Minutes – Executive Policy Committee – January 18, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

Item No. 4 Subdivision and Rezoning – 1018 Elizabeth Road (St. Boniface Ward) File DASZ 42/2016

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 42/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2016 dated December 22, 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. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 42/2016 dated December 22, 2016, to a "C3" Commercial Corridor District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to provide the following:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor, 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, and landscaping 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 prior to the issuance of any permits, the applicant shall, at no expense to the City, remove the existing private approach to 1018 Elizabeth Road and restore the curb, boulevard, and sidewalk all as determined by and to the satisfaction of the Director of Public Works. The Applicant shall make application to the Public Works Department to remove the private approach as per the Private Access Bylaw No. 49/2008.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

4. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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 year from the date the by-law is passed.

10. 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.

11. 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.

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 – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 1018 and 1034 Elizabeth Road**
File DASZ 42/2016

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

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

Report date: **January 10, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 42/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2016 dated December 22, 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 42/2016 dated December 22, 2016, to a "C3" Commercial Corridor District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to provide the following:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor, 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, and landscaping 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 prior to the issuance of any permits, the applicant shall, at no expense to the City, remove the existing private approach to 1018 Elizabeth Road and restore the curb, boulevard, and sidewalk all as determined by and to the satisfaction of the Director of Public Works. The Applicant shall make application to the Public Works Department to remove the private approach as per the Private Access Bylaw No. 49/2008.

4. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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 year from the date the by-law is passed.

10. 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.

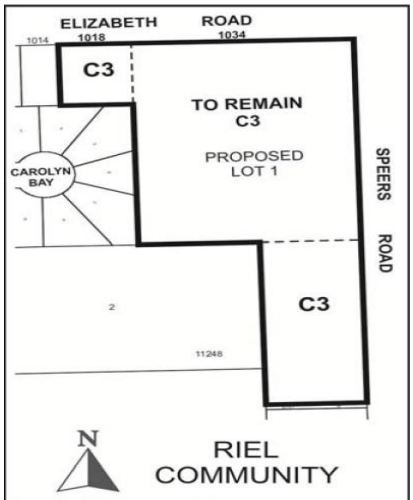
11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

1. It's a case of a good corporate citizen who's done their work with the Planning department.
2. Resident's concerns will be addressed at the plan approval stage.
3. It is a positive contribution to the community.

PUBLIC HEARING SUMMARY

File:	DASZ 42/2016
Before:	Riel Community Committee Councillor Allard, Chairperson Councillor Lukes Councillor Mayes
Public Hearing:	January 9, 2017 Council Building, 510 Main Street
Applicant:	Canad Corporation of Manitoba Ltd. (Lane Ledohowski)
Subject:	

APPLICANT : CANAD CORPORATION OF MANITOBA LTD.
FILE : DASZ 42/16
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands to allow for the construction of an addition to an existing hotel. **For information, phone Mr. Richard Mahé, Planner, at 204-986-8631.**
DEMANDEUR : CANAD CORPORATION OF MANITOBA LTD.
N° DE DOSSIER : DALZ 42/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie C3 (secteur de couloir commercial) en vue de faciliter le remembrement des terres et de permettre la construction d'un rajout à un hôtel existant. **Pour plus de renseignements, communiquez Mr. Richard Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 1018 and 1034 Elizabeth Road

Exhibits Filed:

1. Application dated October 6, 2016
2. Notification of Public Hearing dated November 15, 2016
3. Manitoba Status of Titles 1778008/1, 1778052/1, 1778011/1, 2783512/1
4. Letter of authorization dated August 16, 2016 from Leo Ledohowski to Lane Ledohowski
5. Surveyor's Building Location Certificate and sketch dated May 28, 2015
6. Drawing of subject property
7. Plans (2 pages)
8. Report from the Urban Planning Division dated December 22, 2016
9. Inspection Report
10. Plans in support of the application submitted by Leo Ledohowski at the public hearing

REPRESENTATIONS:

In Support:

Lane Ledohowski
Leo Ledohowski
Dave Lalama
Dan Lussier

In Opposition

Anne Coté

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 42/2016

ADMINISTRATIVE REPORT

Title: DASZ 42/2016 – 1018 Elizabeth RD

Issue: An application for consideration at the Public Hearing to rezone existing R1-M residential single family zoning districts to a C3 zoning district and consolidate all lands involved.

