, which already have existing commercial development patterns, key intersections, and/or other property influences are encouraged to intensify.

By accommodating commercial development on a corridor, adjacent to an existing commercial development node, the location of the proposed rezoning complies with the intent of Complete Communities.

Academy Road Planned Development Overlay (PDO-1)

The subject property is located in Area 1A, which is the Shops and Service Sub Area. Within this area, commercial development may be permitted. (see Appendix 'C' for map)

Commercial Land Supply
Complete Communities also states (Commercial Areas, Direction 2 Strategy 4) the following:

Approve new locations for commercial development where significant residential areas are not well served with commercial space, where existing commercial areas cannot accommodate expansion, where the long-term negative impact impacts on existing regional and commercial centres will be minimal, where additions to the regional street system can be demonstrated to have long-term benefits and where a full range of municipal services can be provided in an environmentally sound, economical, and timely manner.

In River Heights, it is evident that there is significant demand for commercial space and very little vacant commercial space available. Consequently, the addition of incremental commercial space, as proposed under the subject application, meets the criteria in the Plan and will not have a negative impact on existing commercial centres in the neighbourhood.

C. *Summary*
The Winnipeg Public Service takes a very restrained approach to commercial conversions of residential properties. In general, they should only occur on corners, on regional streets, and within or adjacent to existing clusters of commercial properties. Furthermore, they should be encouraged to keep the residential structure, whenever possible, to maintain a residential character. In this instance, the subject property meets all of these criteria. For these reasons, and because the proposal is consistent with the Academy Road PDO-1, the Winnipeg Public Service supports the proposed rezoning, with conditions, to ensure future compatibility with the area.

D. Conditions
The Winnipeg Public Service is recommending several conditions in a Zoning Agreement

1. Several uses have been listed as not permitted. These "C1" uses are deemed to be not compatible at this location.

2. The site plan submitted to the City indicates maintaining an existing residential structure with parking in the rear, landscaping, fencing, garbage enclosures, etc). This condition ensures that the site remains in this manner. For instance, if the existing building were demolished and replaced with a new structure, it would not comply with this condition.

3. In the future, if the site is redeveloped, final plans will have to be approved by City Centre Community Committee prior to the issuance of any building or development permits.

4. Prior to the issuance of an exterior signage permits, signage plans will have to be approved by the Director of Planning, Property, and Development.

5. That no internally illuminated signage be permitted along the west or south sides of the building; both sides face residential properties.

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

- The proposed rezoning is consistent with Complete Communities
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties.
- In the Academy Road PDO-1, the subject property is within an area (Area 1A) where commercial development may be permitted

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 231/2011

APPENDIX "B"
Schedule "A" for File No. DAZ 220/2011, City Centre Community Committee, dated April 3, 2012

