Agenda – Council – June 15, 2016

Report – Executive Policy Committee – June 8, 2016

Item No. 2 Subdivision and Rezoning – 376 Logan Avenue and 263 Fountain Street (Point Douglas Ward) File DASZ 6/2016 [c/r DAV 154718/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 2016, 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 6/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2016 dated February 10, 2016 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 6/2016 dated February 10, 2016, to a "C2" Commercial Community 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. Auto/light truck/motorcycle repair and service
b. Auto/light truck/motorcycle sales and service
c. Car wash
d. Fuel sales
e. Structured parking
f. Surface parking
g. Bus depot
h. Contractor's establishment
i. Recycling collection centre

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.

Report – Executive Policy Committee – June 8, 2016

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 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 – June 8, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 2016, 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 May 17, 2016, 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.

On April 19, 2016, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on May 17, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – 376 Logan Avenue and 263 Fountain Street File DASZ 6/2016**

For submission to: **Executive Policy Committee**

Prepared by: **Ms I. Skundberg, Committee Clerk Lord Selkirk-West Kildonan Community Committee**

Report date: **May 18, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2016, 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 6/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2016 dated February 10, 2016 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 6/2016 dated February 10, 2016, to a "C2" Commercial Community 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. Auto/light truck/motorcycle repair and service
            b. Auto/light truck/motorcycle sales and service
            c. Car wash
            d. Fuel sales
            e. Structured parking
            f. Surface parking

g. Bus depot
h. Contractor's establishment
i. Recycling collection centre

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.

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.

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

1. This is a great community project in the Centennial neighbourhood which will serve as a catalyst in the area for the arts and culture scene.

2. The applicant is to be applauded for his vision of the church and for utilizing the community landmark, retaining its character.

PUBLIC HEARING SUMMARY

File: DASZ 6/2016

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

Public Hearing: May 17, 2016
April 19, 2016
Council Building, 510 Main Street

Applicant: Kelly Hughes

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : KELLY HUGHES
FILE : DASZ 6/16
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R2 PDO-WEST ALEXANDER CENTENNIAL" RESIDENTIAL TWO-FAMILY DISTRICT to a "C2 PDO-WEST ALEXANDER CENTENNIAL" COMMERCIAL COMMUNITY DISTRICT to allow for the establishment of an auditorium/theatre/concert hall with an accessory caretaker's residence use. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: 376 Logan Avenue and 23 Fountain Street

Exhibits Filed:

1. Application dated February 9, 2016
2. Notification of Public Hearing dated February 16, 2016
3. Manitoba Status of Title 2743194/1
4. Letter of authorization dated June 9, 2015 from B. Tod Hughes, President, Lainoza Holdings Ltd. to Landmark Planning and/or Donavan Toews or their authorized representatives
5. Letter of authorization dated June 9, 2015 from B. Tod Hughes to Kelly Hughes
6. Surveyor's Building Location Certificate and sketch dated July 13, 2015
7. Drawing of subject property
8. Plans (13 pages)
9. Report from the Urban Planning Division dated April 5, 2016
10. Inspection Report
11. Notice of Adjournment dated April 22, 2016
12. PowerPoint Presentation in support of the application submitted by Donovan Toews, Landmark Planning, at the public hearing
13. Recording of Representations of public hearing held on May 17, 2016

REPRESENTATIONS:

In Support:

Kelly Hughes
Brenda Tesarski
Donovan Toews, Landmark Planning
Andrea Vaile

In Opposition

Nil

For Information:

Alicia Forbes

For the City:

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

Exhibit "9" referred to in File DASZ 6/2016

ADMINISTRATIVE REPORT

Title: DASZ 6/16 – 376 Logan Avenue

Issue: For consideration at the public hearing to rezone land from an "R2 PDO – West Alexander Centennial" Residential Two-Family District to a "C2" Commercial Community District.

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
Femi Ojo	B. Smith	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 6/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2016 dated February 10, 2016 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 6/2016 dated February 10, 2016, to a "C2" Commercial Community 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) Auto/light truck/motorcycle repair and service

         b) Auto/light truck/motorcycle sales and service

         c) Car wash

         d) Fuel sales

         e) Structured parking

f) Surface parking

g) Bus depot

h) Contractor's establishment

i) Recycling collection centre

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.

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.

REASON FOR THE REPORT

- The applicant intend to rezone land from an "R2 PDO – West Alexander Centennial" Residential Two-Family District to a "C2 PDO – west Alexander Centennial District.
- The proposed rezoning to "C2" Commercial Community District is to allow for the establishment of an auditorium/theatre/concert hall with an accessory caretaker residence.
- 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 property will be rezoned and the proposed used allowed.

