Minute No. 591
Report – Executive Policy Committee – September 18, 2013

Item No. 2 **Subdivision and Rezoning – 1585 St. Mary's Road (St. Vital Ward) File DASZ 29/2013**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 29/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2013 dated June 27, 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2013 dated June 27, 2013 to a "C2" 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, and/or accessory parking area and/or 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, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee 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 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.

Report – Executive Policy Committee – September 18, 2013

COUNCIL DECISION (continued):

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 – September 18, 2013

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2013, the Riel 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.

On July 8, 2013, the Riel Community Committee adjourned the public hearing to its meeting on September 9, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 1585 St. Mary's Road**
File DASZ 29/2013

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **September 11, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 29/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2013 dated June 27, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

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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.

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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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. It's a commercial corridor; they do not want C3, and are only looking for C2.

2. It's in keeping with the neighbourhood; it is well-spaced in terms of its relation to any residential areas.

3. The area was bound to be made commercial.

PUBLIC HEARING SUMMARY

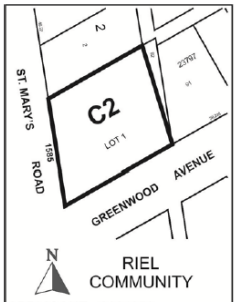
File: DASZ 29/2013

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: September 9, 2013
July 8, 2013
Council Building, 510 Main Street

Applicant: 2621070 Manitoba Inc.

Subject:



APPLICANT : 2621070 MANITOBA INC.
FILE : DASZ 29/13
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the construction of a commercial building to facilitate the establishment of an automotive service centre use. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : 2621070 MANITOBA INC.
N° DE RÉFÉRENCE : DALZ 29/13
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie C2 (secteur commercial communautaire) afin de permettre la construction d'un immeuble commercial afin de faciliter l'établissement d'un service de réparation d'automobiles. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 1585 St. Mary's Road

Exhibits Filed:

1. Application dated May 8, 2013
2. Notification of Public Hearing dated May 17, 2013
3. Manitoba Status of Title 1102504/1
4. Letter of authorization dated April 15, 2013 from Olga Zabawa, c/o Lucia Szkwarek, Power of Attorney for Olga Zabawa to 2621070 Manitoba Inc.
5. Plans (5 pages)
6. Report from the Planning and Land Use Division dated June 27, 2013
7. Inspection Report
8. Notice of Adjournment dated July 9, 2013
9. Audio Recording of representations of public hearing held on September 9, 2013

REPRESENTATIONS:

In Support:

Jim Brousseau
Kyle Courteau
Ron Miller
Lucy Szkwarek

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 29/2013

ADMINISTRATIVE REPORT

Title: DASZ 29/2013 – 1585 St. Mary's Road Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the site into one lot and rezone the land from R1-M to C2.

Critical Path: Riel 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 29/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2013 dated June 27, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
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    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:
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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 consolidate the lot into one lot from three lots and rezone the site from R1-M to C2 in order to establish an auto repair and service use (Super Lube) on the property.
- 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 site will be consolidated into one (1) lot and rezoned from R1-M to C2.

HISTORY

- N/A

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	June 27, 2013
File No.	DASZ 29/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 29/2013 Riel Community Committee, dated June 27, 2013.
3. Appendix “B” — Plan Approval Design Guidelines for DASZ 29/2013

APPENDIX 'A'

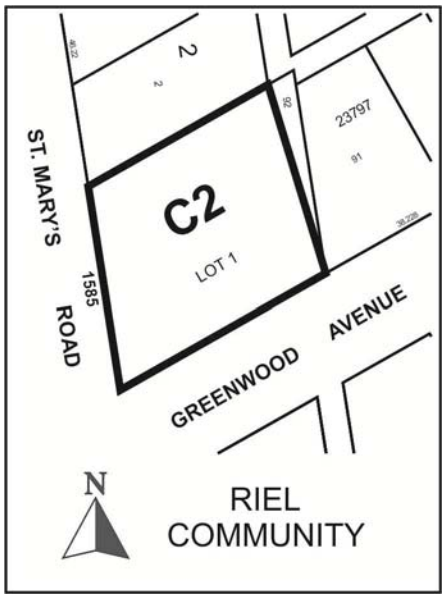
DATE: June 27, 2013

FILE: DASZ 29/2013
RELATED FILES: n/a

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.524

SUBJECT: An application to consolidate the property into one (1) lot and rezone the site from R1-M to C2 in order to establish an auto repair and service use on the site.

