Minute No. 125
Report - Standing Policy Committee on Property and Development - November 27, 2007

Item No. 4 Subdivision and Rezoning - 2202 Gallagher Avenue
File DASZ 30/2007

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 30 /2007 dated November 1, 2007 to a "C1" Commercial District and a "C2" 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:

      Parcels A and B

      i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development 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 no illuminated signage be erected on the west side of the building.

      iii. That there shall be no mobile signs or 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.

      Parcel C

      i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage to the Director of Planning, Property and Development 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.

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

COUNCIL DECISION (continued)

ii. That only the following uses shall be permitted on the land:
   a. all uses which are permitted or conditional in the "C1" Commercial District
   b. parking area, non-accessory
iii. That there shall be no mobile signs or 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. The maximum height of light poles shall not exceed 25 feet.

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 and the creation of additional lots.

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.

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

COUNCIL DECISION (continued)

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.

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

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 12, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 2202 Gallagher Avenue (Point Douglas Ward) File DASZ 30/2007 [c/r DAV 143685/2007D]**

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

Prepared by: **Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**

Report date: **November 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2007, the Lord Selkirk-West Kildonan 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 Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 30 /2007 dated November 1, 2007 to a "C1" Commercial District and a "C2" 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:

        Parcels A&B

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development 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 no illuminated signage be erected on the west side of the building.
        iii. That there shall be no mobile signs or 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.

Parcel C

i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage to the Director of Planning, Property and Development 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 only the following uses shall be permitted on the land:
   a. all uses which are permitted or conditional in the "C1" Commercial District
   b. parking area, non-accessory

iii. That there shall be no mobile signs or 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. The maximum height of light poles shall not exceed 25 feet.

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 and the creation of additional lots.

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.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the comments contained in the report from the Planning and Land Use Division dated November 1, 2007.

PUBLIC HEARING SUMMARY

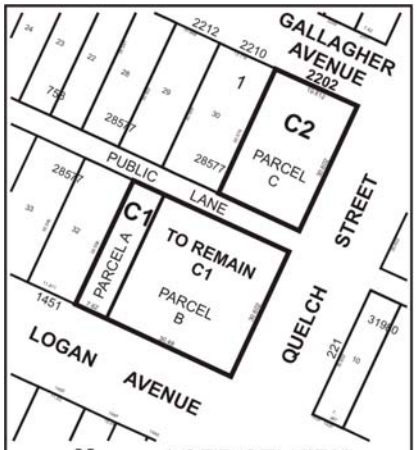
File: DASZ 30/2007 [c/r DAV 143685/2007D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy
Councillor Pagtakhan

Public Hearing: November 13, 2007
Council Chamber
Council Building, 510 Main Street

Applicant: Corbett Cibinel Architects (Mark Ager / Brian Pearson)

Subject:



Premises Affected: 2202 Gallagher Avenue

Exhibits Filed:

1. Application dated September 19, 2007
2. Notification of Public Hearing dated October 1, 2007
3. Manitoba Status of Titles 1253990, 1704147, 1765109 and 2161812
4. Letter of authorization dated July 11, 2007 from Frank Speadier to Cantor's Grocery Co. Ltd.

4a. Letter of authorization dated July 11, 2007, from Cantor's Grocery Co. Ltd. to Corbett Cibinel Architects

5. Surveyor's Building Location Certificate and sketch dated July 25, 2007
6. Zoning Analysis
7. Title Plot
8. Plans (4 pages)
9. Report from the Planning and Land Use Division dated November 1, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Mark Ager, Corbett Cibinel Architects
Ed Cantor
Ron Keller
Mark Zolna

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Mark Ager, on behalf of the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated November 1, 2007.

Ron Keller also appeared in support of the application.