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 42/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 42/2016 dated December 22, 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 42/2016 dated December 22, 2016, to a "C3" Commercial Corridor District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to provide the following:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor, 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, and landscaping 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 prior to the issuance of any permits, the applicant shall, at no expense to the City, remove the existing private approach to 1018 Elizabeth Road and restore the curb, boulevard, and sidewalk all as determined by and to the satisfaction of the Director of Public Works. The Applicant shall make application to the Public Works Department to remove the private approach as per the Private Access Bylaw No. 49/2008.

4. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. 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.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. 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.

9. 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 year from the date the by-law is passed.

10. 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.

11. 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.

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 is proposing to consolidate the two lots into one and rezone the property to C3 for the proposed expansion of a hotel building.
- Subdivisions and re-zonings 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 and rezoned consistent with the map provided in Schedule "A" of this report.

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:	Richard Mahé
Date:	December 22, 2016
File No.	DASZ 42/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 42/2016 Riel Community Committee, dated December 22, 2016

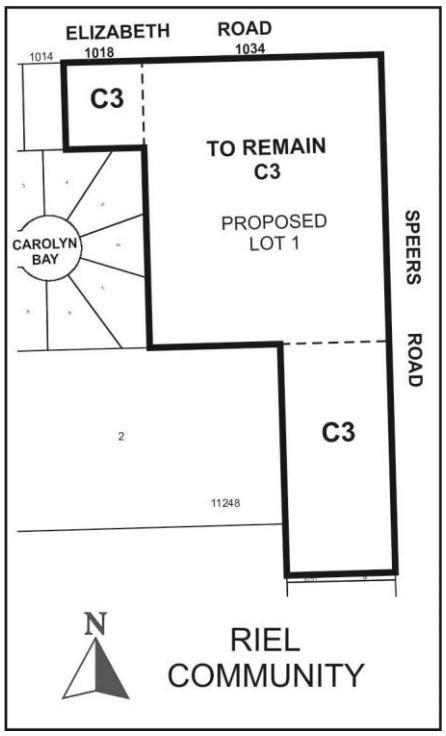
APPENDIX 'A'

DATE: December 22, 2016

FILE: DASZ 42/2016
RELATED FILES:
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.525

SUBJECT: To rezone existing R1-M residential single family zoning districts to a C3 zoning district and consolidate all lands involved.

LOCATION: 1018 Elizabeth RD (see map below)



APPLICANT: Canad Corporation of Manitoba LTD (Lane Ledohowksi)
930 Jefferson AVE
Winnipeg , Manitoba R2P 1W1

OWNER: Canad Corporation of Manitoba LTD
930 Jefferson AVE
Winnipeg , Manitoba R2P 1W1

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject properties are located at 1018, 1034 and 1068 Elizabeth RD, in the Windsor Park neighbourhood of the St Boniface ward. The larger hotel site (1034 and 1068 Elizabeth RD) is looking to incorporate the single family home property at 1018 Elizabeth RD.
- 1018 Elizabeth RD
  - This residential property is approximately 60 feet wide by 120 feet deep. The total lot area of the site is approximately 6,778 square feet.
  - The site contains a one-storey 1,557 square foot home built in 1958.
- 1034 and 1068 Elizabeth RD
  - The site is located within a Mature Community under the Complete Communities Direction Strategy. The 6.5 acre property is split zoned C3/R1-M and contains a hotel and large accessory surface parking lots.
  - Site access is taken primarily from Speers RD with an entrance to the front door of the hotel from Elizabeth RD. There is also a couple of access points to Lagimodière Boulevard to the surface parking lot at 1068 Speers RD.

