Minute No. 232
Report – Executive Policy Committee – February 1, 2012

Item No. 2 **Zoning Agreement Amendment – 1400 Regent Avenue West (Transcona Ward)**
File ZAA 13/2011

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat 81-91728 under File DAZ 207/79A dated December 17, 1981 (By-law No. 3071/81) be withdrawn and replaced with a new Zoning Agreement as follows:

   A. 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, lighting, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee 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.

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

      i. Beer: Sales
      ii. Bingo Parlour
      iii. Bowling Alley
      iv. Contractors' Establishment
      v. Exterminator
      vi. Farm Supplies: Sales
      vii. Mobile Home Park
      viii. Non-Accessory Parking
      ix. Pawnshop
      x. Tattoo Parlour
      xi. Terminal for Haulage, Motor Freight Station, excluding an intermodal terminal
      xii. Terminal for Courier/Delivery/ Express Service, Cleaning Service, Key and Lock Service, Security Service, Taxi, or similar service
      xiii. Hall rental;

Report – Executive Policy Committee – February 1, 2012

COUNCIL DECISION (continued):

C. That there shall be no mobile signs, rotating signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/79A (By-Law No. 3071/81) 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – February 1, 2012

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 February 1, 2012, the Executive Policy Committee concurred in recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment – 1400 Regent Avenue West**
File ZAA 13/2011

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 18, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee.

1. That Zoning Agreement Caveat 81-91728 under File DAZ 207/79A dated December 17, 1981 (By-Law No. 3071/81), be withdrawn and replaced with a new Zoning Agreement as follows:

    A. 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, lighting, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee 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.

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

        i. Beer: Sales
        ii. Bingo Parlour
        iii. Bowling Alley
        iv. Contractors' Establishment
        v. Exterminator
        vi. Farm Supplies: Sales
        vii. Mobile Home Park
        viii. Non-Accessory Parking
        ix. Pawnshop
        x. Tattoo Parlour

xi. Terminal for Haulage, Motor Freight Station, excluding an intermodal terminal
xii. Terminal for Courier/Delivery/ Express Service, Cleaning Service, Key and Lock Service, Security Service, Taxi, or similar service
xiii. Hall rental;

C. That there shall be no mobile signs, rotating signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/79A (By-Law No. 3071/81) 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 Director of Legal Services and City Solicitor 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 reason 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 January 10, 2012.

PUBLIC HEARING SUMMARY

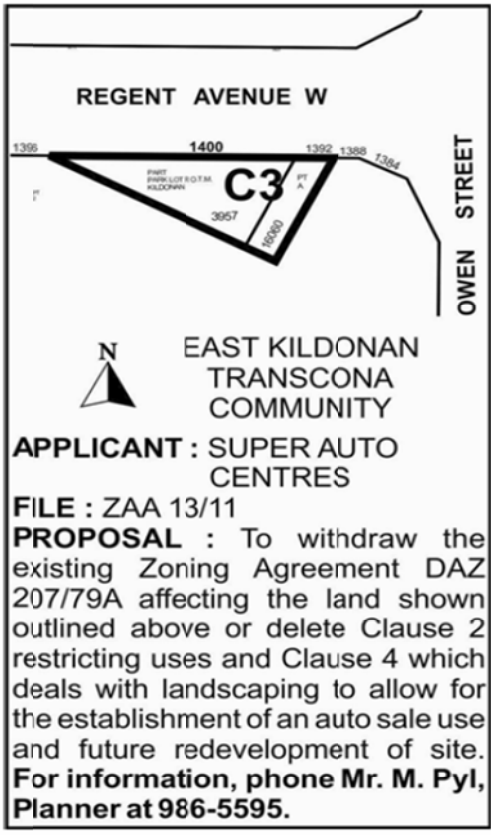
File: ZAA 13/2011

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

Public Hearing: January 17, 2012
Bronx Park Community Centre
720 Henderson Highway

Applicant: Super Auto Centres
(Jim Brousseau)

Subject:



Premises Affected: 1400 Regent Avenue West

Exhibits Filed:

1. Application dated November 22, 2011
2. Notification of Public Hearing dated November 30, 2011
3. Manitoba Status of Title 1197692
4. Surveyor's Building Location Certificate and sketch dated January 22, 2003

5a. Zoning Agreement dated September 16, 1981
5b. Zoning Agreement dated May 27, 1987

6. Report from the Planning and Land Use Division dated January 10, 2012
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jim Brousseau

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File ZAA 13/2011

ADMINISTRATIVE REPORT

Title: ZAA 13/2011 – 1400 Regent Av W

Issue: For consideration at the public hearing to remove an existing zoning agreement

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 81-91728 under File DAZ 207/79A dated December 17, 1981 (By-Law No. 3071/81), be withdrawn and replaced with a new Zoning Agreement as follows:

    A. 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, lighting, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee 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.

