Minute No. 246
Report - Standing Policy Committee on Property and Development – February 14, 2012

Item No. 5 **Subdivision and Rezoning – east side of Burnell Street, north of St. Paul Avenue**
(Daniel McIntyre Ward)
File DASZ 37/2011

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 37/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2011, dated November 10, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2011, dated November 7, 2011, to a "C2" Commercial Corridor District, subject to the following conditions:

   A. Only the following uses shall be permitted uses on the land:
      i. All uses which are permitted in the "R2" Residential Two-Family District.

   B. The following uses shall be permitted as conditional uses:
      i. Parking, surface;
      ii. All uses which are conditional uses in the "R2" Residential Two-Family District.

   C. Only the following signage shall be permitted:
      i. Any signage which is permitted in the "R2" Residential Two-Family District.

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COUNCIL DECISION (continued):

D. 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.

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 the same to Council for all three (3) readings.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the servicing agreement

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

Report - Standing Policy Committee on Property and Development – February 14, 2012

COUNCIL DECISION (continued):

9. 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.

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

11. 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 – February 14, 2012

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2012, 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 January 31, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On January 3, 2012, the City Centre Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on January 31, 2012.

On December 6, 2011, the City Centre Community Committee adjourned the public hearing to its meeting on January 3, 2012.

RE: **Subdivision and Rezoning - east side of Burnell Street, north of St. Paul Avenue**
File DASZ 37/2011 [c/r DCU 168265/2011D & DAV 168268/2011D]

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

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

Report date: **February 1, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 31, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 37/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2011, dated November 10, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 37/2011, dated November 7, 2011, to a "C2" Commercial Corridor District, subject to the following conditions:

   A. Only the following uses shall be permitted uses on the land:
      i. All uses which are permitted in the "R2" Residential Two-Family District.

   B. The following uses shall be permitted as conditional uses:
      i. Parking, surface;
      ii. All uses which are conditional uses in the "R2" Residential Two-Family District.

   C. Only the following signage shall be permitted:
      i. Any signage which is permitted in the "R2" Residential Two-Family District.

   D. 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.

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 the same to Council for all three (3) readings.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the servicing agreement

7. 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.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. 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.

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

11. 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 City Centre Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 10, 2011.

PUBLIC HEARING SUMMARY

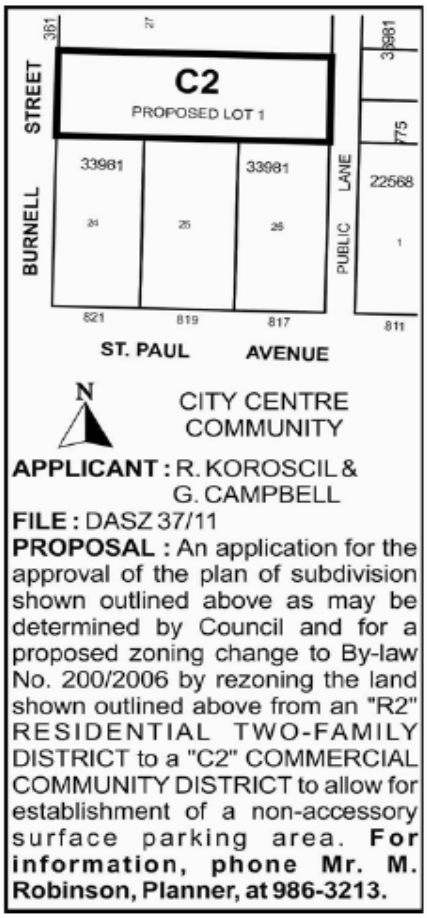
File: DASZ 37/2011

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

Public Hearing: January 31, 2012, North Committee Room
January 3, 2012, Council Chamber
December 6, 2011, West Committee Room
Council Building, 510 Main Street

Applicant: Randy Koroscil and Graham Campbell

Subject:



Premises Affected: east side of Burnell Street, north of St. Paul Avenue

Exhibits Filed:

1. Application dated October 7, 2011
2. Notification of Public Hearing dated October 19, 2011
3. Manitoba Status of Title 2259445
4. Letter of authorization dated June 30, 2011 from RCV Developments Ltd. to Graham Campbell and Randy Koroscil
5. Surveyor's Building Location Certificate and sketch dated October 5, 2011
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated November 10, 2011
8. Inspection Report
9. Communication dated December 5, 2011, from Christian Cassidy with respect to/in support of/in opposition to the application
10. Presentation in support of the application submitted by J. Graeme Young, on behalf of the applicant, at the public hearing
11. Audio Recording of representations held on December 6, 2011
12. Notice of Adjournment dated December 8, 2011
13. Notice of Adjournment dated January 11, 2012

