Minutes – Executive Policy Committee – April 18, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

Item No. 8 Zoning Agreement Amendment – 1038 Keewatin Street (Point Douglas Ward) File ZAA 9/2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That the Zoning Agreement dated May 15, 1987 (the "Zoning Agreement"), entered into pursuant to Development Application No. DAZ 256/86 and registered against the subject land as Caveat No. 87-48534, be amended to add Drinking Establishment as a permitted use on the subject land, which Drinking Establishment must be closed between the hours of 2:00 a.m. and 7:00 a.m.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the "Amending Agreement"), and such other agreements as determined by the City Solicitor/Director of Legal Services to be necessary 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 Amending Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That Caveat No. 4171582, being a caveat to register an Agreement to Amend the Zoning Agreement dated November 16, 2011, be discharged in full.

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

Minutes – Executive Policy Committee – April 18, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 20, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On February 21, 2023, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on March 20, 2023 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

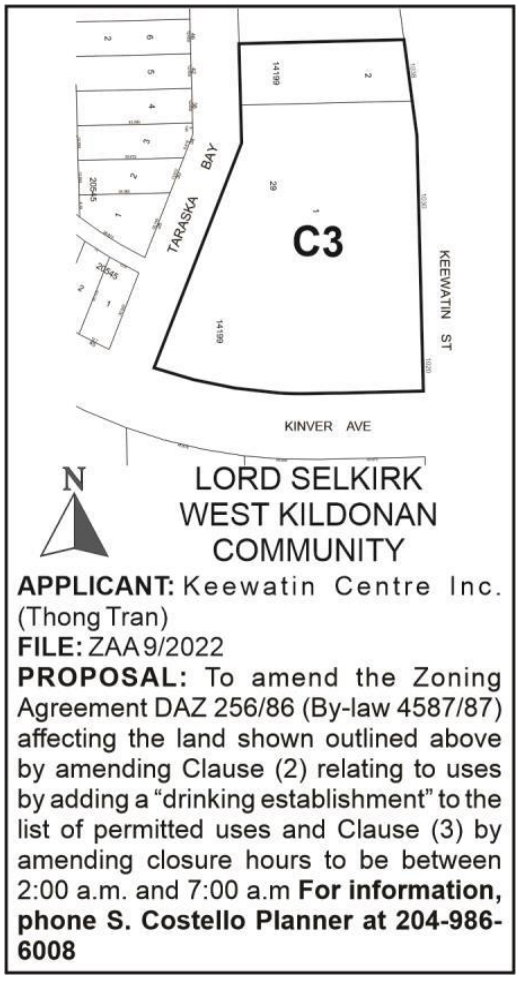
File: ZAA 9/2022

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

Public Hearing: March 20, 2023
February 21, 2023
Council Building, 510 Main Street

Applicant: Keewatin Centre Inc. (Thong Tran)

Subject:



Premises Affected: 1038 Keewatin Street

For submission to: The Standing Policy Committee on Property and Development

Prepared by: P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: March 21, 2023

Community Committee Recommendation:

On March 20, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement dated May 15, 1987 (the "Zoning Agreement"), entered into pursuant to Development Application No. DAZ 256/86 and registered against the subject land as Caveat No. 87-48534, be amended to add Drinking Establishment as a permitted use on the subject land, which Drinking Establishment must be closed between the hours of 2:00 a.m. and 7:00 a.m.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the "Amending Agreement"), and such other agreements as determined by the City Solicitor/Director of Legal Services to be necessary 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 Amending Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That Caveat No. 4171582, being a caveat to register an Agreement to Amend the Zoning Agreement dated November 16, 2011, be discharged in full.

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

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

1. I am appreciative of the delegates coming to speak to some of the concerns that some of the residents have which mainly the garbage, the bottles, and after-hours situations that can occur. I am satisfied that the owners of the club will be very respectful of their patrons and their members. I was not aware that they were there for more than 10 years, knowing that they have been long standing club owners and they have been very respectful of the space is actually new to me so I am very happy to hear that they have been there before and they want to continue on with their operations in a new facility

that's much larger and much more welcoming so that they can host their sporting events and offer food and drinks and I am very supportive of that as well.

2. I think having the ongoing dialogue with the owners as well as the owners of the club as well, going forward that if I do receive complaints from the area residences, having that ongoing dialogue to kind of rectify those situations on a go forward basis is helpful for me and I am very supportive of that as well. I will be supporting the zoning agreement amendment.

