Agenda – Council – July 13, 2023

Report – Standing Policy Committee on Property and Development – June 27, 2023

Item No. 12 Zoning Agreement Amendment – 166 Meadowood Drive (St. Vital Ward) File ZAA 1/2023

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2023, 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 January 30, 1980 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 24/1979 and registered against title to the land described therein as Caveat No. 80-16964/1, be amended as follows:

    A. By deleting Section 2 and replacing it to provide that:

        i. The following uses shall not be permitted on the land:

            a. Auto/light truck/motorcycle, repair and service

            b. Auto/light truck/motorcycle, sales and rental

            c. Fuel sales

            d. Drive-in or drive-through

            e. Billboard signs

            f. Parking, Surface

        ii. The following uses shall be considered to be conditional uses on the land:

            a. Parking, Structured

            b. Outside display and sales

Report – Standing Policy Committee on Property and Development – June 27, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

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

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 27, 2023, the Standing Policy Committee on Property and 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 June 19, 2023, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete Recommendation 1.B. in its entirety.

and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

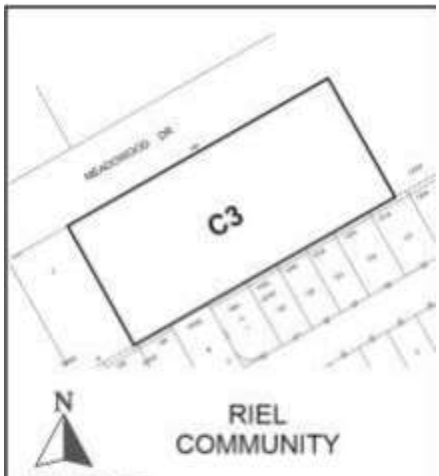
File: ZAA 1/2023

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Chambers

Public Hearing: June 19, 2023
Council Building, 510 Main Street

Applicant: Pristine Management Manitoba Group (Michael Sullivan)

Subject:



APPLICANT:
Pristine Management Manitoba Group (Michael Sullivan)
FILE: ZAA 1/2023
PROPOSAL: To discharge the existing Zoning Agreement DASZ 24/79 (By-law 2410/1979) affecting the land shown outlined above in order to update the wording within the agreement, revise Clause 2 to allow uses permitted under the "C3" Commercial Corridor District, with some exceptions, and to remove Clause 3 which restricts building heights to a maximum of 22 feet **For information, phone D. Iskierski Planner at 204-986-5337**
DEMANDEUR : Pristine Management Manitoba Group (Michael Sullivan)
N° DE DOSSIER: MCZ 1/2023
PROJET : Demande de retrait de la convention de zonage existante DALZ 24/79 (règlement municipal no 2410/1979) touchant le terrain délinéé ci-dessus afin de mettre à jour les termes de la convention, réviser la clause 2 pour autoriser les utilisations permises en vertu de la catégorie C3 (secteur de couloir commercial), à quelques exceptions près, et supprimer la clause 3 qui limite la hauteur des bâtiments à 22 pieds.
Pour plus de renseignements, communiquez avec D. Iskierski, urbaniste, au 204-986-5337.

Premises Affected: 166 Meadowood Drive

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

Prepared by: Pieter W. Prinsloo, Senior Committee Clerk
Riel Community Committee

Report date: June 19, 2023

Community Committee Recommendation:

On June 19, 2023, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement dated January 30, 1980 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 24/1979 and registered against title to the land described therein as Caveat No. 80-16964/1, be amended as follows:

    A. By deleting Section 2 and replacing it to provide that:

        i. The following uses shall not be permitted on the land:

            a. Auto/light truck/motorcycle, repair and service;

            b. Auto/light truck/motorcycle, sales and rental;

            c. Fuel sales;

            d. Drive-in or drive-through;

            e. Billboard signs; and

            f. Parking, Surface.

        ii. The following uses shall be considered to be conditional uses on the land:

            a. Parking, Structured; and

            b. Outside display and sales.

    ~~***B. By deleting Section 3.***~~

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. It's an attempt to try and animate, get some use out of the lower level, which is a massive space there, which I didn't know existed, the applicant has certainly indicated they will be vigilant about making sure there is no noise at night and there are restrictions there about windows and doors being left open if it does become a successful catering operation or dance operation then yeah, there are people separated by a back drive through and then there are people on the north side of the next street who might have concerns but I think this is a good faith effort there to make sure the noise doesn't bleed out of the site and there are no new big signs being proposed.

