Minute No. 250
Report – Executive Policy Committee – February 19, 2014

Item No. 3 **Zoning Agreement Amendment – 540 St. Anne's Road (St. Vital Ward) File ZAA 11/2013**

COUNCIL DECISION:

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

1. That the Zoning Agreement under File DASZ 10/1996 dated July 24, 1996 (By-law No. 6914/1996), be amended as follows:

   A. That Clause 2 of the Zoning Agreement, which states:

   "The following uses shall be permitted on the land:

   - Bank, credit union, or similar financial service;
   - Bowling alley;
   - Church, synagogue or similar place of worship;
   - Dwelling, multiple-family (subject to conditional use approval);
   - Library;
   - Office"

   be deleted.

   B. That Clause 4 of the Zoning Agreement, which states:

   "The Owner shall install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard, as well as in the rear and side yards where no parking stalls are proposed."

   be deleted.

   C. That Clause 6 of the Zoning Agreement, which states:

   "Directional signage shall be erected both on and off the site to redirect exiting traffic east towards St. Anne's Road."

   be deleted.

Report – Executive Policy Committee – February 19, 2014

COUNCIL DECISION (continued):

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/1996 (By-law No. 6914/1996) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

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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 February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2014, 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.

RE: **Zoning Agreement Amendment – 540 St. Anne's Road**
File ZAA 11/2013

For submission to: **Executive Policy Committee**

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

Report date: **February 12, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2014, 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 Zoning Agreement under File DASZ 10/1996 dated July 24, 1996 (By-law No. 6914/1996), be amended as follows:

   A. That Clause 2 of the Zoning Agreement, which states:

   The following uses shall be permitted on the land:

   - *Bank, credit union, or similar financial service;*
   - *Bowling alley;*
   - *Church, synagogue or similar place of worship;*
   - *Dwelling, multiple-family (subject to conditional use approval);*
   - *Library;*
   - *Office*

   be deleted.

   B. That Clause 4 of the Zoning Agreement, which states:

   The Owner shall install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard, as well as in the rear and side yards where no parking stalls are proposed.

   be deleted.

C. That Clause 6 of the Zoning Agreement, which states:

Directional signage shall be erected both on and off the site to redirect exiting traffic east towards St. Anne's Road.

be deleted.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/1996 (By-law No. 6914/1996) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 reason for its recommendation:

1. It fits within the community.

PUBLIC HEARING SUMMARY

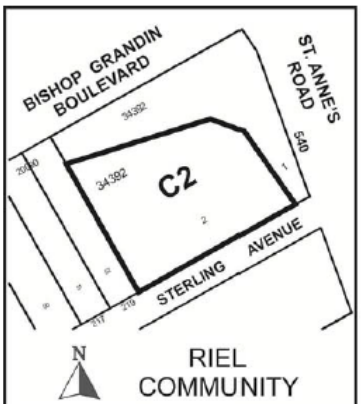
File: ZAA 11/2013

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: February 10, 2014
Council Building, 510 Main Street

Applicant: Prairie Architects (Damien Fenez)

Subject:



APPLICANT : PRAIRIE ARCHITECTS
FILE : ZAA 11/13
PROPOSAL : To amend the Zoning Agreement DASZ 10/96 affecting the land shown outlined above by removing clauses No. 2, 4 and 6 relating to permitted uses, landscaping and signage. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : PRAIRIE ARCHITECTS
N° DE RÉFÉRENCE : MCZ 11/13
PROJET : Modification de la convention de zonage établie par la DALZ 10/96 s'appliquant au bien-fonds délinéé ci-dessus par suppression des clauses nos 2, 4 et 6 touchant les utilisations autorisées, l'aménagement paysager et l'affichage. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 540 St. Anne's Road

Exhibits Filed:

1. Application dated December 9, 2013
2. Notification of Public Hearing dated January7, 2014
3. Manitoba Status of Title 2606985/1
4. Letter of authorization dated April 24, 2013 from Entegra Credit Union Limited to Prairie Architects Inc.
5. Caveat 2109433
6. Plans (3 pages)
7. Report from the Urban Planning Division dated January 28, 2014
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Damien Fenez

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 11/2013

ADMINISTRATIVE REPORT

Title: ZAA 11/2013 – 540 St. Anne's Road Public Hearing

Issue: An application for consideration at the Public Hearing to delete three clauses of the zoning agreement (clauses 2, 4, and 6) that were applied to the land under DASZ 10/1996.

