Agenda - Executive Policy Committee - September 17, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 5 Zoning Agreement Amendment - 280 Almey Avenue (Transcona Ward) File ZAA 7/2008

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DASZ 14/1999 dated January 26, 1999 (By-law No. 13/2004), be amended as follows:

   A. That the following uses be deleted in Clause 3:
      - Cabaret
      - Cocktail Lounge

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-law No. 13/2004) 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.

Agenda - Executive Policy Committee - September 17, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 280 Almey Avenue**
File ZAA 7/2008 [c/r DAZ 213/2008]

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

Prepared by: **Monique Wright, Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 8, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona 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 Zoning Agreement under File DASZ 14/1999 dated January 26, 1999 (By-law No. 13/2004), be amended as follows:

   A. That the following uses be deleted in Clause 3:
      - *CABARET*
      - *COCKTAIL LOUNGE*

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-Law No. 13/2004) 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.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 25, 2008.

2. The applicant has agreed and takes no issue with the future closing of Almey Avenue at Ravelston Avenue.

PUBLIC HEARING SUMMARY

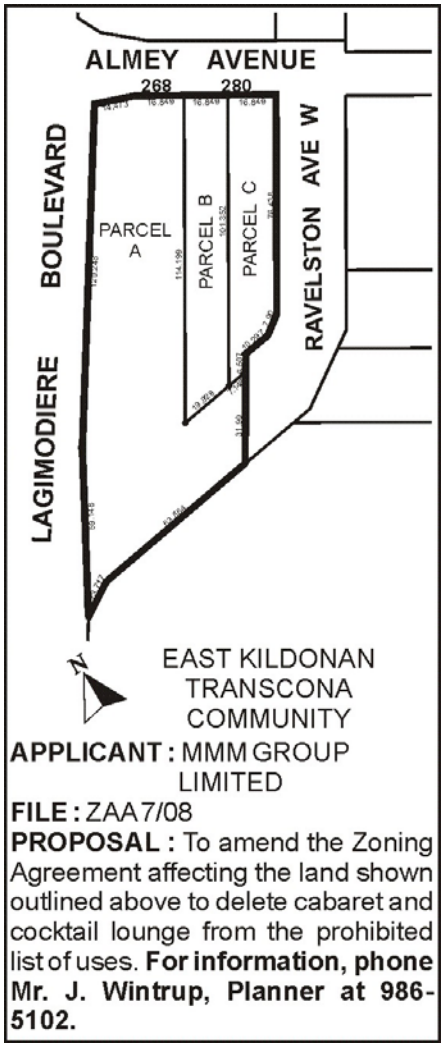
File: ZAA 7/2008 [c/r DAZ 213/2008]

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Thomas

Public Hearing: July 7, 2008
755 Henderson Highway

Applicant: MMM Group Limited (Misty Sklar)

Subject:



Premises Affected: 280 Almey Avenue

Minutes – East Kildonan-Transcona Community Committee – July 7, 2008

Exhibits Filed:

1. Application dated May 21, 2008
2. Notification of Public Hearing dated June 6, 2008
3. Manitoba Status of Title 1775270
4. Letter of authorization dated April 24, 2008, from 3801233 Manitoba Ltd. to MMM Group
5. Site Plan
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated June 25, 2008
8. Inspection Report
9. Letter in opposition to the application from Mike Malyk dated July 7, 2008
10. Photographs (8) of The Keg Steakhouse & Bar established at 2553 Portage Avenue and 2034 McGillivray Boulevard submitted at the Public Hearing by Paul McNeil
11. Additional photographs of the Ravelston Buffers submitted at the Public Hearing by Paul McNeil
12. Preliminary site plan for The Keg Steakhouse & Bar at 280 Almey Avenue submitted at the Public Hearing by Paul McNeil
13. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Gordon Howard, The Keg Restaurant
Paul McNeil, MMM Group
Misty Sklar, MMM Group

In Opposition:

Mike Malyk
Jeff and Varina Okun

For Information:

Catherine Whitfield

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 7/2008

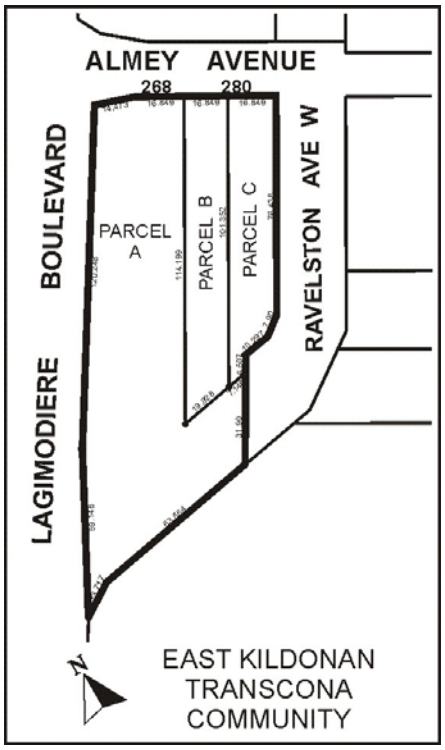
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: June 25, 2008
File: ZAA 7/2008
Related Files: DASZ 14/99; DASZ 13/04; DAZ 213/08

Subject: Amend Zoning Agreement to allow drinking establishments
Location: 280 Almey Avenue



Applicant: MMM Group

Owner: 3801233 Manitoba LTD.

Recommendation: **Approval**

Report Summary:

- The applicant is proposing to develop a sunroom attached to a single family dwelling that backs onto the Perimeter Highway as part of Canterbury Park.
- The applicant would like to reduce the required rear yard setback.
- The Manitoba Highway Traffic Board has indicated that a 60 foot building setback for principle buildings and a 10 foot setback for accessory buildings is acceptable.

Site Description

The subject property is approximately **1.6 acres** located on the southeast corner of Lagimodiere and Almey Avenue in the Peguis neighbourhood of the Transcona Ward. The site is zoned **"C2" "C2" Commercial Community District** and is vacant. Adjacent lands include Storagevill to the south zoned "C3" Commercial. Surrounding uses include single family dwellings to the east and the Steinbach Credit Union to the north.

Background

DASZ 14/99
The applicant proposes to create six (6) separate developable sites - north of Almey and south of Almey along side Lagimodiere Blvd. The proposed "C2" Commercial District would permit a range of intensive commercial uses that do not have a local or neighbourhood orientation. The proposed development was to contain a mixture of high traffic generating commercial uses, which will include a restaurant, coffee shop, gas bar and office spaces.

Description of the Proposed Development

The applicant intends delete from the list of prohibited uses 'cocktail lounge' and 'cabaret'. In a letter to residents, it was indicated a 'Keg' restaurant with outdoor patio and lounge is interested in developing on the subject property.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

SECONDARY PLANS
The lands fall within the Transcona West Area Structure Plan. This plan is currently proceeding to Council at the time of this Planner's Report. The TWASP indicates the subject lands have been designated 'Commercial'.

ZONING

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation.
- There is no front or side yard requirement.

LAND-USE BY-LAW

- Zoning Agreement **No. 3084917** prohibits most types of drinking establishments with the exception of licensed dining room.
- Plan Approval is required by the East Kildonan – Transcona Community Committee.
- The most easterly 15 feet of all the land must be establish and maintain a landscaped berm and fence and no other use.
- The landscaped berm and fence are to be comprised of a minimum eight (8) foot fence for a total height of not less than eleven (11) feet.
- No vehicular access to Ravelston Avenue West shall be permitted from any of the lots.
- No facia or free-standing signage permitted to face the residential area.
- Any HVAC equipment should be located within a completely enclosed building or structure;
- No building feature or wall or sign on the east side of a building shall be illuminated;

COMPATIBILITY

The "C2" lands directly to the north have been partially developed with a small Steinbach Credit Union drive through. Site plans have been submitted for a building permit to construct a four storey financial institution (credit union). The ATM drive- thru will be re- located to the north side of the new building.

