Agenda – Council – January 28, 2021

Report – Executive Policy Committee – January 20, 2021

Item No. 6 Zoning Agreement Amendment – 925 Headmaster Row (North Kildonan Ward) File ZAA 2/2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the Zoning Agreement under File DASZ 20/2004, dated August 16, 2006 (By-law No. 90/2006), be amended as follows:

   A. That Clause 5 be deleted and the other clauses be renumbered accordingly.

   B. That Clause 7 be deleted and the following substituted therefore:

      All garbage/recycling containers, except in-ground garbage/recycling containers, shall be fully enclosed by a brick, concrete and/or wood barrier fence that is at least six inches above the top of the garbage/recycling containers and, near all in-ground garage/recycling containers, at least three shrubs and four coniferous trees shall be established and thereafter all maintained to the satisfaction of the Director of the Planning, Property and Development Department.

   C. That Clause 9 be deleted and the following substituted therefore:

      Buildings shall be setback at least twenty-five (25) feet from Headmaster Row.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – January 20, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2021, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 5, 2021, the East Kildonan-Transcona 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.

PUBLIC HEARING SUMMARY

File: ZAA 2/2020

Before: East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Browaty
Councillor Nason

Public Hearing: January 5, 2021
Council Building, 510 Main Street

Applicant: Cliff Kehler, Three Way Builders

Subject:



Premises Affected: 925 Headmaster Row

For submission to: Executive Policy Committee

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: January 5, 2021

Community Committee Recommendation:

On January 5, 2021, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Zoning Agreement under File DASZ 20/2004, dated August 16, 2006 (By-law No. 90/2006), be amended as follows:

    A. That Clause 5 be deleted and the other clauses be renumbered accordingly.

    B. That Clause 7 be deleted and the following substituted therefore:

    All garbage/recycling containers, except in-ground garbage/recycling containers, shall be fully enclosed by a brick, concrete and/or wood barrier fence that is at least six inches above the top of the garbage/recycling containers and, near all in-ground garage/recycling containers, at least three shrubs and four coniferous trees shall be established and thereafter all maintained to the satisfaction of the Director of the Planning, Property and Development Department.

    C. That Clause 9 be deleted and the following substituted therefore:

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2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is consistent with the previously approved plan approvals of this Committee. I believe this is the orderly development of this particular retail property in the community.

Exhibits Filed:

1. Application dated February 26, 2020
2. Notification of Public Hearing dated November 27, 2020
3. Manitoba Status of Title 2446196/1
4. Letter of authorization dated January 27, 2020 from John E. Wiebe, North Grassie Properties Inc., to Cliff Kehler, Three Way Builders
5. Surveyor's Building Location Certificate and sketch dated July 27, 2011
6. Caveat(s) 3361823/1, 4233716/1
7. Plans (6 pages)
8. Report from the Urban Planning Division dated December 21, 2020
9. Inspection Report

REPRESENTATIONS:

In Support:

Cliff Kehler
Greg Plett

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

G. Doney, Senior Planner, Planning, Property and Development

Exhibit "8" referred to in File ZAA 2/2020

ADMINISTRATIVE REPORT

Title: ZAA 2/2020 – 925 Headmaster Row

Issue: Proposed Zoning Agreement Amendment to reduce restrictions on illuminated signage, to allow no garbage enclosure around in-ground garbage and recycling containers and to reduce restrictions on what can be in landscaped setbacks.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
Glen Doney, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the Zoning Agreement under File DASZ 20/2004, dated August 16, 2006 (By-law No. 90/2006), be amended as follows:

   A. That Clause 5 be deleted and the other clauses be renumbered accordingly.

   B. That Clause 7 be deleted and the following substituted therefore:

   All garbage/recycling containers, except in-ground garbage/recycling containers, shall be fully enclosed by a brick, concrete and/or wood barrier fence that is at least six inches above the top of the garbage/recycling containers and, near all in-ground garage/recycling containers, at least three shrubs and four coniferous trees shall be established and thereafter all maintained to the satisfaction of the Director of the Planning, Property and Development Department.

   C. That Clause 9 be deleted and the following substituted therefore:

   Buildings shall be setback at least twenty-five (25) feet from Headmaster Row.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1. and such other agreements as determined necessary by the City Solicitor and Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the agreement to amend the Zoning Agreement, and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASONS FOR REPORT

This report is required because an application to amend a zoning agreement requires a public hearing as per *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the existing development will comply with the amended zoning agreement.

HISTORY

On October 2nd, 2020, the East Kildonan – Transcona Community Committee approved plans of a proposed in-ground garbage container and an in-ground recycling container. One of the approved plans is shown on Figure 1.

