Agenda - Council - February 18, 2009

Report - Standing Policy Committee on Property and Development - February 2, 2009

Item No. 4 Zoning Agreement Amendment - 1735 - 1737 Corydon Avenue (River Heights-Fort Garry Ward) File ZAA 19/2008

STANDING COMMITTEE RECOMMENDATION:

On February 11, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, did not concur in the recommendation of the City Centre Community Committee, and submits the following to Council:

1. That the application for a zoning agreement amendment under File ZAA 19/2008 be approved, as follows:

    A. That Zoning Agreement under File DASZ 53/2006 dated April 25, 2007 (By-law No. 215/2007) be amended by deleting statement "any free-standing sign on or about the land must not exceed five (5) feet in height".

    B. That the Acting City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 53/2006 as approved in aforesaid recommendation A.

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

    D. That the Acting 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 - February 2, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 11, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and did not concur in the recommendation of the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2009, the Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee, concurred in the recommendation of the Winnipeg Public Service, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 6, 2009, the City Centre Community Committee did not concur in the revised recommendation of the Winnipeg Public Service dated December 16, 2008 and recommends to the Standing Policy Committee on Property and Development that the application for a zoning agreement amendment under File ZAA 19/2008 be rejected.

On November 25, 2008 the City Centre Community Committee, did not hear any representations, and concurred in the Winnipeg Public Service recommendation to adjourned the public hearing to the City Centre Community Committee meeting on January 6, 2009, to allow drawings to be prepared and submitted by the applicant.

RE: **Zoning Agreement Amendment - 1735 - 1737 Corydon Avenue**
File ZAA 19/2008 [c/r DAV 141882/2008D]

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

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

Report date: **January 7, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee did not concur in the revised recommendation of the Winnipeg Public Service dated December 16, 2008 and recommends to the Standing Policy Committee on Property and Development that the application for a zoning agreement amendment under File ZAA 19/2008 [c/r DAV 141882/2008D] be rejected.

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

1. There are not enough reasons to have a large sign.
2. This is a residential area.
3. The application is not desirable for community.

PUBLIC HEARING SUMMARY

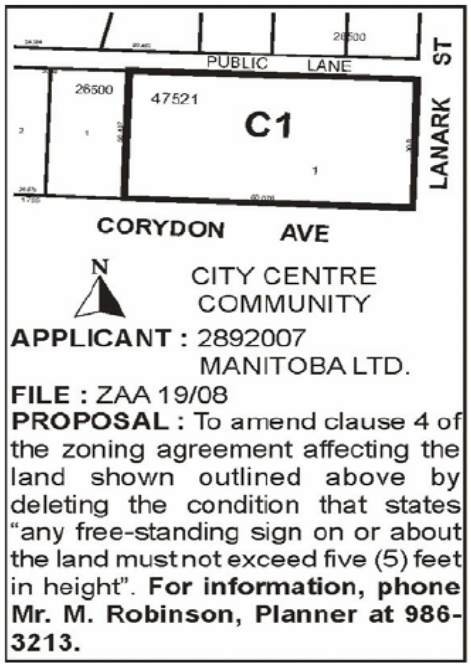
File: ZAA 19/2008 [c/r DAV 141882/2008D]

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

Public Hearing: January 6, 2009
North Committee Room
Council Building, 510 Main Street

Applicant: 2892007 Manitoba Ltd. (Allan Malbranck)

Subject:



Premises Affected: 1735 - 1737 Corydon Avenue

Exhibits Filed:

1. Application dated October 9, 2008
2. Notification of Public Hearing dated October 15, 2008
3. Manitoba Status of Title 2307543
4. Plans (3 pages)
5. Report from the Planning and Land Use Division dated November 3, 2008
6. Communication dated November 17, 2008, from June-Anne Ferries in opposition to the application
7. Inspection Report