TRANSPORTATION AND SITE ACCESS

Site Access will be limited to Almey Avenue. The City of Winnipeg intends to sever Almey Avenue at Ravelston when Reenders Drive is connected to Peguis Street.

SITE PLAN

No site plan has been submitted at the time of this application.

PUBLIC INPUT

The applicant held a public open house at Canad Inns - Regent 826 Regent Avenue West on Thursday, June 26, 7:00PM to 8:00PM. The Applicant invited the residents of Almey & those nearby on Ravelston to the open house to discuss the application amendments to the Zoning Agreement. The invitations were delivered June 20, 2008.

Recommendation

For the construction of restaurant with a cocktail lounge, the applicant requires the following clause, which prohibits 15 land-uses including *cocktail lounge,* and *cabaret*, be ***deleted*** from the Zoning Agreement:

> *3. That the following uses shall not be permitted on the land:*
>
> - *AMUSEMENT PARLOUR*
> - *AMUSEMENT ENTERPRISE, LICENSED as a sports facility*
> - *AUTOMOBILE WASHING as a principle use*
> - *BEER: SALES*
> - *BILLBOARDS*
> - ***CABARET***
> - ***COCKTAIL LOUNGE***
> - *CONTRACTORS' ESTABLISHMENT*
> - *DRYCLEANING, PRESSING, DYEING*
> - *HOTEL, including a beverage room or any conditional use*
> - *MACHINERY / HEAVY EQUIPMENT SUPPLIES AND PARTS: SALES, INSTALLATION, SERVICE*
> - *PAWNSHOP*
> - *STONE or MONUMENT SALES, including incidental finishing*
> - *TIRE: SALES, SERVICE*
> - *WOOD PRODUCTS: MANUFACTURE from finished wood, including a cabinet shop*

The Planning and Land-use Division supports the deletion of the '**cocktail lounge**' and **'cabaret'** from the list of prohibited uses. The required landscaping, berming, and fencing will buffer any noise.

Recommended Conditions of Approval

1. That Zoning Agreement under File DASZ 14/1999 dated January 26, 1999 (By-law 13/2004), be amended as follows:

   A. That the following uses be deleted in Clause 3:

   - *CABARET*
   - *COCKTAIL LOUNGE*

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-Law No. 13/2004) 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.

