Agenda – Executive Policy Committee – March 13, 2013

REPORTS

Item No. 5 Subdivision and Rezoning – 2080 Ness Avenue
(St. James-Brooklands Ward)
File DASZ 40/2012 [c/r DAV 180811/2012D]

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2013, the Assiniboia 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 40/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2012 dated February 11, 2013 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 planned area as shown on Schedule "A" for File DASZ 40/2012 dated February 11, 2013 to a "C2" PDO Airport Vicinity Commercial Community 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, structure, and/or accessory parking area and/or free-standing 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, exterior lighting, fencing, landscaping and free-standing 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.

        ii. That the height of any building on the subject site shall be limited to two (2) storeys and a maximum of thirty-five (35) feet.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

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 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.

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 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2013, the Assiniboia 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 - 2080 Ness Avenue**
File DASZ 40/2012 [c/r DAV 180811/2012D]

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **March 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

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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 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 Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. It’s an appropriate development for the location.

2. The applicant conducted community consultations.

3. It’s a good development for the community.

PUBLIC HEARING SUMMARY

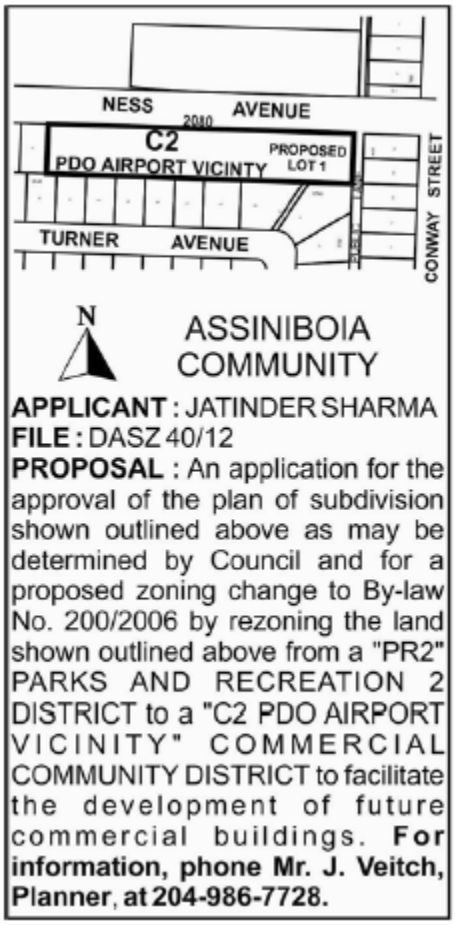
File: DASZ 40/2012

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: March 5, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: Jatinder Sharma

Subject:



Premises Affected: 2080 Ness Avenue

Exhibits Filed:

1. Application dated December 18, 2012
2. Notification of Public Hearing January 4, 2013
3. Manitoba Status of Title 2510151/1
4. Letter of authorization dated July 4, 2012 from The City of Winnipeg to Jatinder Kumar Sharma and Bandana Sharma
5. Miscellaneous Plans No. 12803/1 (2 pages)
6. Plans (6 pages)
7. Report from the Planning and Land Use Division dated February 11, 2013
8. Inspection Report
9. Audio Recording of representations of public hearing held on March 5, 2013

REPRESENTATIONS:

In Support:

Albert Boncalos
Jomar Briones
Jess Davis
Todd Labelle
Jatinder & Bandana Sharma

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 40/2012

ADMINISTRATIVE REPORT

Title: DASZ 40/2012 – 2080 Ness Avenue

Issue: An application for consideration at the Public Hearing to rezone the site from 'PR2' PDO Airport Vicinity Parks and Recreation to 'C2' PDO Airport Vicinity Commercial Community.