8. Communication dated November 25, 2008, from Gerri Thorsteinson in opposition to the application
9. Communication dated November 24, 2008, from Cameron Giesbrecht in opposition to the application
10. Communication dated November 25, 2008, from Diane Hurley in opposition to the application
11. Notice of Adjournment dated November 26, 2008
12. Photographs (5) of the subject property, submitted by the applicant, in support of the application
13. Communication (undated) from Dr. Mary T. Silcox, Claude Gendreau, June-Anne Ferries and Sharon Leibl in opposition to the application
14. Revised report from the Planning and Land Use Division dated December 16, 2008.
15. Photograph submitted by the applicant at the public hearing
16. Petition in support of the application purporting to contain the signatures of 34 area residents, submitted by the applicant
17. Communication dated January 6, 2009, from June-Anne Ferries, submitted by Sharon Leibl, in opposition to the application
18. Photographs (9) submitted by Mary Silcox at the public hearing
19. Audio Recording of representations

REPRESENTATIONS:

In Support:

Allan Malbranck, 2892007 Manitoba Ltd.

In Opposition

June-Anne Ferries
Claude Gendreau
Cameron Giesbrecht
Diane Hurley
Sharon Leibl
Dr. Mary T. Silcox
Gerri Thorsteinson

For Information:

Nil

For the City:

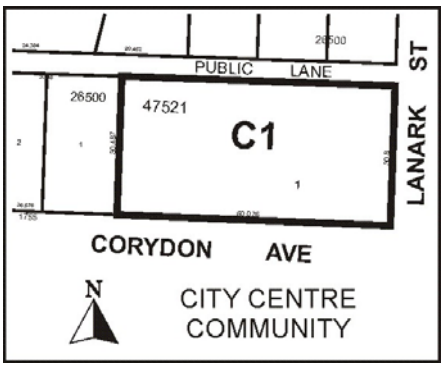
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "14" referred to in File ZAA 19/2008 [c/r DAV 141882/2008D]

Planning, Property and Development Department Report

To City Centre Community Committee

REVISED:	***December 16, 2008***
File:	**ZAA 19/08**
Related Files:	**DAV 08-141882/D**
Subject:	To amend Clause 4 of Zoning Agreement By-Law 215/07, DASZ 53/06, by deleting statement, "any free-standing sign on or about the land must not exceed five (5) feet in height"
Location:	1735 Corydon Avenue
Legal Description:	Lot 1, Plan 47521



Applicant:	Allan Malbranck, 2892007 Manitoba Ltd.
Owner:	Same

Recommendation: Approval

- The applicant intends to install two free-standing signs 11.5 feet in height, which exceed the five foot limit stipulated in the zoning agreement.
- The Division supports deleting the clause in the Zoning Agreement that restricts free standing signage height.
- Other Clauses in the Zoning Agreement related to site design, temporary signage, etc. will remain.

Site Description

The subject site is approximately **20,000 square feet** with a new two-storey commercial building under construction. It is located at the northwest corner of Corydon Avenue and Lanark Street in the Sir John Franklin Neighbourhood of the River Heights – Fort Garry Ward. The site is zoned "**C1" Commercial** as is the property to the east across Lanark Street. South and west of the subject property are apartment buildings zoned "RMF-S" Multi-Family Residential. To the north are single-family dwellings.



Subject site: aerial photo flown 2005.

Background

DASZ 53/06

An application was made to rezone the subject property from "R1" Single-Family Residential to "C2" Commercial Community.

On **April 25, 2007, Council approved the application (as modified) to rezone the property** from "R1" to "C1.5" Commercial Neighbourhood to allow the demolition of the church and the construction of a 2-storey, multi-tenant commercial building. Main floor tenants are expected to be retailers and personal service providers; second floor tenants are anticipated to be offices.

A zoning agreement was attached as a caveat to the subject lands that:

- Restricted certain land uses;
- Restricted temporary signage on the site;
- Restricted vehicular access to or from the public lane or Lanark Street;

- Required fencing along Lanark Street, the rear public lane and Corydon Avenue;
- Only allowed freestanding signage to a height of five feet.
- Plan approval by the Director of Planning, Property and Development.

DAV 06-164763/D
On February 27, 2008, the City Centre Community Committee approved variances for building setback (rear yard / west yard), parking area setback (front yard / west side yard), parking/loading standards, and screening and landscaping requirements.

Description of the Proposed Development

The applicant intends to install two (2) backlight free-standing signs, 11.5 feet in height, which exceeds the five foot limit stipulated in the Zoning Agreement. Through an accompanying variance application (DAV 08-141882/D), the applicant also seeks to extend the underlying "C1" sign height regulations from 8 feet to 11.5 feet and the sign area regulations from 48 square feet to 110 square feet.