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

Report Prepared by: John S. Wintrup
PPD File # ZAA 7/2008



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

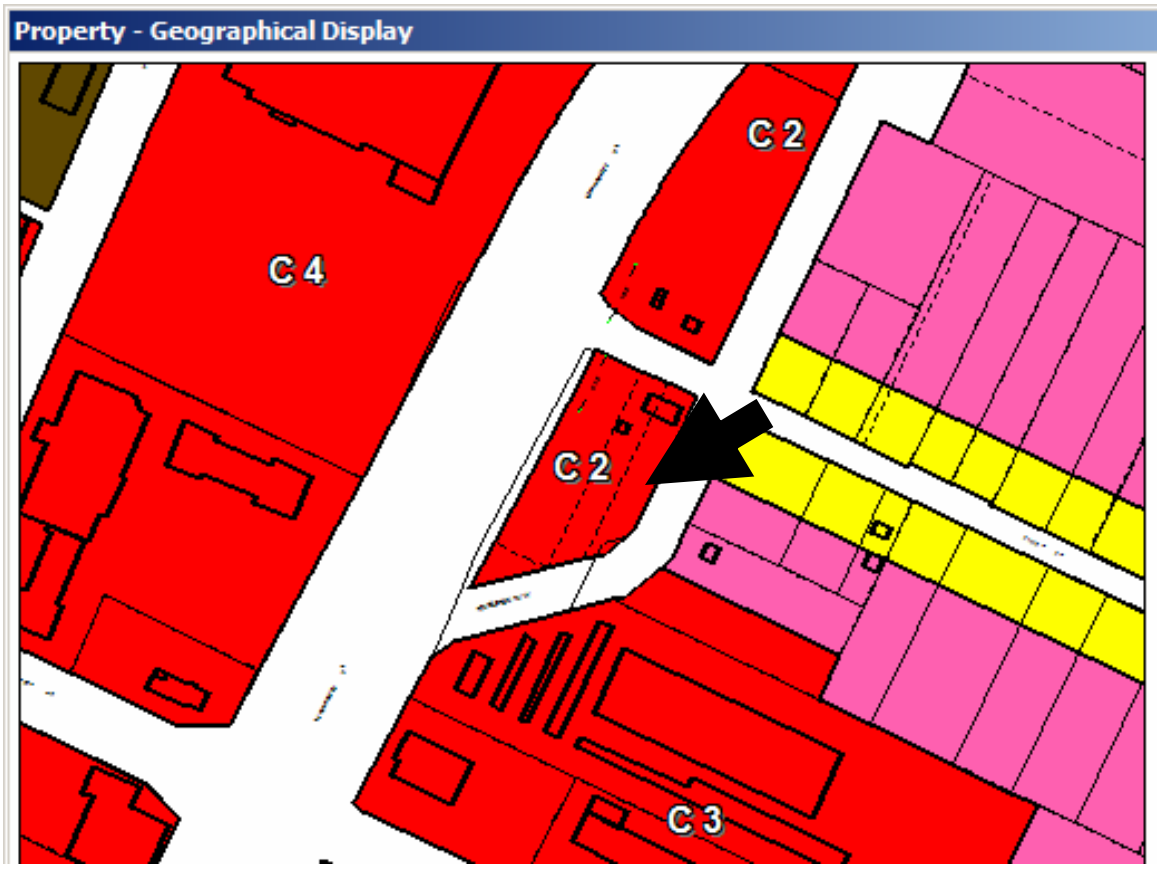
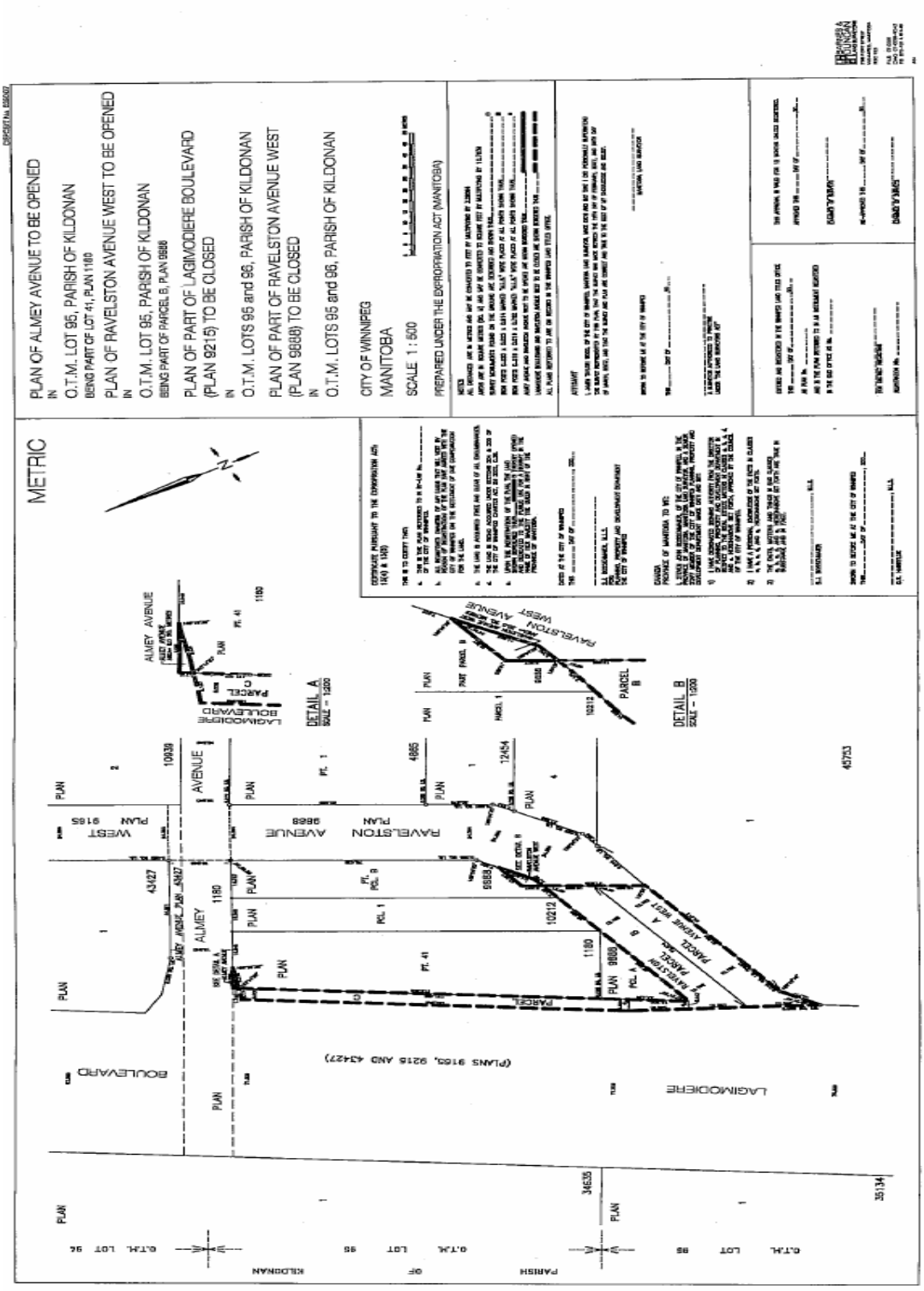