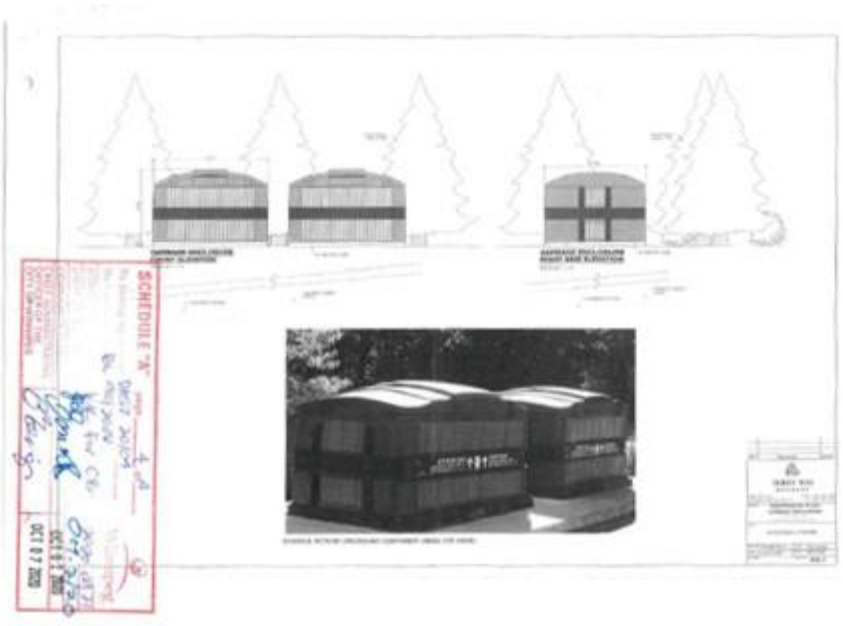


Figure 1: Approved Plan of Proposed In-ground Garbage/Recycling Containers

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The Key Direction of OurWinnipeg that applies to the Recent Communities Policy area (in which the site is located) states: "*Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*"

The proposed amendments to the zoning agreement would provide greater flexibility in how any further development can take place on the site, which will contribute to the site's ongoing viability. The plan approval clause of the zoning agreement, which is not proposed to be amended or deleted, ensures that future development on the site will be compatible with the site context.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

One of the Strategic Opportunities in the *Winnipeg Climate Action Plan* states: "*Facilitate compact, complete development and increase density*."

The proposal aligns with this Strategic Opportunity and with the *Winnipeg Climate Action Plan* in general because:

- The neighbourhood in which the site is located is being redeveloped into an area with the full range of municipal infrastructure; and
- The proposed amendments to the zoning agreement would provide greater flexibility in how any further development can take place on the site, which will contribute to the site's ongoing viability.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Glen Doney
Date:	December 21, 2020
File No.	ZAA 2/20

Attachments

- **Appendix "A," Planning Discussion**

APPENDIX “A,” PLANNING DISCUSSION

DATE: December 21, 2020

FILE: **ZAA 2/2020**

COMMUNITY: East Kildonan – Transcona

NEIGHBOURHOOD #: 419 - Springfield North

SUBJECT: Proposed Zoning Agreement Amendment to reduce restrictions on illuminated signage, to allow no garbage enclosure around in-ground garbage and recycling containers and to reduce restrictions on what can be in landscaped setbacks.

LOCATION: 925 Headmaster Row

LEGAL DESCRIPTION: Part of Lot 1, Block 9, Plan 45497 and Parcel A, Plan 49963



APPLICANT: Three Way Builders, Cliff Kehler
320 PTH 12N
Steinbach, MB

OWNER: North Grassie Properties Inc.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject site, identified on Figures 2, 3 and 4:

- Is on the west side of Lagimodière Blvd., between Headmaster Row and Knowles Avenue;
- Is in the North Kildonan Ward;

- Contains a restaurant in one building and retail sales and service uses, a restaurant and a drinking establishment in a multi-tenant building;
- Is zoned “C2” Commercial Community; and
- Is in a Recent Communities Policy Area of *OurWinnipeg* and *Complete Communities*.

Also of note is that the site is subject to a zoning agreement that was a condition of approval of DASZ 20/2004.

Clause 3 of the zoning agreement states that plans, showing the location and design of proposed building, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted for approval by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee. Clause 3 also states that all buildings, structures and works shall be established on the site in accordance with the approved plans.

Clause 5 of the zoning agreement states that no illuminated signage be erected on the north, south or west side of the building or the lot. However, the site contains: a freestanding sign, that includes illuminated signage facing north and south; and a restaurant (Tim Horton’s) having illuminated signage on the building’s exterior, facing north, south and west. Permits were issued for these signs without also requiring the zoning agreement to be amended. Figure 2 shows the south face of the freestanding sign and the south and west facing signs on the restaurant. The north facing sign on the restaurant is only text that is illuminated externally.

Clause 7 of the zoning agreement states that all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container. However, there is no garbage enclosure around the two in-ground garbage/recycling containers that are on the site. Permits were issued for these in-ground containers without also requiring the zoning agreement to be amended.

Clause 9 of the zoning agreement states that the southerly most twenty-five (25) feet of the property be used only for landscaping. However, the southerly 25 feet of the site contains utility boxes, walkways, a driveway, a patio, a fence and the aforementioned free-standing sign. These things were established without requiring the zoning agreement to be amended. Figure 2 shows some of these things.