LOCATION: 1585 St. Mary's Road
LEGAL DESCRIPTION: SP LOTS 93-95 PLAN 23797



APPLICANT: 2621070 Manitoba Inc. (J.E. Brousseau)
2028 Pembina Highway
WINNIPEG MB R3T 2G8

OWNER: Joseph & Olga Zabawa
1585 St. Mary's Road
WINNIPEG MB R2M 3M2

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the northeast corner of St. Mary's Road and Greenwood Avenue in the Vista neighbourhood of the St. Vital Ward.
- The property is approximately **14,400 square feet in area** and currently contains a detached home with a living area of about 1,100 square feet.
- The site is located along a Regional Mixed-Use Corridor (St. Mary's Road) under the Complete Communities Direction Strategy and is zoned "R1-M" Residential Single-Family Medium.



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

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A medical clinic zoned C3.

South: Greenwood Avenue and a spa zoned C2.

East: The parking lot for the medical centre zoned C3.

West: St. Mary's Road and zoned C2.

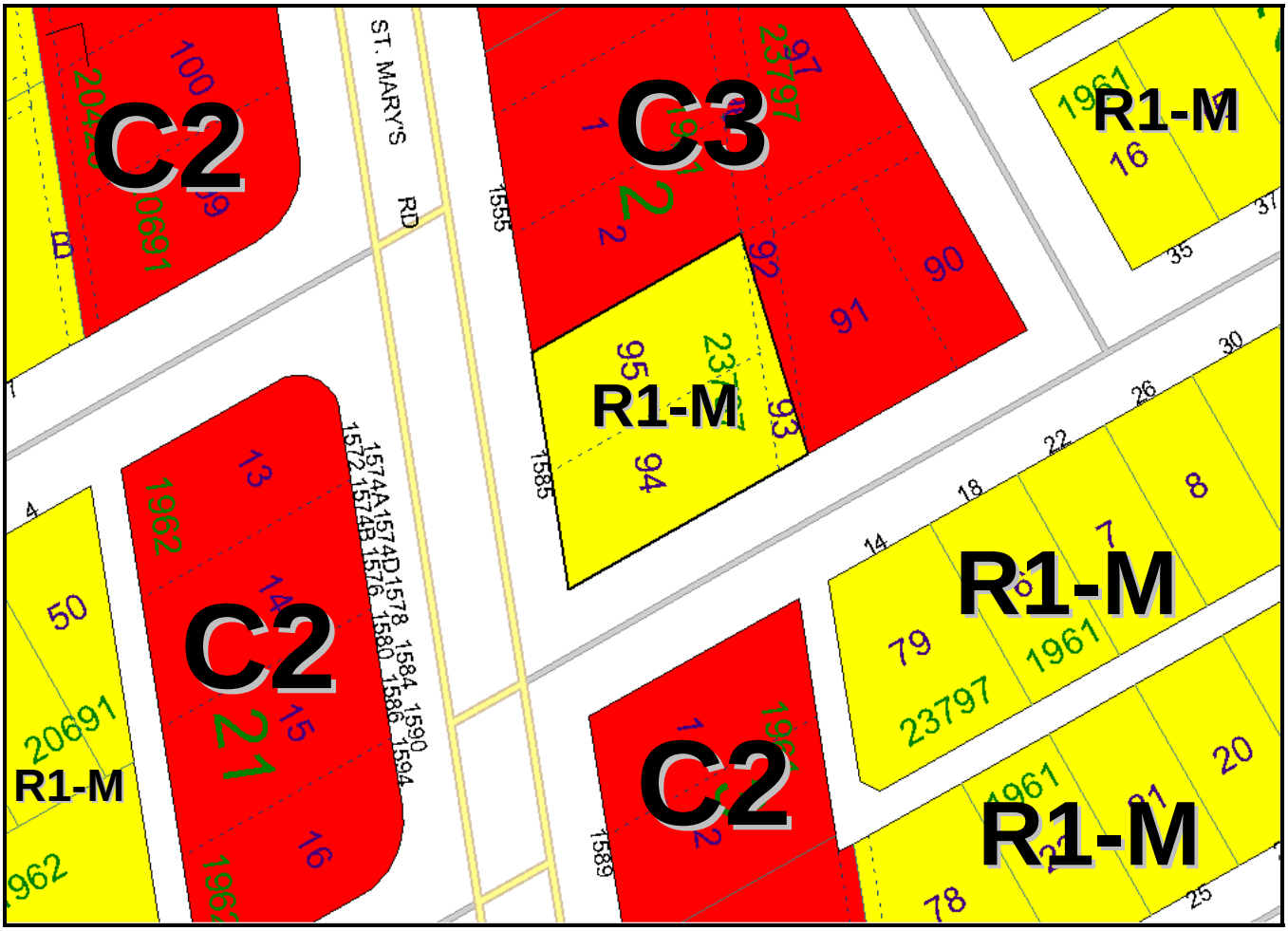


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the lot into one lot from three lots and rezone the site from R1-M to C2 in order to establish an auto repair and service use (Super Lube) on the property.
- The proposed Super Lube will be about 2,000 square feet in area. Vehicular access to the site is proposed from St. Mary's Road and Greenwood Avenue.

ANALYSIS AND ISSUES

- Under the Complete Communities Direction Strategy the proposed development is located along a Regional Mixed-Use Corridor (St. Mary's Road). 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.

- Support a range of housing opportunities in terms of type, tenure, unit size.
- 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.
- Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"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, and a rear yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 3.0.

LAND USE BY-LAW

Rezoning

- The R1-M zoning district does not allow for commercial development. The applicant would like to establish an auto repair and service use on the site and therefore requires a rezoning to a zoning district that permits auto repair and service uses. Auto repair and service uses are permitted in the C2 zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land uses along major corridors such as St. Mary's Road.
- The subject site is surrounded by properties zoned either C2 or C3 and developed for commercial purposes.
- St. Mary's Road is a high capacity arterial that can appropriately support the permitted uses in the C2 zone. As stated in the Zoning By-Law, C2 districts are intended to be "located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots."

RECOMMENDED ZONING AGREEMENT

Plan Approval

- Detailed building elevations and landscaping plans were not included in the subject application. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.
- It is preferred by the Urban Planning Division that the building be located as close as possible to St. Mary's Road and that the perimeter of the site be well-landscaped with a mix of deciduous and coniferous trees. Design guidelines for the future development have been included in Appendix "B".

