Agenda – Council – January 23, 2008

Report – Standing Policy Committee on Property and Development – January 8, 2008

Item No. 4 Zoning Agreement Amendment - 730 Portage Avenue (Daniel McIntyre Ward) File ZAA 8/2007

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat 238351 under File DAZ 296/74 dated March 19, 1975 (By-law No. 1033/75), be withdrawn and replaced with a new Zoning Agreement as follows:

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

        i. building materials, hardware, home improvement supplies or equipment: sales;
        ii. butcher, with production area exceeding 1,000 square feet;
        iii. communication equipment, including satellite dishes and radio towers: rental, sale, service;
        iv. contractors' establishment'
        v. drycleaning, pressing, dyeing, including accessory depot, limited to non-inflammable, non-explosive solvents;
        vi. exterminator;
        vii. farm supplies: sales;
        viii. landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees;
        ix. parking area, non-accessory;
        x. recycling depot for collection of materials, in conjunction with a principal use;
        xi. recycling depot for collection of materials, accessory to schools, community clubs, churches and public buildings and lands;
        xii. signage: manufacture, rental, sales;
        xiii. wood products: manufacture from finished wood, including a cabinet shop.

Report – Standing Policy Committee on Property and Development – January 8, 2008

B. 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 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.

C. 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.

D. That no illuminated signage be erected on the south side of any building or the south side of the lot.

E. That all lighting shall, upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices that would be required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity to the satisfaction of the Director of Planning, Property and Development.

F. 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.

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

H. 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 – January 8, 2008

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 296/74 as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 – January 8, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 8, 2008, 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 November 27, 2007, the City Centre 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: **Zoning Agreement Amendment - 730 Portage Avenue (Daniel McIntyre Ward) File ZAA 8/2007**

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 28, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 27, 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 Zoning Agreement Caveat 238351 under File DAZ 296/74 dated March 19, 1975 (By-Law No. 1033/75), be withdrawn and replaced with a new Zoning Agreement as follows:

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

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B. 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 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.

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

1. There is no opposition.

2. The proposal makes use of building that would be derelict if not developed.

PUBLIC HEARING SUMMARY

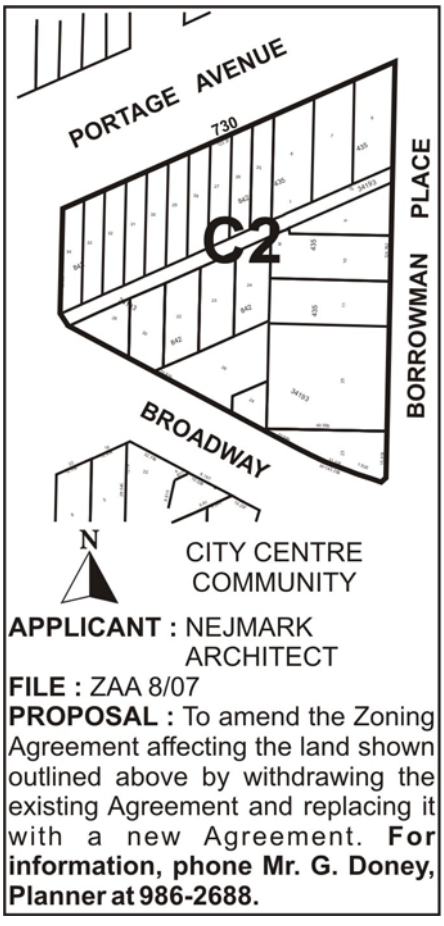
File: ZAA 8/2007

Before: City Centre Community Committee
Councillor Leipsic, Chairperson
Councillor Smith

Hearing: November 27, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: Nejmark Architect
(Ralph Lata)

Subject:



Premises Affected: 730 Portage Avenue

Exhibits Filed:

1. Application dated August 24, 2007
2. Notification of Public Hearing dated October 24, 2007
3. Manitoba Status of Titles 1214659, 1214661, 1214662, 1214663, 1214666, 1214667 and 1474865
4. Letter of authorization dated August 21, 2007 from Thompson, Dorfman, Sweatman, on behalf of Chrysler Canada Inc. to Nejmark Architect Inc.
5. Surveyor's Building Location Certificate and sketch dated October 26, 1995
6. Copy of Caveat Nos. 166960 and 238351
7. Copy of Zoning Agreement DAZ 296/74
8. Plan (1 page)
9. Report from the Planning and Land Use Division dated November 19, 2007
10. Inspection Report
11. Communication dated November 27, 2007, from Liz Dykman with respect to the application