Analysis

Zoning

- **C1 Commercial Neighbourhood** is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood.
- This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business.
- C1 districts are generally located along local streets or at local/collector intersections.
- The maximum height of freestanding signs in C1 is 8 feet above grade.
- **C2 Commercial Community** is intended to accommodate more intensive commercial site that do not have a local or neighbourhood orientation.
- The maximum height of freestanding signs in C2 is 20 feet above grade.

When application was made two years ago to change the single-family residential zoning to "C2" Commercial at the subject property, that category, typical of corridors like Portage Avenue or Pembina Highway, was deemed inappropriate for this section of Corydon Avenue. The "C1.5" zoning category was approved instead on the basis that it allowed the types of uses being proposed anyway, but would protect the area from future uses that would be less desirable. With the adoption of Zoning By-Law 200/2006 earlier this year, "C1.5" was dissolved as a zoning category and this site became a "C1" Commercial District.

Compatibility with existing neighbourhood and surrounding uses

This section of Corydon Avenue is characterized by a mix of multi-family residential and local commercial at a neighbourhood scale. Although there is a "C2" Commercial property at 1700 Corydon Avenue (upzoned from "C1" with the adoption of Zoning By-Law 200/2006) and a number of taller signs east of the subject property, the predominant character is that of the smaller scale "C1" Commercial.

The subject site is surrounded by residential properties on three sides. Community Committee originally limited sign heights to five feet to improve compatibility with adjacent uses. The Planning Report for DASZ 53/06 stated, "Visual and visceral impacts can be reduced through selective screening of the parking area, by enhanced landscaping, and via exemplary edge treatment (intended to sustain the valued pedestrian experience in this part of Sir John Franklin)".

Public Input

Since the public notice for this application was advertised, the Planning and Land Use Division has received a number of calls. Callers have expressed concern about the proposal that originally included a variance to allow 15 feet high signs with a total of 300 square feet in sign area. The applicant contacted each of the individuals registered in opposition in connection with the November 25, 2008 public hearing, but none accepted an invitation to discuss revisions to the proposal in December.

Recommendation

For the construction of free standing signage to a height of 11.5 feet, the applicant requires the following clause, which establishes the free standing signage height as 5 feet, be ***deleted*** from the Zoning Agreement:

4. That free-standing signs not exceed five (5) feet in height.

The Planning and Land Use Division supports this amendment to the Zoning Agreement for the following reasons:

- The adoption of Zoning By-Law 200/2006 has afforded new protection of the neighbourhood character through the dimensional standards of the underlying zoning.
- The Zoning Agreement still requires that final plans showing location and design of free standing signs and landscaping be approved prior to the issuance of permits.
- The applicant has submitted illustrations indicating how the proposed sign would integrate with a landscaped frontage.

Recommended Conditions of Approval

1. That Zoning Agreement under File DASZ 53/06 dated April 25, 2007 (By-Law No. 215/2007) be amended by deleting statement "any free-standing sign on or about the land must not exceed five (5) feet in height".

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 53/06 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: Kurtis Kowalke
PPD File # ZAA 19/08

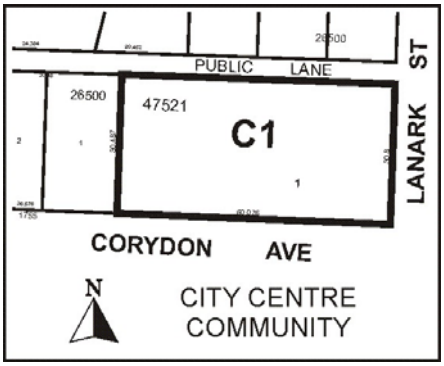
Exhibit "5" referred to in File ZAA 19/2008 [c/r DAV 141882/2008D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date:	November 3, 2008
File:	**ZAA 19/08**
Related Files:	**DAV 08-141882/D**
Subject:	To amend Clause 4 of Zoning Agreement By-Law 215/07, DASZ 53/06, by deleting statement, "any free-standing sign on or about the land must not exceed five (5) feet in height"
Location:	1735 Corydon Avenue
Legal Description:	Lot 1, Plan 47521



Applicant:	Allan Malbranck, 2892007 Manitoba Ltd.
Owner:	Same

Recommendation: Adjournment

- The Division recommends that this application be laid over to allow design drawings to be prepared and submitted.