Figure 2: 2018 Aerial Photography and Existing Assessment



Figure 3: Looking Northeast at the Site, Google Streetview, 2018

SURROUNDING LAND USE AND ZONING

North: Knowles Avenue then single-family dwelling and vacant lots zoned “R1-L” Residential Single-Family (Large).

South: Headmaster Row, then multi-family dwellings zoned “C2” Commercial Community.

East: Lagimodière Blvd. then single-family dwellings zoned “RR2” Rural Residential 2.

West: A single-family dwelling and a vacant lot zoned “R1-L” Residential Single-Family (Large) and “RR5” Rural Residential 5.

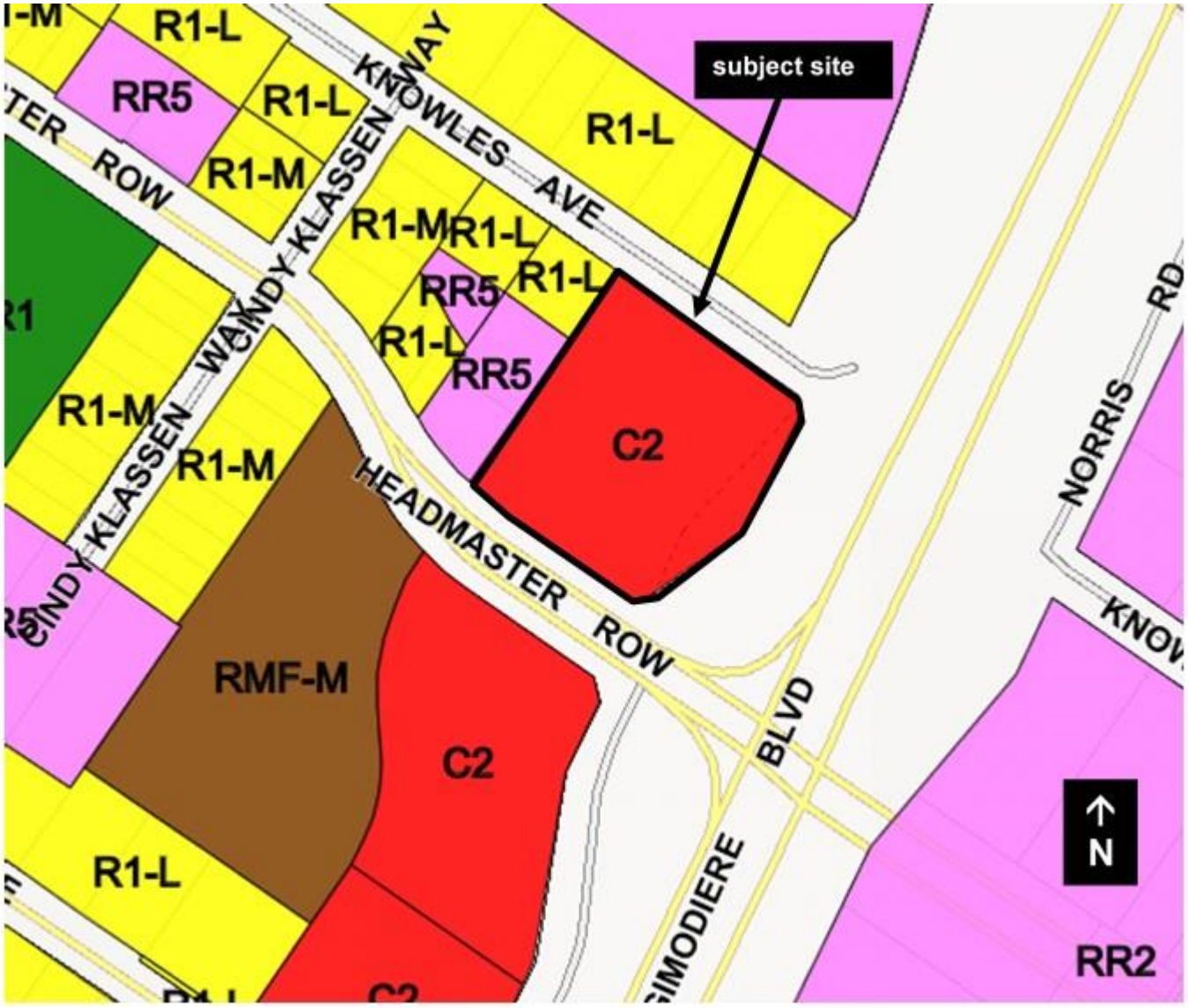


Figure 4: Existing Zoning

DESCRIPTION OF THE PROPOSED DEVELOPMENT

No development is proposed on the site in connection with the subject application (ZAA 2/2020).

However, the subject application proposes to amend the zoning agreement so that it will validate existing development on the site.

