Report of the Standing Policy Committee on Property and Development dated October 30 2001

Proposed Subdivision and Rezoning - land located at 1486 Regent Avenue (1262/1340 Pandora Avenue West) - East Kildonan-Transcona Community
File DASZ 24/2001 [c/r DAC 5/2001, DAC 20/2001]

2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Frontier Toyota Ltd. (Val Thompson), 1486 Regent Avenue West, Winnipeg, for approval of a plan of subdivision and related zoning change to By-law No. 6400/94 by rezoning the subject lands from an "A.5" Agricultural District and "R1-5" Residential to a "C3-1" Commercial District for an expansion of an adjacent automobile sales dealership.

Site Area
The total site being rezoned is approximately 5.5 acres. This land is to be consolidated with the Regent Avenue land on which the Frontier Toyota Dealership presently operates.

Existing Land Use and Zoning
The land being rezoned "C3-1" Commercial consists of:

- · A portion of Pandora Avenue West that is to be closed. The turn-around is to be relocated further east on Pandora Avenue.
- Three parcels of private land at the west end of Pandora Avenue West that have been purchased by Frontier Toyota and are zoned "A.5" Agricultural, one of which is occupied by a residence to be torn down by Frontier Toyota.
- A parcel of land being purchased from the City that is vacant except for a single-family residence at the east end, fronting Pandora Avenue West. This land is zoned partly "A.5" Agricultural and partly "R1-5" Residential. The land on which the residence is located is to remain "R1-5" Residential.

Surrounding Land Use and Zoning

North:	Frontier Toyota fronting of Regent Avenue and two dwellings, all zoned "C3-1" Commercial.
South:	Single-family residences on Trudell Bay zoned "R1-5".
East:	Single-family residences along Pandora Avenue West, zoned "R1-5".
West:	"C2" commercial uses fronting Regent Avenue and City owned, vacant land zoned "A.5" Agricultural.

This application is to rezone private and City land being purchased by Frontier Toyota Ltd. from "A.5" Agricultural and "R1-5" Residential to "C3-1" Commercial, consistent with the present zoning of Frontier's Regent Avenue frontage. The application will also subdivide this land and consolidate it with Frontier's Regent Avenue land.

The Planning, Property and Development Department advised that this is a Neighbourhood Policy Area under Plan Winnipeg. Commercial development is appropriate.

Frontier Toyota Ltd. operates a car dealership at 1486 Regent Avenue West. The size and configuration of their lot has made it urgent that they acquire land for additional customer parking. The only adjacent land available to them is Pandora Avenue West.

This portion of Pandora Avenue West is a cul-de-sac providing access to three private lots and certain City land. Frontier Toyota Ltd. asked the City to close a portion of Pandora Avenue and sell this land for parking. The City responded that since this portion of Pandora Avenue provides access to private and City land it could only be closed if Frontier Toyota also purchased these other lands that would be made inaccessible if Pandora Avenue West is closed. Frontier Toyota Ltd. has agreed to this. They have purchased the private land and have an agreement to purchase the City land.

Frontier Toyota's only immediate plans are to build additional parking on the former Pandora Avenue, adjacent to their dealership. They have no specific plans for the remainder of the land (about 4 acres). However, since they have been forced to purchase this additional land they wish it to be rezoned commercial so that all or a portion of it may be sold at a future date.

Frontier Toyota applied for this rezoning on August 15, 2001 (shortly before the deadline for newspaper notification) and with little detail about the proposed use of the site. Given Frontier's urgent need for additional parking space, the Administration's initial response to this application was that only the rezoning of the land adjacent to the dealership would be supported at the September 11, 2001 meeting of the Community Committee. This would allow Frontier to complete the purchase of the land and build their needed parking as soon as possible. The rezoning of the remainder of the land would be considered under a separate application following informal public discussions and with time for the Administration to consider limitations on the zoning in the absence of a clear development plan.

