Agenda – Council – September 24, 2014

Report – Executive Policy Committee – September 10, 2014

Item No. 4 Subdivision and Rezoning – 630, 632, 634, 636, 640 Jefferson Avenue (Old Kildonan Ward)
File DASZ 15/2014 [c/r DCU 127353/2014D and DAV 127347/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2014 dated May 21, 2014 with such minor changes as may be required, and 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 15/2014 dated May 21, 2014, to a "CMU" Commercial Mixed-Use District, subject to the following conditions:

    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 or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the following uses shall be prohibited on the land;

            a. Private club not licensed
            b. Truck/motorcycle repairs and service
            c. Car wash
            d. Fuel sales
            e. Structured parking
            f. Surface parking

g. Towing and storage facilities
h. Bus depot

iii. That the height of any building shall be limited to thirty nine (39) feet.

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 application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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 comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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.

Report – Executive Policy Committee – September 10, 2014

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

12. 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 10, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 10, 2014, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2014, the Lord Selkirk-West Kildonan 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 - 630, 632, 634, 636, 640 Jefferson Avenue File DASZ 15/2014**

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **July 17, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2014, the Lord Selkirk-West Kildonan 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 15/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2014 dated May 21, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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12. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Urban Planning Division dated July 7, 2014.

2. The proposal is a model for the first of its kind in Canada.

3. The property has been vacant for years and converting it to a high school is an excellent use for the subject location.

PUBLIC HEARING SUMMARY

File: DASZ 15/2014

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Pagtakhan
Councillor Eadie

Public Hearing: July 15, 2014 (most recent date)
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Donovan Toews)

Subject:



Premises Affected: 630, 632, 634, 636, 640 Jefferson Avenue

Exhibits Filed:

1. Application dated May 21, 2014
2. Notification of Public Hearing dated June 3, 2014
3. Manitoba Status of Titles 2399674/1 and 2401539/1
4. Letter of authorization dated April 14, 2014 from JMT Holdings Inc. to Landmark Planning & Design Inc.

5a. Surveyor's Building Location Certificate and sketch dated September 22, 2009

5b. Surveyor's Building Location Certificate and sketch dated February 18, 2014

6. Plans (3 pages)
7. Report from the Urban Planning Division dated July 7, 2014
8. Inspection Report
9. PowerPoint Presentation submitted by Donovan Toews, Landmark Planning & Design Inc., Applicant, at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Gabe Derksen
Mario Lopes
Wayne Shimizu
Tony Teixerra
Donovan Toews, Landmark Planning & Design Inc.
Rennie Zegalski

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 15/2014

ADMINISTRATIVE REPORT

Title: DASZ 15/14 – 630, 632, 634, 636, 640 Jefferson AVE

Issue: For consideration at the public hearing to consolidate Lots 101, 102 and 103 into one lot and rezone to "CMU" for the establishment of a senior high school.

Critical Path: Lord Selkirk – West Kildonan Community Committee 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 15/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2014 dated May 21, 2014 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

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12. 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 intends to consolidate existing Lots 101, 102 and 103 which is currently zoned “C1” Commercial Neighborhood District and rezone to a “CMU” Commercial Mixed-Use District.
- The applicant, after rezoning, is proposing to renovate the existing building and then convert it into a senior high school.
- 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 properties can be consolidated and rezoned to the proposed zoning district as applied for.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

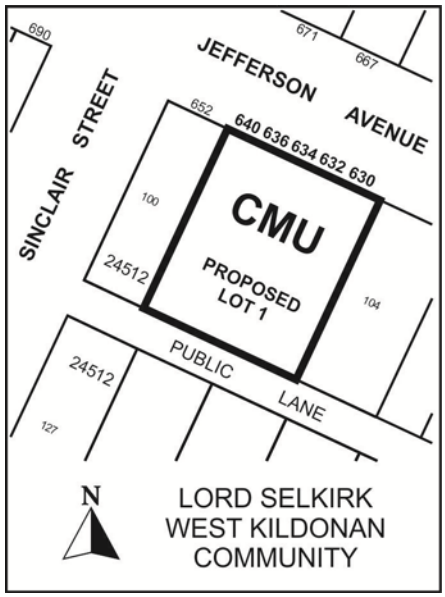
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo
Date:	July 7, 2014
File No.	DASZ 15/14

APPENDIX 'A'

DATE: July 7, 2014
FILE: **DASZ 15/14**
RELATED FILES: DCU 14-127353/D, DAV 14-127347/D
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.316

SUBJECT: To consolidate existing Lots 101, 102 and 103 which is currently zoned "C1" Commercial Neighborhood District and rezone to a "CMU" Commercial Mixed-Use District.