Report Summary:

- The applicant intends to install two freestanding signs, twelve to fifteen feet in height, which exceed the five foot limit stipulated in the zoning agreement.
- Other Clauses in the Zoning Agreement related to site design, temporary signage, etc., including Director approval for location and design of any structures such as free-standing signs.

- The applicant has not provided any detailed plans of the proposed free-standing sign.

Site Description

The subject site is approximately **20,000 square feet** with a new two-storey commercial building under construction. It is located at the northwest corner of Corydon Avenue and Lanark Street in the Sir John Franklin Neighbourhood of the River Heights – Fort Garry Ward. The site is zoned "**C1" Commercial** as is the property to the east across Lanark Street. South and west of the subject property are apartment buildings zoned "RMF-S" Multi-Family Residential. To the north are single-family dwellings.



Subject site: aerial photo flown 2005.

Background

DASZ 53/06

An application was made to rezone the subject property from "R1" Single-Family Residential to "C2" Commercial Community.

On **April 25, 2007, Council approved the application (as modified) to rezone the property** from "R1" to "C1.5" Commercial Neighbourhood to allow the demolition of the church and the construction of a 2-storey, multi-tenant commercial building. Main floor tenants are expected to be retailers and personal service providers; second floor tenants are anticipated to be offices.

A zoning agreement was attached as a caveat to the subject lands that:

- Restricted certain land uses;

- Restricted temporary signage on the site;
- Restricted vehicular access to or from the public lane or Lanark Street;
- Required fencing along Lanark Street, the rear public lane and Corydon Avenue;
- Only allowed freestanding signage to a height of five feet.
- Plan approval by the Director of Planning, Property and Development.

DAV 06-164763/D
On February 27, 2008, the City Centre Community Committee approved variances for building setback (rear yard / west yard), parking area setback (front yard / west side yard), parking/loading standards, and screening and landscaping requirements.

Description of the Proposed Development

The applicant intends to install two (2) backlight free-standing signs, twelve to fifteen feet in height, which exceed the five foot limit stipulated in the Zoning Agreement. Through an accompanying variance application (DAV 08-141882/D), the applicant also seeks to extend the underlying "C1" sign height regulations from 8 feet to 15 feet.

Analysis

Zoning

- **C1 Commercial Neighbourhood** is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood.
- This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business.
- C1 districts are generally located along local streets or at local/collector intersections.
- The maximum height of freestanding signs in C1 is 8 feet above grade.
- **C2 Commercial Community** is intended to accommodate more intensive commercial site that do not have a local or neighbourhood orientation.
- The maximum height of freestanding signs in C2 is 20 feet above grade.

When application was made two years ago to change the single-family residential zoning to "C2" Commercial at the subject property, that category, typical of corridors like Portage Avenue or Pembina Highway, was deemed inappropriate for this section of Corydon Avenue. The "C1.5" zoning category was approved instead on the basis that it allowed the types of uses being proposed anyway, but would protect the area from future uses that would be less desirable. With the adoption of Zoning By-Law 200/2006 earlier this year, "C1.5" was dissolved as a zoning category and this site became a "C1" Commercial District.

Compatibility with existing neighbourhood and surrounding uses

This section of Corydon Avenue is characterized by a mix of multi-family residential and local commercial at a neighbourhood scale. Although there is a "C2" Commercial property at 1700 Corydon Avenue (upzoned from "C1" with the adoption of Zoning By-Law 200/2006) and a

number of taller signs east of the subject property, the predominant character is that of the smaller scale "C1" Commercial.

The subject site is surrounded by residential properties on three sides. Community Committee originally limited sign heights to five feet to improve compatibility with adjacent uses. The Planning Report for DASZ 53/06 stated, "Visual and visceral impacts can be reduced through selective screening of the parking area, by enhanced landscaping, and via exemplary edge treatment (intended to sustain the valued pedestrian experience in this part of Sir John Franklin)".

While the original site plan submitted under DASZ 53/06 indicated one free-standing sign, the site plan now submitted proposes two free-standing signs. Although his letter of intent suggests signs "tasteful in design" that would "enhance our neighbourhood", the applicant has not provided any drawings of the proposed signage, nor demonstrated compatibility with the area.