The subject application proposes to delete Clause 5 of the zoning agreement, which states that no illuminated signage be erected on the north, south or west side of the building or the lot. Deleting this clause would validate the aforementioned illuminated signage on the freestanding sign; and the aforementioned illuminated signage on the exterior of the restaurant.

The subject application proposes to replace Clause 7 of the zoning agreement with a clause that permits no garbage enclosure around in-ground garbage/recycling containers, provided at least three shrubs and four coniferous trees are established near the in-ground garbage/recycling containers. This new clause would validate the aforementioned absence of a garbage enclosure around the in-ground garbage/recycling containers.

The subject application proposes to replace Clause 9 of the zoning agreement with a clause that only requires buildings be setback at least 25 feet from Headmaster Row. This new clause would validate the aforementioned utility boxes, walkways, driveway, patio, fence and free-standing sign that are in the southerly 25 feet of the property.

COLLABORATIVE PLANNING

The applicant provided the Public Service with the information needed to determine what amendments to the Zoning Agreement would be required.

ANALYSIS AND ISSUES

OURWINNIPEG and COMPLETE COMMUNITIES

OurWinnipeg is the City's development plan. The Areas of Stability section of *OurWinnipeg* applies to the Recent Communities Policy Area. The Key Direction of this section states: "*Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population*."

Complete Communities is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city. The Areas of Stability section of *Complete Communities* applies to the Recent Communities Policy Area. Direction 1 of this section contains policies that pertain to the proposal. These policies state:

> *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.*

As previously stated, the proposed deletion of Clause 5 of the zoning agreement would validate the existing illuminated signage on the free-standing sign and on the exterior of the restaurant. Figure 2 shows that all of the illuminated signage is typical of this type of commercial development and that it has no adverse effect on properties next to, or near, the site. Therefore, deleting this clause would comply with the aforementioned Key Direction and policies and the plan approval clause (Clause 3) can be used to ensure future illuminated signage also complies with the aforementioned Key Direction and policies.

As previously stated the proposed replacement of Clause 7 of the zoning agreement, with a clause that permits no garbage enclosure around in-ground garbage/recycling containers, would validate the existing in-ground containers not being in an enclosure. Not requiring an enclosure around in-ground containers is a common practice because the visible portion of these containers have an aesthetic treatment whereas dumpsters generally do not, as shown on Figure 1. Furthermore, requiring at least three shrubs and four coniferous trees to be established near the in-ground garbage/recycling containers would enhance the quality of the site. Also, the plan approval clause (Clause 3) can be used to ensure future in-ground containers also comply with the aforementioned Key Direction and policies.

As previously stated, the proposed replacement of Clause 9 of the zoning agreement with a clause that only requires buildings be setback at least 25 feet from Headmaster Row, would validate the aforementioned utility boxes, walkways, driveway, patio, fence and free-standing sign that are in the southerly 25 feet of the property. Figure 2 shows that all of these things are typical of this type of commercial development and that they have no adverse effect on properties next to, or near, the site. Therefore, deleting this clause would comply with the aforementioned Key Direction and policies and the plan approval clause (Clause 3) can be used to ensure future development in this setback area also complies with the aforementioned Key Direction and policies.

Therefore, the proposed amendments area consistent with the aforementioned Key Direction and policies and with *OurWinnipeg* and *Complete Communities* in general.