LOCATION: 630, 632, 634, 636, 640 Jefferson AVE
LEGAL DESCRIPTION: LOT 102/103 PLAN 24512 5/6 K



APPLICANT: Donovan Toews Landmark Planning & Design Inc.
298 WATERFRONT DR
WINNIPEG MB R3B 3P1

OWNER: JMT HOLDINGS INC.
3000 MAIN ST
WEST ST PAUL MB R2V 4T2

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant intends to consolidate existing Lots 101, 102 and 103 which is currently zoned "C1" Commercial Neighborhood District and rezone to a "CMU" Commercial Mixed-Use District.
- The applicant, after consolidation and rezoning, is proposing to establish a senior high school comprising of 8 classrooms.

- The subject property is currently zoned “C1” Commercial Neighborhood.

SITE DESCRIPTION

- The subject property is located on the south side of Jefferson Avenue between Sinclair Street and Vanier Drive in the Garden City Neighborhood of the Old Kildonan ward.

- The applicant is proposing to consolidate two adjoining lot, to make one lot. After consolidation, the subject site will be 8,676 sq. ft.

- Existing on the property is a two storey vacant building. This existing structures will be retained and converted to a high school use

- The site is within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The property is currently zoned “C1” Commercial Neighborhood but the applicant is applying for the property to be rezoned to a “CMU” Commercial Mixed-Use district.