Exhibits Filed:

1. Application dated December 29, 2022
2. Notification of Public Hearing dated January 20, 2023
3. Manitoba Status of Title(s) 2579161/1 & 2579162/1
4. Letter of authorization dated November 14, 2022 from Keewatin Centre Inc. to Thong Tran
5. Caveat 87-48534
6. Schedule "A"
7 Site Plans / Drawings of subject property (7 pages)
8. Report from the Urban Planning Division dated February 8, 2023
9. Inspection Report
10. Communication dated January 23, 2023 from Thong Tran, in support of the application
11. Communication dated February 14, 2023 from Sherree Kazuk, in opposition to the application
12. Communication dated February 18, 2023 from Rosemary Close, in opposition to the application
13. Notice of Adjournment dated March 10, 2023
14, Communication dated March 17, 2023 from Mario Moniz, in support of the application
15. Communication dated March 17, 2023 from Joe Tavares, in support of the application
16. Communication dated March 19, 2023 from Joe Tavares with respect to the application

REPRESENTATIONS:

In Support:

Thong Tran
Joe Tavares
Mario Moniz

In Opposition:

Sherree Kazuk
Rosemary Close

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
S. Costello, Planner, Planning, Property and Development Department

Exhibit “8” referred to in File ZAA 9/2023

ADMINISTRATIVE REPORT

Title: ZAA 9/2022 – 1038 Keewatin Street

Issue: For consideration at the public hearing to amend Zoning Agreement Caveat 87-48534 under File DAZ 256/86 to amend Clauses A and B to permit a Drinking Establishment.

Critical Path: Lord Selkirk West Kildonan 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
S. Costello, BURPl.			

RECOMMENDATIONS

1. That the Zoning Agreement dated May 15, 1987 (the “Zoning Agreement”), entered into pursuant to Development Application No. DAZ 256/86 and registered against the subject land as Caveat No. 87-48534, be amended to add Drinking Establishment as a permitted use on the subject land, which Drinking Establishment must be closed between the hours of 2:00 a.m. and 7:00 a.m.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the “Amending Agreement”), and such other agreements as determined by the City Solicitor/Director of Legal Services to be necessary 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 Amending Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That Caveat No. 4171582, being a caveat to register an Agreement to Amend the Zoning Agreement dated November 16, 2011, be discharged in full.

5. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to amend the caveat on the title of 1020, 1030, and 1038 Keewatin Street to permit a “Drinking Establishment” on the property.

- This report is being submitted for consideration of the Community Committee at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject Zoning Agreement will be **amended** and the caveat will be modified.

CONSULTATION

In preparing this Report there was consultation with:

- Legal Services, as to legal issues.

OURWINNIPEG POLICY ALIGNMENT

City Building Objective 1. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan’s sustainable development goals:

Facilitate growth and change strategically within Winnipeg’s unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan’s goals.

City Building Objective 3. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset:

New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning Property and Development
Division: Urban Planning
Prepared by: Shaylyn Costello, BURPl.
Date: February 8, 2023
File No: ZAA 9/2022

List of Schedules and Appendices

Schedule A – Planning Discussion

SCHEDULE 'A'

DATE:	February 21, 2023
FILE:	**ZAA 9/2022**
RELATED FILES:	N/A
COMMUNITY:	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #:	3.325 (Tyndall Park)
SUBJECT:	For consideration at the Public Hearing to amend the Zoning Agreement by adding a "Drinking Establishment" use to the list of permitted uses in Clause 2 and to Clause 3 relating to hours of operation by amending closure hours to be between 2:00 a.m. and 7:00 a.m. for the 'Drinking Establishment' use.
LOCATION:	1038 Keewatin Street
LEGAL DESCRIPTION:	LOT 1 & 2 BLOCK 29 PLAN 14199 IN NW ¼ 24-11-2 EPM
APPLICANT:	Keewatin Centre INC. (c/o Thong Tran) 32 Santa Fe Dr Winnipeg, MB R2R 2W4
OWNER:	Keewatin Centre INC. 32 Santa Fe Dr Winnipeg, MB R2R 2W4
RECOMMENDATION:	Approval

HISTORY

DAZ 256/86

- In June 1986, Council approved the application DAZ 256/86 to rezone the 2.56-acre site, (which was referred to as 1030 Keewatin Street) from 'R3B-One' Planned Building Group District to 'C2' Commercial to permit a 28,000 square foot, multi-tenant commercial development.
- The rezoning included a Zoning Agreement, which is the subject of this application.

Zoning By-law 200/2006

- 1030 Keewatin Street was up zoned to 'C3' Commercial as part of the zoning rationalization of the City's existing commercial properties bringing them into alignment with the rules and regulations of the new Zoning By-law adopted March 2008.

