Minute No. 371
Report – Executive Policy Committee – May 12, 2010

Item No. 6 **Zoning Agreement Amendment – 550 Kenaston Boulevard (River Heights-Fort Garry Ward) File ZAA 2/2010**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the application for Zoning Agreement Amendment for the premises at 550 Kenaston Boulevard under File ZAA 2/2010 be rejected.

2. That the Proper Officers be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – May 12, 2010

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2010, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee that the application for zoning agreement amendment under File ZAA 2/2010 be rejected.

RE: **Zoning Agreement Amendment - 550 Kenaston Boulevard**
File ZAA 2/2010

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

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

Report date: **May 5, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee that the application for zoning agreement amendment under File ZAA 2/2010 be rejected.

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

1. The proposal would be adding to the stress to the community in respect of signage and development.

PUBLIC HEARING SUMMARY

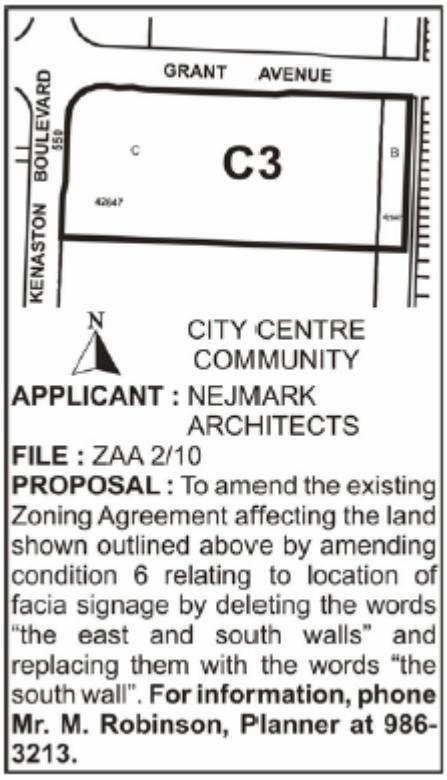
File: ZAA 2/2010

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

Public Hearing: May 4, 2010
North Committee Room
Council Building, 510 Main Street

Applicant: Nejmark Architect (Laura Mathison)

Subject:



Premises Affected: 550 Kenaston Boulevard

Exhibits Filed:

1. Application dated February 24, 2010
2. Notification of Public Hearing dated March 12, 2010
3. Manitoba Status of Title 2901915
4. Letter of authorization dated August 27, 2009 from Loblaw Properties West Inc. to Nejmark Architect

5a. Caveat 85 – 11934

5b. Caveat 2972338

6. Plans (10 pages)
7. Report from the Planning and Land Use Division dated April 26, 2010
8. Inspection Report
9. Audio Recording of representations of public hearing held on May 4, 2010

REPRESENTATIONS:

In Support:

Pedro Chagas, Nejmark Architect
Daniel Jay, Loblaw Properties West Inc.
Laura Mathison, Nejmark Architect

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 2/2010

ADMINISTRATIVE REPORT

Title: ZAA 2/10 – 550 Kenaston Boulevard

ISSUE: For consideration at the public hearing for a zoning amendment agreement for 550 Kenaston Boulevard – ZAA 2/10

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

That the application be rejected

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a sign permit may not be issued

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	K. Lalor
Date:	April 26, 2010
File No.	ZAA 2/10

APPENDIX 'A'

DATE: April 26, 2010
FILE: ZAA 2/10
RELATED FILES: DASZ 23/2003
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.618

SUBJECT: To amend Condition 6 of the Zoning Agreement for DASZ 23/03 (By-Law 181/03) by deleting the words "the east and south walls" and replacing them with the words "the south wall". The proposed amendment will allow Superstore to erect fascia signage on the east wall of the existing building**.**

LOCATION: 550 Kenaston BOULEVARD
LEGAL DESCRIPTION: Parcel B&C, Plan 42647

APPLICANT: Nejmark Architects

OWNER: Loblaw Properties West

RECOMMENDATION: Rejection

REPORT SUMMARY:

- When Westfair Properties acquired and rezoned (to commercial) an adjoining parcel of land to the immediate east in 2003, an accompanying zoning agreement to DASZ 23/03 included a condition restricting the erection of fascia signage on both the south and the east walls of the building.

- In the intervening five years, significant interior and some exterior renovations have occurred on the premises. However, the major expansion envisaged at that time has not materialized.