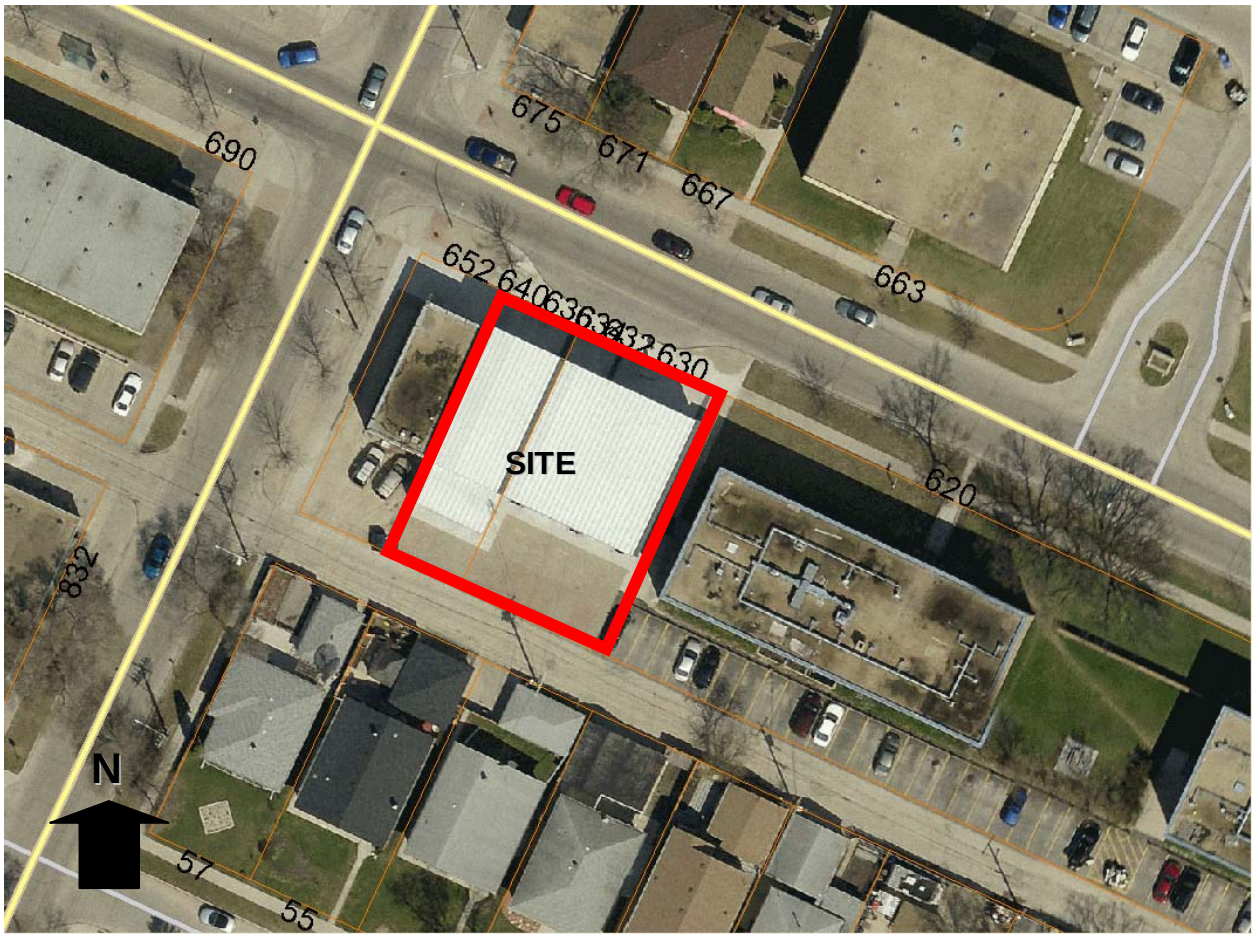


Figure 1: Site map of subject property and surrounding neighbourhood

SURROUNDING ZONING & USES (See Figure 2)

North: Jefferson Avenue, then residential uses zoned “R1-S” Residential Single-Family district and commercial uses zoned “C1” Commercial Neighborhood.

South: Backlane, then residential uses zoned “R1-M” Residential Single-Family district.

East: A commercial use zoned “C1” Commercial Neighborhood then Sinclair Street.

West: Residential uses zoned “RMF-M” Residential Multi-Family district



Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to consolidate existing Lots 101, 102 and 103 which is currently zoned “C1” Commercial Neighborhood District and rezone to a “CMU” Commercial Mixed-Use District.
- The applicant, after consolidation and rezoning, is proposing to renovate and convert the existing building to a senior high school comprising of 8 classrooms.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. Key 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.*

- *Support a mix of commercial services and employment uses that serve the local community.*

B. REZONING

- The applicant intends to consolidate existing Lots 101, 102 and 103 which is currently zoned "C1" Commercial Neighborhood District and rezone to a "CMU" Commercial Mixed-Use District.
- **Current Zoning: "C1" Commercial Neighborhood**
  "C1" district is intended to accommodate small compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighborhood.

- **Proposed Zoning: "CMU" Commercial Mixed-Use District**
  The "CMU" district is intended to provide for community-serving mixed use development at a higher scale.
- The following are "CMU" dimensional standards;
  Minimum/Maximum front yard – 0/25feet
  Minimum rear yard – 25 feet
  Minimum interior side yard – 0 feet
  Minimum corner side yard – 0 feet
  Maximum building height – 60 feet

- The choice of rezoning to a "CMU" is due to the fact that this is the only commercial zoning that could accommodate the proposed development (a senior high school).
- The choice of a "CMU" district is also appropriate from planning perspective should there be any reason to redevelop the site in future. The site, with a "CMU" zoning category can accommodate commercial mixed uses without the need to rezone.
- It must also be noted that a zoning agreement has been placed on the rezoning application as some uses under "CMU" district will not be appropriate in this location; hence there is a list of prohibited uses on this site.

Associated Variances and Conditional Use Application

- The applicant has applied for seven variances to allow the maintenance of the existing building as a senior high school, (see DAV 14-127347/D):
  - Most of the variances are to accommodate existing development, mainly for substandard front and rear yards, parking spaces, buffering and screening.
- There is also an associated conditional use application (see DCU 127353/D) to permit a high school use to provide no queuing spaces for school buses and passenger vehicles.

COMPATIBILITY WITH THE SURROUNDING AREA

- It must be noted that Jefferson Avenue is a collector, and thus using the existing loading bay should be adequate as a use for buses and passenger queuing spaces without causing traffic problem within the neighborhood.

- The establishment of a high school in this location is appropriate in order to accommodate more student population within the neighborhood.
- The proposed development is a good use of a vacant building instead of allowing it to go derelict.
- The Urban Planning Division does not anticipate that the proposed development will result in any negative impact on adjoining properties.
- The associated variances (See DAV 14-127347/D) for the building footprint and the conditional use (see DCU 127353/D) to permit a high school use to provide no queuing spaces for school buses and passenger vehicles are also supportable.
- The variances and the conditional use as applied for are unavoidable as the applicant is converting an existing building which has to meet the dimensional standards of the zoning district in which it's being rezoned.
- For these reasons, it is recommended that the rezoning application be approved.

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.
- Land dedication for this application is identified in the Report of the ACG.

