Agenda – Council – January 30, 2013

Report – Executive Policy Committee – January 16, 2013

Item No. 4 Subdivision and Rezoning – 666-672 Arlington Street (Daniel McIntyre Ward) File DASZ 37/2012 [c/r DAV 175567/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 37/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2012 dated December 27, 2012 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 37/2012 dated December 27, 2012 to a "CMU" Commercial 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of any 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 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report – Executive Policy Committee – January 16, 2013

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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

7. 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.

8. 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 (1) year from the date the by-law is passed.

9. 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.

10. 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.

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 – Executive Policy Committee – January 16, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 8, 2013, 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: **Subdivision and Rezoning – 666-672 Arlington Street**
File DASZ 37/2012

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **January 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 8, 2013, 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 plan of subdivision under File DASZ 37/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2012 dated December 27, 2012 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 37/2012 dated December 27, 2012 to a "CMU" Commercial 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of any 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 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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

7. 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.

8. 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 (1) year from the date the by-law is passed.

9. 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.

10. 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.

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. This development will be an improvement to the area.

PUBLIC HEARING SUMMARY

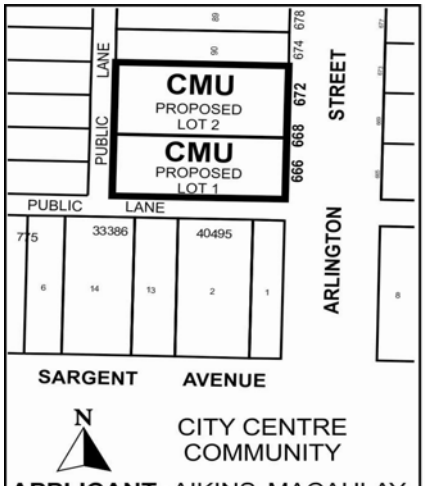
File: DASZ 37/2012

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

Public Hearing: January 8, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: Aikins, MacAulay & Thorvaldson LLP (Marla Levene)

Subject:



APPLICANT : AIKINS, MACAULAY & THORVALDSON LLP
FILE : DASZ 37/12
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow for the creation of two (2) lots for future commercial/residential development. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 666-672 Arlington Street

Exhibits Filed:

1. Application dated November 14, 2012
2. Notification of Public Hearing dated November 21, 2012
3. Manitoba Status of Titles 2274174/1, 2114078/1
4. Copy of Caveat 3420761
5. Letter of authorization dated November 7, 2012 from Milton Bogoch, Roseman Corp. to Aikins, MacAulay & Thorvaldson LLP
6. Letter of authorization dated November 7, 2012 from Milton Bogoch, 1068482 Alberta Ltd. to Aikins, MacAulay & Thorvaldson LLP
7. Surveyor's Building Location Certificate and sketch dated October 24, 2012
8. Report from the Urban Planning Division dated December 27, 2012
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Marla Levene, Aikins, MacAulay and Thorvaldson LLP
Harvey Ramsey

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DASZ 37/2012

ADMINISTRATIVE REPORT

Title: DASZ 37/2012 – 666 - 672 Arlington Street

Issue: An application at a Public Hearing to consolidate 666, 668 and 672 Arlington into two new lots- Lot 1 to be utilized for commercial/ residential purposes and Lot 2 to be utilized as a parking area**.** Both lots to be rezoned to "CMU" Commercial Mixed Use District

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development – 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	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 37/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2012 dated December 27, 2012 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 37/2012 dated December 27, 2012 to a "CMU" Commercial 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of any 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 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 the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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

7. 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.

8. 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 (1) year from the date the by-law is passed.

9. 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.

10. 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.

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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the entire site from its current “R2” Two Family Residential and “C2” Commercial categories to a “CMU “ Mixed Use Commercial category in order to allow for the expansion of a parking area and the conversion of a commercial building to combined office space and residential use.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into two lots, both lots to be rezoned to a “CMU” Commercial Mixed Use District.