REPRESENTATIONS:

In Support:

Tat-Liang Cheam, Nejmark Architect
Bob Handkamer

In Opposition

Nil

For Information:

Liz Dykman

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, Tat-Liang Cheam, Newman Architect, appeared in support of the application. In response to committee's questions, Mr. Cheam stated he would look at traffic issues and advise the nearby school. Mr. Cheam also stated he concurred in the recommendation contained in the Report from the Planning and Land Use Division dated November 19, 2007.

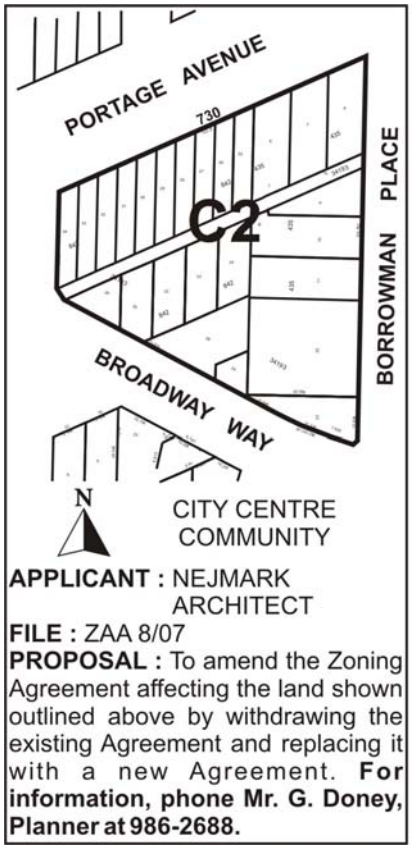
Exhibit "9" referred to in File ZAA 8/2007

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	**November 19, 2007**
File:	**ZAA 8/2007**
Subject:	**Replace existing zoning agreement to allow a post office / carrier depot**
Location:	**730 Portage Ave.**
Legal Description:	**Lots 24 to 30, Plan 34193; Lots 22 to 34, Plan 842; Lots B, 6 to 11, Plan 435; River Lots 68 to 71, Parish of St. James**