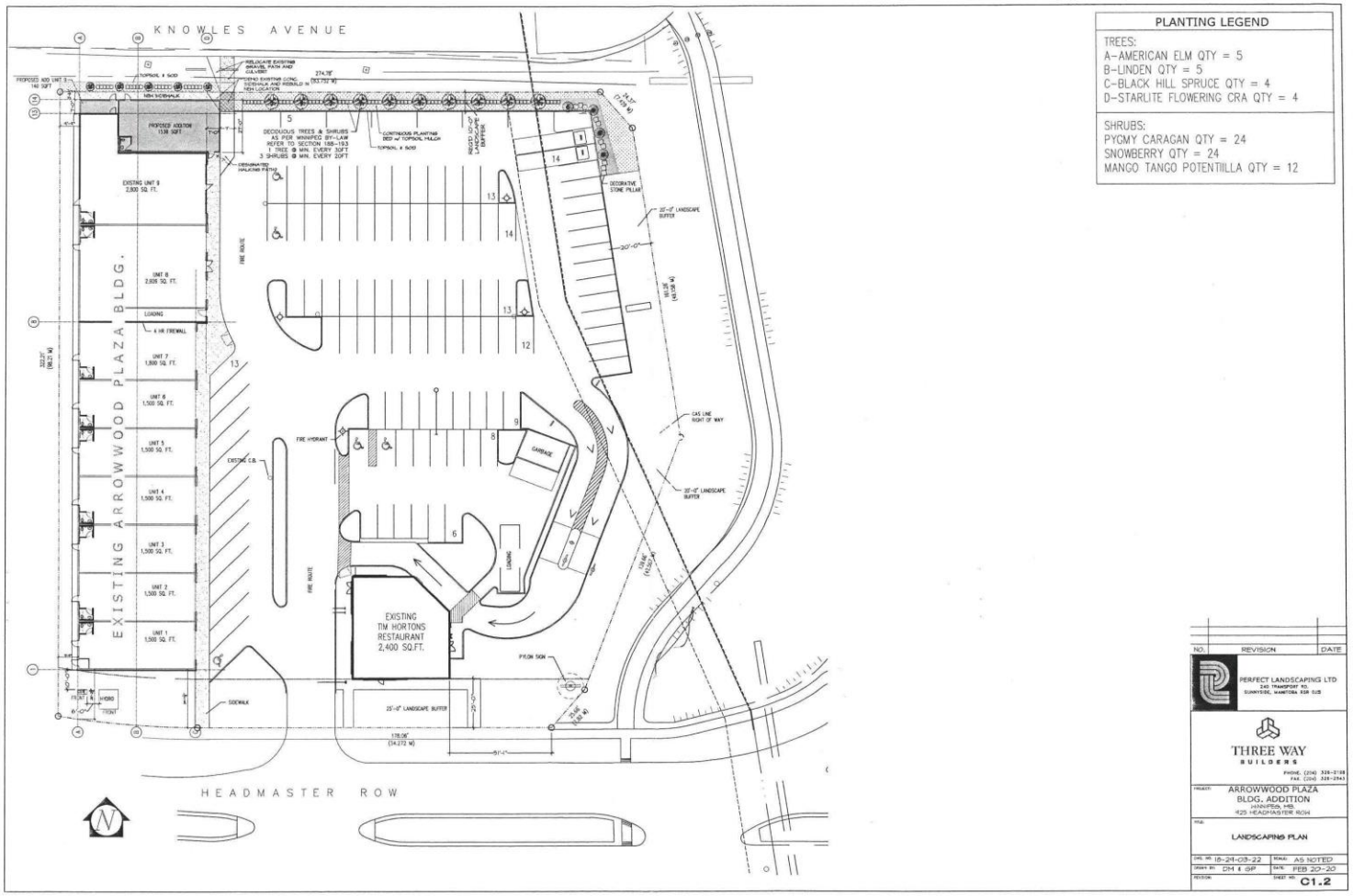
REASONS FOR THE RECOMMENDATIONS

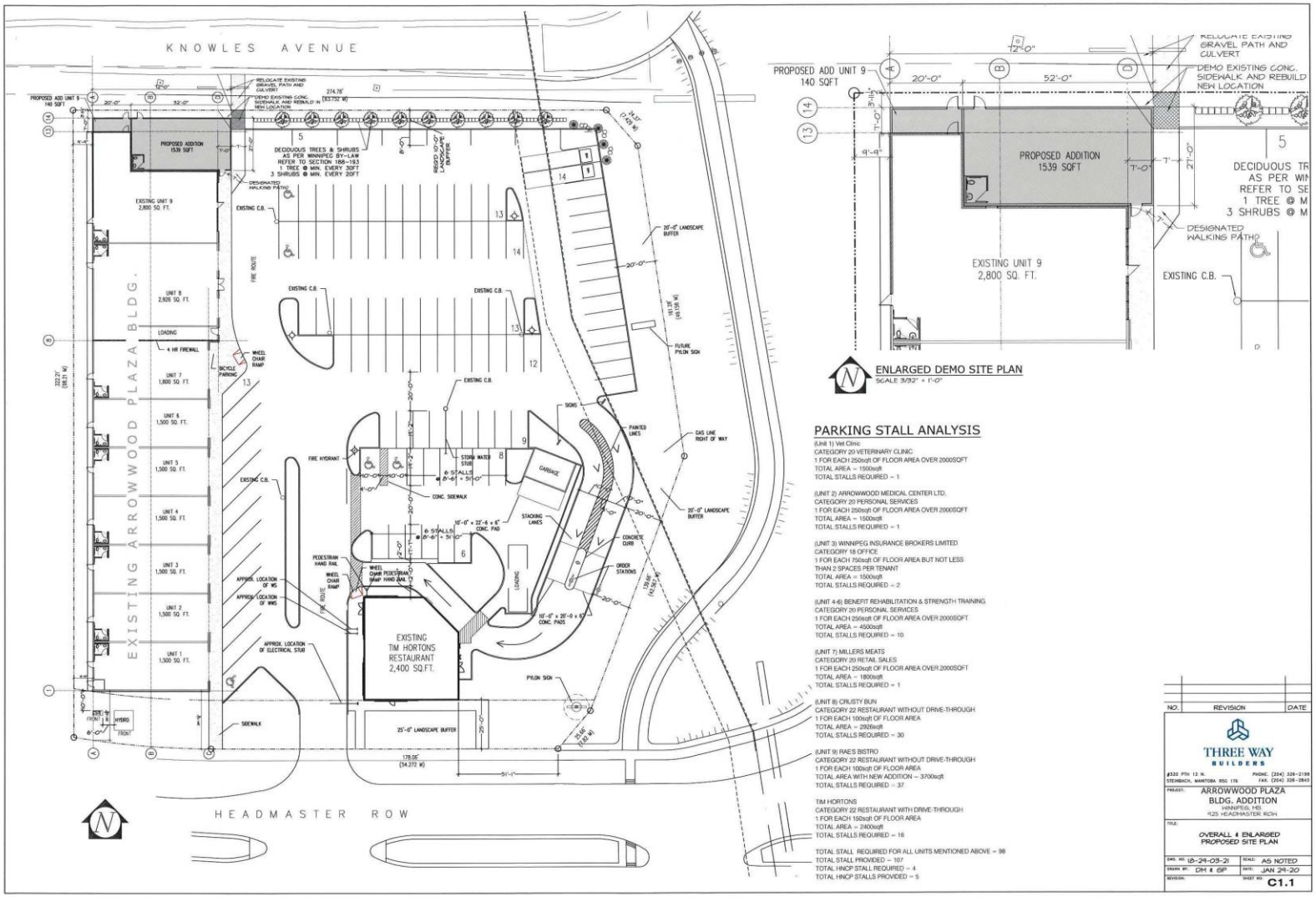
The Urban Planning and Design Division recommends approval of all the proposed amendments because they are consistent with *OurWinnipeg* and *Complete Communities.*