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

        i. BEER: SALES
        ii. BINGO PARLOUR
        iii. BOWLING ALLEY
        iv. CONTRACTORS' ESTABLISHMENT
        v. EXTERMINATOR
        vi. FARM SUPPLIES: SALES
        vii. MOBILE HOME PARK

viii. NON-ACCESSORY PARKING
ix. PAWNSHOP
x. TATTOO PARLOUR
xi. TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
xii. TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
xiii. HALL rental;

C. That there shall be no mobile signs, rotating signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/79A (By-Law No. 3071/81) 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to withdraw the existing zoning agreement on the subject property or, at the minimum, withdraw clauses 2) and 4) that limit the site's permitted uses and requires a 10 ft. landscaped front yard.
- The applicant intends to establish an auto sales use on both the subject property and the adjoining property currently occupied by the Starlite Auto Mall.
- The subject property is zoned "C3" Commercial Corridor district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the zoning agreement on the subject property will be removed and replaced with a new one.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

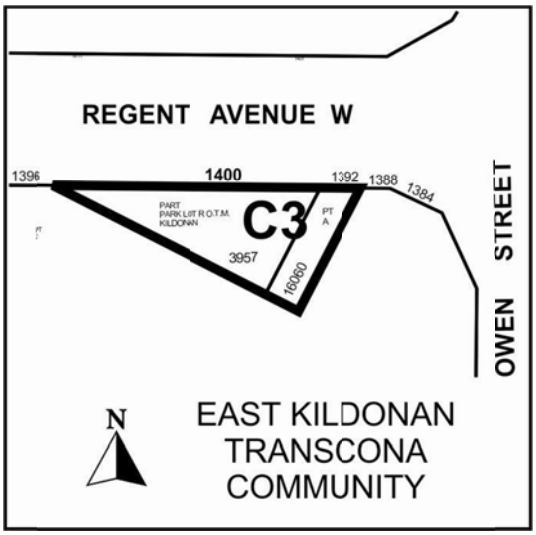
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	January 10, 2011
File No.	ZAA 13/2011

APPENDIX 'A'

DATE: January 10, 2011
FILE: ZAA 13/2011
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.433

SUBJECT: The applicant would like to remove the existing zoning agreement that restricts a number of uses and requires a 10 ft. landscaped along the north property to allow for the establishment of an auto sales use on both the subject property and adjoining land

LOCATION: 1400 Regent Av W



APPLICANT: Jim Brousseau
Super Auto Centres
2028 Pembina Hwy
Winnipeg, MB R3T 2G8

OWNER: Starlite Auto Mall Ltd.
Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to withdraw the existing zoning agreement on the subject property or, at the minimum, withdraw clauses 2) and 4) that limit the site's permitted uses and requires a 10 ft. landscaped front yard. The zoning agreement only applies to the subject property and not the adjoining property that will comprise the majority of the future car dealership.
- The applicant intends to establish an auto sales use on both the subject property and the adjoining property currently occupied by the Starlite Auto Mall.
- The subject property is zoned "C3" Commercial Corridor district.

SITE DESCRIPTION

- The subject property is located on the south side of Regent Av W between Starlight Dr and Owen St in the Regent neighbourhood of the Transcona ward.
- The site is triangular-shaped and is 15,149 sq. ft. in area, with 277 ft. of frontage along Regent. It is occupied by a small, one storey gas kiosk and pumps. The site is zoned "C3" Commercial Corridor district.
- Adjacent properties include auto sales uses to the north and west zoned "C3", a Co-Op gas station and convenience store to the east across Owen St zoned "C3", and the Starlite Auto Mall, featuring a number of auto-oriented businesses, to the south zoned "C3".



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to withdraw the existing zoning agreement on the subject property or, at the minimum, withdraw clauses 2) and 4) that limit the site's permitted uses and requires a 10 ft. landscaped front yard. The zoning agreement only applies to the subject property and not the adjoining property that will comprise the majority of the future car dealership.
- The applicant intends to establish an auto sales use on both the subject property and the adjoining property currently occupied by the Starlite Auto Mall.
- Plans for the site's redevelopment were not submitted at the time of application.