HISTORY

- In 2006, the same applicants on behalf of the owners Rosewood Corp. rezoned 672 Arlington Street from a two family residential category to “C2” Commercial to facilitate development of a parking lot.
- The dwelling on the site was ultimately demolished and the conversion did occur a year later.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Kevin Lalor
Date:	December 27, 2012
File No.	DASZ 37/2012

APPENDIX 'A'

DATE: December 27, 2012

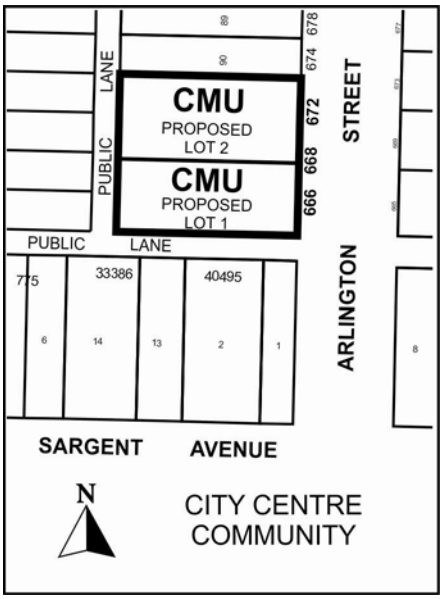
FILE: DASZ 37/2012
RELATED FILE(S): DAV 12-175567/D (c/r)

COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.118

SUBJECT: An application to consolidate 666, 668 and 672 Arlington and create two new lots 1 (commercial building) & 2 (expanded parking area) and rezone both lots to a "CMU" Commercial Mixed Use District.

LOCATION: 666/672 Arlington Street

LEGAL DESCRIPTION: Lots 91-94 Block 5, Plan 775



APPLICANT: Aikens, MacAulay, Thorvaldson LLD

OWNERS: Roseman Corp. 7 1060482 Alberta Ltd.

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION:

- The subject site is located on the west side of Arlington Street, north of Sargent Avenue.
- It abuts a residential neighborhood to the north and a business area immediately adjacent to the south along Sargent Avenue.
- The most northerly of the two current properties (#672) involved is a parking lot zoned "C2" (DAZ 243/06). The second and most southerly parcel (#666) is occupied with a garage and the principal building – all zoned "R2" Residential**.**

SURROUNDING LAND USES AND ZONING:

North: A largely single family residential neighborhood, most of which is over a hundred years old, is zoned "R2 "Two Family Residential.

South: Adjacent to the south are a mix of commercial businesses fronting onto Sargent Avenue. There is a mix of retail office, personal services, institutional and restaurant uses all zoned "C2" Commercial.

East: Single family dwellings, many constructed in the post war period, lie to the east of Arlington Street. All are zoned "R2" Two Family Residential.

West: To the west is a continuing older residential neighborhood zoned "R2" Two Family.

DESCRIPTION OF THE PROPOSED DEVELOPMENT:

- The applicant is proposing to rezone the entire site from its current "R2" Two Family Residential and "C2" Commercial categories to a "CMU " Mixed Use Commercial category in order to allow for the expansion of a parking area and the conversion of a century old commercial building to combined office space and residential use.
- Combined 668 and 672 Arlington Street will constitute Lot 2 and will be converted into a 28 stall parking area (including stalls which will be dedicated for bicycles). The parking is generally intended to service the tenants of a nearby commercial building lying adjacent at 819 Sargent Avenue. The garage currently located at the northwest corner of proposed Lot 2 is to be removed.
- What is now 666 Arlington Street will become Lot 1 and the building currently occupying Lot 1 is to remain. This property is to be conveyed to an arms length purchaser. The main floor of this building will be used by the purchaser for a commercial business (artisan studio). In addition, the second floor of the building will also be developed into commercial space. The third floor is slated to become a residence for the owner of the commercial business located on the main floor. There will be an unspecified but limited number of parking stalls provided internally off the lane at the rear of the building for the occupants of the building.
- It is anticipated that some off-street approaches will be altered or relocated.
- Each of the three aforementioned floors at 666 Arlington is approx. 3420 sq. ft. in area.

ANALYSIS AND ISSUES:

The proposed rezoning includes two elements:

An adaptive reuse of the vacant warehouse building at 666 Arlington and a reconfiguration of the property lines between properties to expand the existing surface parking lot.

Adaptive reuse
The adaptive reuse of the warehouse building will revitalize a century old building close to a mixed use corridor. The proposed change in zoning is needed in order to recognize the commercial grade building that exists on the site and to facilitate its redevelopment.

Parking
The expansion of the parking area will provide supportive parking for businesses in the area and involves neither the conversion of currently developed land nor further encroachment into the housing area to the north. If the parking stalls are not fully utilized by existing businesses, they may also be used to leverage further development in the immediate area in the future.