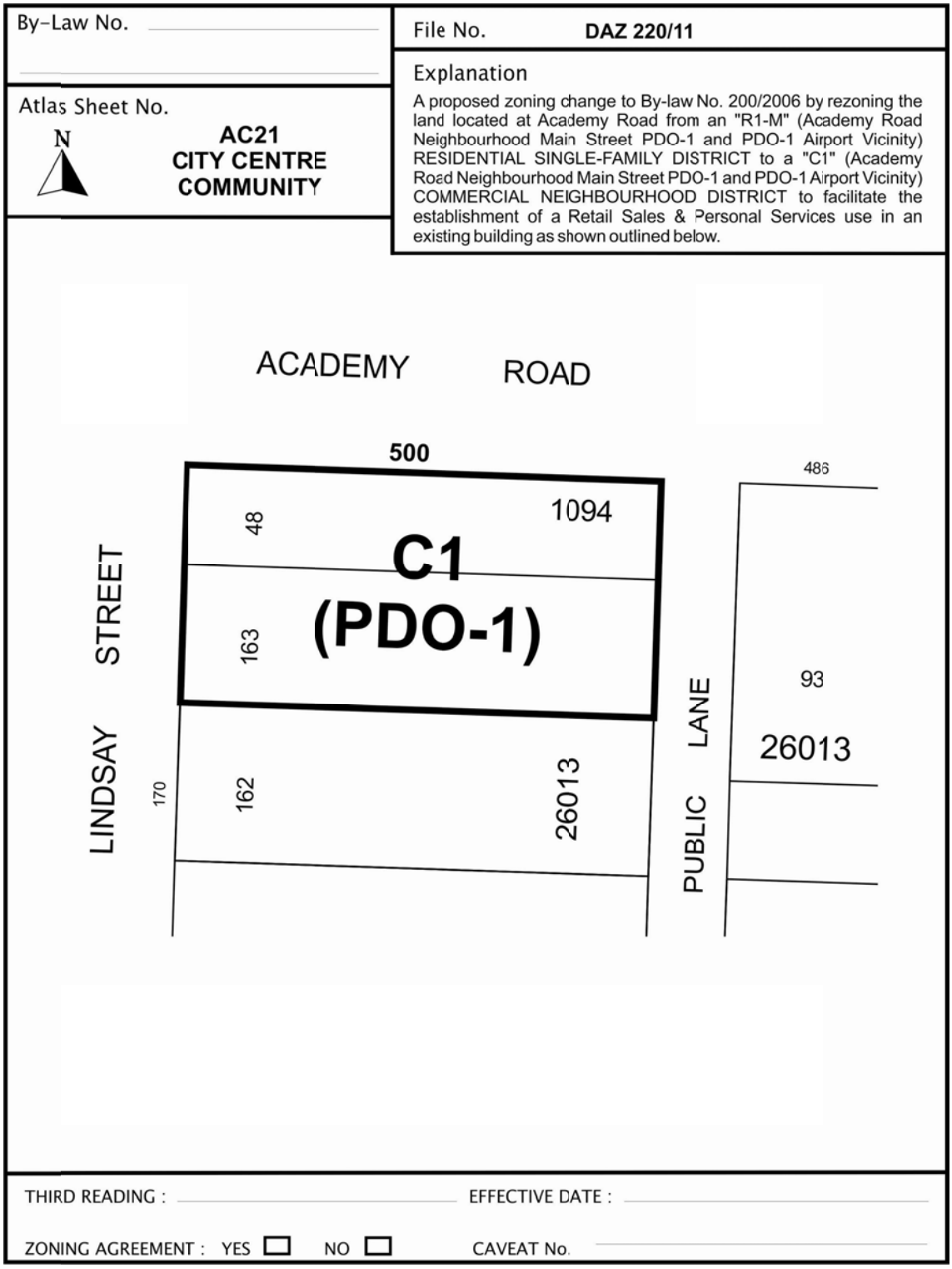