2. I don't want to go forward today on the changing of the height limit, I think that would be, I think people on that street Abbotsford would have real concern if there is suddenly the height limit is removed and people can go up to 5 stories tall, I think that would, that's not fair to them because those houses were there before the shopping centre went in. So, I am happy to proceed on a pretty creative effort by the applicant but they don't need the height limit changed, if we are going to do that while we might require something more for the community benefit if we are going to do that.

Exhibits Filed:

1. Application dated March 23, 2023
2. Notification of Public Hearing dated April 17, 2023
3. Manitoba Status of Title 2165018/1
4. Letter of request dated March 21, 2023 from Pristine Management Manitoba Group requesting repeal and replacement of Zoning Agreement to DASZ 24/79
5. Caveat 80-16964
6. Plans (1 pages)
7. Report from the Urban Planning Division dated June 1, 2023
8. Inspection Report

REPRESENTATIONS:

In Support:

Michael Sullivan

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
D. Iskierski, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 1/2023

ADMINISTRATIVE REPORT

Title: ZAA 1/2023 – 166 Meadowood Drive

Issue: For consideration at the public hearing to discharge the Zoning Agreement under File DASZ 24/1979 (Bylaw 2410/1979) to update the wording within the agreement, revise Clause 2 to allow uses permitted under the "C3" Commercial Corridor District, with some exceptions, and to remove Clause 3 which restricts building heights to a maximum of 22 feet.

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
D. Iskierski, MCP	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement dated January 30, 1980 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 24/1979 and registered against title to the land described therein as Caveat No. 80-16964/1, be amended as follows:

   A. By deleting section 2 and replacing it to provide that:

      i. The following uses shall not be permitted on the land:

         (a) Auto/light truck/motorcycle, repair and service;

         (b) Auto/light truck/motorcycle, sales and rental;

         (c) Fuel sales;

         (d) Drive-in or drive-through;

         (e) Billboard signs; and

         (f) Parking, Surface.

      ii. The following uses shall be considered to be conditional uses on the land:

         (a) Parking, Structured; and

         (b) Outside display and sales.

   B. By deleting section 3.

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 necessary 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 any 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 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 establish a hall rental within an existing commercial building on the subject site.
- The existing caveats registered on title restricts certain uses on the subject site, which, as it relates to the proposal to establish a hall rental, are as follows:
    - That no building, structure or land shall be used and no building or structure shall be erected, altered or enlarged on the land for any use except:
        - Licensed restaurant, tea room or café (excluding dancing or entertainment and drive-in)
    - That no building on the land shall exceed a height of two storeys and no other structure on the land shall exceed a height of 22 feet (6.71 metres).
- Modification of caveats on a Land Title requires a Zoning Agreement Amendment application.
- Approval of a Zoning Agreement Amendment application 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 subject Zoning Agreement under File DASZ 24/1979 will be amended such that Caveat No. 80-16964/1 will be discharged, and Caveat No. 80-16964/1 will be amended.

HISTORY

DASZ 24/79

- File No. DASZ 24/79 was originally initiated to subdivide and re-zone lands, including the subject property, to "C2" Commercial District.

- The St. Boniface-St. Vital Community Committee concurred and a zoning agreement under Section 600 (1) of The City of Winnipeg Act was entered into and came into effect on July 18, 1979.
- The Zoning Agreement limited future development for commercial zoning districts to specific permitted land uses, limited height, and included measures to protect the privacy and amenity of the property owners to the south of the subject lands.

CONSULTATION

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

OURWINNIPEG 2045 POLICY ALIGNMENT

OurWinnipeg Goal: 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.

Objective 2: Integrate resilient land use, transportation and infrastructure planning, and investments.

- Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and municipal infrastructure capacity.

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 health food, daily needs, employment, education, recreation, and green infrastructure.

Applicable Policies for Regional Mixed-Use Centres

6.1 Sustainable Urban Growth

- The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.

6.25 Mixed Use Centres

- Designate Mixed Use Centres within the Urban Structure, representing the largest commercial areas in the city with the ability to accommodate major retail uses, and become pedestrian-oriented environments connected by integrated and sustainable transportation options, and offering a variety of housing, employment, amenities and services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity 4: Facilitate Compact, Complete Development and Increase Density

Key Direction 4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service.