Exhibit "9" referred to in File DASZ 30/2007 [c/r DAV 143685/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date:	**November 1, 2007**
File:	**DASZ 30 /07**
Related Files:	**DAV 07-143685/D**
Subject:	**Application to amend Zoning By-Law 6400/94 by** **a) rezoning Parcel A from an "R2A" Two-Family District to a "C1" Commercial District** **b) rezoning Parcel C from a "C1" Commercial District to a "C2" Commercial District** **c) consolidating Parcel A with Parcel B**
Location:	**1) Parcels A&B are located at the northwest corner of Quelch Street and Logan Avenue** **2) Parcel C is located at the southwest corner of Quelch Street and Gallagher Avenue**



Applicant:	**Corbett Cibinel Architects (Mark Ager/Brian Pearson)**
Owner:	**Cantor's Grocery Limited & Spedier Gardien La Guardian**
Recommendation:	**Approval**

Report Summary:

- Cantor's wishes to initiate development of a new 10,820 square foot grocery store and parking lot area
- The new development requires rezoning and subdivision approvals
- The Planning and Land Use Division recommends that the application be approved

Site Description

Parcels A&B

The subject properties, which are currently zoned "R2A" Residential and "C1" Commercial, are located at the northwest corner of Logan Avenue and Quelch Street in the Weston neighbourhood of the Point Douglas ward.

North: Commercial use zoned "C1" Commercial and residences zoned "R2A" Two-Family Residential
South: Commercial uses zoned "C2" Commercial
East: Commercial uses zoned "C1" Commercial
West: Residences zoned "R2A" Two-Family Residential

Parcel C

The subject property, which is currently zoned "C1" Commercial, is located at the southwest corner of Quelch Street and Gallagher Avenue in the Weston neighbourhood of the Point Douglas ward.

North: Residences zoned "R2A" Two-Family Residential
South: Commercial use zoned "C1" Commercial
East: Residences zoned "R2A" Two-Family Residential
West: Residences zoned "R2A" Two-Family Residential

Description of the Proposed Development

Cantor's Grocery wishes to initiate development of a new grocery store at the northwest corner of Logan Avenue and Quelch Street. In order to establish the use, they plan on using lands they currently own, zoned "C1" Commercial, as well as additional land to the west, which they have an option to purchase, currently zoned "C1" Commercial and "R2A" Residential. Upon approval, they intend to consolidate the land holdings and demolish the existing residential structure on the westernmost parcel.

Additionally, the applicant intends to demolish the existing grocery store at the southwest corner of Quelch Street and Gallagher Avenue to establish a surface parking lot, which will serve the new grocery store. In light of the fact that non-accessory parking lots are not permitted in "C1" Commercial District, the applicant is applying to rezone this property from "C1" to "C2" Commercial.

Analysis

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and limited industrial uses, at a scale and density compatible with each other. For that reason, the proposed development is consistent with Plan Winnipeg.

Compatibility with the existing neighbourhood and surrounding uses

Store
Cantor's Grocery Store has been serving the community for many years and the proposed redevelopment, which will provide a larger, modern building is seen by many as a positive development for the surrounding neighbourhood and the community as a whole.

By locating the new store on Logan Avenue, the development will enhance the existing commercial district and improve the visual appearance of the Logan and Quelch intersection. Additionally, by locating the building right up to the sidewalk, the pedestrian feel of the area will be strengthened.

Parking Lot

The proposed parking lot is relatively small and is not expected to have a detrimental impact on the surrounding residential neighbourhood or lead to an excessive amount of traffic on either Quelch Street or Gallagher Avenue. It should be noted that the parking area will be surfaced and screened with light proof fencing and landscaping, as required under By-Law 6400/94.

Given that the parking area is adjacent to single-family residences on three sides, the Division is recommending that certain types of commercial uses be restricted through a zoning agreement on the property.

Transportation and Site Access

Loading
Currently, trucks are forced to obstruct the rear lane in order to make deliveries to the site. The new building incorporates an internal loading area, which will allow trucks to make deliveries without obstructing the rear lane.

Site Design Issues

The applicant has designed the building to meet key planning objectives such as:
- Safety for the general public
- Strengthening the pedestrian feel of Logan Avenue
- Providing visual interest
- Providing articulation and changes in building massing
- Internalizing the loading area
- Partially screening rooftop mechanicals

With that said, administrative plan approval is being recommended in order to finalize minor design details.