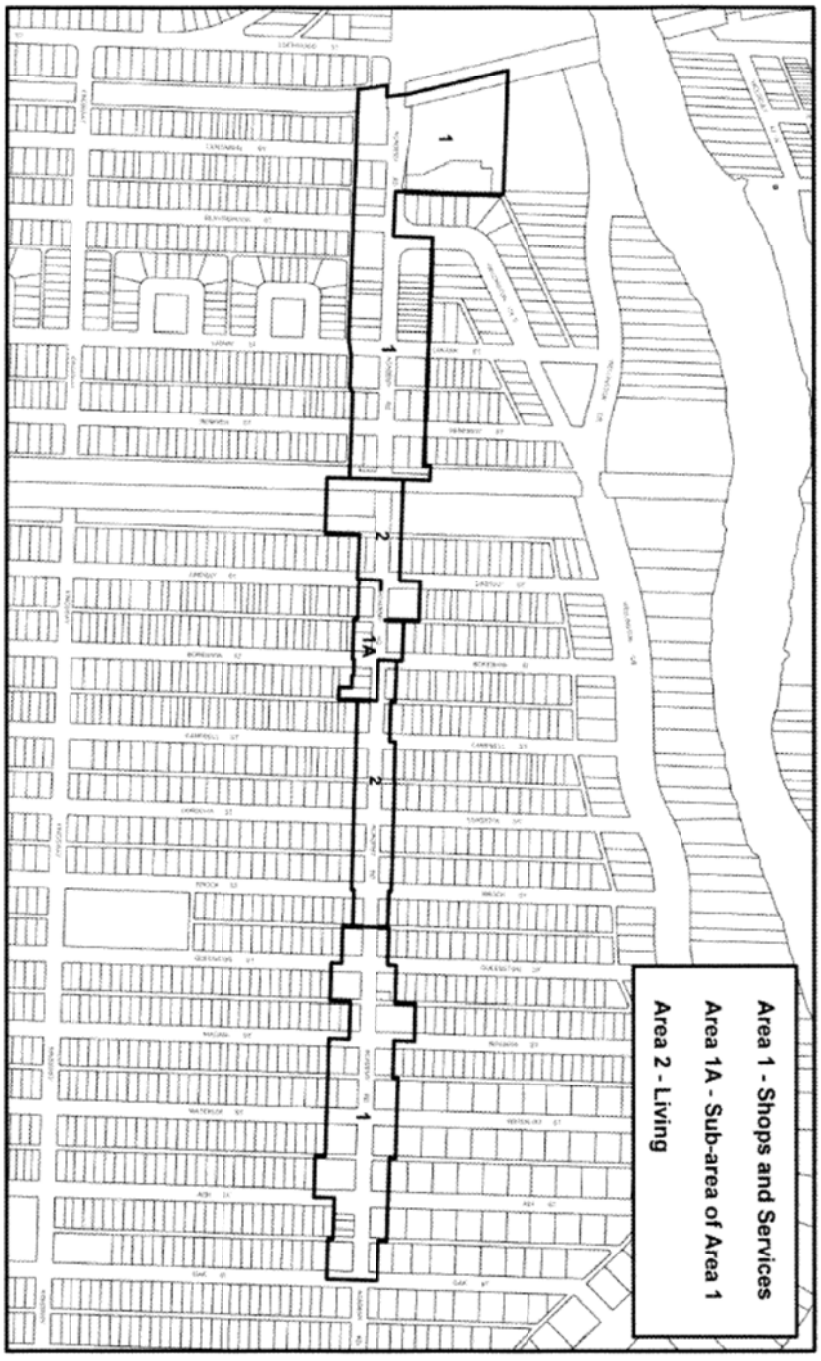