Critical Path: Assiniboia 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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 40/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2012 dated February 11, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office,
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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 applicant is proposing to consolidate the subject lands into 1 (one) lot and rezone the property from “PR2” PDO Airport Vicinity Parks and Recreation 2 to “C2” PDO Airport Vicinity Commercial Community.
- The proposed ‘C2’ zoned lot will be used to develop three multi-tenant commercial buildings, with associated surface parking, landscaping and fencing,
- There is a concurrent variance file, (DAV 12-180811/D) for the subject site that will be heard at the same public hearing requesting relaxations to the required rear yard setback and landscaping,

- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the subject lands will be consolidated into one lot and rezoned to 'C2' PDO Airport Vicinity Commercial Community.

HISTORY

- The lands had previously operated at the Silver Heights Community Centre consisting of a clubhouse and two outdoor hockey rinks,
- **July 3, 2012**, the Standing Policy Committee on Property and Development concurred with the recommendation regarding the sale of the existing Silver Heights Community Centre to the applicant,
- **September 2012,** The applicant entered into a pre-application process with the City of Winnipeg, all department comments were incorporated into the final plans submitted with the subject application,
- **November 3, 2012,** the applicant held a public open house to present his redevelopment plans for a small scale commercial strip mall to the neighbourhood.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	James Veitch
Date:	February 11, 2013
File No.	DASZ 40/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 40/2012 Assiniboia Community Committee, dated February 11, 2013
3. Appendix B — Plan Approval Design Guidelines for DASZ 40/2012

APPENDIX 'A'

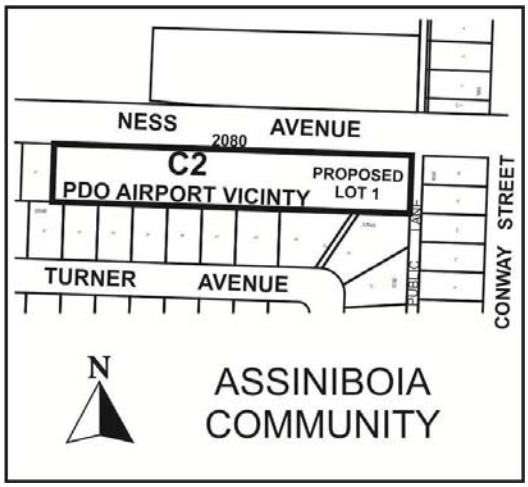
DATE: February 11, 2013

FILE: **DASZ 40/2012**
RELATED FILES: DAV 12-180811/D

COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.215

SUBJECT: To consolidate the subject lands into one (1) Lot and rezone the land from "PR2" PDO Airport Vicinity Parks and Recreation 2 to 'C2' PDO Airport Vicinity Commercial Community

LOCATION: 2080 Ness Avenue
LEGAL DESCRIPTION: LOT 58/68 BLOCK 20 PLAN 5090 17/20 STJA



APPLICANT: Jatinder Sharma
22 Playgreen Crescent
Winnipeg MB R2P 1E3

OWNER: City of Winnipeg (Jon Zabudney)

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The subject lands are currently owned by the City of Winnipeg and have served as the Silver Heights Community Centre with two outdoor hockey rinks,
- The lands were deemed surplus by the City of Winnipeg Council and put up for sale by the City Real Estate Division,
- The applicant is proposing to consolidate the subject lands into 1 (one) lot and rezone the property from “PR2” PDO Airport Vicinity Parks and Recreation 2 to “C2” PDO Airport Vicinity Commercial Community.
- Pending the approval of the rezoning, the existing buildings and outdoor hockey rinks will be removed from the site,
- The proposed ‘C2’ zoned lot will be used to develop three multi-tenant commercial buildings, with associated surface parking, landscaping and fencing.
- The City of Winnipeg has an existing caveat (5.0 metre wide easement) registered on the subject lands that will remain as per the Purchase Agreement,
- The 5.0 metre (16.4 foot) wide easement allows for an existing combined sewer to traverse the lands serving the residential lands to the south of the subject lands,
- The Urban Planning Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject lands are located on the south side of Ness Avenue between Conway Street to the east and Mount Royal Road to the west in the Silver Heights neighbourhood of the St. James – Brooklands Ward.
- The site is approximately **1.4 acres in area** and is currently used for a Community Centre and outdoor hockey rinks.
- The site was declared surplus by City Council and was offered for sale by the City Real Estate Division.
- The site is located along a Mixed Use Corridor (Ness Avenue) under the *Complete Communities Direction Strategy* as well as being within the Areas of Stability - Mature Communities.
- New development options are somewhat constrained as the site is located within the Airport Vicinity PDO Area I which does not allow any new residential development except for minor residential infill.