In a subsequent meeting with Administration, Frontier Toyota made it clear that they will only complete the purchase of this land when all rezonings are completed.

The Planning, Property and Development Department identified the following issues as relevant to this rezoning and subdivision application, namely:

Future Use of the Land

Together with Frontier Toyota's present Regent Avenue frontage, this will be a large commercial property most of which Frontier has no specific plans for. At this point it is appropriate to ensure that all of the land is consolidated into one holding and that the only access to the property will be from Regent Avenue. Frontier is rezoning in the hope that they can subdivide and sell the portion they do not need to some other commercial venture. It is also appropriate, in the absence of plans for the use and development of the land, to place limits on future uses in order to protect adjacent established commercial and residential development. These limits can be amended as required when a specific development is proposed.

Impact on Residents of Trudell Bay

Trudell Bay is a single-family residential bay. Those who purchased and built here expected to back onto some type of transportation route. The commercial uses permitted by "C3-1" will create a different, possibly adverse, impact on the use and enjoyment of these residential lots. Residents may be concerned about the view from their back yards, the proximity of large commercial buildings, noisy commercial activities and other future development possibilities. It would be appropriate to consult with Trudell Bay residents about their concerns for future development on this site and to be cautious about the type of uses that may be permitted without a specific plan.

Impact on Residents of Pandora Avenue West

The principal concern of the Pandora residents has been traffic. The closing of part of Pandora Avenue West, a prohibition on accessing the "C3" land from Pandora Avenue and a requirement to build a residential-friendly fence that clearly prevents traffic flow should reduce the traffic flow on Pandora Avenue West.

Closing of Pandora and the Location of a New Turn-around

On July 17, 2001, the East Kildonan-Transcona Community Committee held a public hearing to consider an application under File DAC 5/2001 to close part of Pandora Avenue West. The recommendation at that meeting was that Pandora Avenue West should be closed but that the new turn-around should be located entirely adjacent to Frontier Toyota property. This issue is particularly important to the owners of 1251 Pandora Avenue West, immediately east of Frontier Toyota, because of their concerns about parking, access to their driveway and possible use of this turn-around. The residents say the present turn-around is sometimes the site of "parties". Frontier Toyota however says that they require all the land adjacent to their building for parking and that the turn-around must be located east of their land, in front of 1251 Pandora Avenue West.

The Administrative Coordinating Group has requested that all titles be consolidated with the Regent Avenue frontage, that a 3.0 metre wide swale easement be provided in the rear along the adjacent residential land, and that the well presently serving the residence located at the east end of the site fronting Pandora Avenue be abandoned, and that the house be connected to the water main.

At the September 11, 2001 public meeting of the East Kildonan-Transcona Community Committee, the Manager of Planning and Land Use, Planning, Property and Development Department recommended to the Community Committee that a recommendation on this subdivision/rezoning application would be premature at that meeting for the following reasons:

- The applicant has not provided plans for the development of the site.
- The applicant has not provided a plan that can be attached to a Community Committee recommendation showing all of the land that is to be consolidated.
- The applicant has not indicated the dimensions of the parcel at the east end of the site that is to remain residential.
- An informal public meeting, although planned for September 5, 2001, had not been held.
- The Administration has not been able to consider appropriate limitations on commercial development of the site based on community concerns and Frontier Toyota's plans for the site and given the fact that the majority of the site is being rezoned on speculation for a future development.
- The applicant has challenged the July 17, 2001 recommendation of the Community Committee with respect to the location of the turn around. This issue may not be resolved until the closing applications have been dealt with by City Council.

The East Kildonan-Transcona Community Committee concurred in the recommendation from the Manager of Planning and Land Use, Planning, Property and Development Department and adjourned the public hearing to its next meeting scheduled for October 9, 2001.

