Minute No. 404
Report – Executive Policy Committee – June 13, 2018

Item No. 3 **Zoning Agreement Amendment – 70, 80 and 90 Creek Bend Road (St. Vital Ward)**
File ZAA 1/2018

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat 4061401 under File DASZ 25/2009 dated January 27th, 2010 (By-law 113/2010), be amended as follows:

   A. That Clause 10(b)(i) be amended as follows:

      b) a landscaped strip having a minimum width of ten (10) feet along:

         (i) the west property line excepting the first northerly 341 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/2009 (By-law 113/2010) 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.

Report – Executive Policy Committee – June 13, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2018, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2018, 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 – 70, 80 and 90 Creek Bend Road**
File ZAA 1/2018

For submission to: **Executive Policy Committee**

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

Report date: **June 5, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2018, 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 Zoning Agreement Caveat 4061401 under File DASZ 25/2009 dated January 27th, 2010 (By-law 113/2010), be amended as follows:

    A. That Clause 10(b)(i) be amended as follows:

        b) a landscaped strip having a minimum width of ten (10) feet along:

            (i) the west property line excepting the first northerly 341 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/2009 (By-law 113/2010) 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 reasons for its recommendation:

1. Clearly it's for safety purposes that we need to make the road bigger.
2. There was a bit of a challenge with the building prior, not adhering to the size it should've been.

PUBLIC HEARING SUMMARY

File: ZAA 1/2018

Before: Riel Community Committee
Councillor Lukes, Chairperson
Councillor Allard

Public Hearing: June 5, 2018
Council Building, 510 Main Street

Applicant: Jilmark Construction Ltd.

Subject:



APPLICANT: JILMARK CONSTRUCTION LTD.
FILE: ZAA 1/2018
PROPOSAL: To amend the Zoning Agreement for DASZ 25/2009 (By-law 113/2010) affecting the land shown outlined above by amending Clause 10(b)(i) to permit a reduction in the width of the landscaped strip along the west property line fronting St. Anne's Road. **For information, phone Ms. Elise Finnigan, Planner at 204-986-8602.**
DEMANDEUR: JILMARK CONSTRUCTION LTD.
N° DE DOSSIER: MCZ 1/2018
PROJET: Modifier la convention de zonage relativement à la DALZ 25/2009 (règlement municipal 113/2010) visant le bien délinéé ci-dessus en modifiant la disposition 10(b)(i) afin de permettre le rétrécissement de la largeur de la bande d'aménagement paysager le long de la limite de propriété ouest qui fait face au chemin St. Anne's. **Pour plus de renseignements, veuillez communiquer avec Mme Elise Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 70, 80 and 90 Creek Bend Road

Exhibits Filed:

1. Application dated February 22, 2018
2. Notification of Public Hearing dated April 11, 2018
3. Manitoba Status of Title 2518267/1
4. Letter of authorization dated January 9, 2018 from Howard Haug to Jilmark Construction Ltd.
5. Surveyor's Building Location Certificate and sketch
6. Caveat 4061400
7. Plans (4 pages)
8. Report from the Urban Planning Division dated May 24, 2018
9. Inspection Report

REPRESENTATIONS:

In Support:
Howard Haug
David Regehr-Wiens

In Opposition:
Nil

For Information:
Nil

For the City:
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 1/2018

ADMINISTRATIVE REPORT

Title: ZAA 1/18 – 70, 80, and 90 Creek Bend Rd

Issue: For consideration at the Public Hearing to amend Clause 10(b)(i) of the existing Zoning Agreement associated with DASZ 25/2009 (By-law No. 113/2010) to accommodate a new landscaping design for the self-storage facility.

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
Elise Finnigan	B. Smith	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 4061401 under File DASZ 25/2009 dated January 27th, 2010 (By-law 113/2010), be amended as follows:

   A. That Clause 10(b)(i) be amended as follows:

   b) a landscaped strip having a minimum width of ten (10) feet along:

   (i) the west property line excepting the first northerly 341 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 25/2009 (By-law 113/2010) 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 amend the existing zoning agreement associated with DASZ 25/2009 in order to accommodate a narrower landscaped strip along the west property line resulting from one of the existing buildings being built larger than originally proposed.
- 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 the existing zoning agreement associated with DASZ 25/2009 will be amended as proposed in Recommendation 1.

HISTORY

Plan Approval for DASZ 25/2009

- On September 7, 2010, the Riel Community Committee recommended approval for plans associated with the construction of 3 self-storage buildings including landscaping and fencing.