ZAA 9/11

- In November, 2011, Council approved a Zoning Agreement Amendment to be amended as follows:

  A. That Clause 2 be amended by adding the following: (t) Drinking Establishment expiring October 31, 2014.

  B. That Clause 3 be amended by adding the following after the words '…between the hours of 11:00 p.m. and 7:00 a.m.' '…, excepting the 'Drinking Establishment' use that shall remain closed from 2:00 a.m. to 7:00 a.m.'
- This amendment was for the purpose of establishing a Private Club in a unit of the strip mall at 1030 Keewatin Street.
- The Community Committee at that time had added a sunset clause which added the words "expiring October 21, 2014." If the owners wanted to continue the use after that time, a new ZAA application would be required.

SITE DESCRIPTION

- The subject property is located on the north-west corner of Keewatin Street and Kinver Avenue in the Tyndall Park neighbourhood of the Point Douglas ward.
- The subject site, known as Keewatin Park, is approximately 109,385 square feet in area (2.51 acres) and contains three commercial buildings (one strip mall, one Dairy Queen restaurant and drive-thru, and a vacant building previously used as a restaurant which is the subject of the application) and surface parking in the front.
- The site falls within the Established Neighbourhood - Recent Communities policy area under the *Complete Communities Direction Strategy 2.0*. The subject site is zoned "C3" Commercial Corridor.



Figure 1: Site Map of Subject Property and Surrounding Neighbourhood (flown 2021)

SURROUNDING LAND USE AND ZONING

North: Commercial uses zoned “C3,” then Inkster Boulevard.

South: Kinver Avenue, then a commercial shopping plaza and gas station zoned “R1-S.” Single-family residences zoned “R1-S” further south.

East: Keewatin Street, then storage/warehouse buildings zoned “M2.”

West: Taraska Bay, then single-family dwellings zoned “R1-M,” and single-family dwellings zoned “R2.”

