Minutes - Executive Policy Committee – December 12, 2007

Minute No. 67
Report - Standing Policy Committee on Property and Development – November 27, 2007

Item No. 2 Subdivision and Rezoning - 791 Wall Street
(Daniel McIntyre Ward)
File DASZ 34/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 34/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2007 dated October 25, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34 /2007 dated October 25, 2007, to a "C1.5" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the locations and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, mechanical equipment screening and sound attenuation devices, landscaping and signage to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

            a. amusement devices, accessory
            b. amusement enterprise
            c. amusement parlour

d. appliances including major appliances: rental, sales or service
e. auditorium
f. auction room
g. automobile, including motorcycle: repair, service installation of supplies/parts, rental, sales, including accessory repair, service, installation of supplies/parts, supplies/parts, sales
h. automobile washing: drive-through or self-service
i. banquet hall, dance hall
j. beer: sales
k. bingo parlour
l. boat: sales, service, rental
m. bowling alley
n. building materials, hardware, home improvement supplies or equipment: sales
o. butcher, with production area exceeding 1,000 sq. ft.
p. cabaret
q. club
r. cocktail lounge
s. communication equipment, including satellite dishes and radio towers: rental, sale, service
t. contractor's establishment
u. convenience store
v. department store, supermarket
w. depot for dry cleaning, pressing, dyeing, laundry
x. dispatch for courier/delivery / express service, cleaning service, key and lock service, security service, taxi, or similar service
y. dry cleaning, pressing, dyeing, including accessory depot
z. exterminator
aa. farm supplies: sales
bb. fuel: sales kiosk
cc. hospital, or similar treatment centre
dd. hotel, including motel
ee. landscape/garden supplies: sales
ff. machinery/heavy equipment supplies and parts: sales, installation, service
gg. mobile home park
hh. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
ii. office/service building, accessory to a mobile home park or a multiple-family dwelling

jj. outside display
kk. parking area or structure, non-accessory
ll. carrier depot
mm. radio or television station
nn. recycling depot for collection of materials
oo. sign, advertising
pp. terminal for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service
qq. tire: sales, service

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

iv. That no illuminated signage be erected on the north, east or south side of any building or the lot.

v. That any free-standing use identification sign not exceed twenty-five (25) feet in height and a sign surface area in excess of 323 square feet.

vi. That all lighting shall be screened to prevent direct light from illuminating parcels immediately north of St. Matthews Avenue or immediately east of the public lane east of and parallel to Wall Street

vii. That all rooftop equipment shall be screened so that they are not visible from adjacent public streets or parcels that are less than 200 feet away when viewed from five feet above grade.

viii. That all rooftop equipment generating noise that can be heard from outside the site boundaries are buffered or attenuated to direct noise upward.

ix. That prior to the issuance of any occupancy permits, 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, and thereafter maintained to the satisfaction of the Director of the Planning, Property and Development Department.

Report - Standing Policy Committee on Property and Development – November 27, 2007

x. That the north corner side yard be landscaped.

xi. That no building shall be more than 30 feet in height, not including rooftop mechanical equipment, screening or sound attenuation device.

3. That a ten percent (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.

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

5. 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 an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. 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.

10. That in the event 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.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Minutes - Executive Policy Committee – December 12, 2007

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 30, 2007, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Delete recommendation 2.A.x. in its entirety, and renumber the remaining recommendations accordingly,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 791 Wall Street**
(Daniel McIntyre Ward)
File DASZ 34/2007 [c/r DAV 148824/2007D and DCU 148818/2007D]

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

Prepared by: **Josie Marques, Senior Committee Clerk,**
City Centre Community Committee

Report date: **November 1, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 30, 2007, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 34/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2007 dated October 25, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34 /2007 dated October 25, 2007, to a "C1.5" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the locations and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, mechanical equipment screening and sound attenuation devices, landscaping and signage to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

            a. amusement devices, accessory
            b. amusement enterprise
            c. amusement parlour