Strategic Opportunity 6: Waste Reduction and Diversion

Key Direction 6.1: Reduce consumption and increase waste diversion from residential, commercial, and industrial users.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

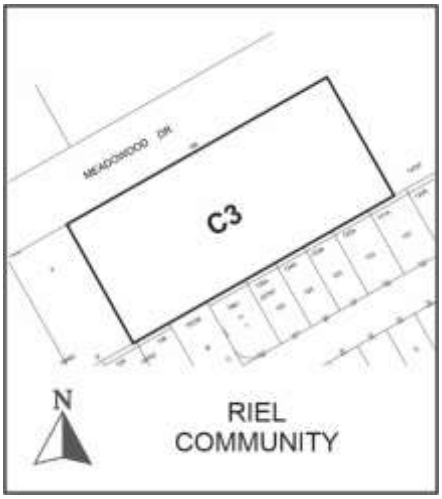
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared by:	Dan Iskierski, MCP
Date:	June 1, 2023
File No.	ZAA 1/2023
Schedule A	Planning Discussion

APPENDIX 'A'

DATE:	June 1, 2023
FILE:	**ZAA 1/23**
RELATED FILES:	
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.516 – St. Vital Centre
	For consideration at the public hearing to amend a Zoning Agreement under File DASZ 24/1979 to discharge Caveat No. 80-16964/1, and to delete and replace Clause 2 and delete Clause 3 in Caveat No. 80-16964/1 to allow for the establishment of Rental Hall use in the existing commercial building.
LOCATION:	166 Meadowood Drive
LEGAL DESCRIPTION:	LOT 1 PLAN 15056 WLTO IN RL 51 AND 52 PARISH OF ST. VITAL



APPLICANT:	Michael Sullivan 45-166 Meadowood Drive Winnipeg, MB R2M 5G8
OWNER:	3519822 MANITOBA LTD. 54 Southside Drive Winnipeg, MB R3X 2G7
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is located on the south side of Meadowood Drive between St. Mary's Road and Dakota Street in the St. Vital Centre neighbourhood of the St Vital ward.
- The site is currently occupied by a single storey retail strip mall building positioned to the south side of the property running east and west for the majority of the site. Site access is taken via existing front approaches from Meadowood Drive.
- The site falls within the Regional Mixed Use Centre policy area under the *Complete Communities Direction Strategy 2.0* and is zoned "C3" Commercial Corridor District.



Figure 1: Aerial photo of subject site and surrounding area *(flown 2021).*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: St. Vital Centre (retail mall) zoned "C4" Commercial Regional District.

South: Detached Single-Family Dwellings zoned "R1-M" Residential Single-Family Medium District

East: Commercial buildings zoned "C3" Commercial Corridor District.

West: Commercial buildings zoned "C3" Commercial Corridor District.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish a rental hall use within an existing commercial building.
- The commercial unit will be accessed from a door on the north (Meadowood) elevation.
- The applicant has included a floor plan showing the general layout of the dining area with additional space for a kitchen and offices for the use of the business related to the rental hall use.
- The applicant intends to maintain the other clauses of the Zoning Agreement including, but not limited to, maintaining the ornamental fence along the south property line and not allowing any windows on the south elevation.

COLLABORATION

The applicant has worked cooperatively with the Public Service to confirm support for the related Zoning Agreement Amendment.

ANALYSIS AND ISSUES

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 a “Regional Mixed Use Centre” policy area as outlined in *CCDS 2.0*. The Vision for Regional Mixed Use Centres is for them to be vibrant and vital, providing access to goods and services necessary in creating complete communities.

Supported by a significant residential population nearby, Mixed Use Centres will provide opportunities to accommodate Major Retail uses. Over the long term, they will become vibrant, pedestrian-friendly areas connected by multiple modes of transportation, offering a variety of housing options, activities, services and jobs.

With regard to this proposal, the key goal and policies guiding the development of Regional Mixed Use Centres is:

1.1 Encourage the redevelopment, infill and expansion of existing commercial areas as the preferred method of accommodating new commercial development, while still providing local commercial opportunities in new neighbourhoods.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"C3" Commercial Corridor District

- The "C3" Commercial Corridor 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.

Zoning Agreement DASZ 24/1979

Discharge of Caveat No. 80-16964/1

- Caveat No. 80-16964/1 provides a list of permitted uses, one of which has a specific restriction on an area that has dancing, which would include a hall rental use. Other clauses in Caveat No. 80-16964/1 include certain privacy measures to ensure the residents to the south are not impacted by the general use of the commercial developments. Examples include a requirement to maintain an eight foot ornamental fence along the south property line, directions for the installation of lighting and air conditioning units, restrictions on signage and a requirement for plan approval for any proposed development.
    - Generally, these clauses are recommended to be maintained, however, the language should be modernized to ensure that the actors, commissions, bylaws, etc. are accurately referenced, where appropriate.
- Clause 3 restricts the height of any buildings to 22 feet (6.71 metres).