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, MCIP
Date:	April 5, 2016
File No.	DASZ 6/16

APPENDIX 'A'

DATE: April 5, 2016
FILE: **DASZ 6/16**
RELATED FILES: DCU 15-154718/D, File 15-175324 ZR
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.102

SUBJECT: To consolidate and rezone an "R2" residential two-family lot into a "C2" Commercial community zoning district to facilitate the establishment of a concert hall with an accessory caretaker's residence.

LOCATION: 376 Logan Avenue
LEGAL DESCRIPTION: EXC S 19.9F LOT 8 PLAN 32037 9/11 ST J



APPLICANT: Kelly Hughes
263 Fountain St.
WINNIPEG, MB R3A 0Z5

OWNER: LAINOZA HOLDINGS LTD
520 3 Avenue SW 1900
CALGARY, ALBERTA T2P 0R3

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant intend to rezone land from an "R2 PDO – West Alexander Centennial" Residential Two-Family District to a "C2" Commercial Community District.
- The proposed rezoning to "C2" Commercial Community District is to allow for the establishment of an auditorium/theatre/concert hall with an accessory caretaker residence.

SITE DESCRIPTION

- The subject property is located on the southeast corner of Logan Avenue and Fountain Street in the Centennial Neighborhood of the Point Douglas ward.

- The applicant is proposing to consolidate two adjoining lots, to make one lot. After consolidation, the subject site will be rezoned to a zoning district that accommodates all proposed uses.

- Existing on the property is a church, which will be converted to accommodate the proposed uses.

- The site is within the Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The property is currently zoned “R2” Residential Two-Family district, but the applicant is applying for the property to be rezoned to a “C2” Commercial Community zoning district.

- The subject property also designated commercial under the West Alexander & Centennial Neighborhood Plan.