Figure 1: Subject Lands - 2080 Ness Ave. and Surrounding Context (Aerial Photography Flown 2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: 'M2' Manufacturing General (Baseball Diamonds / Drive -Through Coffee Shop)

South: 'R1-M' Single Family Residential (Single Family Dwellings / Church).

East: Rear lane then 'R1-M' Single Family Residential (Single Family Dwellings)

West: 'C2' Community Commercial (Strip Mall then Mount Royal Rd. then Auto Repair).

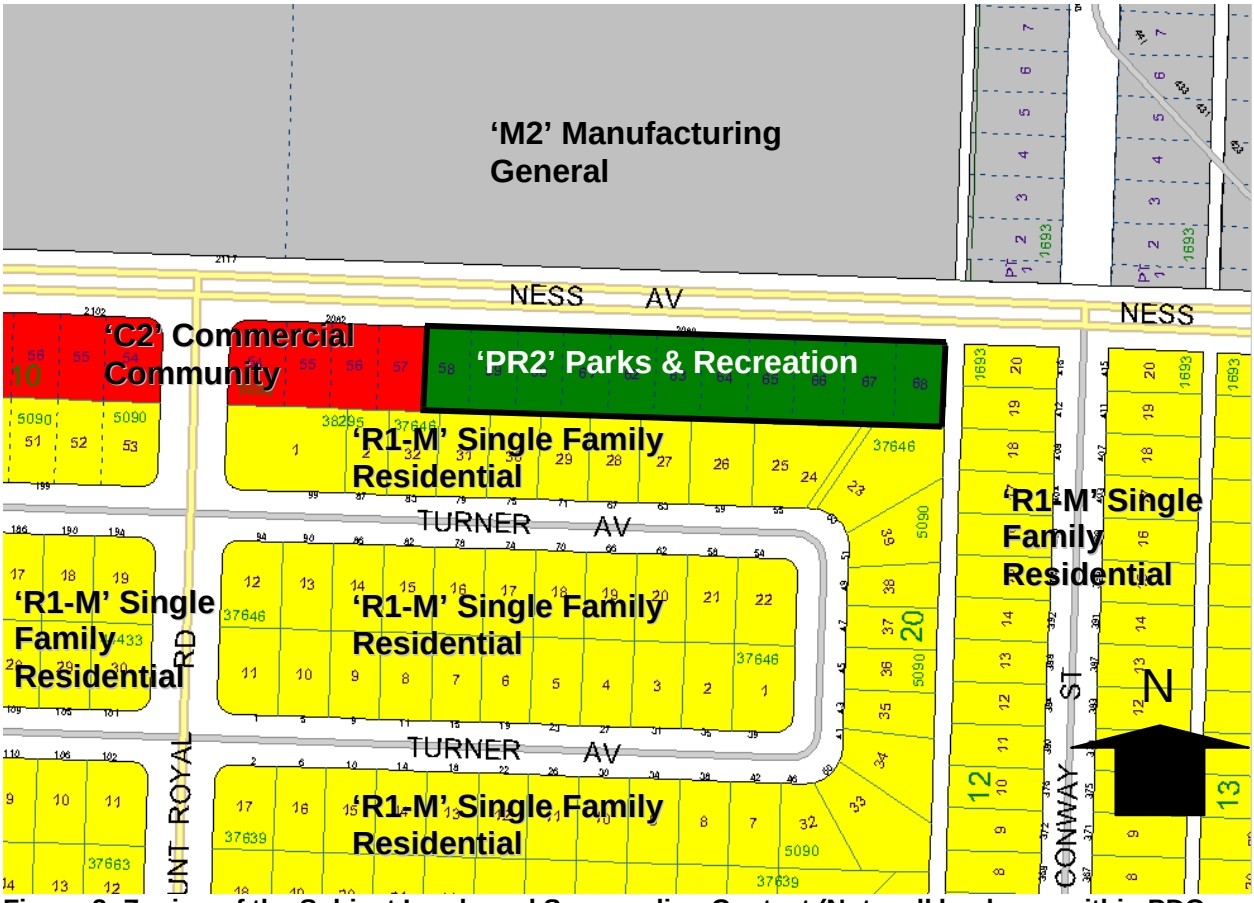


Figure 2: Zoning of the Subject Lands and Surrounding Context (Note: all lands are within PDO Airport Vicinity Area I).

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the subject lands into 1 (one) lot and rezone the property from "PR2" PDO Airport Vicinity Parks and Recreation 2 to "C2" PDO Airport Vicinity Commercial Community.
- The proposed 'C2' zoned lot will be used to develop three commercial buildings along with surface parking, landscaping and fencing.
- The City of Winnipeg has an existing caveat (5.0 metre wide easement) registered on the subject lands that will remain as per the Purchase Agreement, (see Figure 3).
- The 5.0 metre (16.4 foot) wide easement allows for an existing combined sewer to traverse the lands serving the residential lands to the south of the subject lands.
- Variances for a reduced rear yard and reduced on site landscaping have also been applied for as part of the rezoning, redevelopment proposal.