REPRESENTATIONS:

In Support:

Christian Cassidy
Andrew Dajic
Nicolas Geddert
Alexis Johnston
Bruce Minton
Shawn Neufeld
Lauren Rubert
J. Graeme E. Young, on behalf of Randy Koroscil and Graham Campbell

In Opposition

Kevin Hearty
Laurel Lyons
Jason Neufeld
Alix Sobler

For Information:

James Bernardin
Lorraine Gendre
Bruce Guenther
Tara Mainland

For the City:

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

Exhibit "7" referred to in File DASZ 37/2011

ADMINISTRATIVE REPORT

Title: DASZ 37/2011 –Burnell Street (north of St. Paul Avenue)

Issue: Application to create one lot from two existing lots and to rezone from "R2" Residential Two-Family District to a "C2" Commercial District to allow for the maintenance of a non-accessory surface parking lot as a conditional use.

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 plan of subdivision proposed under File DASZ 37/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2011 dated November 10, 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 the subject land as shown on Schedule "A" for File DASZ 37/2011 dated November 7, 2011 to a "C2" Commercial Corridor District, subject to the following conditions:

   i. Only the following uses shall be permitted uses on the land:
      a. All uses which are permitted in the "R2" Residential Two-Family District

   ii. The following uses shall be permitted as conditional uses:
      a. Parking, surface
      b. All uses which are conditional uses in the "R2" Residential Two-Family District

iii. Only the following signage shall be permitted:
   a. Any signage which is permitted in the "R2" Residential Two-Family District

iv. 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.

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.

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

10. 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:	November 10, 2011
File No.	DASZ 37/2011

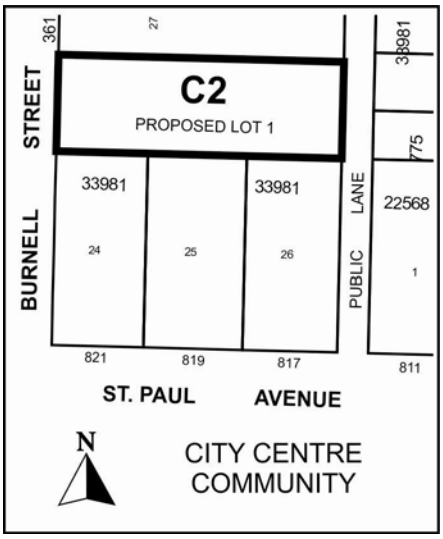
APPENDIX 'A'

DATE:	November 10, 2011
FILE:	DASZ 37/11
RELATED FILES:	N/A
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.112

SUBJECT: Application to create one lot from two existing lots and to rezone from "R2" Residential Two-Family District to a "C2" Commercial District to allow for the maintenance of a non-accessory surface parking lot as a conditional use.

LOCATION: East Side of Burnell Street, north of St. Paul Avenue

LEGAL DESCRIPTION: Lots 5 and 6, Block 2, Plan 775



APPLICANT: Randy Koroscil and Graham Campbell
617 Waverley Street
WINNIPEG MB R3M 3K8

OWNER: RCV Developments Ltd.

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION
The subject property, which is located on Burnell Street, between St. Paul and St. Matthews Avenues, in the St. Matthews neighbourhood of the Daniel McIntyre ward.

North: Residential uses zoned "R2" Residential Two-Family District
South: Residential uses zoned "R2" Residential Two-Family District
East: Residential uses zoned "R2" Residential Two-Family District
West: School zoned "R2" Residential Two-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The subject property has been used as an accessory parking lot for the adjacent apartment buildings for decades. Recently, the apartments were converted to condominiums and the parking area and condominiums were put on separate titles. Consequently, now that the parking area is on a separate title, it is classified as a non-accessory parking area, which requires a rezoning to "C2" Commercial District.

Reason for application
Non-accessory parking areas are permitted in the "C2" Commercial District as a conditional use

ANALYSIS AND ISSUES
Compatibility with existing neighbourhood and surrounding uses
As previously mentioned, the subject property has been used as a parking area for some time. The proposed rezoning would legitimize the use and more importantly, ensure that current development standards for fencing, buffering, landscaping, and paving are provided.

Consequently, the proposed rezoning will result in a general improvement in the appearance of the property.

For these reasons, it is recommended that the application be approved.

Conditions of approval
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.*

With that said, the range of uses and intensity allowed under a "C2" Commercial District is not compatible with the area.

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 "R2" Two-Family Residential District, with the exception of parking lots.