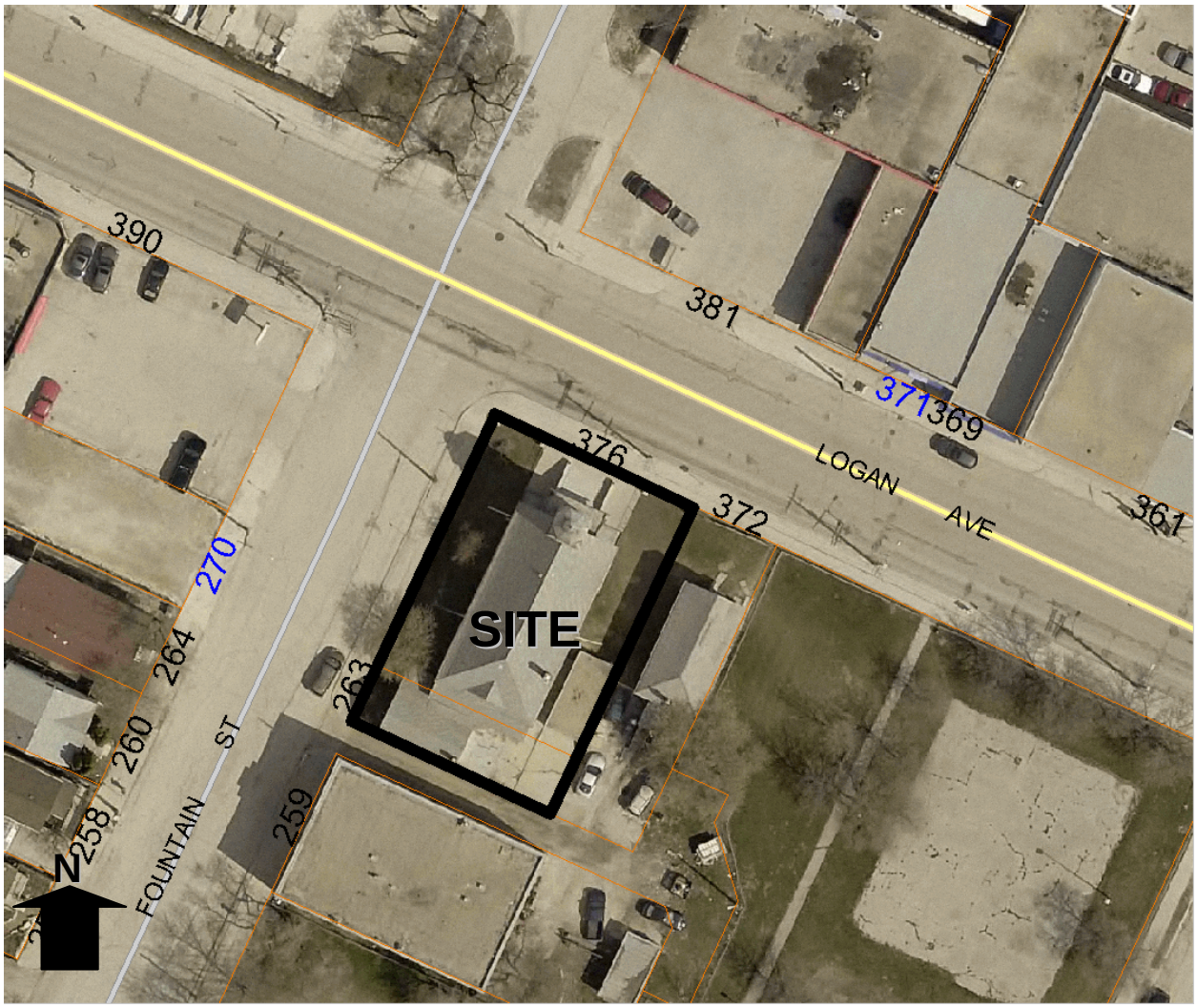

Figure 1: Site map of subject property and surrounding neighbourhood

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Logan Avenue, then industrial uses zoned “M2” Manufacturing General.

South: Backlane, then residential uses zoned “R2” Residential Two-Family.

East: Residential uses zoned “R2” Residential Two-Family.

West: Fountain Street, then residential uses zoned “R2” Residential Two-Family and a restaurant zoned “C2” Commercial Community.