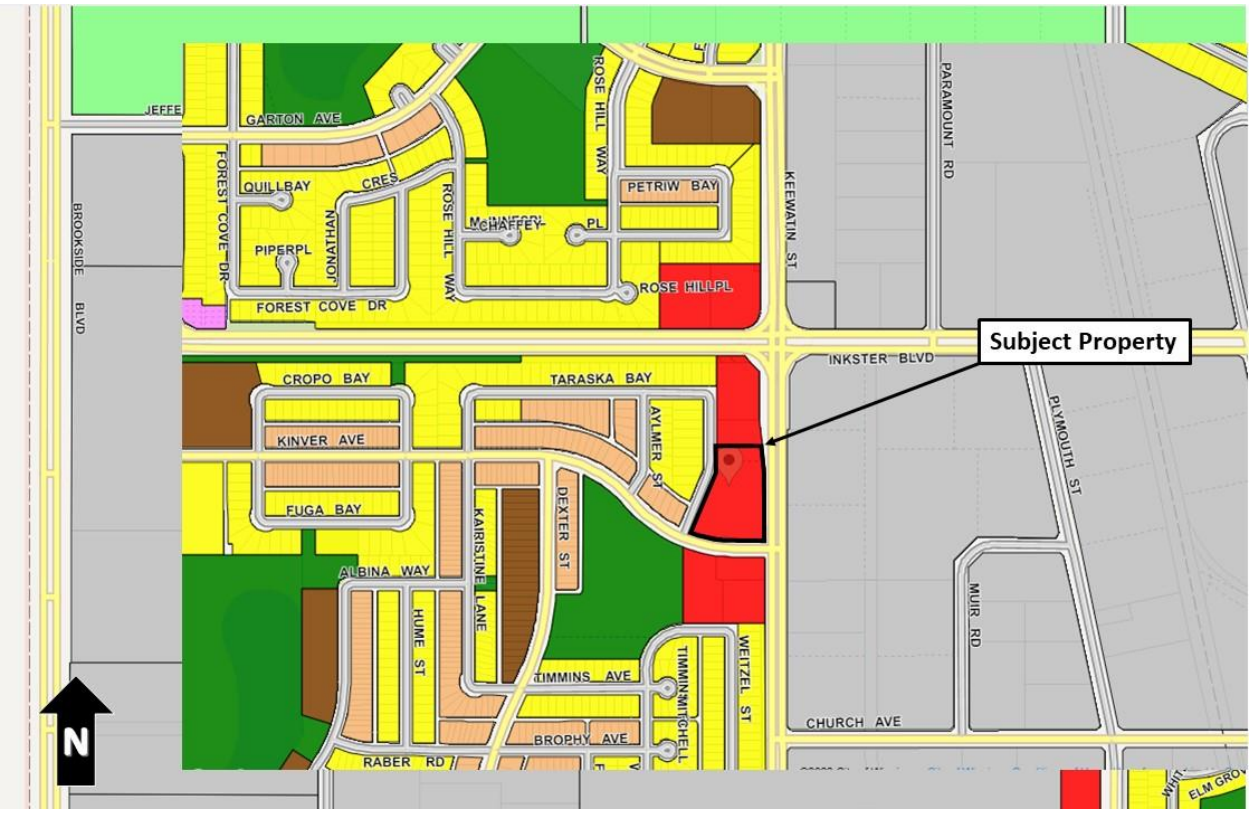


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish a private club, or “drinking establishment” in the existing building at 1038 Keewatin Street. The building has a footprint of 3209 square feet and is located at the northernmost portion of the site.
- The existing multi-unit strip mall and Dairy Queen Drive-Thru will remain on site, as well as the 121 vehicular parking spaces.
- The private club, known as JTS Recreation Club, is intended for recreational purposes, specifically watching sporting events. The club is licensed to sell food and drinks.
- In order to establish a drinking establishment on site that may stay open until 2 am instead of 11 pm, an amendment to the property’s Zoning Agreement is required.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

The applicant contacted the Planning, Property and Development Department prior to making an application. The applicant was not aware the drinking establishment use was not permitted on the property. The Department indicated support for the application.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- *The Complete Communities Direction Strategy 2.0* (CCDS 2.0) is a citywide secondary plan that guides growth, development, and land use in the city of Winnipeg.
- The subject property is located in an "Established Neighbourhoods – Recent Communities" policy area as outlined in *CCDS 2.0*. The Vision for Established Neighbourhoods is for them to continue to evolve as complete communities to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
- With regard to this proposal, the key goal and policies guiding the development of Established Neighbourhoods include:

  1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

  4.0 Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.

  General Policies

  4.1 Support commercial development where residential neighbourhoods are not well served by local and community commercial amenities.

  4.2 In order to protect the vitality and viability of existing commercial areas, encourage the redevelopment and infill of existing commercial areas as the preferred method of accommodating new commercial development.

  4.3 Only approve new locations for commercial development where existing commercial areas cannot accommodate expansion and where the location of new commercial uses are in close proximity to transit.

  4.4 New commercial development should be complementary and context sensitive to nearby uses.

  4.7 Encourage commercial areas to transition into mixed-use, pedestrian-oriented and transit- supported developments, where feasible.

  4.8 Commercial signage should be pedestrian-oriented and contextually sensitive to adjacent uses.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"C3" Commercial Corridor

- The "C3" Commercial Community zoning 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 centres or along Community or Regional mixed-use corridors.

- A “Drinking Establishment” is a permitted use in the “C3” Commercial Corridor District.

Zoning Agreement Caveat 87-48534

Amending Clause 2

- Clause 2 of the Zoning Agreement for DAZ 256/86 lists all the permitted uses on the land, which include, but are not limited to, any use permitted in “C1” of By-law no. 16502, restaurant, retail store, business college or private school, etc.
- The list of permitted uses was established based on the property being rezoned from “R3B-One” to “C2,” presumably to restrict the intensity of commercial uses being located on lands that abut residential on the other side of Taraska Bay.
- The lands were later upzoned to “C3” during the adoption of the current Zoning By-law, under which drinking establishment is a permitted use.
- The proposed amendment would add *(t) ‘Drinking Establishment’* to the list of permitted uses.
- Keewatin Street is a high-traffic arterial containing a mix of commercial and employment/industrial uses on the street therefore allowing a use that is permitted within the “C3” zone district would seem appropriate given the immediate context.

Amending Clause 3

- DAZ 256/86 states the following clause:

  Subject to Clause 4 of this agreement, no business operated on the land shall remain open to serve the public between hours of 11:00 p.m. and 7 a.m.
- Clause 4 then includes exceptions to Clause 3, stating “Clause 3 shall have no application to the operation of a restaurant or retail gasoline sales business...” and also states that restaurants may remain open with closing hours between 2 a.m. and 7 a.m.
- The applicant is proposing the modification to allow the new proposed use, a drinking establishment, to remain closed between 2:00 a.m. and 7 a.m. Since the use is similar to that of a restaurant where people congregate for food and drink, it would seem appropriate that they be permitted the same hours of operation.

RECOMMENDATION

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

- The addition of the proposed use to the list of permitted uses in the Zoning Agreement generally conforms with *Complete Communities Direction Strategy 2.0* policies for commercial developments in Mature Communities.
- The Zoning Agreement amendment will enable the subject property to develop in alignment with established “C3” zoning rights.

- No physical changes are proposed to any of the buildings or the site as a whole.
- The use has been operating on the property since 2011 in a unit of the strip mall. The owners were not aware of the sunset clause, meaning the use has been on the property for over 10 years and the approval of the proposed ZAA will bring the property to conformity with the Zoning By-law.
- The previous use of 1038 Keewatin was a similar use, being a restaurant and billiards club with closing hours late in the evening (1-2 a.m.). It did not appear that this had a substantial adverse impact on the neighbourhood.