d. appliances including major appliances: rental, sales or service
e. auditorium
f. auction room
g. automobile, including motorcycle: repair, service installation of supplies/parts, rental, sales, including accessory repair, service, installation of supplies/parts, supplies/parts, sales
h. automobile washing: drive-through or self-service
i. banquet hall, dance hall
j. beer: sales
k. bingo parlour
l. boat: sales, service, rental
m. bowling alley
n. building materials, hardware, home improvement supplies or equipment: sales
o. butcher, with production area exceeding 1,000 square feet
p. cabaret
q. club
r. cocktail lounge
s. communication equipment, including satellite dishes and radio towers: rental, sale, service
t. contractor's establishment
u. convenience store
v. department store, supermarket
w. depot for dry cleaning, pressing, dyeing, laundry
x. dispatch for courier/delivery / express service, cleaning service, key and lock service, security service, taxi, or similar service
y. dry cleaning, pressing, dyeing, including accessory depot
z. exterminator
aa. farm supplies: sales
bb. fuel: sales kiosk
cc. hospital, or similar treatment centre
dd. hotel, including motel
ee. landscape/garden supplies: sales
ff. machinery/heavy equipment supplies and parts: sales, installation, service
gg. mobile home park
hh. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
ii. office/service building, accessory to a mobile home park or a multiple-family dwelling
jj. outside display
kk. parking area or structure, non-accessory
ll. carrier depot
mm. radio or television station

nn. recycling depot for collection of materials
oo. sign, advertising
pp. terminal for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service
qq. tire: sales, service

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

iv. That no illuminated signage be erected on the north, east or south side of any building or the lot.

v. That any free-standing use identification sign not exceed twenty-five (25) feet in height and a sign surface area in excess of 323 square feet.

vi. That all lighting shall be screened to prevent direct light from illuminating parcels immediately north of St. Matthews Avenue or immediately east of the public lane east of and parallel to Wall Street.

vii. That all rooftop equipment shall be screened so that they are not visible from adjacent public streets or parcels that are less than 200 feet away when viewed from five feet above grade.

viii. That all rooftop equipment generating noise that can be heard from outside the site boundaries are buffered or attenuated to direct noise upward.

ix. That, prior to the issuance of any occupancy permits, 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, and thereafter maintained to the satisfaction of the Director of the Planning, Property and Development Department.

~~***x. That each parking space will have a width of at least ten feet except for spaces for the disabled, which should be two feet wider than required/recommended.***~~

~~***xi.***~~ ***x.*** That the north corner side yard be landscaped.

~~***xii***~~. ***xi***. That no building shall be more than 30 feet in height, not including rooftop mechanical equipment, screening or sound attenuation device.

2. That a ten percent (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.

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

4. 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 an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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.

9. That in the event 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.

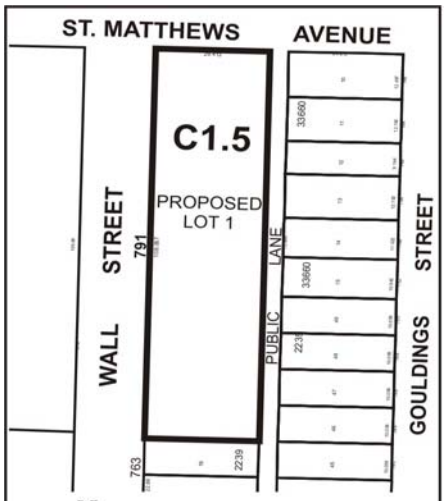
10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is a good development, enhancing the area and better than what presently exists.

PUBLIC HEARING SUMMARY

File:	DASZ 34/2007 [c/r DAV 148824/2007D and DCU 148818/2007D]
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Leipsic Councillor Smith
Hearing:	October 30, 2007 North Committee Room Council Building, 510 Main Street
Applicant:	Deer Meadows Condominium Services Ltd. (Jeff Badger)
Subject:	 **APPLICANT :** DEER MEADOWS CONDOMINIUM SERVICES **FILE :** DASZ 34/07 **PROPOSAL :** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "M1" INDUSTRIAL DISTRICT to a "C1.5" COMMERCIAL DISTRICT. **For information, phone Mr. G. Doney, Planner at 986-2688.**

Premises Affected: 791 Wall Street

Exhibits Filed:

1. Application dated September 11, 2007
2. Notification of Public Hearing dated September 24, 2007
3. Manitoba Status of Title 2240971
4. Letter of authorization dated August 29, 2007, from The Clearline Group Inc. to Deer Meadows Condominium Services Ltd.
5. Drawing of subject property
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated October 25, 2007
8. Inspection Report
9. Site plan presentation, in support of application, submitted by applicant at the public hearing.
10. Communication, undated, in support of the application from the Gloria Cardwell-Hoeppner, Executive Director, West End BIZ, submitted by applicant at the public hearing