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 Zoning Agreement under File DASZ 10/1996 dated July 24, 1996 (By-law No. 6914/1996), be amended as follows:

   A. That Clause 2 of the Zoning Agreement, which states:

   The following uses shall be permitted on the land:

   - *Bank, credit union, or similar financial service;*
   - *Bowling alley;*
   - *Church, synagogue or similar place of worship;*
   - *Dwelling, multiple-family (subject to conditional use approval);*
   - *Library;*
   - *Office*

   be deleted.

   B. That Clause 4 of the Zoning Agreement, which states:

The Owner shall install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard, as well as in the rear and side yards where no parking stalls are proposed.

be deleted.

C. That Clause 6 of the Zoning Agreement, which states:

Directional signage shall be erected both on and off the site to redirect exiting traffic east towards St. Anne's Road.

be deleted.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/1996 (By-law No. 6914/1996) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 delete three clauses (2, 4, and 6) included in zoning agreement DASZ 10/1996. Clause 2 restricts uses on the site; clause 4 requires landscaping along the perimeter of the site; and, clause 6 requires signage to direct traffic to St. Anne's Road.
- A zoning agreement amendment requires 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, clauses 2, 4, and 6 of the zoning agreement will be deleted as requested.

HISTORY

DASZ 10/1996

- The subject site was rezoned to a "C2" Commercial District under DASZ 10/1996. A zoning agreement caveat was included as a condition of approval, which restricts the property as follows:

    2. The following uses shall be permitted on the land:
        - Bank, credit union, or similar financial service;
        - Bowling alley;
        - Church, synagogue or similar place of worship;
        - Dwelling, multiple-family (subject to conditional use approval);
        - Library;
        - Office.
    3. No new buildings, structures, works, accessory parking areas, loading areas, garbage enclosures, fencing, landscaping, air conditioning units, lighting and signage, shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location, elevations, design, type and colour of exterior materials, are submitted to and approved by the Riel Community Committee and the Commissioner of Planning and Community Services and thereafter identified by signature of that Commissioner under the designation "Schedule "A" to Zoning Agreement DASZ 10/96", and no buildings, structures or works shall be erected or located on the land except in accordance with that Schedule "A".
    4. The Owner shall install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard, as well as in the rear and side yards where no parking stalls are proposed.
    5. Mobile advertising signs are prohibited on the land except for a period of 14 days upon issuance of a new occupancy permit.
    6. Directional signage shall be erected both on and off the site to redirect exiting traffic east towards St. Anne's Road.

DAV 13-126048/C

- On July 3, 2013, the Board of Adjustment approved DAV 13-126048/C, allowing the construction of a commercial building on the subject site with a rear yard of 19.3 feet instead of 25 feet, and 41 parking stalls instead of 73 stalls.

Plan Approval – Riel Community Committee (July 18, 2013)

- On July 18, 2013, the Riel Community Committee approved site plans for the development of a commercial building and accessory parking area on the subject site.

The planner's report for these site plans noted that the developer was working with the City of Winnipeg on adding more parking on the City-owned land to the north for a temporary period of time.

DAO 5/2013

- On November 20, 2013, Council approved DAO 5/2013, which allowed for the opening of the southwest corner of Bishop Grandin Boulevard and St. Anne's Road. The corresponding By-law No. 6/2014 is to be reviewed at the January 29, 2014 Council Meeting.