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

Report Prepared by: Glen Doney, MCIP, RPP
PPD File #: ZAA 2/2020

Exhibit “7” referred to in File ZAA 2/2020





ENLARGED DEMO SITE PLAN
SCALE 3/32" = 1'-0"

PARKING STALL ANALYSIS

(Unit 1) Vet Clinic
CATEGORY 20 VETERINARY CLINIC
1 FOR EACH 250sqft OF FLOOR AREA OVER 2000SQFT
TOTAL AREA = 1500sqft
TOTAL STALLS REQUIRED = 1

(UNIT 2) ARROWWOOD MEDICAL CENTER LTD.
CATEGORY 20 PERSONAL SERVICES
1 FOR EACH 250sqft OF FLOOR AREA OVER 2000SQFT
TOTAL AREA = 1500sqft
TOTAL STALLS REQUIRED = 1

(UNIT 3) WINNIPEG INSURANCE BROKERS LIMITED
CATEGORY 18 OFFICE
1 FOR EACH 750sqft OF FLOOR AREA BUT NOT LESS THAN 2 SPACES PER TENANT
TOTAL AREA = 1500sqft
TOTAL STALLS REQUIRED = 2

(UNIT 4-6) BENEFIT REHABILITATION & STRENGTH TRAINING
CATEGORY 20 PERSONAL SERVICES
1 FOR EACH 250sqft OF FLOOR AREA OVER 2000SQFT
TOTAL AREA = 4500sqft
TOTAL STALLS REQUIRED = 10

(UNIT 7) MILLERS MEATS
CATEGORY 20 RETAIL SALES
1 FOR EACH 250sqft OF FLOOR AREA OVER 2000SQFT
TOTAL AREA = 1800sqft
TOTAL STALLS REQUIRED = 1

(UNIT 8) CRUSTY BUN
CATEGORY 22 RESTAURANT WITHOUT DRIVE-THROUGH
1 FOR EACH 100sqft OF FLOOR AREA
TOTAL AREA = 2926sqft
TOTAL STALLS REQUIRED = 30

(UNIT 9) RAE'S BISTRO
CATEGORY 22 RESTAURANT WITHOUT DRIVE-THROUGH
1 FOR EACH 100sqft OF FLOOR AREA
TOTAL AREA WITH NEW ADDITION = 3700sqft
TOTAL STALLS REQUIRED = 37

TIM HORTONS
CATEGORY 22 RESTAURANT WITH DRIVE-THROUGH
1 FOR EACH 150sqft OF FLOOR AREA
TOTAL AREA = 2400sqft
TOTAL STALLS REQUIRED = 16

TOTAL STALL REQUIRED FOR ALL UNITS MENTIONED ABOVE = 98
TOTAL STALL PROVIDED = 107
TOTAL HNCP STALL REQUIRED = 4
TOTAL HNCP STALLS PROVIDED = 5