REPRESENTATIONS:

In Support:

Jeff Badger, Deer Meadows Condominium Services Ltd.
Gloria Cardwell-Hoeppner, Executive Director, West End BIZ
Johanna Hurme, 5468796 Architecture
Sasa Radulovic, 5468796 Architecture

In Opposition

Nil

For Information:

Michael James Callahan

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Jeff Badger, Deer Meadows Condominium Services Ltd., appeared in support of the application and gave a brief overview on the proposal.

Sasa Radulovic, 5468796 Architecture, appeared in support of the application and read into the record a site plan presentation placed on file as Exhibit 10.

Johanna Hurme, 5468796 Architecture, appeared in support of the application. Ms Hurme stated the proposal is to be 3 storeys high, each residence is to have outdoor space via roof-top patio, balcony or terrace.

Mr. Badger stated he had consulted the area residents and businesses by holding 3 informational meetings, notification of which was provided by a personally dropped off letter. He also stated he had addressed the concerns, raised by the areas residents, on the commercial uses of the proposal and is supportive of the prohibited uses listed; on snow removal and storage by advising there would be private snow clearing; on air conditioner noise by having the units placed on rooftops; and on privacy by using lintel windows and skylights on the third floor. With respect to the report of the Planning and Land Use Division, Mr. Badger requested deletion of recommendation 2.A.x, as the proposal would have private snow clearing and he would provide designated areas for snow storage; he requested clarification of recommendation 2.A.ii. ii; and stated concerns with recommendation 2 resulting in increased costs.

Michael James Callahan appeared for information. Mr. Callahan stated his only concern was that the proposal would be rental units. He also stated he had not received notification of the informational meetings. He further stated he was happy to see the site plan presentation. He inquired if the proposal could be turned into a rental property if the sales of the condo units were not successful.

In rebuttal, Mr. Bagder stated the average price of the units would be $180,000.00 and the proposal would continue to be a condo complex and not turned into a rental property.

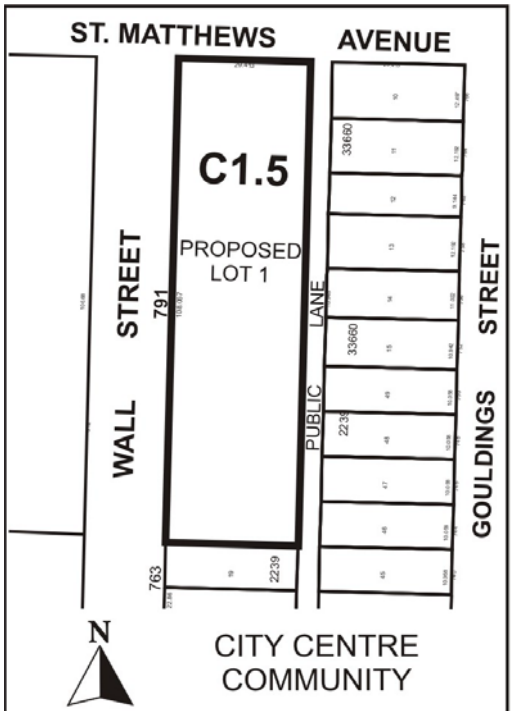
Exhibit "7" referred to in File DASZ 34/2007 [c/r DAV 148824/2007D and DCU 148818/2007D]

Winnipeg

Report from the Planning, Property and Development Department

To the City Centre Community Committee

Date: October 25, 2007
File: DASZ 34/07
Related File(s): DCU 07-148818D and DAV 07-148824D
Subject: Rezone from "M1" Industrial District to "C1.5" Commercial District and consolidate nine lots into one lot
Location: 791 Wall St.



Applicant: Deer Meadows Condominium Services Ltd., Jeff Badger
Owners: The Clearline Group Inc.

Recommendation: Approve with conditions.