DASZ 25/2009

- On January 27th, 2010, Council approved subdivision and rezoning application DASZ 25/2009, which subdivided and rezoned 11.69 acres of land from RR5 (Rural Residential 5) to C3 (Commercial Corridor) and PR1 (Parks and Recreation) for a self-storage facility, a street widening, and the creation of public reserve land along the Seine River. A zoning agreement with the following conditions was required in conjunction with the rezoning:
    - i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.
    - ii. That use of the land shall be restricted to :
        - a. A mini-warehouse, self storage facility with accompanying office component.
    - iii. Free standing signs are permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade;

iv. That there shall be no advertising signs, mobile signs, poster signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

v. That no illuminated signage be erected on the north sides of any buildings or within 100 feet of the north property line.

vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vii. That the most northerly 20 feet of the subject site (from the N.W. corner of the proposed storage facility extending to the N.E. corner of the proposed facility) shall be established and maintained for a minimum two metre high solid wood fence and landscaped buffer area.

viii. That alternating deciduous and coniferous trees (a minimum of six (6) feet in height and at eight foot intervals) be planted and maintained along the full length of the north property line within the aforementioned buffer area.

ix. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the west property line of the property fronting onto St. Anne's Road and the south property line fronting onto the Perimeter Highway.

x. That, all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

xi. That hours of operation shall be limited from 9:00 AM to 6:00 PM Monday-Saturday; and noon to 5:00 P.M. Sundays.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	May 24th, 2018
File No.	ZAA 1/18

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: May 24th, 2018

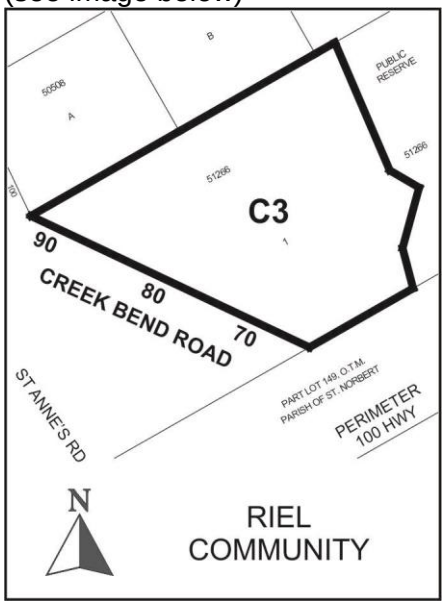
FILE: **ZAA 1/18**
RELATED FILES: DASZ 25/09

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.530 – Dakota Crossing neighbourhood

SUBJECT: For consideration at the Public Hearing to amend Clause 10(b)(i) of the existing Zoning Agreement associated with DASZ 25/2009 (By-law No. 113/2010) to accommodate a new landscaping design for the self-storage facility.

LOCATION: 70 – 80 - 90 Creek Bend Road

LEGAL DESCRIPTION: (see image below)



APPLICANT: John Froese
Jilmark Construction
1108 Henderson Hwy
Winnipeg , Manitoba R2G 1L1

OWNER: 6225 N.W.T. Ltd.

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located on the east side of Creek Bend Road at the southerly tip in the Dakota Crossing neighbourhood of the St. Vital ward.
- The site is approximately 4.4 acres in area and is occupied by two self-storage buildings.
- The site is located within the Areas of Stability – Recent Communities policy under *the Complete Communities Direction Strategy*. The property is zoned C3 – Commercial Corridor.



Figure 1: Air photo showing the approximate area of the subject property (2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Multi-family residential buildings zoned “RMF-M” Residential Multi-Family Medium.

South: Vacant Crown land zoned “RR5” Rural Residential 5; then the Perimeter Highway.

East: Public Reserve land zoned “PR1” Parks and Recreation; then the Seine River.

West: Creek Bend Road; then St. Anne’s Road.