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:	January 28, 2014
File No.	ZAA 11/2013

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

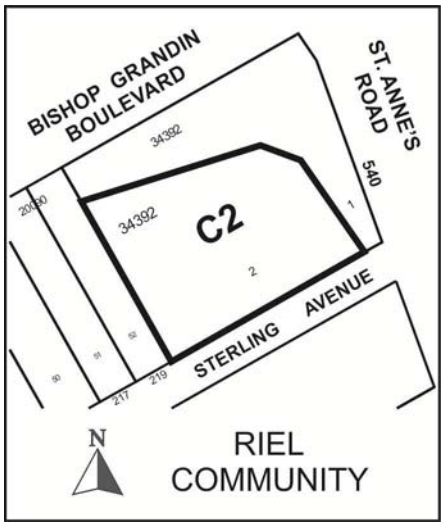
DATE: January 28, 2014

FILE: ZAA 11/2013
RELATED FILES: DASZ 10/1996, DAV 13-126048/C, DAO 5/2013

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.554

SUBJECT: For consideration at the Public Hearing to delete three clauses (clauses 2, 4, and 6) of the zoning agreement that were applied to the property under DASZ 10/1996

LOCATION: 540 St Anne's RD
LEGAL DESCRIPTION: LOT 2 PLAN 34392



APPLICANT: Damien Fenez (Prairie Architects Inc.)
141 BANNATYNE AVE UNIT 200
WINNIPEG MB

OWNER: ENTEGRA CREDIT UNION LIMITED
CORPORATE OFFICE
UNIT 550 - 201 PORTAGE AVE WINNIPEG MB R3B 3K6

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the northwest corner of the St. Anne's Road/Sterling Avenue intersection in the Meadowood neighbourhood of the St. Vital Ward.
- The site is 1.2 acres in area. A +/- 13,000 square foot, one storey building that has been used as a bowling alley was located on the site. This building is in the process of being redeveloped into a two storey commercial building.
- The site is located along a Regional Mixed Use Corridor (St. Anne's Road) under the Complete Communities Direction Strategy and is zoned "C2" Commercial Community.



Figure 1: Air photo of the subject property (outlined in bold orange) and surrounding area (2012)

SURROUNDING ZONING & USES (See Figure 2)

North: Vacant land owned by the City that is zoned R1-L.

South: A school (St. Emile School) zoned R1-M.

East: St. Anne's Road and a condominium development zoned RMF-S.

West: Detached single-family homes zoned R1-M.