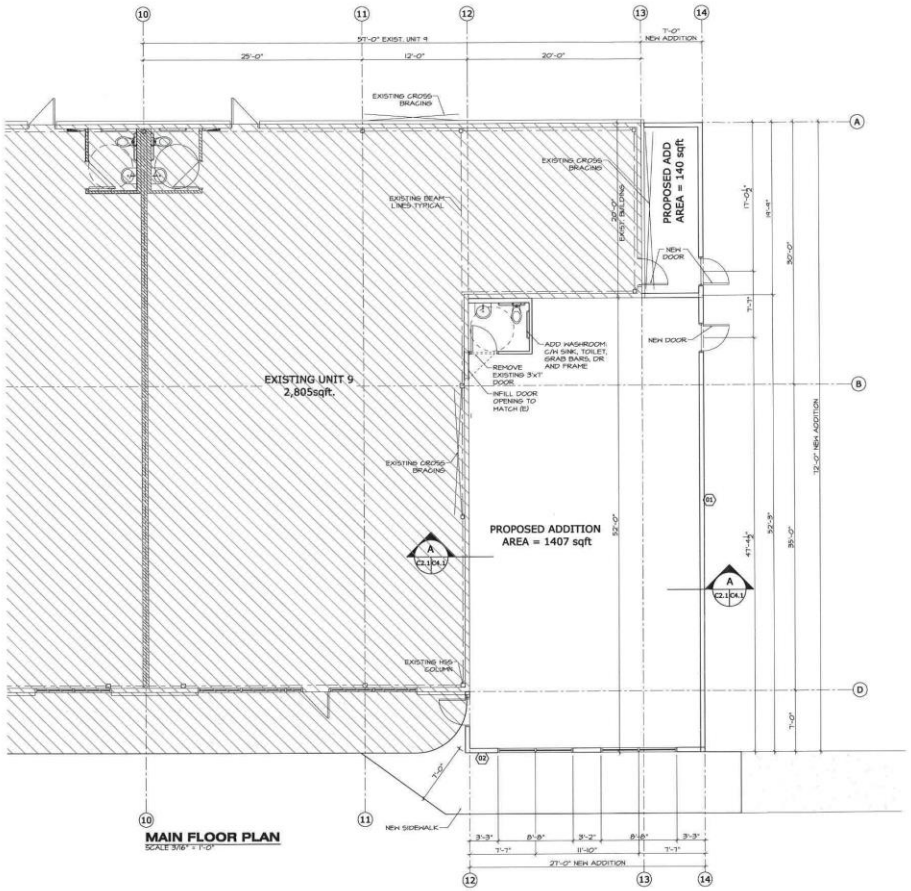
NO.	REVISION	DATE

THREE WAY BUILDERS
#320 7TH 12 N. STEINBACH, MANITOBA R5G 1T6
PHONE. (204) 326-2196
FAX. (204) 326-2843

PROJECT: ARROWWOOD PLAZA BLDG. ADDITION
WINNIPEG, MB
925 HEADMASTER ROW

TITLE: OVERALL & ENLARGED PROPOSED SITE PLAN

DWG. NO. 19-29-03-21 | SCALE: AS NOTED
DRAWN BY: DM & GP | DATE: JAN 29-20
REVISION: | SHEET NO. C1.1



MAIN FLOOR PLAN
SCALE 3/16" = 1'-0"

NO.	REVISION	DATE

THREE WAY BUILDERS

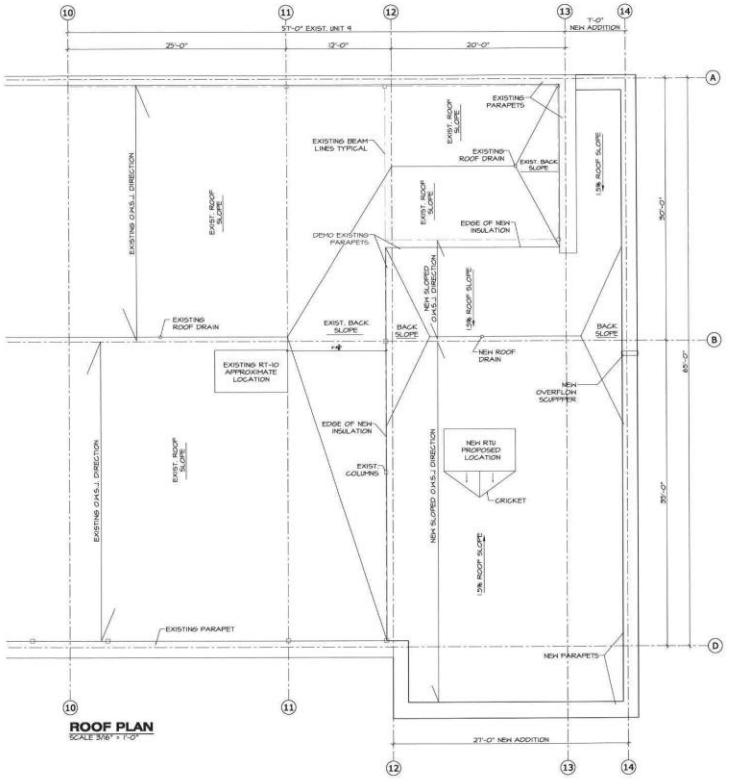
#320 9TH 12 N.
STEINBACH, MANITOBA R5G 1T8

PHONE: (204) 326-2198
FAX: (204) 326-2843

PROJECT: ARROWWOOD PLAZA
BLDG. ADDITION
WINNIPEG, MB.
425 HEADMASTER ROW

TITLE: PROPOSED MAIN FLOOR PLAN

DWG. NO: 18-24-03-21 | SCALE: AS NOTED
DRAWN BY: DM & GP | DATE: JAN 24-20
REVISION: | SHEET NO: C1.2



ROOF PLAN
SCALE 3/16" = 1'-0"