On October 9, 2001, the East Kildonan-Transcona Community Committee reconvened the public hearing, and was advised by the Planning, Property and Development Department that on September 5,

2001, Frontier Toyota hosted an informal public meeting with residents of Trudell Bay to outline development plans and hear concerns of the residents. The following issues were identified:

- There should be access only from Regent Avenue West and not from Pandora Avenue West.
- There were concerns about the type of uses that may be permitted behind their property and the impact on enjoyment of their property.
- The Pandora Avenue West turnaround should be located next to the Frontier Toyota land, not next to Pandora Avenue residents.
- A berm and fence should be constructed along the Trudell Bay property to screen the residents from commercial development and protect their view.
- There was concern about how commercial lighting (e.g. parking lots) would affect their property.

The land being purchased from the City by Frontier Toyota Ltd. was originally intended as a transit corridor. Residents purchasing on Trudell Bay should have anticipated traffic noise and street lighting associate with a transit corridor to eventually develop adjacent to their property. The lots on Trudell Bay have deeper rear yards to help minimize possible impacts from this future traffic. One of the objectives in assessing this proposed change to commercial uses should be to try to ensure that future commercial development would be no more intrusive on the use and enjoyment of land by Trudell Bay residents than the transit corridor would have been.

In the absence of a specific development proposal for the majority of the land, and especially that portion next to residential uses, the Planning, Property and Development Department advised that it is appropriate to severely restrict the nature of development. The administrative recommendations tried to achieve the following objectives:

- Limit uses to those most compatible with adjacent residential development.
- Provide for a buffer along Trudell Bay property consisting of a landscaped berm to be approved by the Community Committee.
- Prohibit access from commercial land to Pandora Avenue and establish a fence as a clear residential/commercial barrier.
- Minimize impact on Trudell Bay and Pandora Avenue residents through restrictions on lighting and the location of any outdoor public address system.

It is expected that a future purchaser of the commercial land Frontier Toyota Ltd. proposes to market may wish to amend these conditions. This amendment will require a public hearing at which the residents will have the benefit of a more specific development proposal and Community Committee will have the opportunity to “fine tune” conditions that balance commercial and residential interests.

The Water and Waste Department identified the following minor development issues:

- That a 3.0 metre swale easement be provided along the rear of property fronting Trudell Bay; and
- That the well for the house on the east limit of the land be abandoned and the house be connected to the water main at that location.

At the public hearings held by the East Kildonan-Transcona Community Committee on September 11, 2001 and October 9, 2001, eight persons registered in support of the application, and fifty people registered their opposition to the application.

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The East Kildonan-Transcona Community Committee recommended approval of the proposed subdivision and rezoning for the following reasons:

1. The application will rezone the property to a designation consistent with the present zoning of Toyota Frontier's Regent Avenue frontage and will consolidate the property into one parcel.

2. The subject property is located in a Neighbourhood Policy Area and commercial development is appropriate.

3. It is anticipated that a future purchaser of the portion of the land not being utilized for additional parking for Frontier Toyota may wish to amend the conditions imposed, which will require a public hearing at which time the residents will have the benefit of a more specific commercial development and the opportunity to "fine tune" conditions that balance commercial and residential.

4. The Administration has advised that there is no need for additional park and open space in the area.

5. There is an opportunity, when residential development is completed close or near commercial development, to protect the residential areas from any impact.

6. The business development will add tax dollars, provide employment and other opportunities, which will offset residential costs and school taxes.

7. All necessary protections have been provided and the conditions imposed will require the developer to construct a berm, as well as situate the loading zone and waste receptables and operations associated with the business, away from the residential area.

8. The provision of a berm, as well as landscaping, will result in less noise to the residential area than there would have been if the transportation corridor had been constructed.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report dated October 22, 2001, from the East Kildonan-Transcona Community Committee and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation IV.E. by adding the words "by June 30, 2002" after the words "landscaped berm shall be established"

- Amend Recommendation IV. H. by adding the words "landscaped berm" after the words "fencing, exterior lighting"

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and recommends:

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I. That the plan of subdivision proposed under File DASZ 24/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2001 dated October 2, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That all titles for land shown in Schedule "A" be consolidated into a single lot.