RECOMMENDATION

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

- The rezoning of 630 – 640 Jefferson Avenue from "C1" Commercial Neighborhood to "CMU" Commercial Mixed-Use Corridor closely aligns with the policies in the *Complete Communities Direction Strategy* for Areas of Stability – Mature Communities;
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*
    - *Support a mix of commercial services and employment uses that serve the local community.*
- The proposal is consistent and compatible with the surrounding properties;
    - The applicant is maintaining the existing structure without any structural modification to the exterior walls. The only planned remodeling will be internal to create eight classrooms.
- The conversion of such a vacant building to community facilities such as a school is laudable. This will prevent another structure from going derelict in the neighborhood.
- The establishment of a high school in this location is appropriate in order to accommodate more student population within the neighborhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo
PPD File # DASZ 15/2014

Schedule "A" for File No. DASZ 15/2014, Lord Selkirk West Kildonan Community Committee, dated July 7, 2014

By-Law No. _____

File No. **DASZ 15/14**

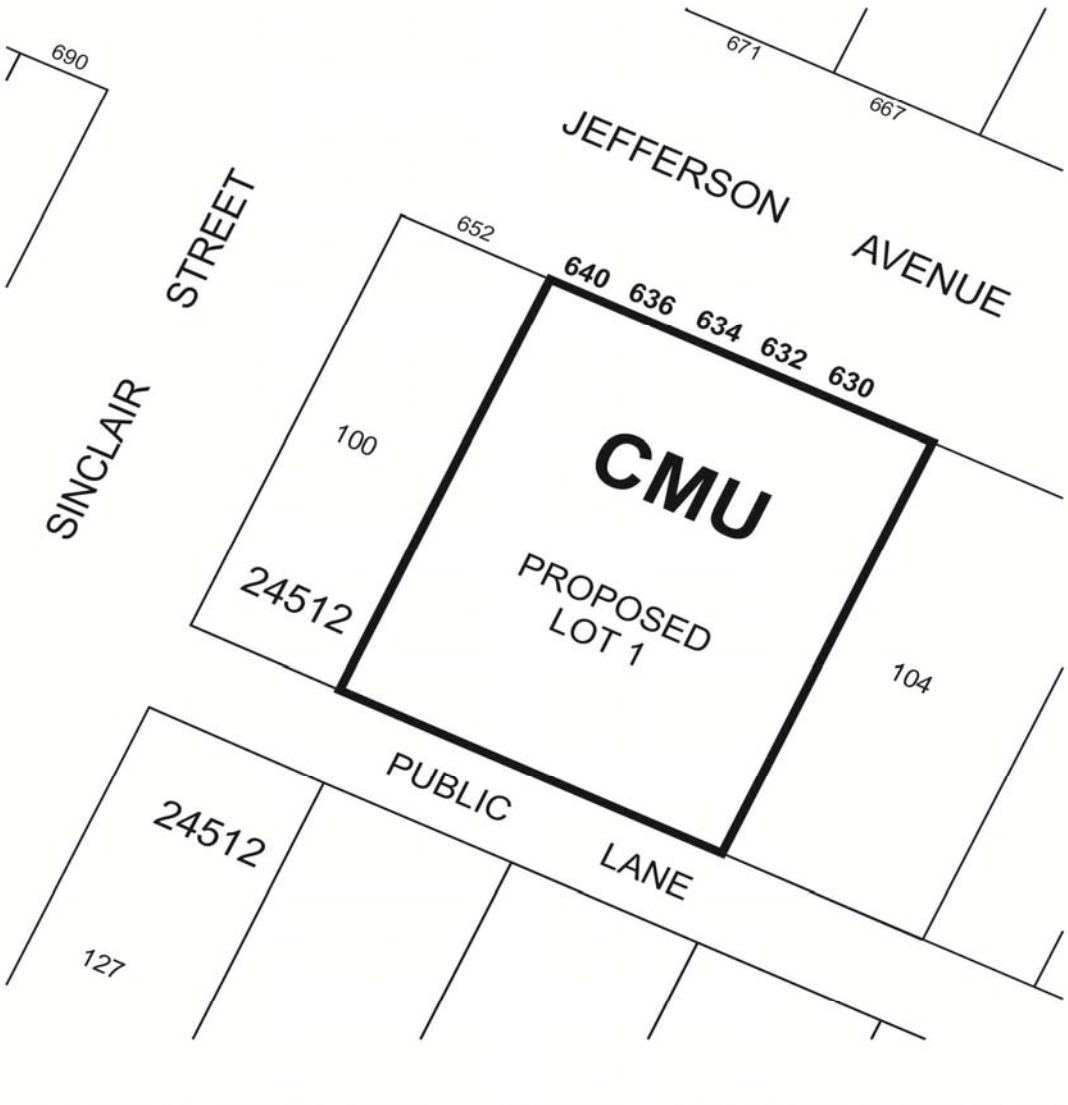
Atlas Sheet No. **U24**

N

LORD SELKIRK WEST KILDONAN 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 630, 632, 634, 636 & 640 Jefferson Avenue from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "CMU" COMMERCIAL MIXED USE DISTRICT to allow for the establishment of a senior high school use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____