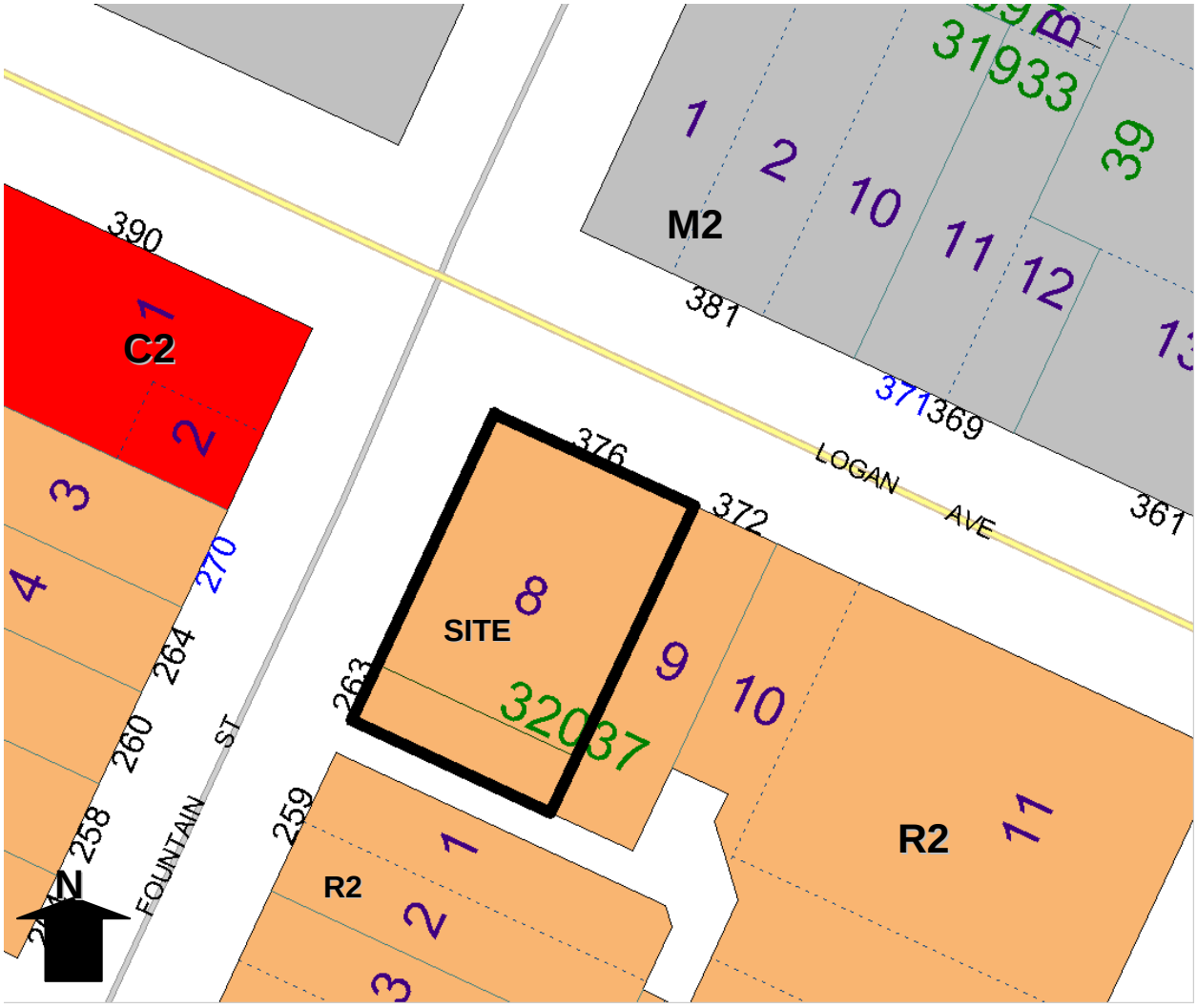

Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intend to rezone land from an “R2 PDO – West Alexander Centennial” Residential Two-Family District to a “C2 PDO – West Alexander Centennial” District.
- The proposed rezoning to “C2 PDO – West Alexander Centennial” District is to allow for the establishment of an auditorium/theatre/concert hall with an accessory caretaker residence.

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 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.
    - Support a mix of commercial services and employment uses that serve the local community
    - Encourage intensification to occur at centres and along corridors.

WEST ALEXANDER & CENTENNIAL NEIGHBORHOOD PLAN

- The subject site also falls within the West Alexander & Centennial Planned development Overlay. The site is designated commercial under the West Alexander & Centennial Neighborhood Plan.
- The intent of the commercial district is to provide for commercial business with more regional focus.

Key relevant policies guiding development within the commercial district includes:

- To encourage commercial businesses which positively contribute to the community by supporting a pedestrian friendly neighborhood, but also giving opportunities for auto-oriented developments along parts of McPhillips and Logan Avenues.

ZONING

- The applicant intends to rezone land from an “R2 PDO – West Alexander Centennial” Residential Two-Family District to a “C2 PDO – West alexander Centennial” District.
- **Current Zoning: “R2” Commercial Neighborhood**
  “R2” district is intended to accommodate the development of single-family units and where appropriate limited multi-family units in lower-density areas.

- **Proposed Zoning: “C2” Commercial Community District**
  The “C2” district is intended to accommodate more intensive commercial sites that do not have a local or neighborhood orientation. The district is intended to include attractive commercial, institutional, and service facilities needed to support the surrounding neighborhoods and the broader community. “C2” districts are generally located in Community or Regional Mixed use centres or along Community or Regional Mixed use corridors.
- The following are “C2” dimensional standards;
  Minimum/Maximum front yard – 0/NA
  Minimum rear yard – 25 feet
  Minimum interior side yard – 0 feet
  Minimum corner side yard – 0 feet
  Maximum building height – 49 feet

- The choice of rezoning to a “C2” is due to the fact that it can accommodate the proposed development
- The proposed “C2” district is also appropriate being that this location is on a node, and from planning perspective, it will be consistent with the C2 zoning across the road
- It must also be noted that a zoning agreement is being recommended to exclude specific uses otherwise accommodated in the “C2” district that may not be appropriate at this location.

Associated Variances and Conditional Use Application

- The applicant has applied for seven variances to accommodate the proposed changes (see DAV 15-154718/D):
    - Most of the variances are to accommodate existing development, mainly for parking, landscaping, buffering and screening, building height and the footprint of existing garage on site.

COMPATIBILITY WITH THE SURROUNDING AREA

- It must be noted that Logan Avenue is an arterial road where intensified commercial uses are mostly encouraged.
- The establishment of a theatre/hall rental in this location will serve the immediate community and surrounding neighborhood.
- The proposed development is a good use of a vacant building.
- 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 15-154718/D) as applied for are unavoidable as the applicant is converting an existing building. Through the rezoning, the development is subject to the dimensional standards of “C2” zoning district. The Urban Planning Division is supportive of these variances.
- 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.

RECOMMENDATION

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

- The rezoning of 376 Logan Avenue from “R2” Residential Two-Family to “C2” Commercial Community closely aligns with the policies in the *Complete Communities Direction Strategy* for Areas of Stability – Mature Communities;
    - Which supports a mix of commercial services and employment uses that serve the local community and encourages intensification to occur at centres and along corridors?
- The proposal is consistent and compatible with the surrounding properties;
    - The applicant is maintaining existing structures on site without any structural modification to the exterior walls. The only planned remodeling will be internal.
- The conversion of an underutilized building to community facilities such as a theatre/hall rental is laudable. This will allow the building to return to productive use and contribute to the vitality of the neighborhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP
PPD File # DASZ 6/2016

Schedule "A" for File No. DASZ 6/2016, Lord Selkirk West Kildonan Community Committee, dated February 10, 2016