Report Summary:

- The existing vacant parking lot is to be replaced by 27 dwelling units and 11 commercial spaces less than 1,000 sq. ft. each.
- Five three-storey buildings, all of which would be 28.5 feet in height, would be constructed adjacent to, or near, the site boundaries.
- The buildings would encompass a common open area that would be connected to adjacent public streets and a public lane.
- 28 parking spaces and one garbage enclosure, all of which would have access from the public lane at the rear of the site, would also be provided.
- The proposed development would act as a buffer for the existing dwellings that are east of the proposal site from existing industrial uses and Wall St. traffic to the west.
- A number of conditions that are recommended in this report would ensure the future commercial development is compatible with the adjacent residential neighbourhood.

Site Description

The proposal site (shown on Figure 2) is at the southeast corner of Wall St. and St. Matthews Ave., in the Minto Neighbourhood of the Daniel McIntyre Ward. The site is in an "M1" Industrial District. It is rectangular, extending approximately 355 ft. alongside Wall St. and approximately 97 ft. alongside St. Matthews Ave with an approximately area of 34,226 sq. ft. It is a vacant, paved parking lot formerly belonging to Motor Coach Industries. The site and vicinity are in a Neighbourhood Policy Area as shown on Policy Plate A, Land Use, *Plan Winnipeg 2020 Vision*.

Regarding adjacent or nearby land uses: warehousing and light manufacturing are west of the site; a vacant building that was used by Motor Coach Industries is northwest of the site; a multiple-family dwelling is north of the site; a car wash is south of the site; and single-family dwellings are east of the site.

Figure 3 shows that the existing zoning: west of the first public lane parallel to, and east of Wall St. is industrial; and east of said public lane is residential.

Description of the Proposed Development

The existing vacant parking lot is to be replaced by five, three-storey buildings, all of which would be 28.5 feet in height. The buildings would be adjacent to, or near, the site boundaries. The buildings are to encompass a common quasi-public open area that would connect to adjacent public streets and the adjacent public lane, thus separating the building forms. Commercial uses would be on the first floors of two buildings along Wall Street and dwelling units would be on the second and third floors of these buildings. Dwelling units only would be in a building that would be adjacent to the southern limit of the proposal site and in two buildings that would be two feet from the public lane east of the site. All buildings would legally front Wall Street.

The quasi-public common area is to be accessible to the public but held by a condominium corporation and: it would be used to access the 27 dwelling units. Eleven (11) dwelling units

would be above the commercial spaces facing Wall St; four (4) dwelling units would be adjacent to the southern limit of the proposal site and face northward into the common area; and nine (9) dwelling units adjacent to the rear yard would face westward into the common area. Eleven commercial spaces, less than 1,000 square feet each, would front onto Wall St. and back onto the common area. After building construction is completed, the commercial units may be modified by adding or removing walls.

One garbage enclosure would be provided near the southeast corner of the site. Twenty-eight (28) parking spaces would be directly accessible from the public lane east of Wall Street.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a commercial rezoning of lands zoned industrial is allowed in Neighbourhood Policy Areas.

ZONING

- The "M1" Industrial District allows for higher standard industrial development with all operations contained in an enclosed building, with 137 permitted uses and 28 conditional uses. The only minimum yard requirements are: a front yard of 25 feet; and a corner side yard of 15 feet. The maximum building height requirement is 50 feet.
- A "C1.5" Commercial District has 63 permitted uses and 56 conditional uses intended to regulate commercial development with less of a neighbourhood orientation. Because multiple family dwellings are proposed, the minimum front, interior side, corner side and rear yard requirements are 25, eight, 20 and two feet, respectively and the maximum building height requirement is 35 feet.

LAND USE BYLAW ISSUES

- Multiple family dwellings are not a permitted use in any industrial district.
- Commercial uses are restricted in industrial districts.
- "C1.5" Commercial District was selected as the district that the site would be rezoned to because a wide range of commercial uses are permitted in that district and multiple-family dwellings are also allowed as a conditional use (as per File DCU 07-148818/D).
- The applicant also has applied for a number of variances for substandard yards, parking and loading (as per File DAV 07-148824/D).
- The variances and conditional uses may be appealed to the Appeals Committee at a separate public hearing, whereas the recommendations by the Community Committee for a rezoning proceeds to Council without an additional public hearing.