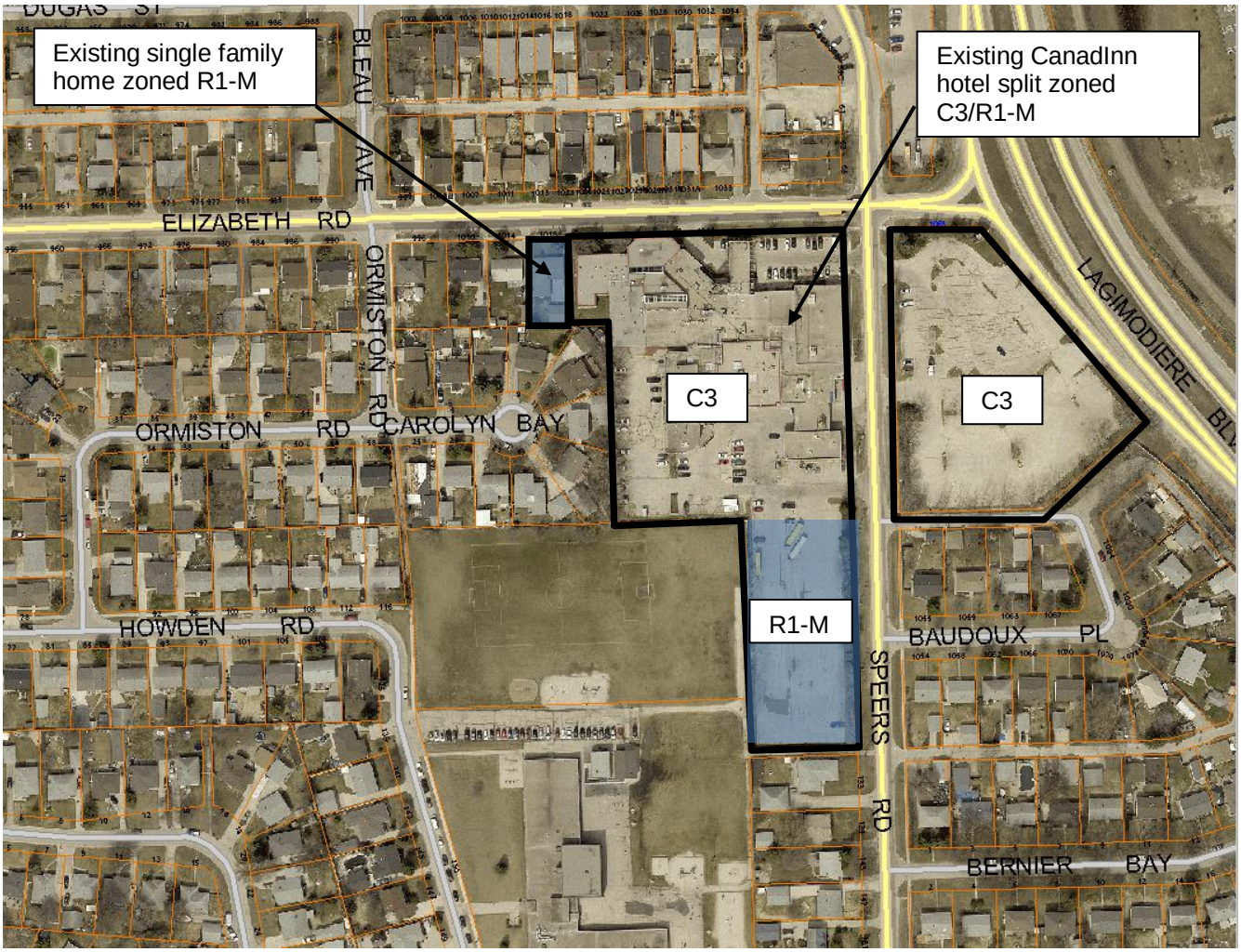


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single-family and two-family homes zoned R2 – Residential Two-Family

South: Ecole Howden (zoned R1-M), a City of Winnipeg park (zoned PR2) and single-family homes (zoned R1-M).

East: Single family homes zoned R1-M.

West: Single family homes zoned R1-M.