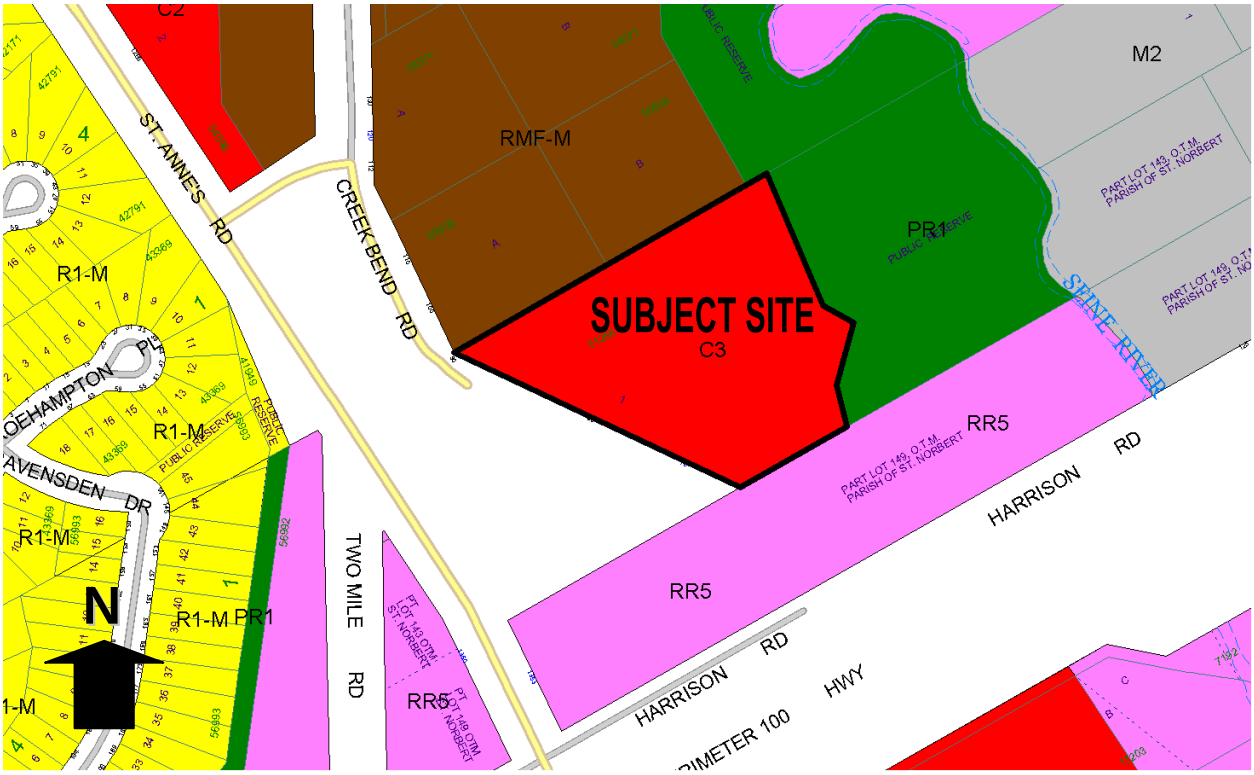


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- Two self-storage buildings have already been constructed on the property. One of the existing self-storage buildings (i.e., the centre building) was built with a larger gross floor area than was originally approved per the plan approval application on September 7, 2010. The original plans proposed a 34,975 square foot building while the existing building was constructed with a total floor area of 37,005 square feet. The increased size of the building has resulted in the applicant no longer able to provide a 10 foot wide landscaped strip along this portion of the west property line per Clause 10(b)(i) of the zoning agreement. Figure 3 shows an image of the existing development on the subject property.
- The applicant is proposing to build a third self-storage building with a total gross floor area of 25,925 square feet to the south of the existing buildings on the lot. The building will have a similar appearance to those already constructed.

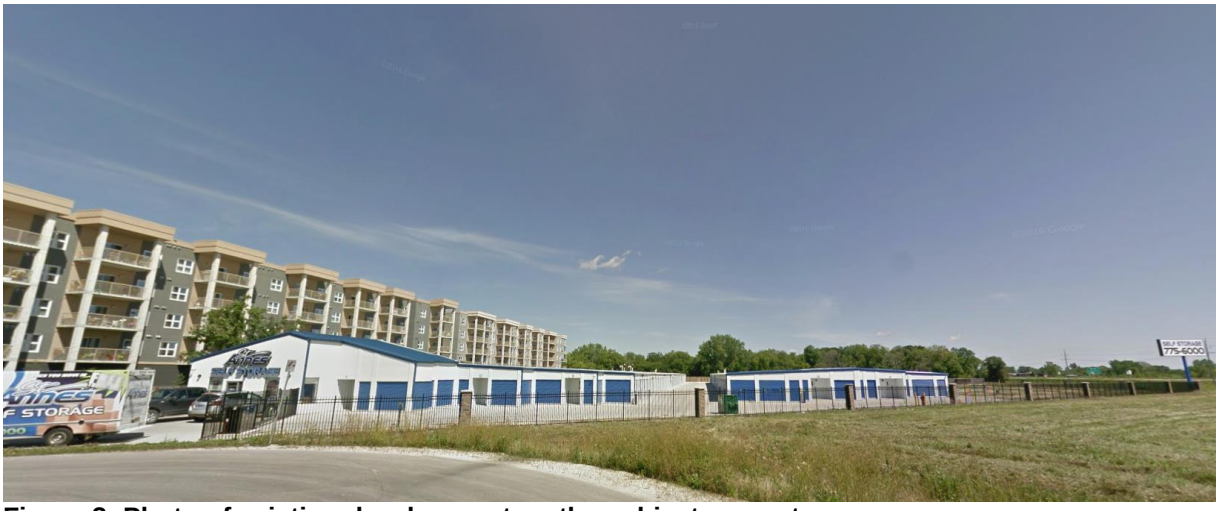


Figure 3: Photo of existing development on the subject property.