NO.	REVISION	DATE

THREE WAY BUILDERS

8320 PTH 12 N.
STEINBACH, MANITOBA R5G 1Y8
PHONE: (204) 326-2198
FAX: (204) 326-2843

PROJECT: ARROWWOOD PLAZA
BLDG. ADDITION
HINNIPEG, MB.
925 HEADMASTER ROW

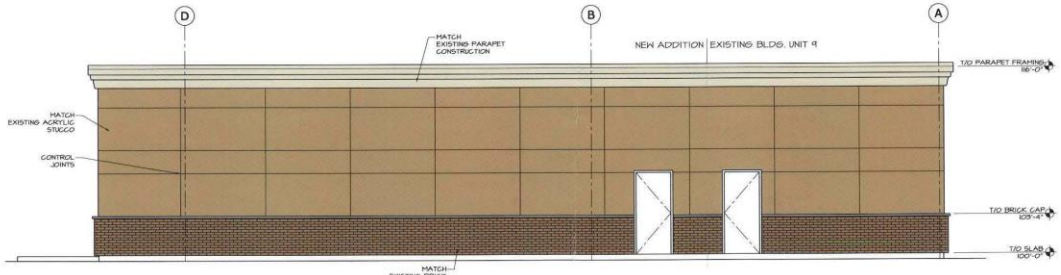
TITLE: PROPOSED ROOF PLAN

DWG. NO. 18-24-03-21 | SCALE: AS NOTED
DRAWN BY: DM & GP | DATE: JAN 24-20
REVISION | SHEET NO. C1.3



PROPOSED EAST ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED NORTH ELEVATION

SCALE 1/4" = 1'-0"

NO.	REVISION	DATE

THREE WAY BUILDERS

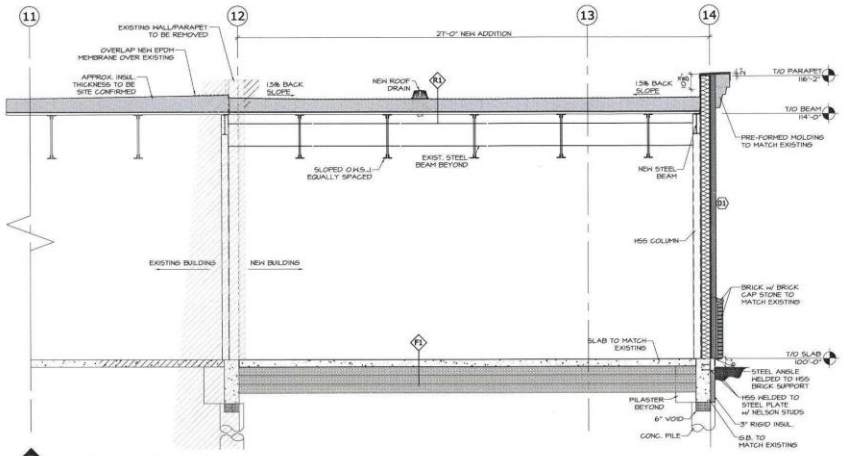
#320 9TH 12 N.
STEINBACH, MANITOBA R5G 1T6

PHONE: (204) 326-3198
FAX: (204) 326-2843

PROJECT:
ARROWWOOD PLAZA
BLDG. ADDITION
125 HEADMASTER RDN

TITLE:
PROPOSED EXTERIOR ELEVATIONS

DWG. NO. 18-24-03-21	SCALE: AS NOTED
DRAWN BY: DM & GP	DATE: JAN 24-20
REVISION:	SHEET NO. C2.1



A (C2.1/C4.1) **BUILDING SECTION A**
SCALE 3/8" = 1'-0"

CONSTRUCTION ASSEMBLIES

MARK	DESCRIPTION
R1	ROOF BALLAST 45 MIL EPDM (LOOSE LAID) 2 LAYERS TYPE 1 EPS RIGID INSUL. MIN 9" THICKNESS, STAGGER JOINTS 6mil POLY V.B. 1/2" DENS DECK MECHANICALLY FASTENED TO STEEL DECKING NOTE: REFER TO STRUC DRAWINGS FOR TIE DOWN INFORMATION
F1	MAIN FLOOR 5" REINFORCED CONCRETE SLAB TO MATCH EXISTING 10mil POLY V.B. COMPACTED GRANULAR FILL

NO.	REVISION	DATE

THREE WAY BUILDERS

#320 PTH 12 N.
STEINBACH, MANITOBA R5G 1T6
PHONE: (204) 326-2198
FAX: (204) 326-2843

PROJECT: ARROWWOOD PLAZA
BLDG. ADDITION
HANNIPEG, MB.
925 HEADMASTER ROW

TITLE: BUILDING SECTIONS & ASSEMBLY NOTES

DWG. NO.	18-28-03-21
SCALE	AS NOTED
DRAWN BY	CM & GP
DATE	JAN 29-20
REVISION	
SHEET NO.	C5.1