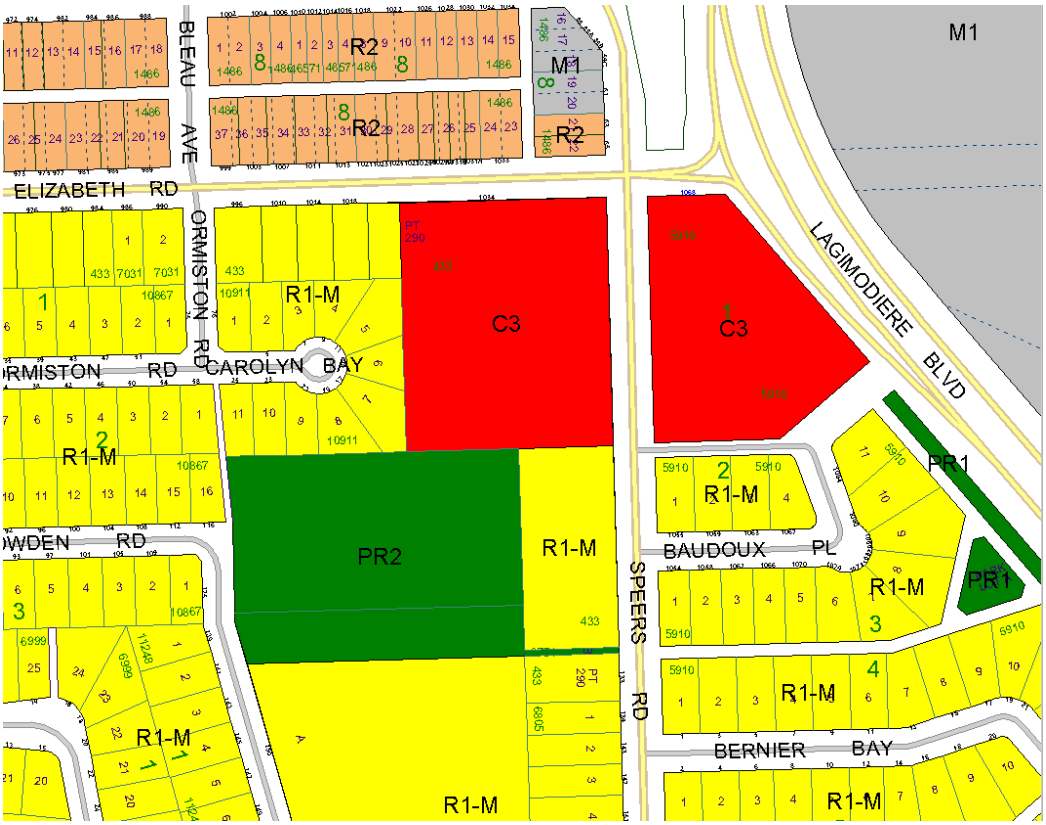


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone 1018 Elizabeth Road from R1-M to C3 to facilitate the guest room expansion of their existing hotel. This expansion will accommodate approximately an additional 16 rooms.
- The building expansion is proposed to have a 20'-6" building height, and a 10' foot westerly side yard. In total, the building expansion will be approximately 2,712 square feet in area.
- The applicant intends to keep the existing garage which is intended to be used for storage of hotel maintenance items, lawn mower, snow blower, etc.
- No additional parking is required to as part of the expansion.
- Landscape buffering is being proposed along the westerly property line. Details of that landscaping were not provided as part of this application.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011
- The subject property is classified as an "Area of Stability" - Mature Communities within Complete Communities Direction Strategy. Mature Communities represent some of the most "complete" existing communities in Winnipeg. They present some of the best opportunities to accommodate infill development, to increase housing choice and to maximize the use of existing infrastructure. In many cases, these neighbourhoods are already well serviced by public transit and infrastructure. Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

ZONING

- The Commercial Corridor (C3) district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located in Community or Regional mixed use corridors or along Community or Regional mixed use corridors.
- Table 5-5 of the City of Winnipeg Zoning By-law provides the dimensional standards for the C3 zoning district. These standards include a 25 foot minimum front yard, a 25 foot minimum rear yard, 0 foot interior side yard, a 25 foot minimum corner side yard and a building height maximum of 49 feet.
- Table 5-2 of the City of Winnipeg Zoning By-law provides the dimensional standards for the R1-M zoning district. These standards include a minimum 25 foot front yard, a 25 foot minimum rear yard, a 4 foot minimum side yard, a 35 foot maximum building height and a 45% maximum lot coverage.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- Redevelopment and intensification within our Mature Communities, especially within areas characterized by low density single-family housing, is always going to be challenging given real and perceived land use conflict concerns.
- One of the key metrics for consideration in determining whether a redevelopment project has a substantial negative impact on adjoining properties is whether there are any associated variances. In this case, the application does not have any associated variances for the C3 zoning district regulations. Additionally, if we were to assess this application through the lens of its existing zoning district (i.e. R1-M), there would be one (1) variance application required for this expansion. This variance would be for lot coverage. The proposed expansion has a lot area coverage of approximately 40%, which is below the 45% lot coverage maximum of the R1-M zoning district. However, because the applicant is seeking to keep the existing garage on the site, the total lot area coverage of the existing single family lot is now 50%. The Urban Planning Division considers this to be minor given the type of structure/use that is proposed to be remaining.
- The massing of the expansion is largely context sensitive given the context of adjoining properties and zoning districts. For example:
    - the westerly side yard will be 10 feet, compared to a 4 foot minimum for the R1-M zoning district;
    - the western building elevation will also have no windows which will minimize privacy concerns on the property to the west;
    - the proposed building height of 20'-6" is approximately 15'lower than the height maximum under the R1-M zoning district;
    - the proposed front yard will largely align with the adjoining property owner to the west and the rear yard will meet the requirements of the R1-M zoning district; and
    - The proposed expansion will also not feature any outdoor amenity spaces or balconies which could create noise concerns with adjoining property owners.
- The Urban Planning Division does have concerns of potential future expansions of the hotel use and building if the applicant chose to expand the building in the future to the west.
- Based upon the considerations above, the Winnipeg Public Service considers the proposed redevelopment of this property for the expansion of an existing hotel use to fit the Complete Communities vision of supporting low to moderate change within Mature Communities.