ANALYSIS AND ISSUES

OURWINNIPEG AND 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 statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located in the Areas of Stability – Recent Communities policy area under *OurWinnipeg* and the *Complete Communities Direction Strategy*. Key policies guiding development in 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support a mix of commercial services and employment uses that serve the local community.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"C3" Commercial Corridor

- The C3 zone is intended to accommodate the development of large-scale, distinctive and attractive regional centres containing a mix of concentrated land uses. 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. The centre should provide commercial, office, and

institutional uses and structures at higher intensities than surrounding areas. The area may also contain concentrations of medium- to high- density office development, as well as a broad mix of complementary uses, which may include major civic and public facilities and parks. These areas are associated with Regional mixed use centres.

Zoning Agreement DASZ 25/2009

- The applicant is proposing to amend the existing Zoning Agreement associated with DASZ 25/2009 (By-law 113/2010) to amend Clause 10(b)(i) which states:
    - That the Owner must establish and thereafter maintain to the satisfaction of the Director, and at no cost to the City:

        b) a landscaped strip having a minimum width of ten (10) feet along;

            (i) the west property line fronting St. Anne's Road.

ZONING AGREEMENT ANALYSIS

- It is unfortunate that an error was made during the construction phase impacting the width of the landscaped strip. The requirement to include a 10 foot wide landscaped strip along the west property line was originally recommended to help screen the self-storage buildings from St. Anne's Road and improve the overall appearance of the site. The Urban Planning Division would still like the development to be screened from St. Anne's Road but recognizes the financial implications associated with altering the existing building in order to comply with Clause 10(b)(i) of the zoning agreement. In acknowledgement of these financial constraints, an alternative screening design has been proposed whereby the applicant will re-locate the plantings that were originally proposed to be located in the landscaped strip along the existing centre building to the landscaped strip in front of the new building. The applicant is also proposing to include two additional deciduous trees in front of the new building.
- It is also acknowledged that approximately 316 feet of the original 512 foot long landscaped strip will still be maintained along the west property line. It should be noted that while the recommended wording of the text amendment to the zoning agreement excludes the first northerly 341 feet along the west property line, on the site plan approximately 111 feet within this northerly portion still includes a 10 foot wide landscaped strip. The wording of the amendment is proposed to help facilitate future administrative review. Through the plan approval requirement per DASZ 25/2009, the Urban Planning Division will expect the applicant to conform substantially to the plans provided.
- For the reasons listed, the Urban Planning Division is recommending support of the proposed amendment to the zoning agreement.

RECOMMENDATION

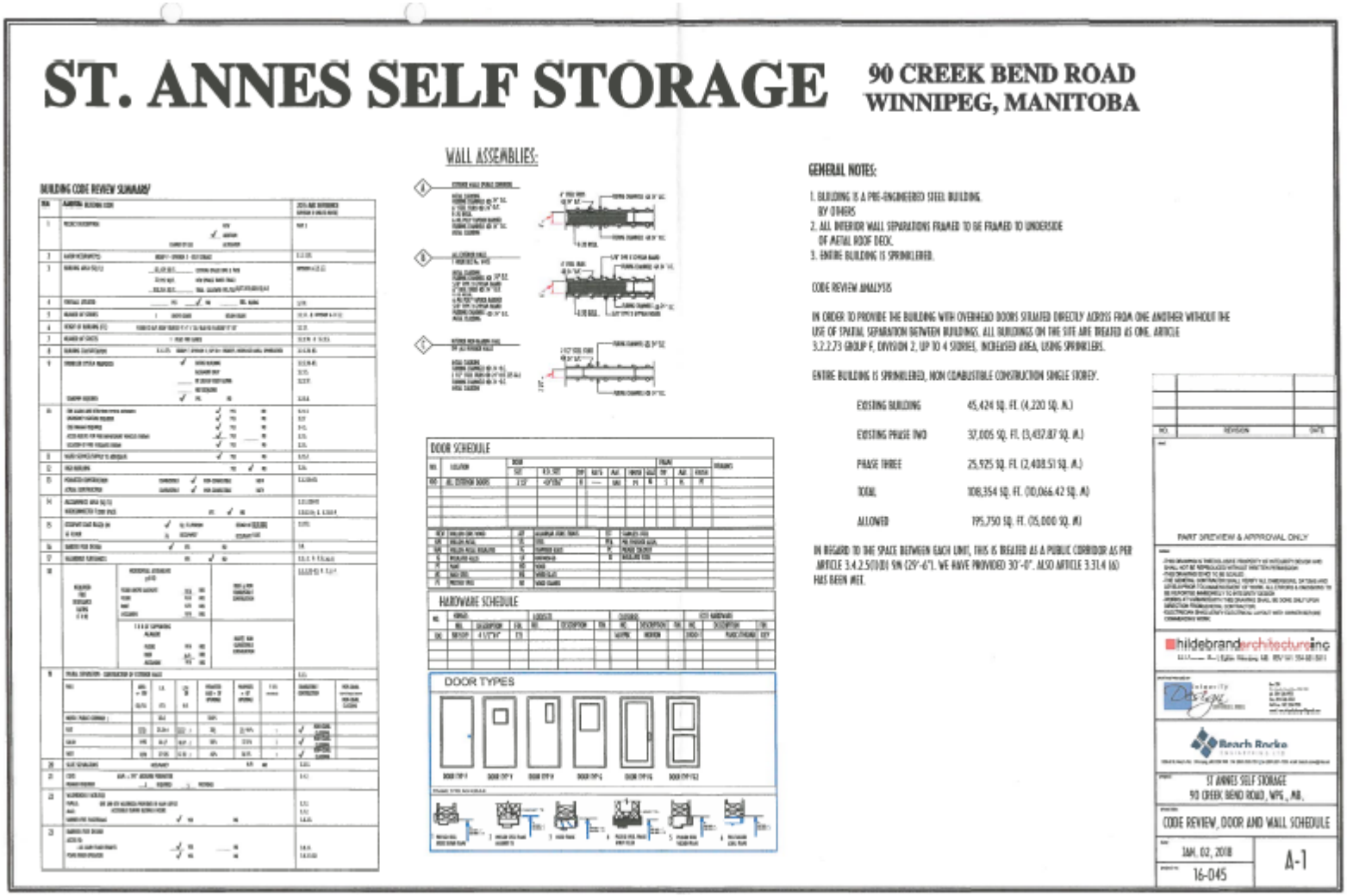
The Urban Planning Division recommends **approval** for the following reason:

- The proposal encompasses an alternative landscape design that will still meet the intent of Clause 10(b)(i) by screening the development from St. Anne's Road and improving the overall appearance of the site.

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

Report Prepared By: Elise Finnigan
PPD File # ZAA 1/18

Exhibit "7" referred to in File ZAA 1/2018



ST. ANNES SELF STORAGE

90 CREEK BEND ROAD
WINNIPEG, MANITOBA

BUILDING CODE REVIEW SUMMARY

WALL ASSEMBLIES:

DOOR SCHEDULE

HARDWARE SCHEDULE

DOOR TYPES

GENERAL NOTES:

1. BUILDING IS A PRE-ENGINEERED STEEL BUILDING. BY OTHERS
2. ALL INTERIOR WALL SEPARATIONS FRAMED TO BE FRAMED TO UNDERSIDE OF METAL ROOF DECK.
3. ENTIRE BUILDING IS SPRINKLERED.

CODE REVIEW ANALYSIS

IN ORDER TO PROVIDE THE BUILDING WITH OVERHEAD DOORS SITUATED DIRECTLY ACROSS FROM ONE ANOTHER WITHOUT THE USE OF SPATIAL SEPARATION BETWEEN BUILDINGS, ALL BUILDINGS ON THE SITE ARE TREATED AS ONE. ARTICLE 3.2.2.73 GROUP F, DIVISION 2, UP TO 4 STOREYS, INCREASED AREA, USING SPRINKLERS.

ENTIRE BUILDING IS SPRINKLERED, NON COMBUSTIBLE CONSTRUCTION SINGLE STOREY.

EXISTING BUILDING	45,424 SQ. FT. (4,220 SQ. M.)
EXISTING PHASE TWO	37,005 SQ. FT. (3,437.87 SQ. M.)
PHASE THREE	25,925 SQ. FT. (2,408.51 SQ. M.)
TOTAL	108,354 SQ. FT. (10,066.42 SQ. M)
ALLOWED	195,750 SQ. FT. (15,000 SQ. M)

IN REGARD TO THE SPACE BETWEEN EACH UNIT, THIS IS TREATED AS A PUBLIC CORRIDOR AS PER ARTICLE 3.4.2.5(1)(b) 9M (29'-6"). WE HAVE PROVIDED 30'-0". ALSO ARTICLE 3.3.1.4 (6) HAS BEEN MET.