This Report Submitted by:

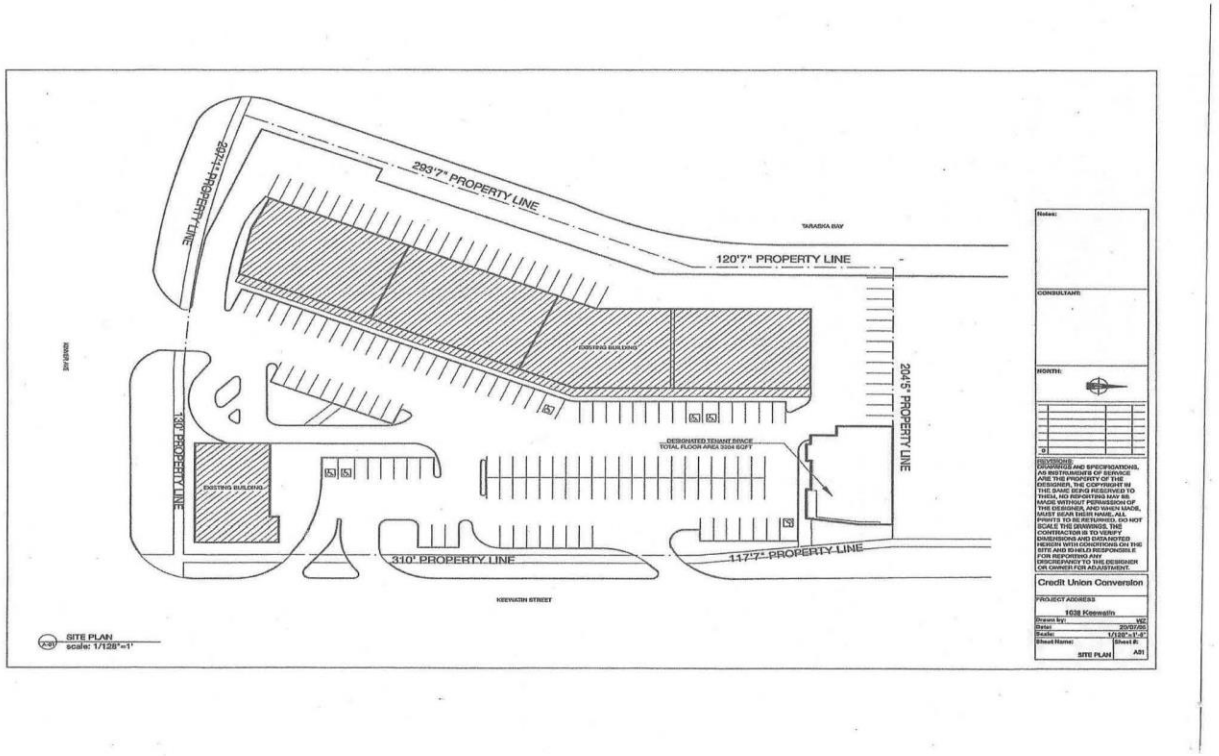
Planning, Property and Development Department