COMPATIBILITY

- The proposed development is considered compatible with the neighbourhood for these reasons:
    - only residential uses (and parking that is accessory to those uses) would be established near existing single-family dwellings that are east of the proposal site and across the public lane from it;

- all proposed commercial spaces would be separated from the single-family dwellings to the east by the common area and by multiple-family dwellings;
- the proposed commercial spaces would be adjacent to Wall St., which is abutted by parcels that are mainly industrial or commercial uses in the block in which the proposal site is located; and
- A number of conditions that are recommended in this report would ensure the future commercial development is compatible with the adjacent residential neighbourhood.

TRANSPORTATION AND SITE ACCESS

- Wall Street is a regional street with a utilitarian pedestrian environment and with many buildings having shallow or no front yards.
- All dwelling units would be accessible only from the proposed common area.
- The proposed common area would extend to and connect with: Wall St. at two locations; St. Matthews Ave. at one location; and the public lane at two locations.
- One parking space for each of the 27 dwelling units would be provided at the rear of the proposal site, directly off the public lane that is east of, and parallel to Wall St.
- One parking space directly off the aforementioned public lane would be for visitors, therefore, it is likely that most visitors requiring parking would use a public street.
- One garbage enclosure, with direct access to the aforementioned public lane, would be provided adjacent to the southern limit of the proposal site and two feet west of the eastern limit of said site.
- Ten single-family dwellings are east of the proposal site and across the public lane from it. Each of these dwellings has a driveway, wide enough for one or two motor-vehicles and connecting to the public lane that the proposed 28 parking spaces and the proposed garbage enclosure would connect to.
- Winnipeg Transit routes in proximity to the proposal site are: one block north, on Ellice Avenue; five block-widths west, on Valour Road; and two blocks south, on Portage Avenue.

SITE DESIGN ISSUES

A preliminary site plan of the buildings, parking areas, garbage enclosure and common area has been submitted. A more detailed site plan would need to be put forward as part of plan approval and submitted to the City Centre Community Committee prior to a development permit being issued. The site plan would contain the necessary design elements to integrate the structures and functions of the proposed land uses into the surrounding community.

- The final site plan would need to include detailed designs of the fencing, vegetation and buildings.

- Plans showing mechanical equipment screening or sound attenuation devices shall be submitted and shall depict screening and sound attenuation devices that would be architecturally compatible and integrated with the buildings on which they would be installed.

- Deciduous and coniferous trees should be used in combination to screen the parking areas and enhance the buildings.
- On-site paths should orient and allow pedestrians easy and as-direct-as-possible access to public sidewalks and nearby bus stops.
- The entrances to the buildings should be distinguished by a distinct design to highlight the prominence of the entrance with higher quality building materials, canopies, portico, windows, lighting or other architectural devices.
- The outside garbage container should be fully enclosed and screened with fencing, a gate and/or vegetation and located away from nearby dwellings.
- Parking areas would need to be screened with fencing and/or vegetation but provide adequate pedestrian access to entrances and sidewalks and adequate access to snow storage areas (as described in the next section).
- Balconies shall not project into the rear yard, as this may cause a negative impact on the residents across the public lane.

PUBLIC INPUT

- The applicant conducted an informal public consultation process by distributing, to dwellings across the public lane from the proposal site, invitations to an information and discussion meeting on the proposal.
- Approximately six residents attended and participated in the meeting.
- One of the issues that came forth is that the residents are concerned that the proposed three-storey multiple-family dwellings with only a two-foot rear yard would compromise their sense of privacy.
- It appears that all the existing dwellings that are east of the proposal site and across the public lane have garages that would provide some level of privacy for the residents of those homes.
- As well, providing dwellings near the public lane on the second and third floors of some of the proposed buildings (with parking on the first floor at grade) may increase one's personal safety in the public lane by having more "eyes on the street".
- Another issue that came forth at the meeting is that the residents are concerned that removal of snow from the 28 proposed parking spaces may not be done adequately enough to ensure that the existing residents' snow clearing is not adversely affected.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning because rezoning from "M1" Industrial District to "C1.5" Commercial District would facilitate the establishment of the proposed development, which would provide existing dwellings that are east of the proposal site with a buffer from existing industrial uses and Wall St. traffic to the west.

- The proposed rezoning would allow, as a conditional use, the establishment of multiple-family dwellings and, as permitted uses, moderately intense commercial uses.
- The proposal would convert a vacant parcel that is serviced by public roads, sidewalks and public lanes, sewer and water lines and other infrastructure into a site with a relatively intense residential use and moderately intense commercial uses.
- The proposal would increase pedestrian and other activity on and near the site, increasing the area's sense of safety and vibrancy.