Figure 2: Existing Zoning for subject property and Surrounding Area.

Exhibit “6” referred to in File ZAA 7/2008



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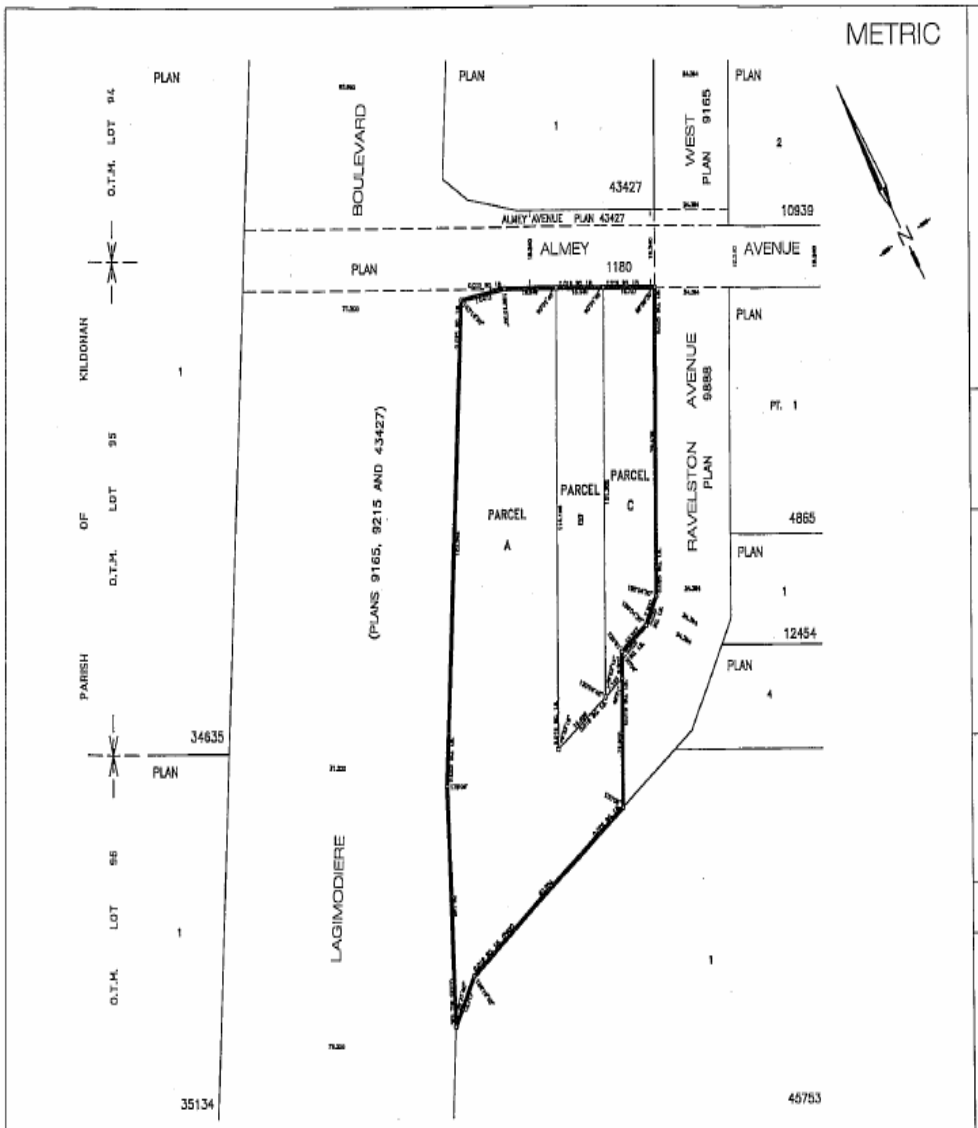