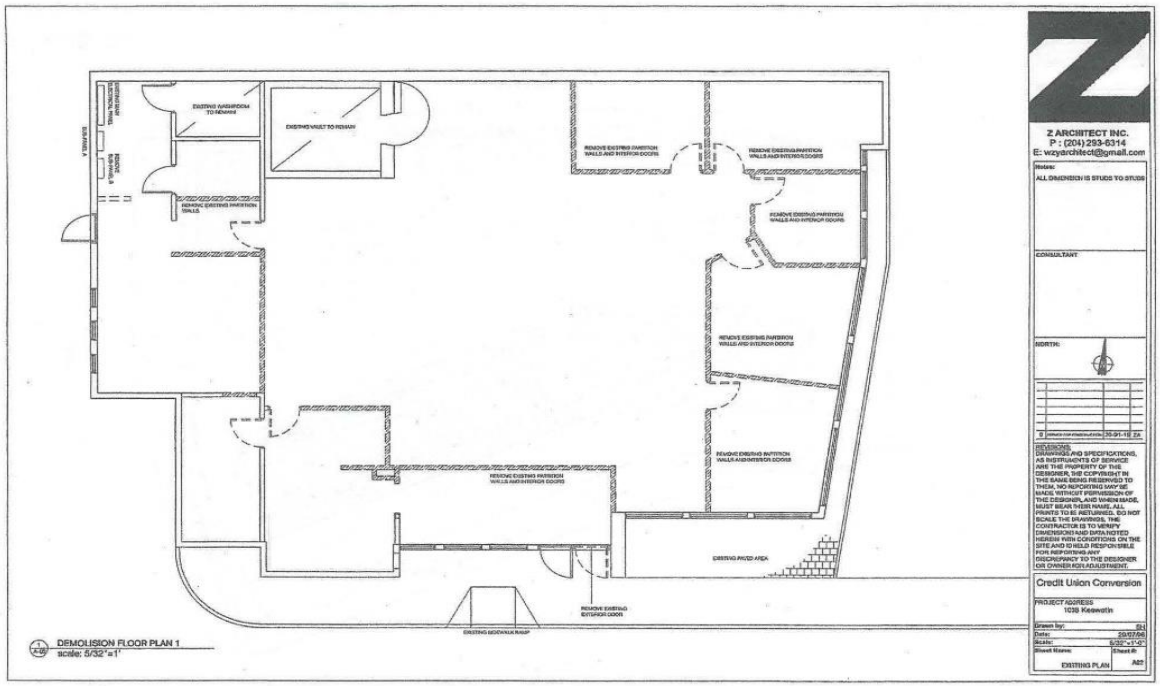
Urban Planning and Design Division

Report Prepared By: Shaylyn Costello

PPD File # ZAA 9/2022

Exhibit “7” referred to in File ZAA 9/2023

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Z ARCHITECT INC.
P : (204) 293-5314
E: wzyarchitect@gmail.com
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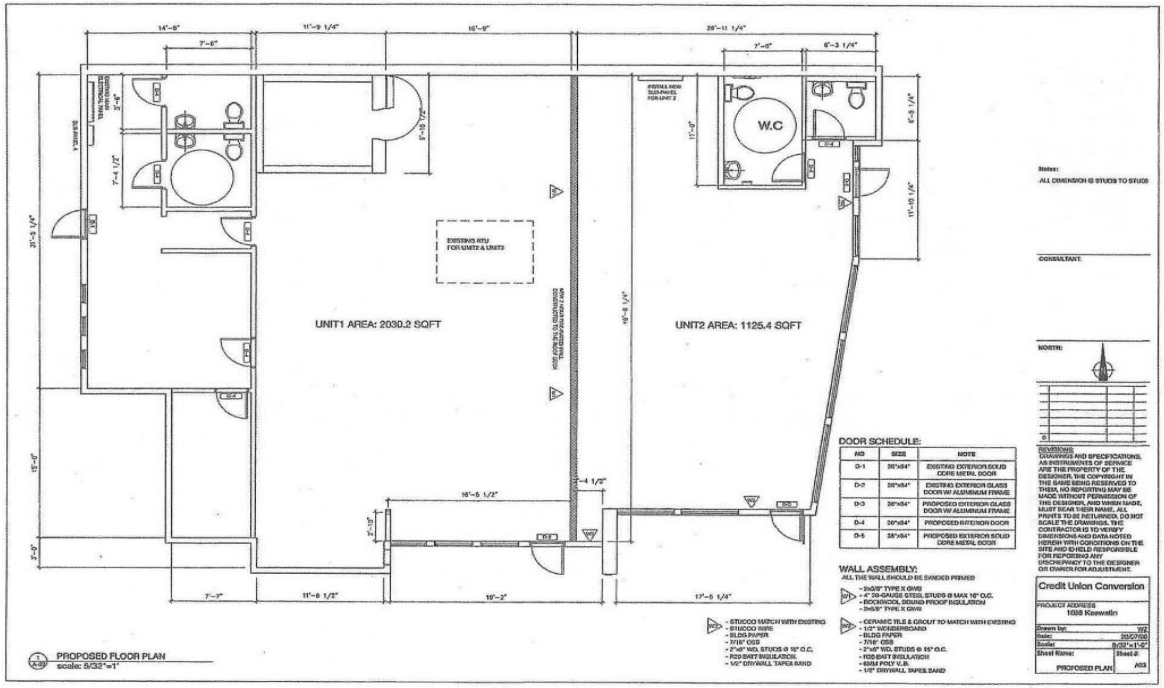
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D-2 | 36"x84" | EXISTING EXTERIOR GLASS DOOR W/ ALUMINUM FRAME
D-3 | 36"x84" | PROPOSED EXTERIOR GLASS DOOR W/ ALUMINUM FRAME
D-4 | 36"x84" | PROPOSED INTERIOR DOOR
D-5 | 36"x84" | PROPOSED EXTERIOR SOLID CORE METAL DOOR
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- 1/2" DRYWALL TAPED BAND
- CERAMIC TILE & GROUT TO MATCH WITH EXISTING
- 1/2" BZ/GREENBOARD
- BLDG PAPER
- 7/16" OSB
- 2"x6" WD. STUDS @ 16" O.C.
- R20 BATT INSULATION
- 6MM POLY V.B.
- 1/2" DRYWALL TAPED BAND
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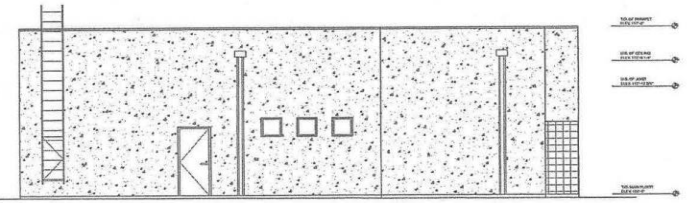