Public Input

Since the public notice for this application was advertised, the Planning and Land Use Division has received a number of calls. Callers have expressed concern that the change in the signage proposal runs contrary to promises made by the developer at the public hearing for DASZ 53/06.

Recommendation

For the construction of free standing signage to a height of 12-15 feet, the applicant requires the following clause, which establishes the free standing signage height as 5 feet, be ***deleted*** from the Zoning Agreement:

4. That free-standing signs not exceed five (5) feet in height.

The Planning and Land Use Division recommends this application be adjourned pending the submission of design drawings:

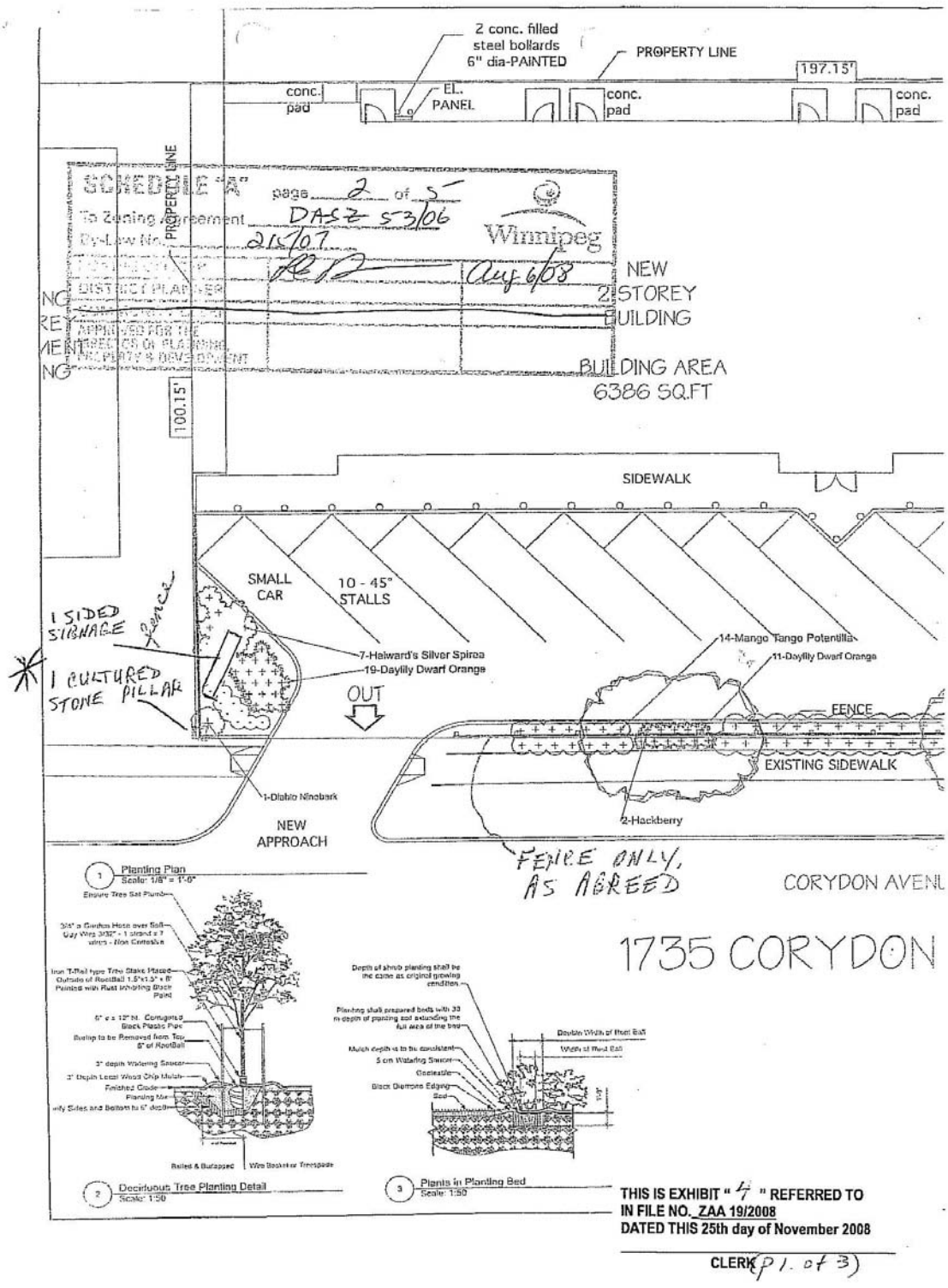
- The Planning and Land Use Division requires design details about the proposed sign in order to fully analyze the proposal and ensure its compatibility with surrounding land-uses.
- The Zoning Agreement requires that final plans showing location *and design* of free standing signs be submitted for approval prior to the issuance of permits.
- Although the adoption of Zoning By-Law 200/2006 has afforded new protection of the neighbourhood character through the dimensional standards for signage under the "C1" zoning, there remains concern in the neighbourhood about the potential impacts of this development.