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

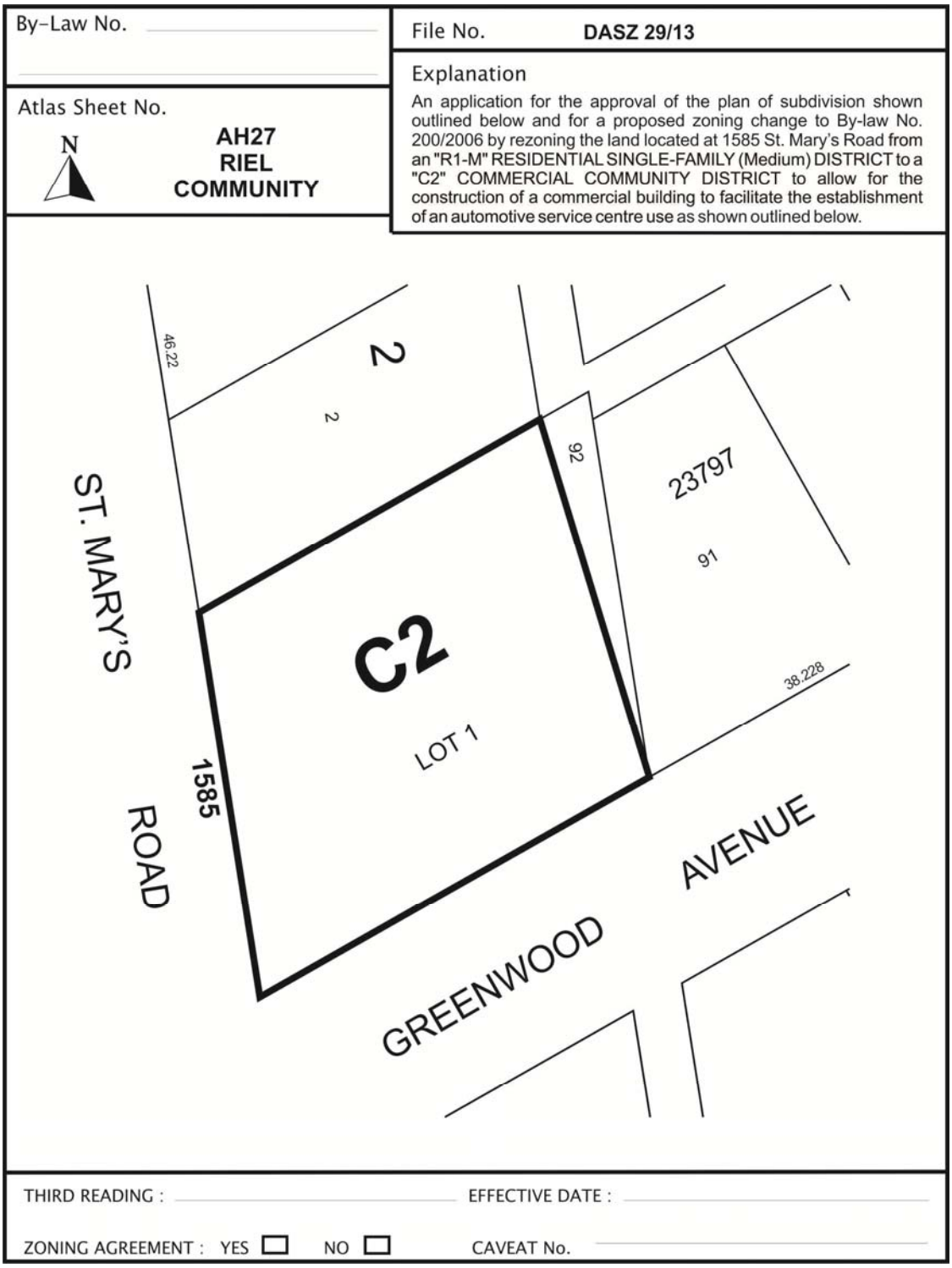
The Urban Planning Division recommends **approval** for the following reasons:

- The Complete Communities Direction Strategy encourages the intensification of land uses along major corridors such as St. Mary's Road.
- The rezoning of the property to C2 is consistent and compatible with the surrounding properties, which are zoned either C2 or C3.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 29/2013

Schedule "A" for File No. DASZ 29/2013, Riel Community Committee, dated June 27, 2013



APPENDIX 'B' **Design Guidelines**

Plan Approval Design Guidelines for DASZ 29/2013 – 1585 St. Mary's Road

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (St. Mary's Road and Greenwood Avenue).

1.2 Parking areas should be located behind or beside the principal development(s) as much as possible.

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

2. Building Orientation and Design

2.1 The building façade facing the public right-of-ways 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 avoids monotonous and featureless building massing and design.

2.3 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.

2.4 Reduce the perception of mass and height through the balanced use of colour, texture and materials.

3. Landscaping

3.1 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.

3.2 High-quality landscaping is required along the streetfront of the development (i.e. along St. Mary's Road and Greenwood Avenue) and along the side and rear yards. It is preferred that existing trees on the site be preserved as much as possible.

3.3 Proposed parking areas should be well-screened with landscaping.