Applicant:	**Ralph Lata of Nejmark Architect**
Owner:	**Chrysler Canada Ltd.**

Recommendation: **Approval with conditions**

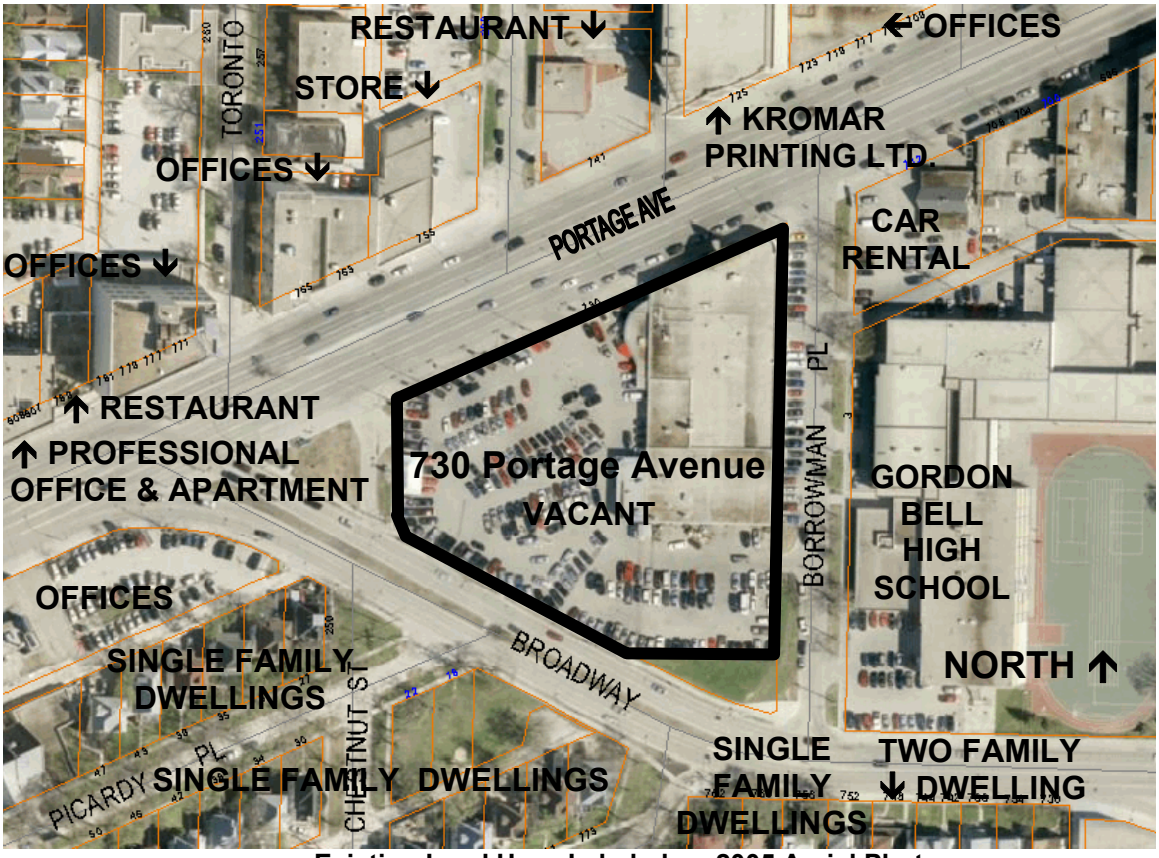
Site Description

The proposal site, shown in the 2005 aerial photo (below), is approximately 2.4 acres. It contains a one storey commercial building. The site had been used as an automobile dealership and, as an accessory use, automobile repairs. Presently, the site is not in use.

The site is at the southeast corner of Portage and Broadway Avenues and immediately west of Borrowman Place. It is in the Wolseley Neighbourhood and the Daniel McIntyre Ward.

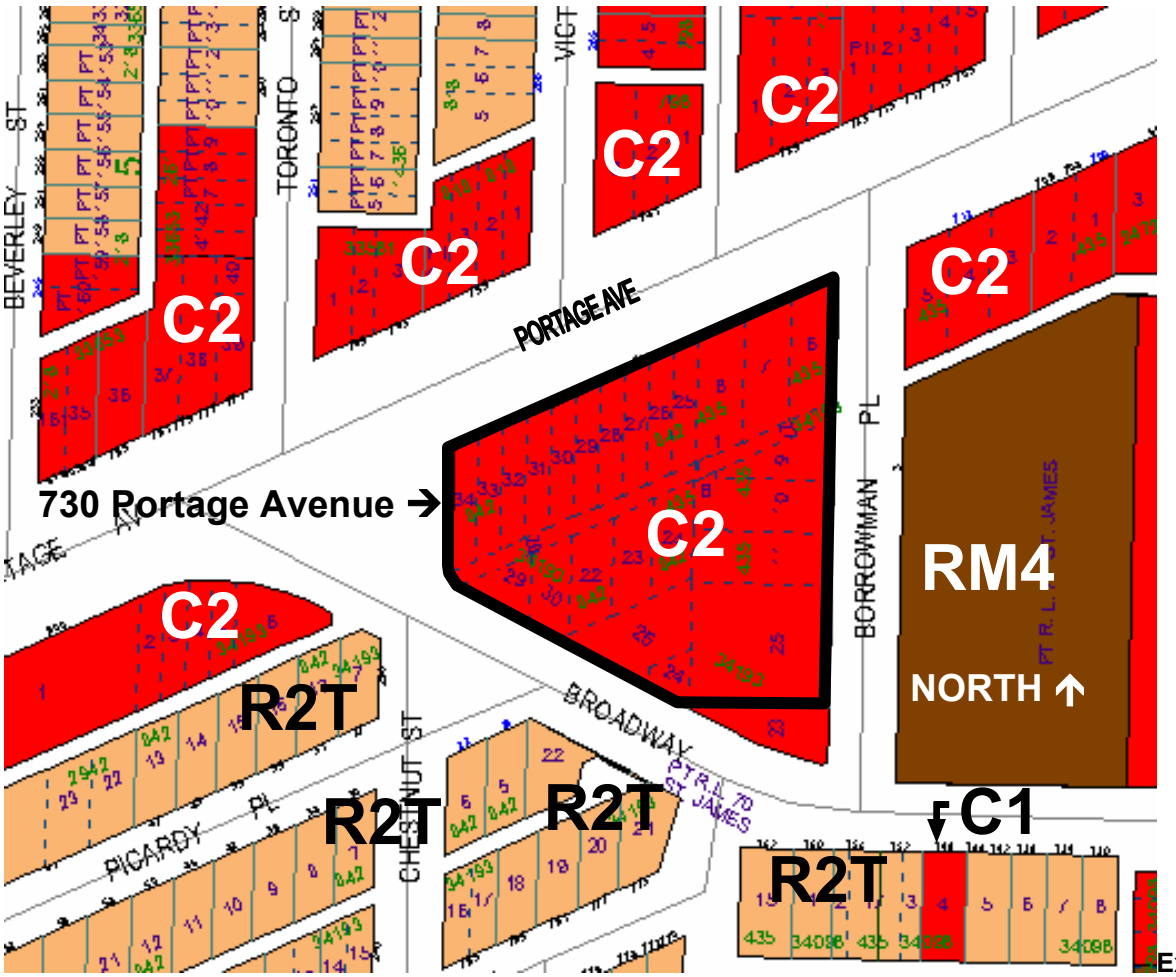
A unique quality of the site is that it is adjacent to Portage and Broadway Avenues, two well-known regional streets (as per Policy Plate B, Transportation, *Plan Winnipeg 2020 Vision*) that are major connectors to/from the downtown. The site's adjacency to these streets gives the site a prominence that is greater than many sites in the city.