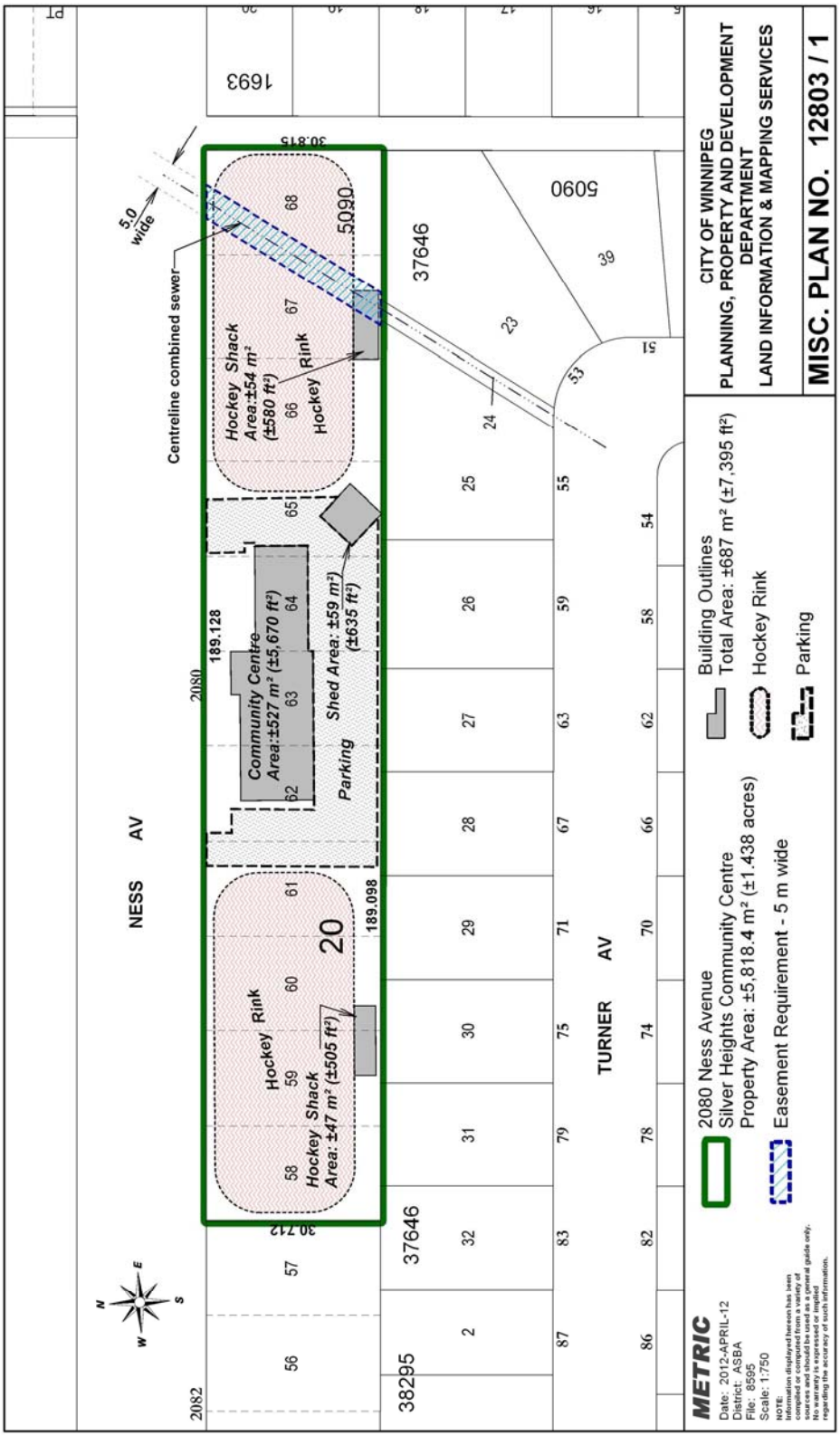


Figure 3: Misc. Plan No. 12803/1 showing 5.0 metre wide easement across east side of the subject site

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is located along a **Mixed-Use Corridor** (Ness Avenue) as well as in an **Area of Stability – Mature Community**.
- The Key Direction for Centres and **Corridors** explains the City's development perspective:
    - Focus a significant share of growth to centres and corridors in a manner that:
        - Provides compact, mixed-use, high-quality urban development,
        - Concentrates people and jobs in areas well served by the primary transit service, located close to transit stops,
        - Concentrates urban development in a built form that helps optimize existing investment, municipal infrastructure and facilities,
        - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate sensitive site and building design.
- Key relevant policies guiding development along **Mixed Use Corridors** include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Support development in accordance with Universal Design and Crime Prevention through Environmental Design (CPTED) policies.
- Key relevant policies guiding development within **Areas of Stability** include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for community gathering and social interaction.
    - Encourage intensification to occur at centres and along corridors.
    - Support a mix of commercial services and employment uses that serve the local community.

LAND USE BY-LAW

Rezoning