Figure 1: Aerial Photo (Flown in 2009)

APPPENDIX 'C'
ACADEMY ROAD PDO-1 MAP

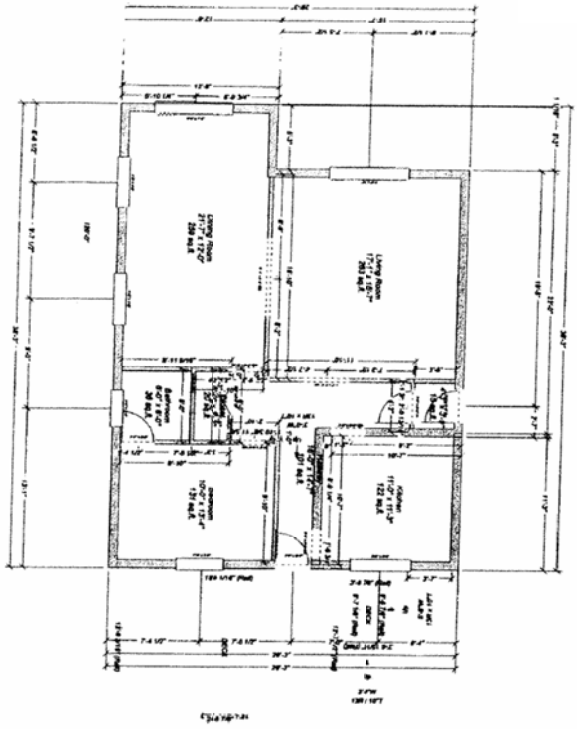


Map 1: Academy Road Principal Overlay Map

Exhibit “5” referred to in File DAZ 220/2011

300 ACADEMY RD.
EXISTING SITE PLAN
MAIN LEVEL
948 □ FT.

PAGE 3



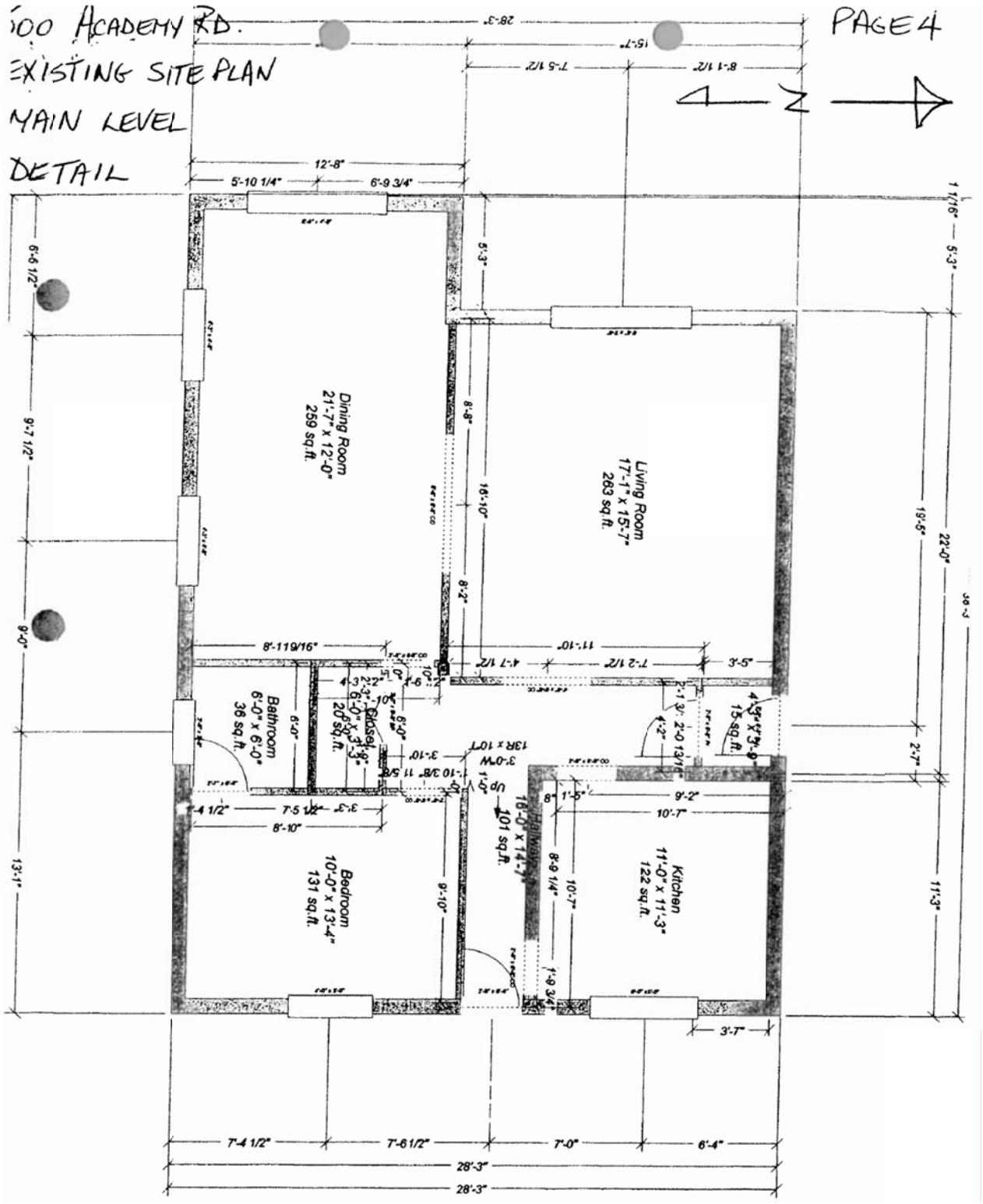
ACADEMY ROAD

PARKING

THIS IS EXHIBIT " 5 " REFERRED TO
IN FILE NO. DAZ 220/2011
DATED THIS 10th day of April 2012

CLERK

PUBLIC LANE


500 ACADEMY RD.
EXISTING SITE PLAN
MAIN LEVEL
DETAIL
PAGE 4
N
Dining Room
21'-7" x 12'-0"
259 sq.ft.
Living Room
17'-1" x 15'-7"
263 sq.ft.
Bathroom
6'-0" x 6'-0"
36 sq.ft.
Closet
20 sq.ft.
Bedroom
10'-0" x 13'-4"
131 sq.ft.
Kitchen
11'-0" x 11'-3"
122 sq.ft.
15 sq.ft.
101 sq.ft.
28'-3"
28'-3"