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

- This rezoning formalizes the existing condition
- The rezoning will ensure that current development standards for fencing, buffering, landscaping, and paving are provided
- The rezoning will result in a general improvement in the appearance of the property

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

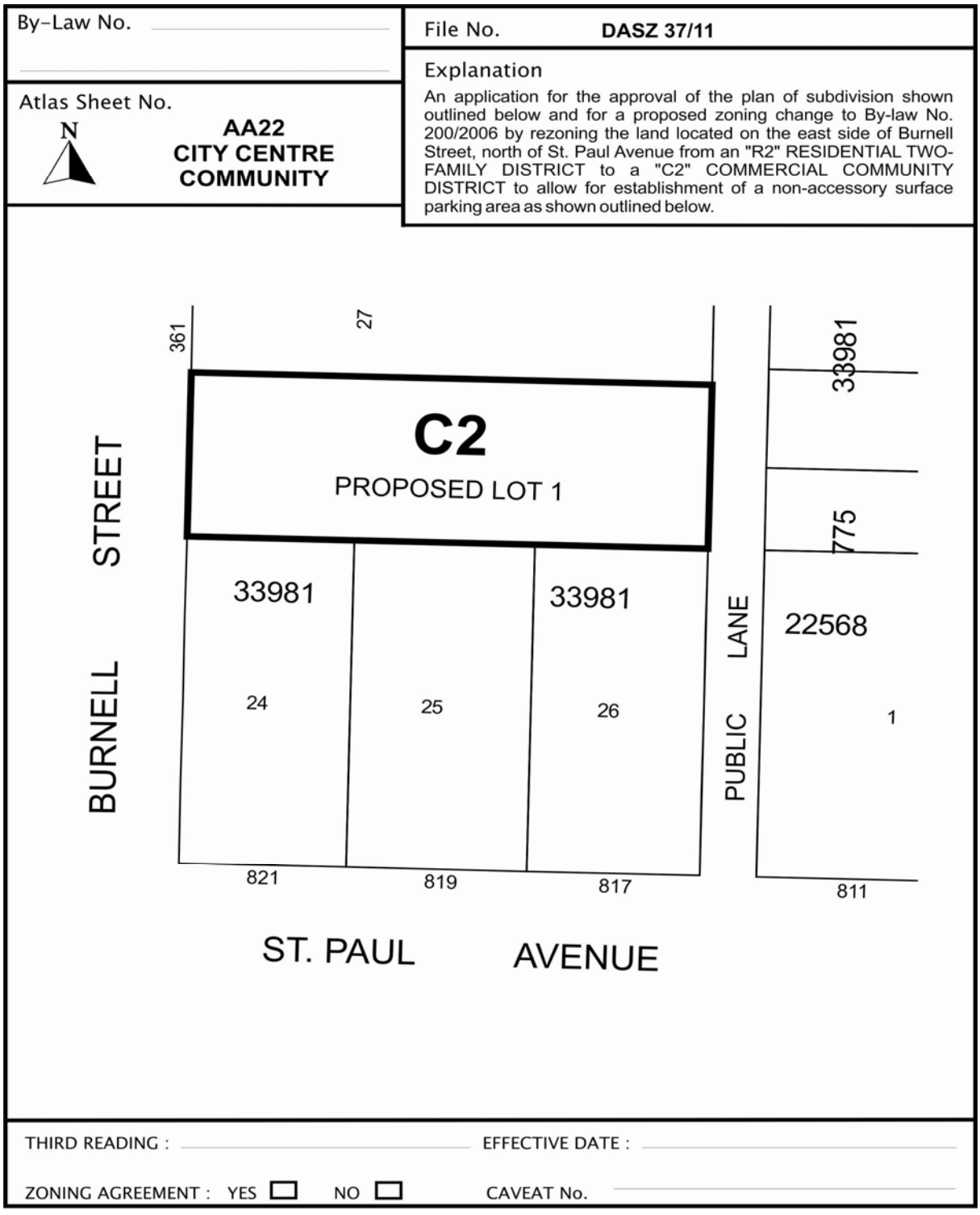
Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 37/2011



Figure 1: Aerial Photo (Flown in 2009)

Schedule "A"

Schedule "A" for File No. DASZ 37/2011, City Centre Community Committee, dated November 7, 2011



Appendix "B"
Design Guidelines for accessory parking area

- A minimum 5 foot landscape buffer containing a dense hedge and two trees along the Western property line
- A 3.5' high, ornamental black wrought iron style fence along the Western property line
- Maintain a 6.0' high, opaque wooden fence along the north property line
- Maintain existing trees along the north property line

Appendix "C"
Photographs of existing site conditions