NO. REVISION DATE

PART SPR/REVIEW & APPROVAL ONLY

hildebrandarchitecture inc

Beach Rocks

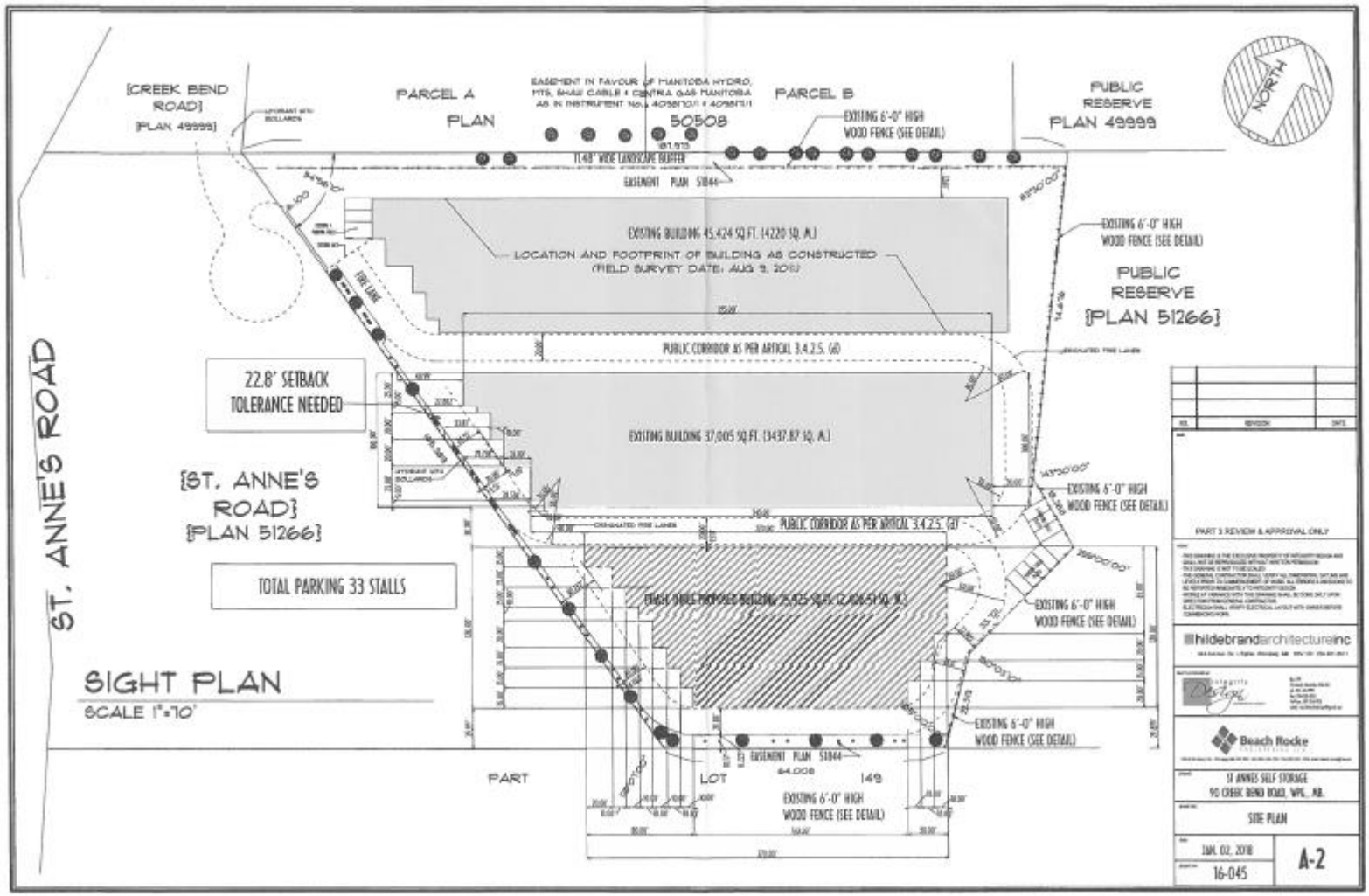
ST ANNES SELF STORAGE
90 CREEK BEND ROAD, WPG., MB.