The Planning and Land Use Division is also recommending that the proposed "C1.5" Commercial District be approved subject to a number of conditions that would ensure that future commercial development is compatible with the residential neighbourhood to the east. The conditions required to mitigate any negative impacts are:

- Uses that are generally considered to be intensive commercial uses with associated sounds, smells and/or visual impacts detrimental to the adjacent residential residents should be prohibited.

- Plan approval would further ensure compatibility of the proposed development with existing developments by only allowing residential uses and associated accessory uses near the existing dwellings east of the proposal site and by only allowing commercial uses adjacent to Wall St.

- In order to provide snow storage, each parking space should be wider than the minimum width requirement of eight feet (as per Section 1120 of Zoning By-law 6400/94). Therefore, each parking space should have a width of ten feet (and a 20 foot depth) except for spaces for the disabled, which should be two feet wider than required/recommended.

- Signage is a particular concern considering the proximity of the residential dwellings that are east of the proposal site. It would be inappropriate to have illuminated signage on the east side of any building since this may cause a negative impact on the neighbouring dwellings. Flashing signage and signs in excess of the allowable amount would also be detrimental to the residential uses near the proposal site.
- To increase the compatibility of the proposed development with existing residential uses nearby, no balcony or other structure attached to a proposed building shall project into the rear yard and no building shall be over 30 feet in height (except for the structures identified in 721(6) of Zoning By-law 6400/94.
- The proposed north corner side yard shall be generously landscaped in order to improve the development's compatibility with residential uses to the north and to the east.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 34/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with

Schedule “A” for File DASZ 34/2007 dated October 25, 2007, for registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 34 /2007 dated October 25, 2007, to a “C1.5” Commercial District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That, for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the locations and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, mechanical equipment screening and sound attenuation devices, landscaping and signage to the Director of Planning, Property and Development and the City Centre Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

a. amusement devices, accessory
b. amusement enterprise
c. amusement parlour
d. appliances including major appliances: rental, sales or service
e. auditorium
f. auction room
g. automobile, including motorcycle: repair, service installation of supplies/parts, rental, sales, including accessory repair, service, installation of supplies/parts, supplies/parts, sales
h. automobile washing: drive-through or self-service
i. banquet hall, dance hall
j. beer: sales
k. bingo parlour
l. boat: sales, service, rental
m. bowling alley
n. building materials, hardware, home improvement supplies or equipment: sales
o. butcher, with production area exceeding 1,000 sq. ft.
p. cabaret
q. club
r. cocktail lounge
s. communication equipment, including satellite dishes and radio towers: rental, sale, service
t. contractor’s establishment

u. convenience store
v. department store, supermarket
w. depot for drycleaning, pressing, dyeing, laundry
x. dispatch for courier/delivery / express service, cleaning service, key and lock service, security service, taxi, or simioar service
y. drycleaning, pressing, dyeing, including accessory depot
z. exterminator
aa. farm supplies: sales
bb. fuel: sales kiosk
cc. hospital, or similar treatment centre
dd. hotel, including motel
ee. landscape/garden supplies: sales
ff. machinery/heavy equipment supplies and parts: sales, installation, service
gg. mobile home park
hh. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
ii. office/service building, accessory to a mobile home park or a multiple-family dwelling
jj. outside display
kk. parking area or structure, non-accessory
ll. carrier depot
mm. radio or television station
nn. recycling depot for collection of materials
oo. sign, advertising
pp. terminal for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service
qq. tire: sales, service

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

iv. That no illuminated signage be erected on the north, east or south side of any building or the lot.

v. That any free-standing use identification sign not exceed twenty-five (25) feet in height and a sign surface area in excess of 323 square feet.

vi. That all lighting shall be screened to prevent direct light from illuminating parcels immediately north of St. Matthews Ave. or immediately east of the public lane east of, and parallel to, Wall St.

vii. That all rooftop equipment shall be screened so that they are not visible from adjacent public streets or parcels that are less than 200 feet away when viewed from five feet above grade.

viii. That all rooftop equipment generating noise that can be heard from outside the site boundaries are buffered or attenuated to direct noise upward.

ix. That, prior to the issuance of any occupancy permits, 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, and thereafter maintained to the satisfaction of the Director of the Planning, Property and Development Department.

x. That each parking space will have a width of at least ten feet except for spaces for the disabled, which should be two feet wider than required/recommended.

xi. That the north corner side yard be landscaped.

xii. That no building shall be more than 30 feet in height, not including rooftop mechanical equipment, screening or sound attenuation device.