Amending Clauses 2 and 3 from Caveat No. 1791022/1

- Clause 2 of Caveat No. 1791021/1 states the following:

    No building, structure or land shall be used and no building structure shall be erected, altered or enlarged on the land for any use except:

    (a) Agency for clothes cleaning, laundry or pressing establishment;

    (b) Baked goods shop;

    (c) Barber shop or beauty parlor;

    (d) Book or stationary store;

(e) Confectionary store;

(f) Dressmaking or millinery shop;

(g) Drug store;

(h) Dry goods or notions store;

(i) Florist or gift shop;

(j) Hardware or electrical appliance store or radio shop;

(k) Jewelry store or watch repair shop;

(l) Offices, business or professional;

(m) Photographer;

(n) Public parking, when located & developed as required in Chapter 13A of the St. Vital Town Planning Scheme 1951;

(o) Licensed restaurant, tea room or café (excluding dancing or entertainment and drive-in businesses where people are served in automobiles);

(p) Shoe store or repair shop;

(q) Tailor, clothing or wearing apparel shop;

(r) Retail stores or retail business including small pet grooming establishment (per letter dated 2/3/81);

(s) Art or antique shop, if conducted wholly within a complete enclosed building;

(t) Bank;

(u) Business college or private school operated as a commercial enterprise;

(v) Blueprinting or photostating;

(w) Department or furniture store;

(x) Fuel order office;

(y) Film exchange;

(z) Interior decorating store;

(aa) Medical or dental clines and laboratories;

(bb) Music conservatory or music instruction;

(cc) Newsstand;

(dd) Printing, lithographing or publishing;

(ee) Public services, including electrical distributing sub-station, fire or police station, telephone exchange and the like;

(ff) Second-hand store, if conducted wholly within a completely enclosed building;

(gg) Storage building for household goods;

(hh) Studios (except motion pictures).

- The Urban Planning and Design Division considered whether any use restrictions should continue on the subject property. It was determined that most permitted uses in the "C3" district are suitable and supportable in this location given:
    - The property fronts onto Meadowood Drive, a collector street in between two arterial roadways and in close proximity to high frequency transit service and is just south of St. Vital Centre which is a regional shopping mall.
- The Urban Planning and Design Division recommends revising Clause 2 as follows to restrict a number of car-oriented commercial uses that are not compatible with the surrounding residential neighbourhood:

    That the following uses shall not be permitted on the land:

    i. Auto/light truck/motorcycle, repair and service;

    ii. Auto/light truck/motorcycle, sales and rental;

    iii. Auto parts and supplies, sales;

    iv. Fuel sales

    v. Drive-in or drive-through;

    vi. Billboard signs; and

    vii. Parking, Surface.

    That the following uses be Conditional on the land:

    i. Parking, Structured; and

    ii. Outside display and sales.

- Clause 3 of Caveat No. 1791021/1 states the following:

    No building shall be erected on the land exceeding 22 feet in height.

- The Urban Planning and Design Division notes that the permitted height under this clause is 27 feet below the maximum permitted height of 49 feet in the "C3" Commercial Corridor zoning district, and recommends removing Clause 3 and using the "C3" Dimensional Standards of Zoning By-law 200/2006 in conjunction with Plan Approval to ensure a building form and height that is context sensitive per the *Complete Communities Direction Strategy 2.0*. It should also be noted that a new structure would be required to provide a rear yard setback of 25 feet.

RECOMMENDATION

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

- Caveat No. 1791021/1 was placed on the property with the intent to restrict uses that involved dancing presumably to ensure that residents to the south were not adversely impacted by noise coming from the commercial development. Since the conception of the original zoning agreement, a commercial building has been constructed that fronts along Meadowood Drive with the commercial storefronts facing north. The proposed rental hall use will be completely situated indoors with no outdoor activity within close proximity to the south neighbours. Therefore, any impact from the rental hall use will be naturally mitigated by the current layout of the building and uses within the building itself.

    - Please note that privacy measures within the original zoning agreement will be maintained going forward. These include the requirement to provide fencing along the south property line that abuts residents to the south as well as to restrict certain types of lighting or signage that may be intrusive to neighbouring residents.

- The removal of the restriction on height will not immediately impact any neighbouring resident as there is an existing commercial building that appears to be regularly leased, likely given its proximity to the St. Vital Regional Shopping Centre. Should a new development occur at some time in the future, there are provisions in the *Winnipeg Zoning Bylaw* requiring a rear yard setback to ensure proper separation between the building and rear property line.
- The proposal will allow additional commercial uses along Meadowood Drive, per the objectives of the *Complete Communities Direction Strategy 2.0*.
- The Zoning Agreement amendment will enable the subject property to develop in alignment with established “C3” zoning rights and in a fashion consistent with other “C3” zoned properties on Meadowood Drive.

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

Report Prepared By: Dan Iskierski, MCP
PPD File # ZAA 1/23

Exhibit “6” referred to in File ZAA 1/2023