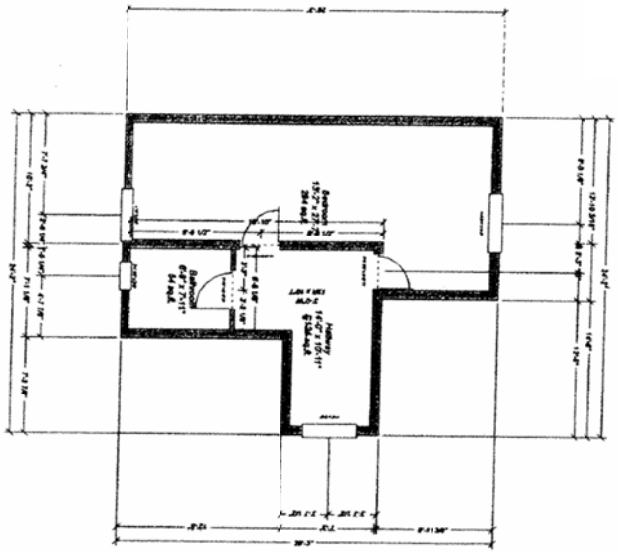
500 ACADEMY RD.

EXISTING SITE PLAN

SECOND LEVEL

469 □ FT.

PAGE 5



ACADEMY ROAD

500 ACADEMY RD

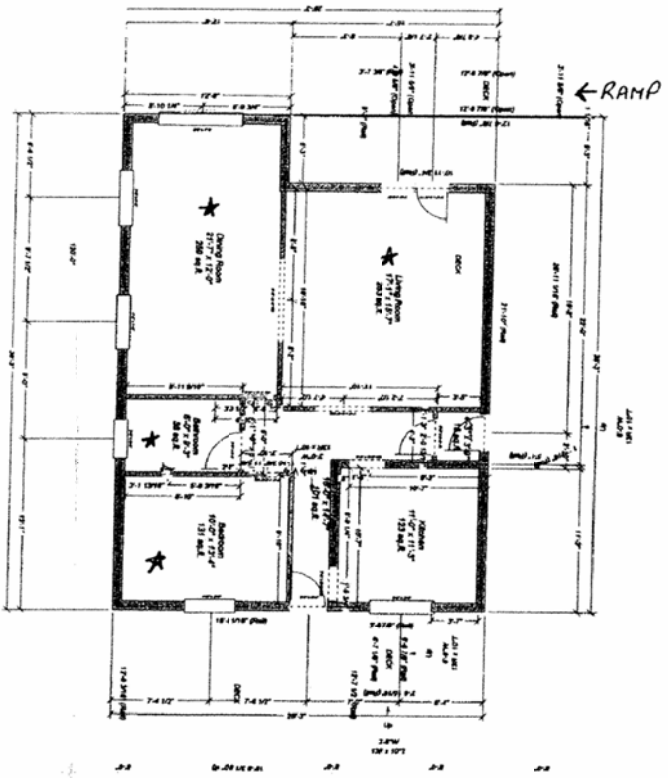
PROPOSED SITE PLAN

MAIN LEVEL

948 □ FT.