II. That a 3.0 metre swale easement be provided along the rear of property fronting Trudell Bay and that the well for the house on the east limit of the land be abandoned and the house be connected to the watermain at that location.

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

IV. That Zoning By-law No. 6400/94 be amended by rezoning Parcel B of the subject land as shown on Schedule "A" for File DASZ 24/2001 dated October 2, 2001, to a "C3-1" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to Parcel B of the subject site and to include the following conditions:

A. That land usage be restricted as follows:

1. The following uses shall be permitted on the land:
   Accessory uses, not listed
   Animal Hospital, Veterinary Clinic
   Automobile, including motorcycle: Cleaning
   Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
   Automobile, including motorcycle: Supplies/Parts, Sales
   Bank, Credit Union, or similar financial service
   Banking/Teller Machines, automated
   Boat: Sales, Service
   Bowling Alley
   Church, Synagogue, or similar place of religious worship
   Club, excluding licensed premises
   Day Care Centre
   Family Day Care Home, in a single-family dwelling
   Flea Market
   Group Day Care Home
   Hardware Store
   Landscape/Garden Supplies: Sales, including outside display limited to packaged supplies, plants or trees
   Landscape/Garden Supplies: Sales, Landscape Contractor, production, including greenhouses or nursery, and sale of supplies, plants, trees and landscaping materials
   Medical, Dental, Optical or other Precision Instruments, Prosthetics: Rental, Sale, Service
   Medical, Dental, Optical or other Precision Instruments, Prosthetics: Custom Manufacture

Museum, Art Gallery
Parish Hall, accessory to a place of religious worship
Park
Printing, Photocopying, or similar service
Private Home Day Care, in a dwelling unit with a ground-level entry
Showroom, accessory to an automobile dealership
Sporting Goods: Rental, Sales, Service, Trophy Sales, including incidental assembly and engraving
Taxidermist
Upholstering, custom draperies, blinds, shades

2. That the following uses shall be conditional on the land:
Animal Pound, Animal Training, Kennel
Appliances, excluding major appliances: Rental, Sale or Service
Bakery, Baked Goods: Sales, limited to 1,000 square feet of production area
Barber Shop, Beauty Salon, or similar grooming service
Farmers' Market limited to between April 1 and September 30
Funeral Chapel or Parlour, Mortuary
Furnishings, Household or Office, including carpet and furniture: Sales, Rental
Laundry, Linen Supply/Service, including accessory Depot
Hospital, or similar treatment centre
Luggage: Rental, Sale, Service
Office
Pet Sales, Pet Supplies Sales, Pet Grooming
Photographic Developing/Printing
Reducing Salon, Health Spa, Steam Bath, Tanning Salon, or other similar facility
Second-Hand Store
Sign, Advertising
Storage Compound for New Automobiles
Studio, Motion Picture
Trade School, Business College
University, College, Technical School

B. That no building shall be erected within one hundred (100) feet of the rear property line.

C. That there shall be no access to Pandora Avenue from the property.

D. That a 6.5 foot solid fence shall be established and maintained along Pandora Avenue, as shown on a plan approved by the East Kildonan-Transcona Community Committee.

E. That a landscaped berm shall be established by June 30, 2002, and maintained along the south property line adjacent to lots fronting Trudell Bay (Lots 3 to 12 of Plan 25241), as shown on a plan approved by the East Kildonan-Transcona Community Committee.

F. That any parking lot or security lighting shall be directed away from adjacent residential land, as shown on a plan approved by the East Kildonan-Transcona Community Committee.

G. That no outdoor public address system shall be used except within 150 feet of Regent Avenue and shall be directed away from residential areas on Pandora Avenue and Trudell Bay.