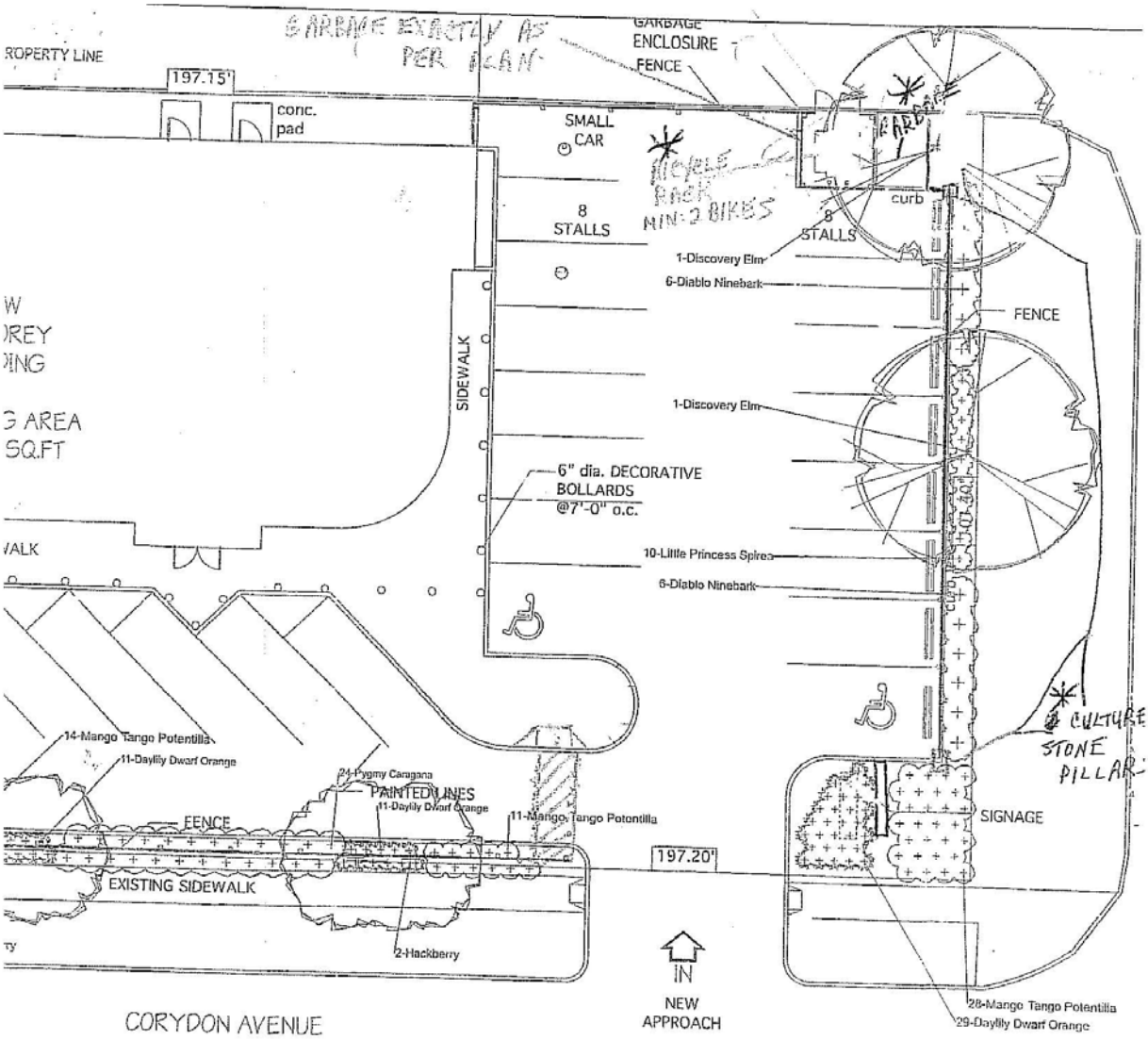
This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kurtis Kowalke
PPD File # ZAA 19/08