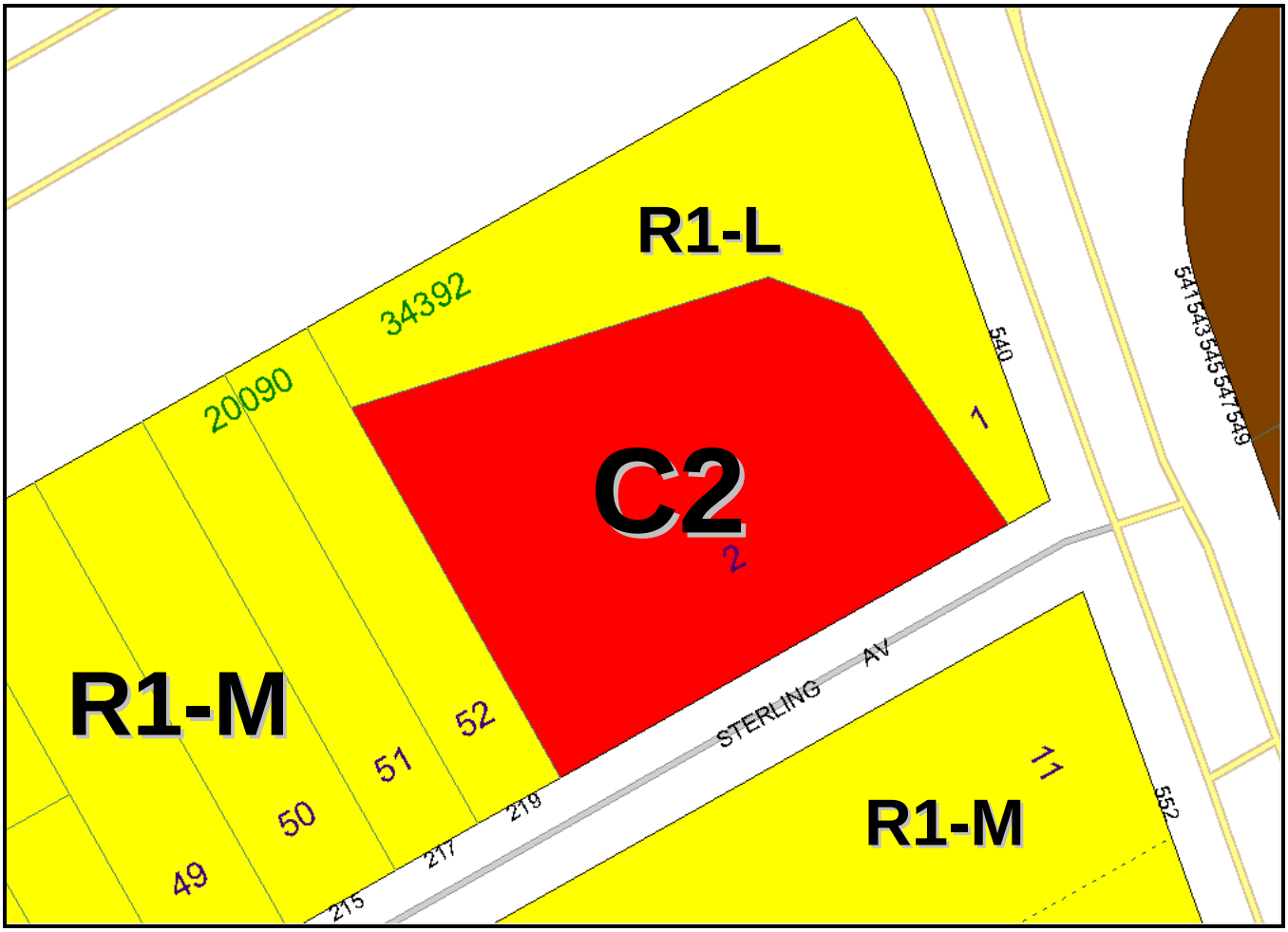


Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is in the process of reconstructing the existing building on the site into a two storey commercial building that will primarily be comprised of an Entegra Credit Union branch on the main floor and corporate office space for Entegra Credit Union on the second floor.
- The applicant has been working with the City of Winnipeg on adding more parking on the City-owned land to the north (Lot 1 Plan 34392). The City originally owned all of Lots 1 and 2 Plan 34392, but retained Lot 1 Plan 34392 for future transportation purposes (an interchange) in DASZ 10/1996. The proposed parking area is intended to be used on a temporary basis until the interchange is developed.
- On November 20, 2013, Council approved DAO 5/2013, which allowed for the opening of the southwest corner of Bishop Grandin Boulevard and St. Anne's Road. The corresponding By-law No. 6/2014 is to be reviewed at the January 29, 2014 Council Meeting.

- The opening will allow the applicant to enter into a lease and encroachment agreement with the City. However, as the owner needs to develop drive aisles to access the City-owned land for parking stalls, he can not fully meet the intent of clause 4 of the zoning agreement for the northern portion of the site. Clause 4 of the zoning agreement requires the owner to install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard as well as in the rear and side yards.
- The applicant is also seeking to delete clauses 2 and 6 of the zoning agreement. The wish to delete clause 2 – which restricts the uses on the land to six uses – because they intend to have other uses on the site, most notably retail. Clause 6 requires the site to have signs directing traffic to St. Anne's Road.