H. That prior to the issuance of any development permits, plans showing the site layout including pedestrian and vehicular access, building location and elevations, facia and free-standing signage, parking, landscaping, existing and proposed trees, fencing, exterior lighting, landscaped berm, and garbage enclosure be submitted for the approval of the East Kildonan-Transcona Community Committee.

I. That any loading facilities or garbage enclosures associated with new development, shall be located on the north or west side of the building, away from the residential areas.

J. That the height of any building shall not exceed two (2) storeys.

K. That no signage shall be permitted on the south and east walls of any building on the site or be visible from the residential areas.

V. That a ten per cent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

VI. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VII. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VIII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said filing occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

IX. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Schedule “A” referred to in Clause 2 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. **DASZ 24/01**

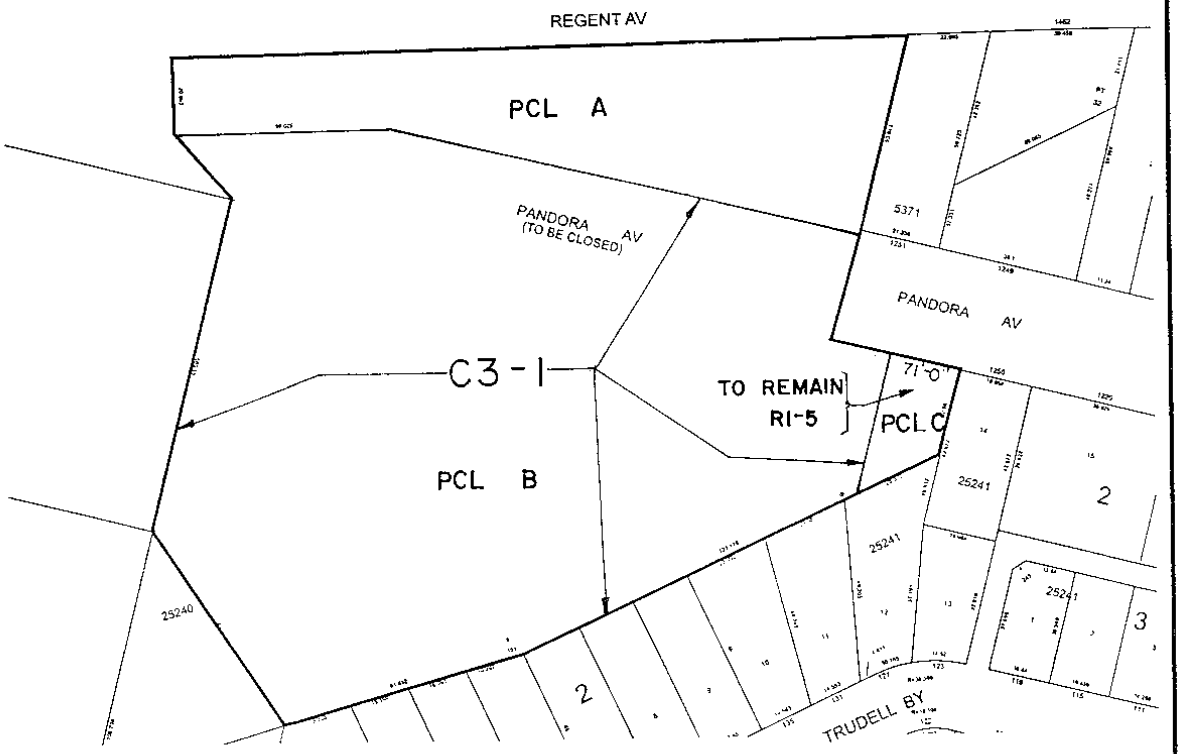
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EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at 1262/1340 Pandora Avenue West from an “A.5” AGRICULTURAL DISTRICT and an “R1-5” SINGLE-FAMILY DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.



Schedule “A”
for file DASZ 24/2001
East Kildonan -Transcona Community Committee
October 2, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____