2. That a ten percent (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.

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

4. 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 an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

6. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. 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.

9. That in the event 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.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: J. Glen Doney
PPD File # DASZ 34/07

Schedule "A"

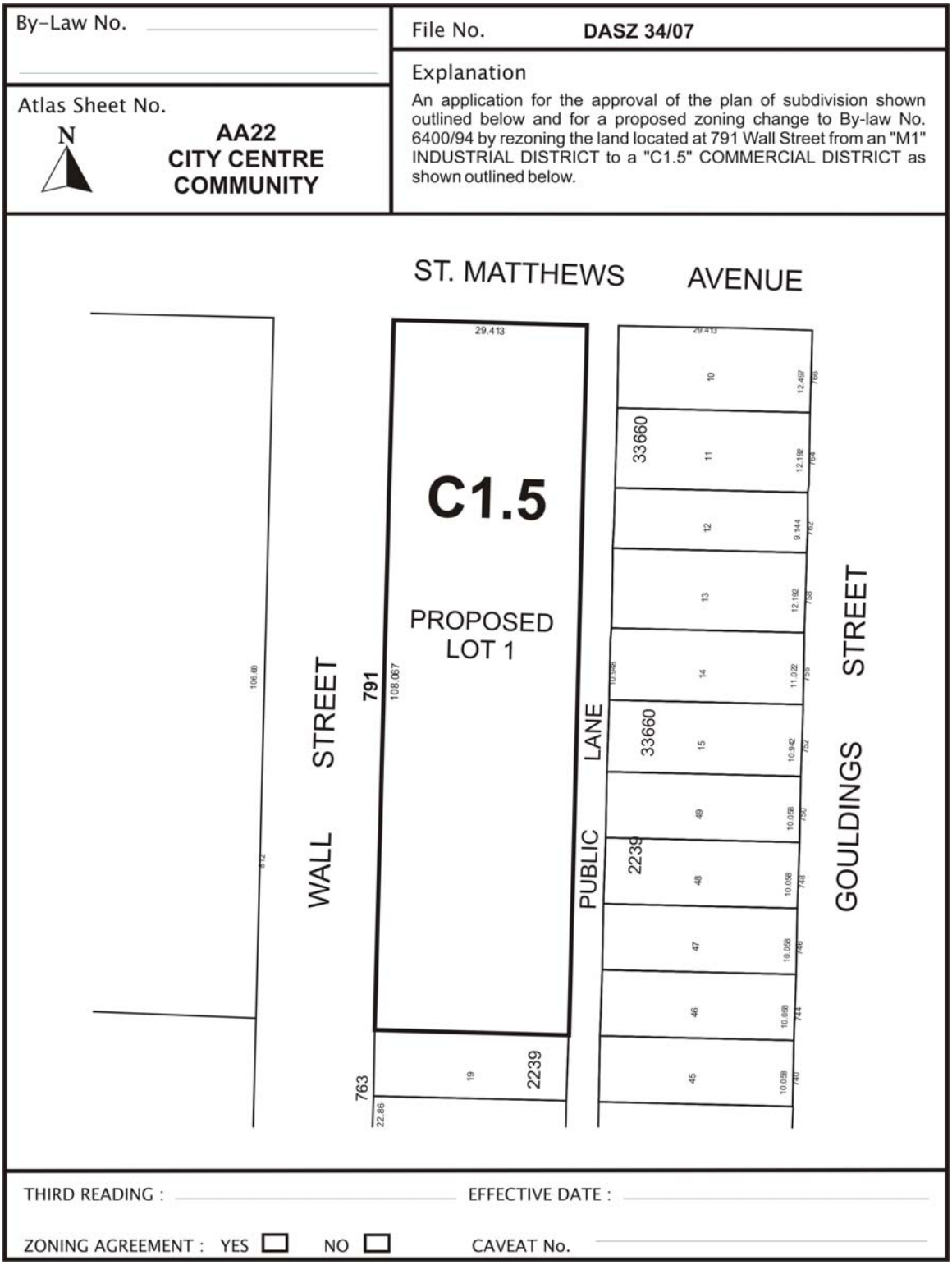


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 34/2007, dated October 25, 2007