- The lands are currently zoned 'PR2' PDO airport Vicinity Parkas and Recreation 2. The applicant is proposing to rezone the lands to 'C2' Commercial Community.

PROPOSED ZONING

"C2" Commercial Community District

- The ‘C2’ zoning 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 the 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. Non-residential structures in the C2 zone require the following dimensional standards:
    - A minimum front, side and corner side yard of 0 feet,
    - A rear yard of 25 feet.
    - Maximum building height is 49 feet and,
    - Maximum Floor Area Ratio is 3.0.

PDO AIRPORT VICINITY PLAN

- The subject site is within Area I of the PDO Airport Vicinity Plan, which does not allow any new residential development except minor residential infill,
- Therefore the future use of the site beyond the existing recreational is limited to a lower intensity commercial project such as what is being proposed.

DEVELOPMENT PROPOSAL

Multi-tenant Commercial

- Three (3) separate single storey, multi-tenant commercial buildings are proposed,
- Approximately 9 commercial units totalling 15,000 square feet +/- ,
- 104 surface parking stalls, front and side loading, garbage enclosures,
- Perimeter and interior landscaping,
- Ten (10) foot wide landscape buffer along southerly property line,
- Pedestrian connections from the public sidewalk to the onsite commercial units.

VARIANCES

A variance application, (DAV 12-180811/D) is running concurrently with the rezoning application. The applicant has applied for two relaxations to the City of Winnipeg Zoning by-law 200/06;

Rear Yard

- A rear yard of 12 feet instead of 25 feet.