The following 2005 aerial photo is labeled with current land uses. Note that the aerial photo shows the former car dealership at 730 Portage Avenue.



Existing Land Uses Labeled on 2005 Aerial Photo
(which shows former car dealership at 730 Portage Avenue)

Existing zoning is depicted below.



Existing Zoning, By-law 6400/94

Description of the Proposed Development

The proposal is to develop the site into a "post office / carrier depot". It is likely that the existing building would be replaced by a building of approximately 18,500 square feet. However, the proposal may incorporate some or all of the existing building into the design, which may result in the proposed building being less than 18,500 square feet.

Analysis

- The proposal complies with *Plan Winnipeg, 2020 Vision*.
- It would be compatible with existing commercial uses along Portage Avenue because "post office / carrier depot" is a permitted use in the "C2" Commercial District and

because these uses front onto Portage Avenue, which has high traffic volumes, including truck traffic.

- The proposal would be compatible with existing residential uses southeast, south and southwest of the site because Broadway Avenue, which has high traffic volumes, separates the proposed use from existing residential uses.
- The proposal would be generally compatibility with Gordon Bell High School to the east because the school has very few windows facing Borrowman Place and the proposal site and those that do are approximately 30 feet or more from the Borrowman Place Public Right-of-Way.
- At times, a large number of Gordon Bell High School students cross Borrowman Place which can create pedestrian-motor-vehicle conflicts.
- Presently, motor-vehicle access to the site: from Portage Avenue is a right-in only (from eastbound Portage Avenue only); and from Borrowman Place is a right-in and a left-in (both directions from Borrowman Place).
- Presently, motor vehicle egress from the site: to Portage Avenue is a right-out only (to eastbound Portage Avenue only); and to Borrowman Place is a right-out and a left-out (both directions to Borrowman Place).
- Motor-vehicle access from Broadway Avenue to the site, and from the site to Broadway Avenue, are prohibited.
- The site design and development should respond to its adjacency to Portage and Broadway Avenues, which gives the site a prominence that is greater than many sites in the city.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed "post office / carrier depot" would be generally compatible with the area, particularly so if the resulting development is integrated into the neighbourhood by including appropriate landscaping, fencing, garbage enclosures, mechanical equipment screening and sound attenuation, parking, signage, lighting and private approaches.
- The increase in vehicular traffic on Portage and Broadway Avenues that would result from establishing the proposed use would be low traffic volumes on said Avenues.
- The potential for pedestrian-motor-vehicle conflicts, specifically, Gordon Bell High School students and motor vehicles, including postal trucks, can be reduced by modifying Borrowman Place so that traffic calming measures are incorporated into Borrowman Place. The future owner and tenant of the proposal site, Canada Post, is encouraged to work with Winnipeg School Division No. 1 and the City of Winnipeg in creating a safer environment for pedestrians within Borrowman Place.

Recommended Conditions of Approval

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

Report Prepared by: J. Glen Doney
PPD File # ZAA 8/07