Figure 2: 2005 Aerial Photo of Site and Vicinity

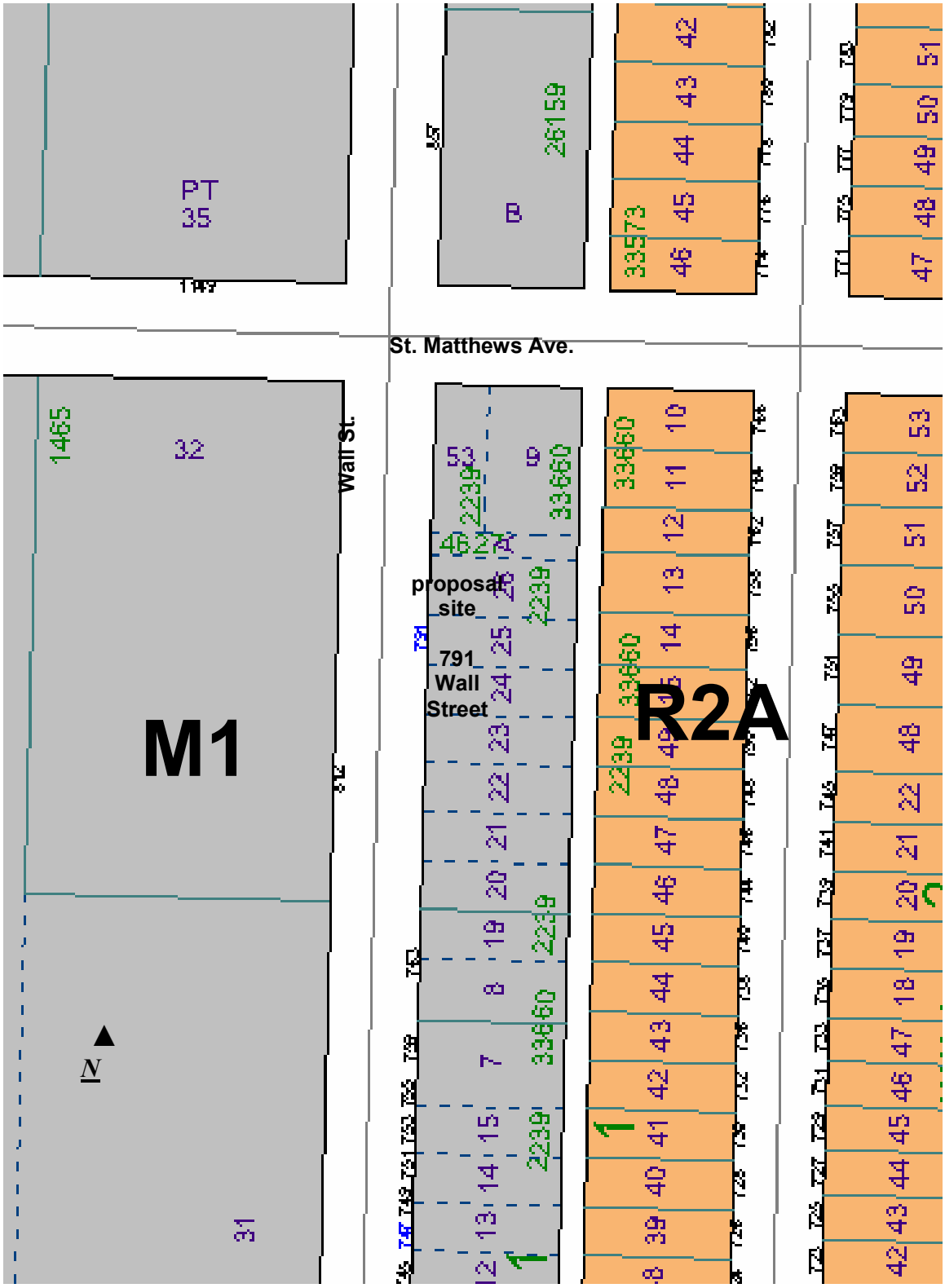


Figure 3: Existing Zoning