CONDITIONS OF APPROVAL

- Given the expansion of the hotel building is moving further into the single family area, the Urban Planning Division recommends that Plan Approval be a condition of approval to ensure the building design and landscaping are done in a manner that respects the massing, context and privacy of adjoining properties.
- That the existing front approach to 1018 Elizabeth Road be closed and that the applicant restore the curb, boulevard, and sidewalk all as determined by and to the satisfaction of the Director of Public Works.

RECOMMENDATION

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

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy; and
- The proposed development is designed in a context sensitive manner and will not have a substantial negative impact on adjoining land uses.

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

Report Prepared By: Richard Mahé
PPD File # DASZ 42/2016

Schedule "A" for File No. DASZ 42/2016, Riel Committee, dated December 22, 2016

By-Law No. _____

File No. **DASZ 42/16**

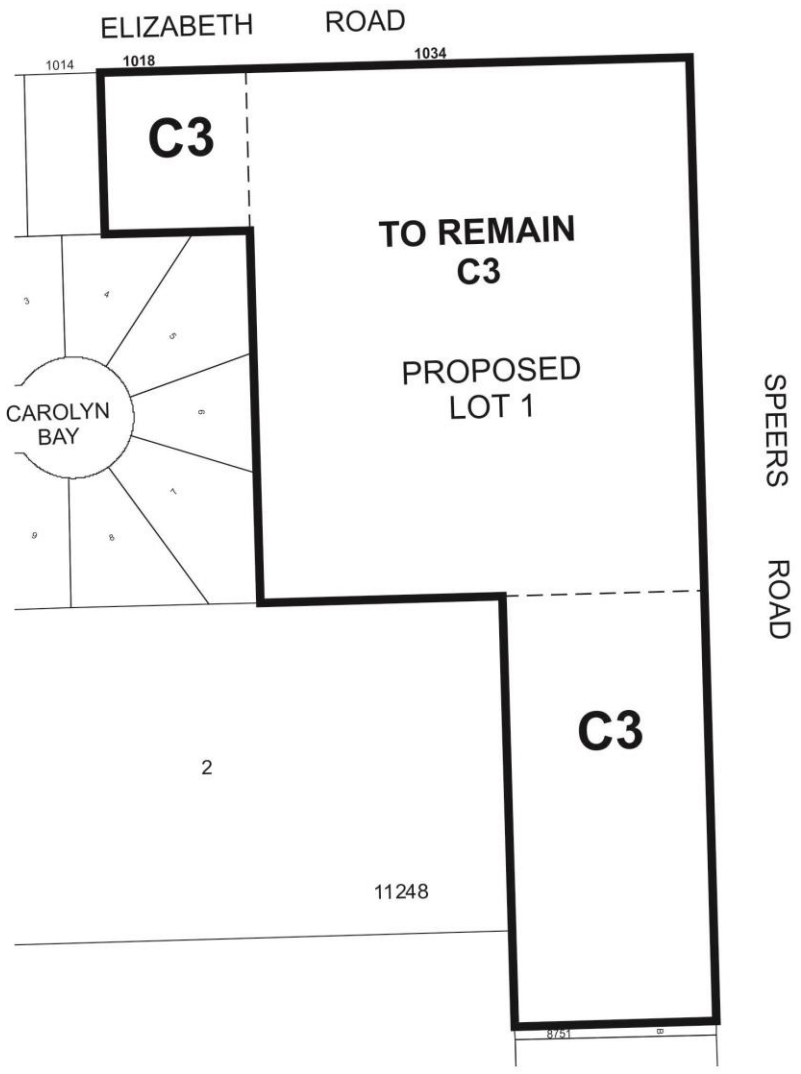
Atlas Sheet No.

N

AC29
RIEL
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 1018 & 1034 Elizabeth Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands to allow for the construction of an addition to an existing hotel as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____