ANALYSIS AND ISSUES

- Under the Complete Communities Direction Strategy the proposed development is located along a Regional Mixed-Use Corridor (St. Anne'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.
    - 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 (BY-LAW 200/2006)

"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. Multi-family developments in the C2 zone require a conditional use application. Any multi-family development in the C2 zone must comply with the RMF-M dimensional requirements of the zoning by-law.

LAND USE BY-LAW

Amendment to Zoning Agreement DASZ 10/1996

- The applicant has applied to delete clauses 2, 4, and 6 of the zoning agreement caveat on the property, which was registered under DASZ 10/1996.
- Clause 2 of the existing zoning agreement restricts the uses on the site to the following:
    - Bank, credit union, or similar financial service;
    - Bowling alley;
    - Church, synagogue or similar place of worship;
    - Dwelling, multiple-family (subject to conditional use approval);
    - Library;
    - Office.
- The applicant would like to delete this clause as he would like to allow for more uses - most notably retail - on the site.
- Clause 4 of the zoning agreement requires the owner to install landscaping along the perimeter of the property between the parking stalls and St. Anne's Road and Bishop Grandin Boulevard as well as in the rear and side yards. As previously discussed, this clause impedes the applicant's ability to enter into a lease with the City for the lands to the north of the site.
- Clause 6 requires the site to have signs directing traffic to St. Anne's Road.
- Zoning agreement amendment applications require a public hearing and must be approved by Council.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- In applying to delete clause 2 of the zoning agreement, the applicant is proposing to allow for more uses within the site, which is located along St. Anne's Road near a major intersection (St. Anne's Road and Bishop Grandin Boulevard). The Complete Communities Direction Strategy encourages a mix of uses and the intensification of land along major corridors like St. Anne's Road.
- Whereas there was a tendency in the past to heavily restrict commercial uses proposed in rezoning applications along corridors, the planning approach now is to allow for more flexibility. This is led by policies included in the Complete Communities Direction Strategy. The reason for allowing for more flexibility is to enable more opportunities for residents to work and have access to services within or near their local neighbourhoods. Mixed use corridors are among the best locations to allow for more development

because they: are generally commercial in nature; are developed to allow for higher volumes of traffic and higher frequency Transit service; typically are serviced for higher density or intensity development; and, are easily accessible from many different neighbourhoods through a variety of transportation modes.

- The subject zoning agreement was established in 1996 when the City of Winnipeg Zoning By-law No. 6400/94 was in force and effect. Zoning By-law No. 6400/94 was repealed in 2008 when the current Zoning By-law 200/2006 was adopted.
- The current zoning by-law helps address common issues between commercial and residential uses that were not addressed under previous zoning by-laws. For example, there are more use specific standards and buffering requirements in place for commercial uses under the current by-law that were not in previous zoning by-laws.
- Clause 4 of the zoning agreement is not needed anymore as the current zoning by-law requires street edge landscaping and landscaping for C2 uses that are adjacent to R1 or R2 zones.
- Although the applicant is not proposing any landscaping along the north property line, he is proposing to include landscaping in front of the proposed parking area on the City land. This achieves the same intent of Clause 4 for the parking area along the north property line.
- Clause 6, which requires signage to direct traffic to St. Anne's Road, is not seen as something that is necessary on the site. There is little reason for anyone who does not live within the neighbourhood west of the site to not use St. Anne's Road.

RECOMMENDATION

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

- The Complete Communities Direction Strategy encourages a mix of uses (including commercial developments) and the intensification of land along major corridors like St. Anne's Road. The proposed zoning agreement amendment facilitates the development of more uses on the land.
- Clause 4 of the zoning agreement is not needed anymore as the current zoning by-law requires street edge landscaping and landscaping adjacent to R1 or R2 zones.
- Clause 6, which requires signage to direct traffic to St. Anne's Road, is not seen as something that is necessary on the site. There is little reason for anyone who does not live within the neighbourhood west of the site to not use St. Anne's Road.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # ZAA 11/2013