Landscaping

- Insufficient building foundation and parking lot interior landscaping.

The Urban Planning Division is supportive of the variances. They will be discussed in more detail in the planner’s report for DAV 12-180811/D

PRE-APPLICATION

- The applicant completed a Pre-Application process with the City of Winnipeg during September 2012. The comments from all departments were positive regarding the proposed development, the key highlights being:
    - The project concept aligning with *OurWinnipeg / Complete Communities,*
    - Recommended Public Open House to present the proposal to the surrounding neighbours,

- Site Design and layout comments,
- The existing 5.0 metre easement for the combined sewer to remain,
- No access to the public lane to the east of the site,
- Redesign entry and drive aisle radii for emergency vehicle use.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The *Complete Communities Direction Strategy* encourages the intensification of land for a mix of uses (including commercial developments) along mixed use corridors such as Ness Avenue,
- The proposal includes a 10 foot wide landscape buffer along the south (rear) property line that is shared with the existing single family residences,
- The Urban Planning Division will be requesting that the developer provide a low, light proof solid fence along the front property line facing Ness Avenue to block headlight glare as well as prohibiting the encroachment of parked vehicles onto the public sidewalk,
- The proposal does not allow on site truck traffic to occur along the backs of the proposed commercial buildings, loading and deliveries take place at the front and sides of the buildings creating additional separation of from the existing single family residential to the south,
- At the public open house the proponents asked the attendees what sorts of uses they would like to see attracted, the developer will be looking to add uses that the neighbours felt would be compatible and fill a local need.

PUBLIC CONSULTATION

- The development team held a public open house to present their development plan and garner input from the local community,
- The open house was held at the local St. Stevens & St. Bede Church on November 3, 2012 and included a PowerPoint presentation, an ongoing question and answer session as well as an exit survey that was available for completion and submission,
- The open house was advertised in the local paper in addition to invitations being dropped off to homes within a two block radius,
- A representative from the City of Winnipeg Urban Planning Division was in attendance,
- Approximately 15 to 20 people attended, both the verbal feedback and exit surveys were all positive.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The applicant and his design team have worked closely with the Urban Planning Division over the past 5 months on the building design and site layout of the project. Our collaborative process resulted in several iterations working towards providing the best fit for the site, to accommodate the 5.0 metre easement and to be sensitive to the existing single family dwellings to the south.
- The Urban Planning Division generally supports the plans provided in the application. However, some details such as building materials/dimensions, fencing materials/dimensions, and landscaping details are not included in the plans submitted and will need to be included in the final plans.

- The Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit.
- The inclusion of this clause will allow the Urban Planning Division to review final plans before development takes place for the proposed development and any future developments on the site.
- General design guidelines for future plan approvals have been included in Appendix B.
- The Urban Planning Division will be recommending that the building height be limited to two (2) storeys and a maximum height of 35 square feet, (the same maximum height for single family residential) to ensure the architectural massing fits with the context.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The *Complete Communities Direction Strategy* encourages the intensification of land for a mix of uses (including commercial developments) along **mixed use corridors** such as Ness Avenue,
- The applicant completed a detailed pre-application review with input from many City departments flushing out all potential opportunities and constraints,
- The proposal's location, uses, scale and massing align with the policies of **Areas of Stability,**
- The applicant help a very successful public open house with the surrounding neighbourhood with 100% positive feedback,
- The development team and the City collaborated extensively on the design and site layout to best meet the policies of *Complete Communities Direction Strategy*, while at the same time being respectful and sensitive to the existing single family homes to the south.