PAGE 6

★ = RETAIL SPACE

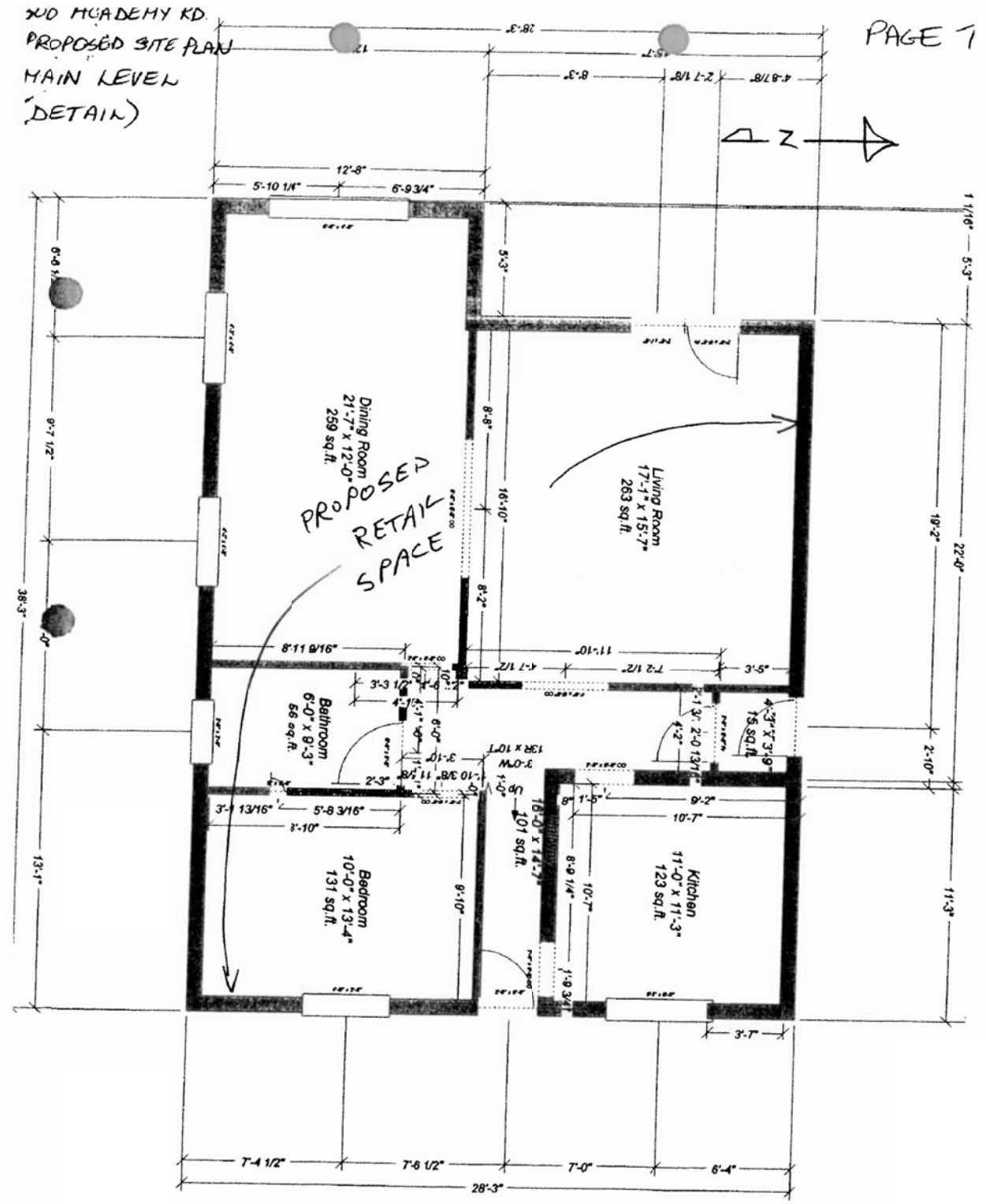


ACADEMY ROAD

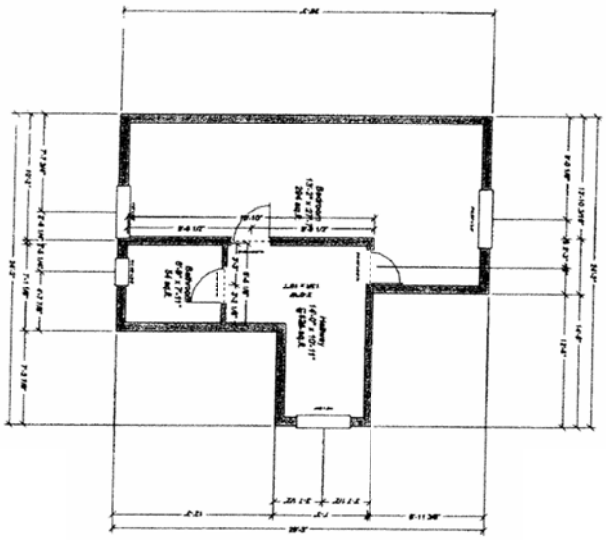
PARKING

PUBLIC LANE

DAZ 220/2011


300 ACADEMY RD.
PROPOSED SITE PLAN
MAIN LEVEL
(DETAIL)
PAGE 7
N
PROPOSED RETAIL SPACE
Dining Room
21'-7" x 12'-0"
259 sq.ft.
Living Room
17'-1" x 15'-7"
263 sq.ft.
Bathroom
6'-0" x 9'-3"
56 sq.ft.
Bedroom
10'-0" x 13'-4"
131 sq.ft.
16'-0" x 14'-7"
101 sq.ft.
Kitchen
11'-0" x 11'-3"
123 sq.ft.
15 sq.ft.
28'-3"
22'-0"
38'-3"

500 ACADEMY RD.
PROPOSED SITE PLAN
SECOND LEVEL (NO CHANGE)
469 □ FT.



ACADEMY ROAD

PUBLIC LANE