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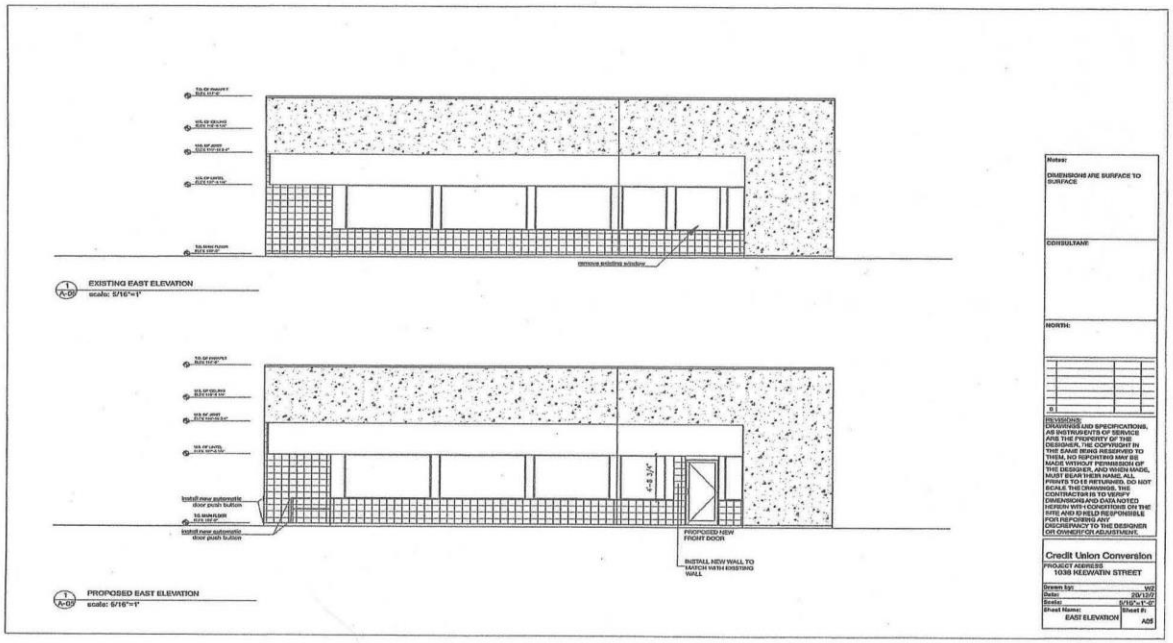
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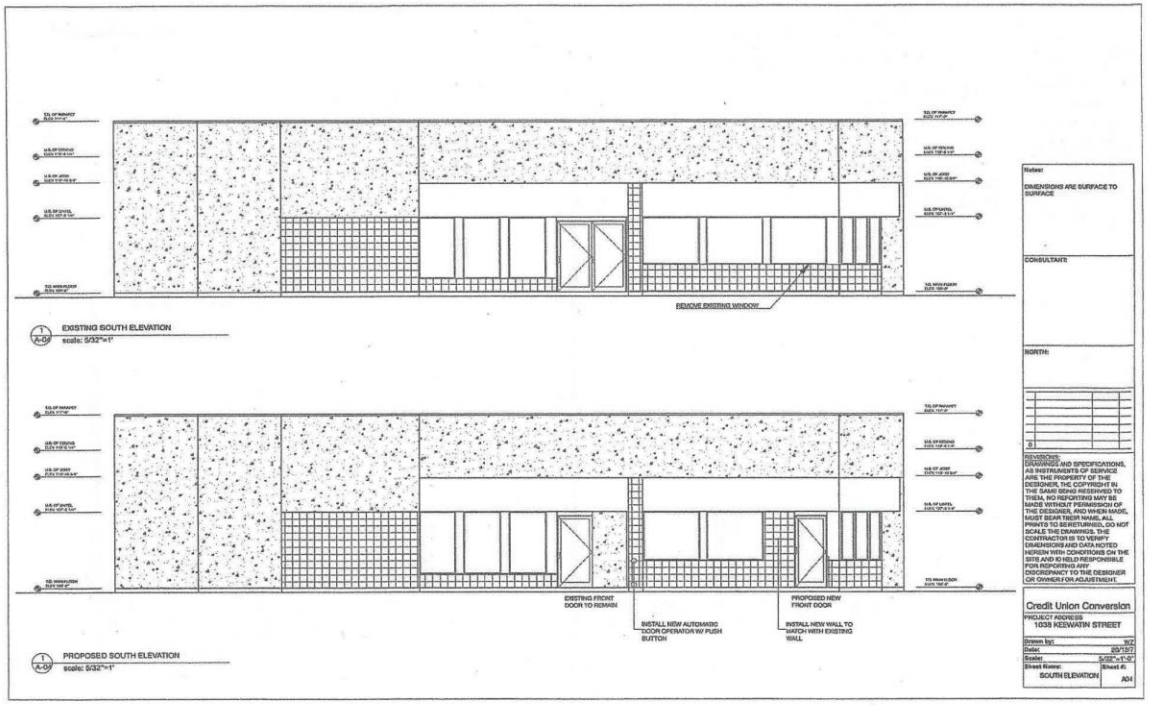
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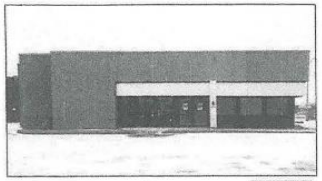
Sheet Name: SOUTH ELEVATION
Sheet #: A04