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

Report Prepared By: James Veitch
PPD File # DASZ 40/2012

Schedule "A" for File No. DASZ 40/2012, Assiniboia Community Committee, dated February 11, 2013

By-Law No. _____

File No. **DASZ 40/12**

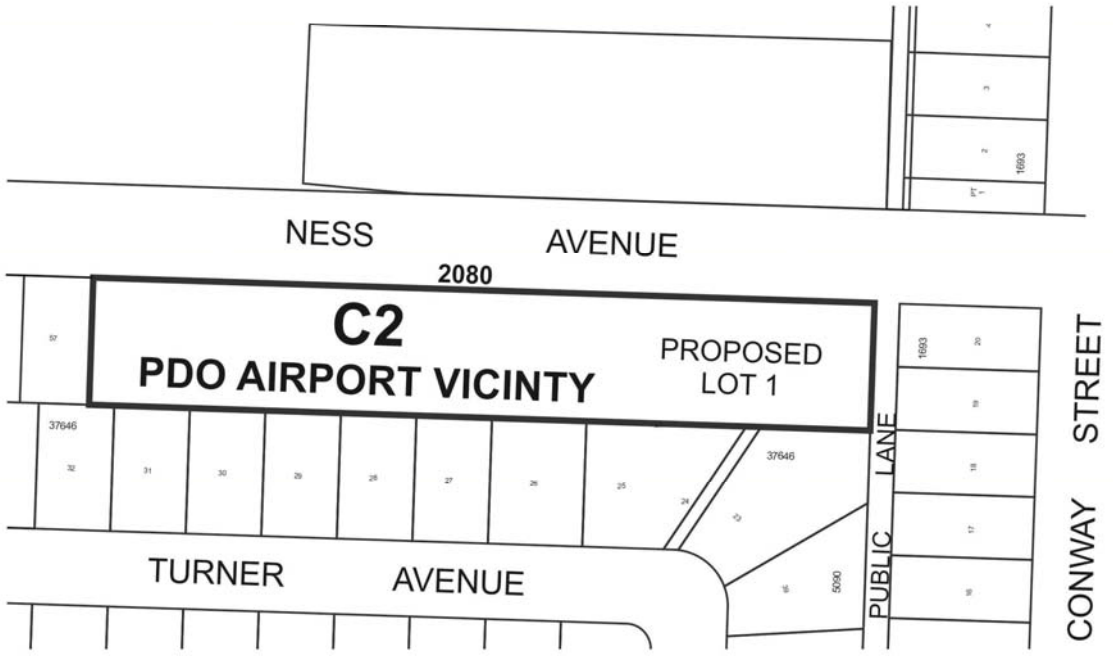
Atlas Sheet No.

N

AA17
ASSINIBOIA
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 2080 Ness Avenue from a "PR2" PARKS AND RECREATION 2 DISTRICT to a "C2 PDO AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to facilitate the development of future commercial buildings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 40/2012 – 2080 Ness Avenue

1. Site Planning

1.1. The site design shall provide a minimum 10 foot wide landscape buffer along the southerly property line shared with the adjacent single family dwellings, the buffer shall be densely planted with a variety of trees and shrubs.

1.2. The site layout and building orientation should ensure that the buildings relate appropriately to the street (Ness Avenue) and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.3. Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.4. Parking areas should be well-screened with landscaping / fencing and/or an active development along the street-front.

1.5. Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing / landscaping.

1.6. Universally accessible connections should be linked to the existing sidewalk along Ness Avenue.

2. Building Orientation and Design

2.1. The building façade facing Ness Avenue should be well-articulated and should avoid featureless building massing.

2.2. The overall design should be made up of a distinctive, quality, architectural character and style that also avoid monotonous and featureless building massing and design.

2.3. Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.4. Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

2.5. Limit business activity along the southerly portion of the site adjacent to the existing single family dwellings to the south.

3. Landscaping

3.1. The minimum 10 foot landscape buffer along the southerly property line shall be densely planted with a variety of deciduous and coniferous trees and shrubs.

3.2. Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

4. Fencing

4.1. Low, light proof ornamental fencing shall be provided along the Ness Avenue frontage to block potential light spill from the parking area into the public right of way.

4.2. Any proposed fencing should be composed of high quality materials.

5. Exterior Lighting

5.1. All exterior lighting shall be downward directed with full cut-off fixtures to reduce any potential for negative off-site lighting impacts.