Consequently, the proposed rezoning and subdivision is compatible with the surrounding residential area

RECOMMENDATION:

The Public Service recommends **approval** for the following reasons:

- The proposed development complies with the Complete Communities Direction Strategy.
- Mixed Use developments of this scale and type are not uncommon along major thoroughfares like Arlington Street and are deemed to be generally compatible with the surrounding neighborhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Kevin Lalor
PPD File # DASZ 37/2012



Figure 1: Aerial photograph of the subject site and surrounding area (2012)

Schedule “A” for File No. DASZ 37/2012, City Centre Community Committee, dated December 27, 2012

By-Law No. _____

File No. **DASZ 37/12**

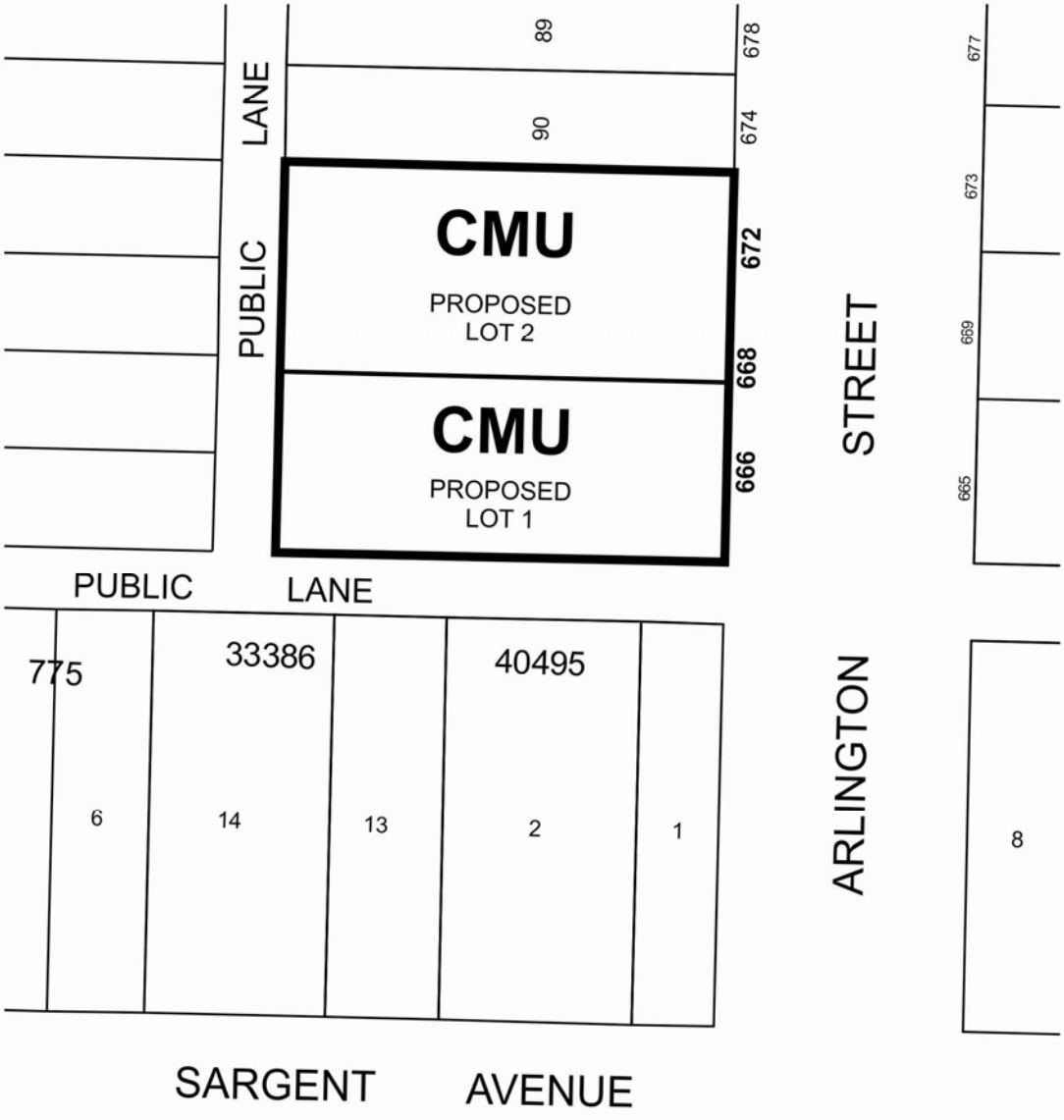
Atlas Sheet No.

N

Z22
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 666-672 Arlington Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and a "C2" COMMERCIAL COMMUNITY DISTRICT to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow for the creation of two (2) lots for future commercial/residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____