- The owners (Loblaws Property West) now wish to amend the previous Zoning Agreement to permit the installation of a 580 sq.ft. fascia sign along the east wall of the existing building. The Planning Department does not support the amendment for the following two reasons:

    a) The condition was made out of consideration for the existing residential properties lying immediately to the south and east of the store location, all of which are still present.
    b) While recognizing that it would be marginally hampered by existing vegetation, an alternative location for identification signage does exist along the north wall of the building.

SURROUNDING LAND USES & ZONING

The subject parcel encompasses an area of 8.3 acres and is situated at the S.E. corner of Kenaston Boulevard and Grant Avenue. It is primarily zoned "C3" Commercial Corridor with a narrow sliver along the east property line being retained as "R1-M" Single Family Residential. An 86,240 sq.ft. Superstore and gas bar currently occupy the site.

North: There is a large multi-tenant mall located on the north side of Grant Avenue which is zoned "C3" Commercial Corridor.

South: To the south is a 127 unit townhouse development (The Ponds) zoned "RMF-M" Multiple Family.

East: To the east of the site is a two story multi-tenant commercial building at the S.W. corner of Centennial Street and Grant Avenue which is zoned "C1" Commercial. There are also residences to the rear which are zoned "R1-M" Single Family Residential.

West: To the west of Kenaston Boulevard is the Kapyong Barracks lands owned by HMQ and zoned "RR-5" Rural Residential.

BACKGROUND

In 2003, Westfair Superstore (currently Loblaw Properties West Inc.), acquired a 73' wide adjacent strip of the Oak Point Subdivision rail right-of-way (CNR) lying immediately to the east. The purpose of the acquisition was to allow for a 29,450 sq. ft. expansion of their existing store. Procedurally, a rezoning and subdivision application (DASZ 23/03) was required to consolidate the subject properties and rezone the smaller parcel to a "C2" Commercial category.

The Planning Department supported the proposed rezoning and subdivision subject to a long list of conditions which included the following: "no fascia signage shall be permitted on the east or south walls of the supermarket or principal building and no free standing signage shall be located between the east wall of the supermarket building and the east property limit." Other conditions related to restrictions on the use of the site, limitations on lighting and noise attenuation.

The City Centre Community Committee heard the application on November 4/2003 and after hearing a number of delegations in opposition, they recommended that the application in its entirety be **denied**. Their decision was subsequently overturned by the Standing Policy Committee on Property and Development and a **portion** of the land in question was recommended for a rezoning to Commercial C2, while the remainder was retained as residential single family. The aforementioned changes were adopted by City Council in early 2004. Exterior and interior work on the store has since been completed and the owners are now in the process of amending, in part, Condition 6 of the 2003 zoning agreement which, if approved, will allow them to erect a 580 sq. ft. non- illuminated fascia sign on the east wall of the building. **Its important to note that while major interior renovations have occurred in the last year, the 23,000 sq. ft. addition to the east side of the building (highlighted in 2003) has not taken place.**

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The proposed fascia sign is to be located along the east wall of the building above the existing loading area. It is 9'9" high by 59'6" long and is composed of non-illuminated letters which spell out **Superstore.** The sign will be lit from above with seven eyebrow light fixtures directed towards the sign. The proposed sign is part of a new signage package designed to compliment the interior and exterior renovations completed in December 2009. The owners assert that the location of the new sign will help alert westbound traffic on Grant Avenue of the Superstore location. It should be noted that adjacent residential property lines to the east are approximately 145 feet from the proposed sign.

ANALYSIS
The report of the Planning Department in 2003 made specific reference to the fact that, as a condition of approval, there should be no free standing or fascia signage on the east or south sides of the existing store. This recommendation was presumably made out of consideration for the existing residential properties lying immediately to the south and east of the store location. While we recognize that the proposed expansion has not taken place that should have little or no bearing on the suggested reasoning behind that recommendation. Neither is the argument valid, in our view, that an identification sign is warranted on the east side of the building to capture the attention of westbound travelers; signage along the north wall of the building (which is permitted) would, in our view, achieve the same result.

RECOMMENDATION
The Planning and Land Use Division recommends that the subject application to amend Condition 6 of Zoning Agreement DASZ 23/2003, (By-Law 181/2003, dated December 17th 2003), by replacing the words "east and south walls" with simply "south wall" be **rejected**. The rationale for recommending denial of the proposed amendment is as follows:

a) The condition was made out of consideration for the existing residential properties lying immediately to the south and east of the store location, all of which are still present.
b) While recognizing that it would be marginally hampered by existing vegetation, an alternative location for identification signage does exist along the north wall of the building.

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

Report Prepared by: K. Lalor
PPD File # ZAA 3/10



Figure 1: Aerial Photo (Flown in 2009)