6070

Exhibit "4" referred to in File ZAA 19/2008 [c/r DAV 141882/2008D]





35 CORYDON

Plant List

Common Name	Botanical Name	Qty	Scheduled Size	Remarks
Evergreen Trees				
Trees				
Discovery Elm	Ulmus davidiana japonica 'Discove	2	60 mm ø 60 cm W.B.	Straight Single Stem (unblemished) Minimum 6 mojo
Hackberry	Celtis occidentalis	4	35 mm ø 2 m ht., 5 branches	
Shrubs				
Mango Tango Potentilla	Potentilla fruticosa 'Mango Tango'	53	30 cm. ht. 2 gal.	
Diablo Ninebark	Physocarpus opulifolius 'Diablo'	13	45 cm ht. 3 gallon container minimum 5 major branches	
Little Princess Spirea	Spiraea japonica 'Little Princess'	10	30 cm ht. 3 gallon minimum 5 branches full busy plants	
Halward's Silver Spirea	Spiraea nipponica 'Halward's Silver'	7	30 cm ht. 2 gallon. 5 major branches	
Pygmy Caragana	Caragana pygmaea	24	18" ht. 3 gallon Container. Minimum 5 major branches.	
Evergreen Shrubs				
Perennials				
Daylily Dwarf Orange	Hemocrocallis x. Dwarf Orange	70	1 gal. 2 Year Mature height ~60 cm.	
Ornamental Grasses				
Feather Reed Grass		0	14	Large Pot 2 yr. plant
Ferns / Mosses				
Vines				
Aquatic Plants				
Total		197		

THIS IS EXHIBIT " 4 " REFERRED TO
IN FILE NO. ZAA 19/2008
DATED THIS 25th day of November 2008

CLERK (p 2 of 3)

SWISS WATCH FAIRS

DEFY DOOMSAYERS

THIS IS EXHIBIT " 4 " REFERRED TO
IN FILE NO. ZAA 19/2008
DATED THIS 25th day of November 2008

CLERK (P. 3 of 3)



BaselWorld dominates life for a week each year in the Swiss city of Basel. Pictured: The daily morning market in front of the city town hall.

The success of this year's Swiss trade shows indicates that the global luxury market remains healthy, and that watchmakers, especially, are responding with innovative horology and original designs.

Still, the luxury market was the focus of much discussion at the shows (see sidebar), and the weakened U.S. market was a central topic. Fewer American buyers attended the shows, and U.S. imports in some categories are down compared with other markets.

Following are reports on April's fairs in Basel and Geneva, Switzerland.

BASELWORLD 2008

BaselWorld ended its 2008 edition with its largest-ever attendance and strong business results, underlining the vitality of the global luxury market.

"It was a very good, an outstanding edition," said René Kamm, chief executive officer of MCH Swiss Exhibition Ltd., owner of the eight-day fair, to the *Basler Zeitung* newspaper. "Throughout the world, there are ever more buyers of luxury goods."

Jacques J. Duchêne, longtime president of the show's exhibitors committee, agreed. The 2008 fair's success, despite the economic climate, "proves high-quality luxury products are always in great demand," he said.

Some 106,800 visitors from 100 countries came, 5 percent above figures for 2007, itself a record year. Fewer Americans attended (5.4 percent, vs. 6 percent in 2007), a fact many exhibitors noted. However, vendors saw more French, Russian, Asian, and Middle Eastern buyers, offsetting the small U.S. decline.

There were 2,087 exhibitors from 45 nations, spread across six multilevel, football field–size buildings. Among the noteworthy trends: eye-catching diamond watches, including men's; women's chronographs and mechanical watches; more brands' in-house