PLAN OF SURVEY

OF PART OF

O.T.M. LOTS 95 and 96, PARISH OF KILDONAN

BEING
PART LOT 41, PLAN 1180,
PARCEL 1, PLAN 10212,
PARCEL A AND PART PARCEL B, PLAN 9888,
PARCELS A, B and C, PLAN

CITY OF WINNIPEG

MANITOBA

SCALE 1 : 500

NOTES

ALL DISTANCES ARE IN METRES AND MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084
SURVEY MONUMENTS FOUND ON THE GROUND ARE DESCRIBED AND SHOWN THUS _____ O
PORTIONS AFFECTED BY THIS PLAN ARE SHOWN BORDERED THUS _____
ALL PLANS REFERRED TO ARE ON RECORD IN THE WINNIPEG LAND TITLES OFFICE.

AFFIDAVIT

I, JAMES TAYLOR WOOD, OF THE CITY OF WINNIPEG, MANITOBA LAND SURVEYOR, MAKE OATH AND SAY THAT I DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN, THAT THE SURVEY WAS MADE BETWEEN THE 19TH DAY OF FEBRUARY, 2020, AND THE 25TH DAY OF MARCH, 2017, AND THAT THE SURVEY AND PLAN ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SWORN TO BEFORE ME AT THE CITY OF WINNIPEG

MANITOBA LAND SURVEYOR

THIS ____ DAY OF _____ 20__

A SURVEYOR AUTHORIZED TO PRACTICE UNDER "THE LAND SURVEYORS ACT"

APPROVALS

APPROVED BY THE CITY OF WINNIPEG

THIS ____ DAY OF _____ 20__

DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT

GEOMATICS | LAND DEVELOPMENT

ENTERED AND FILED IN THE WINNIPEG LAND TITLES OFFICE

THIS ____ DAY OF _____ 20__

AS PLAN No. _____

FOR DISTRICT REGISTRAR

REGISTRATION No. _____

THIS APPROVAL IS VALID FOR 12 MONTHS UNLESS REGISTERED.

APPROVED THIS ____ DAY OF _____ 20__

EXAMINER OF SURVEYS

RE-APPROVED THIS ____ DAY OF _____ 20__

EXAMINER OF SURVEYS

BARNES & DUNCAN LAND SURVEYORS
204 PORT STREET
WINNIPEG, MANITOBA
R3C 1B3

FILE: 23-0395
DWG: 27-0395-SURVEY.DWG
FB: 875-119 & 874-32

WE-110-22(111)

DAPS 13/07

Exhibit "5" referred to in File ZAA 7/2008