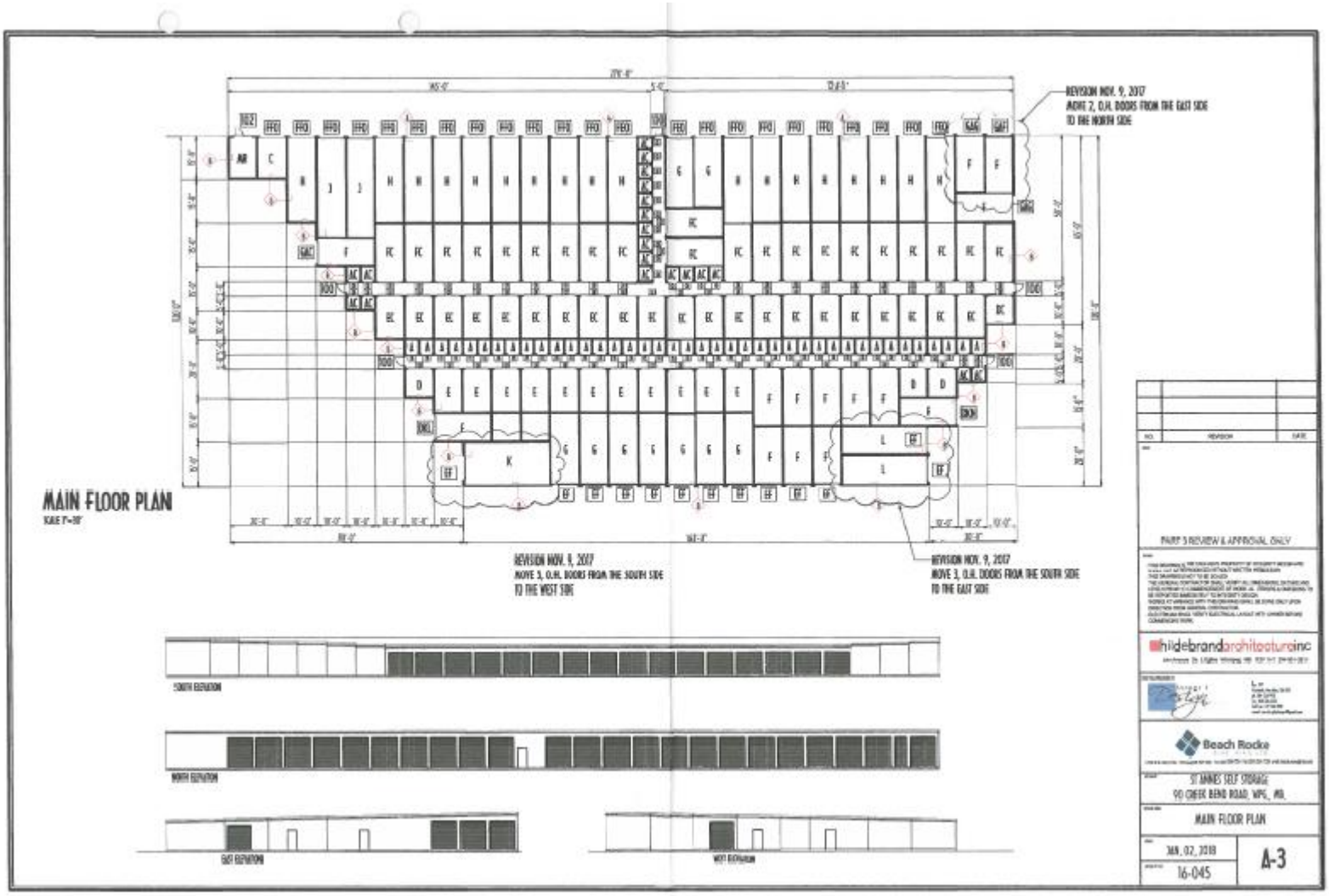
CODE REVIEW, DOOR AND WALL SCHEDULE

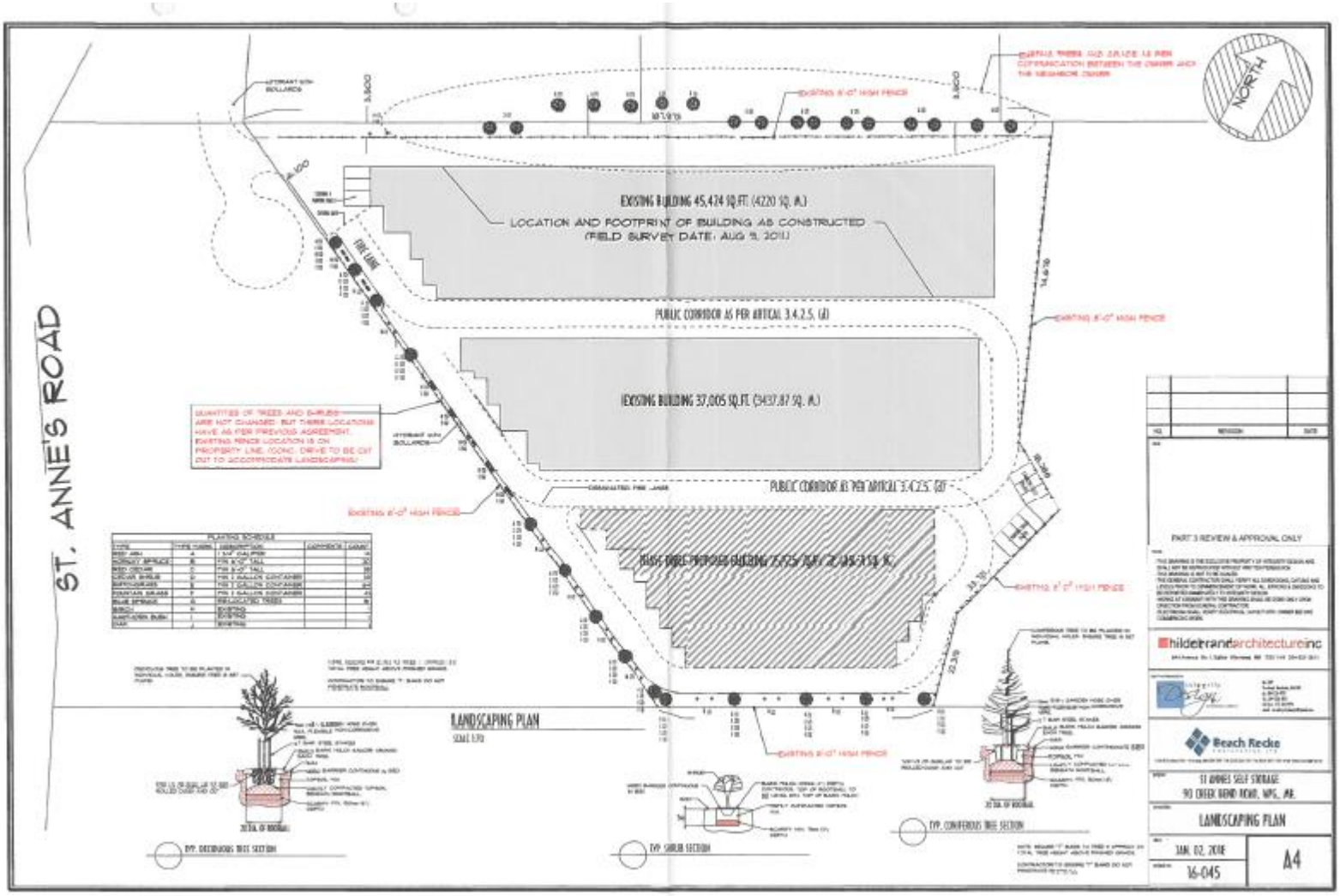
JAN. 02, 2018

16-045

A-1


CREEK BEND ROAD
PLAN 49999
PARCEL A
PLAN 50508
PARCEL B
PUBLIC RESERVE
PLAN 49999
NORTH
EASEMENT IN FAVOUR OF MANITOBA HYDRO, MTS, SHAW CABLE & CENTRA GAS MANITOBA AS IN INSTRUMENT No.s 4058710/1 & 4058711/1
EXISTING 6'-0" HIGH WOOD FENCE (SEE DETAIL)
11.48' WIDE LANDSCAPE BUFFER
EASEMENT PLAN 51844
EXISTING BUILDING 45,424 SQ.FT. (4220 SQ. M.)
LOCATION AND FOOTPRINT OF BUILDING AS CONSTRUCTED (FIELD SURVEY DATE: AUG 9, 2017)
FIRE LANE
PUBLIC RESERVE (PLAN 51266)
PUBLIC CORRIDOR AS PER ARTICAL 3.4.2.5. (d)
22.8' SETBACK TOLERANCE NEEDED
EXISTING BUILDING 37,005 SQ.FT. (3437.87 SQ. M.)
(ST. ANNE'S ROAD) (PLAN 51266)
DESIGNATED FIRE LANES
TOTAL PARKING 33 STALLS
EXISTING BUILDING 25,825 SQ.FT. (2,400.51 SQ. M.)
ST. ANNE'S ROAD
SIGHT PLAN
SCALE 1"=70'
PART
LOT
64,008
149
PART 3 REVIEW & APPROVAL ONLY
hildebrandarchitectureinc
Beach Rocke
ST ANNES SELF STORAGE