Comments from other departments

Public Works has reviewed the plans and has indicated that they have no objections to the proposed development

Public Input

The applicant has indicated that surrounding property owners as well as the Weston Residents Association were consulted on the proposed development.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed uses are compatible with the area
- The proposed uses are consistent with Plan Winnipeg policy
- The new building will enhance the existing commercial district and improve the visual appearance of the Logan and Quelch intersection.
- The proposed uses will not have an adverse impact on adjacent properties

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 30 /2007 dated November 1, 2007 to a "C1" Commercial District and a "C2" Commercial District subject to the following:

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   Parcels A&B

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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: Michael Robinson, AICP
PPD File # DASZ 30/2007

Schedule "A"

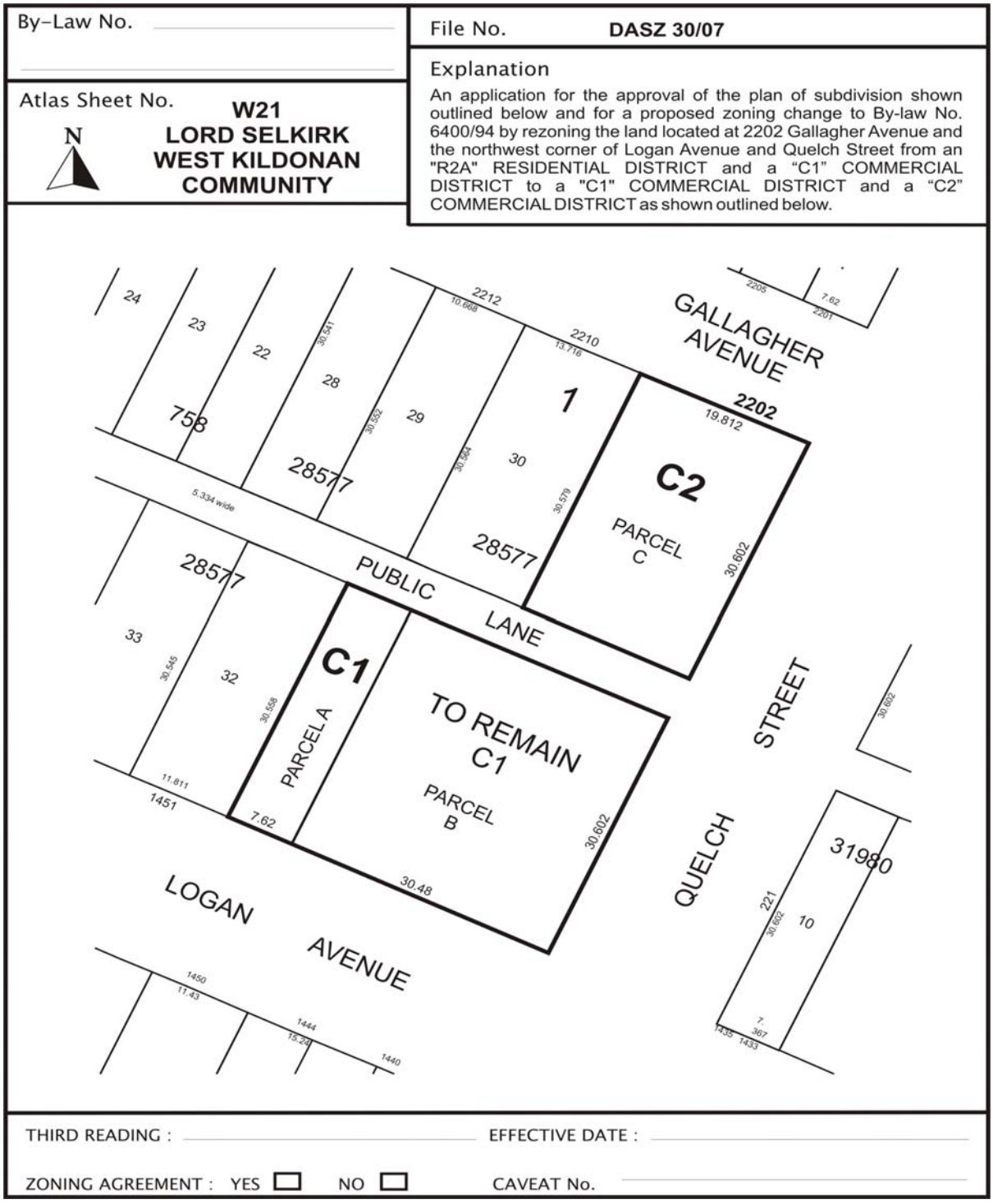


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 30/2007 dated November 1, 2007.



Figure 1: Aerial Photo (Flown in 2005)