FRONT STREET VIEW

ZONING INFORMATION	
BUILDING TYPE:	SINGLE STORY MULTI TENANT
LOT ZONING:	C3-COMMERCIAL (PER CITY OF WINNIPEG)
TOTAL LOT SIZE:	2.66 ACRES
LOT FRONTAGE	358.4 M
PARKING:	SHOPPING MALL PROVIDED PARKING SPACE
SCOPE OF PROJECT:	LANDLORD WORK
THE PROPOSED PROJECT WITHIN WOULD PROVIDE:	1. CONSTRUCT NEW DEMISING WALLS; 2. INSTALL NEW WINDOWS AND DOORS; 3. INSTALL NEW RTU; 4. CONSTRUCT NEW WASHROOM; 5. ELECTRICAL /MECHANICAL WORK FOR TENANT FIT UP

GENERAL NOTES

1. These drawings shall not be scaled.
2. Contractor shall satisfy himself that all dimensions, datums and detailed information shown are correct and report any discrepancies to the consultant prior to construction.
3. All construction and building procedures are to comply with the current national building code of Canada, c.m.h.c. guidelines, provincial codes and any applicable local regulations.
4. Contractor to review all architectural, structural mechanical and electrical drawings for all additional openings through floor, walls and roof that are not shown on structural drawings. refer to structural details for structural framing.
5. Contractor to verify all existing site conditions and report all discrepancies to the consultant prior to construction.
6. The designer shall not be responsible for changes or departure from these drawings and specifications by the owner/builder or any official are any time during construction. the owner indemnifies the designer from any design errors or omissions.
7. This drawing is copyrighted, and all rights are reserved by Z architect inc.
8. Wall measurements are studs to studs
9. All equipment shall be commercial grade (no domestic grade).
10. All floor mounted equipments (besides easily movable equipments), shall be sealed to the floor or elevated min 150mm (6" inch) from the floor and installed in such a manner to facilitate cleaning in and around the equipment.
11. Toilet and hand washing facilities for patron and staff shall be provided in compliance with the NBC 2010 and Manitoba Building Code.
12. No equipment, utensils or single service articles shall be storage in toilet rooms, hallways or vestibules.

Notes:
ALL DIMENSION IS STUDS TO STUDS

CONSULTANT:

NORTH:

REVISIONS:

DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE DESIGNER. THE COPYRIGHT IN THE SAME BEING RESERVED TO THEM. NO REPORTING MAY BE MADE WITHOUT PERMISSION OF THE DESIGNER, AND WHEN MADE, MUST BEAR THEIR NAME. ALL PRINTS TO BE RETURNED. DO NOT SCALE THE DRAWINGS. THE CONTRACTOR IS TO VERIFY DIMENSIONS AND DATA NOTED HEREIN WITH CONDITIONS ON THE SITE AND IS HELD RESPONSIBLE FOR REPORTING ANY DISCREPANCY TO THE DESIGNER OR OWNER FOR ADJUSTMENT.

Credit Union Conversion

PROJECT ADDRESS
1038 Keewatin Street

Drawn by:	ZM
Date:	26/05/17
Scale:	
Sheet Name: COVER PAGE	Sheet#: G01