90 CREEK BEND ROAD, WPG, MB.
SITE PLAN
JAN. 02, 2018
16-045
A-2


MAIN FLOOR PLAN
REVISION NOV. 9, 2017
MOVE 2, O.H. DOORS FROM THE EAST SIDE
TO THE NORTH SIDE
REVISION NOV. 9, 2017
MOVE 3, O.H. DOORS FROM THE SOUTH SIDE
TO THE WEST SIDE
REVISION NOV. 9, 2017
MOVE 3, O.H. DOORS FROM THE SOUTH SIDE
TO THE EAST SIDE
PART 3 REVIEW & APPROVAL ONLY
hildebrandarchitecturainc
Beach Rocke
ST MARKS SELF STORAGE
90 CREE BEND ROAD, WPG., MB.
MAIN FLOOR PLAN
JAN. 02, 2018
16-045
A-3


ST. ANNE'S ROAD
NORTH
EXISTING BUILDING 45,474 SQ.FT. (4220 SQ. M.)
LOCATION AND FOOTPRINT OF BUILDING AS CONSTRUCTED
(FIELD SURVEY DATE: AUG 9, 2011)
PUBLIC CORRIDOR AS PER ARTICAL 3.4.2.5. (d)
EXISTING BUILDING 37,005 SQ.FT. (3437.87 SQ. M.)
PUBLIC CORRIDOR AS PER ARTICAL 3.4.2.5. (d)
EXISTING 6'-0" HIGH FENCE
FIRE LANE
LANDSCAPING PLAN
SCALE 1:70
PART 3 REVIEW & APPROVAL ONLY
hildebrandarchitectureinc
Beach Recke
11 ARMES SELF STORAGE
90 CREEK BEND ROAD, WPG., MB.
LANDSCAPING PLAN
JAN. 02, 2018
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