BACKGROUND

DAZ 207/79A

- The subject property was originally rezoned in 1979 to accommodate a two storey commercial building with various retail and office uses.
- The rezoning was approved subject to the applicant entering into a zoning agreement with the City. It prescribes the following:
    - The following uses shall not be permitted:
        - Amusement enterprises including a billiard or pool hall, bowling alley, boxing arena, dance hall, theatre, or the like.
        - Automobile service station
        - Automobile and trailer sales areas.
        - Baseball or other stadium.
        - Baths, public.
        - Commercial club.
        - Business college or private school operated as a commercial enterprise.
        - Drive-in businesses where persons are served in automobiles such as refreshment stands, restaurants, food stores, banks, and the like.
        - Drive-in theatre.
        - Hotel.
        - Ice storage house.
        - Frozen food lockers.
        - Public garage.
        - Rescue mission or temporary revival church.
        - Tire shop.
        - Tourist court.
        - Trailer camp.
        - Pawn shop.
        - Upholstery shop.
        - Auditorium.
        - Sign painting shop.
        - Storage building for household goods.
        - Banners, pennants, spinners, flashing lights, colour lights, or other similar advertising or attention getting devices.
    - No building or structure shall exceed two storeys.
    - That the northernmost 10 ft. of the property shall be landscaped.
    - That the owner shall construct a 2.5 ft. tall wood fence along the south limit of said landscaping.
    - That all parking and loading areas shall be paved with asphalt or concrete.
    - Plan approval to the East Kildonan-Transcona Community Committee.

ZAA 10/81

- In 1981, the zoning agreement was amended to allow for a small gas kiosk with three pumps. This kiosk was not permitted to provide any repair service.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Regent Av W is designated as a "Regional Mixed Use Corridor" in Complete Communities' Urban Structure map. These are major regional arterial roads intended to serve as a link between Downtown and one or more Regional Mixed Use Centres or major activity areas. Given their capacity to accommodate both large volumes of automobile traffic as well as high frequency public transit, Corridors offer the potential to accommodate intensification over the long term.
- Policy directions for Corridors include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along Corridors. Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.

Zoning

- The Commercial Corridor (C3) district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.



Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted principal uses in each zoning district. In the "C3" district, the following uses are permitted:

Permitted	Conditional
Assisted living facility	Boat dock, public access
Community/recreation centre	Hospital*
Library	Private club, not licensed
Post office/carrier depot	Race track
Protection and emergency services	Sports or entertainment arena/stadium, outdoor
Social service facility	Body modification establishment
College or university	Cheque-cashing facility*
Commercial school	Funeral chapel or mortuary
Park/plaza/square/playground	Pawnshop*
Day care centre*	X-rated store*
Place of worship*	Advertising sign
Cultural centre	Bus depot
Gallery/museum	Commercial marina
Amusement enterprise, indoor	Transit station
Auditorium/concert hall/theatre/cinema	Fleet services

Hall rental Sports or entertainment arena/stadium, indoor Studio, radio/TV/motion picture broadcast and production Amusement enterprise, outdoor Hostel Hotel or motel Animal hospital or veterinary clinic Kennel Drinking establishment Restaurant Call centre Office Research institution Personal services Medical/dental/optical/counseling clinic Retail sales* Auction room Landscape or garden supplies Supermarket Auto/light truck/motorcycle, repair and service* Auto/light truck/motorcycle, sales and rental* Auto parts and supplies, sales Car wash Drive-in or drive-thru* Fuel sales* Parking, structured Parking, surface Utility facility, minor* Landscape/garden contractor or production Mini-warehouse, self-storage* Recycling collection centre	
*** - Subject to use specific standards**	

Figure 3: All permitted and conditional uses in the "C3" district

- Section 148 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "C3" district:

Min./Max. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Max. Height of Building (ft.)	Max. Floor Area Ratio
25 / NA	25	0*	25	49	1.5
* - Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side yard must be landscaped pursuant to sections 188 through 193 and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.					

Figure 4: Dimensional standards for the "C3" district

Compatibility and site design issues

- Generally speaking, the Urban Planning Division does not object to a vehicle sales use on the subject property, as such a use is compatible with the surrounding neighbourhood. This portion of Regent Av W is of an auto-oriented commercial character, with many other car dealerships.
- The zoning agreement in question only applies to the subject property.
- If it applied to the entirety of the future car dealership site, plan approval could be applied to address the following concerns:
    - Compatibility with surrounding residential development:
        - A significant landscaped screen should be provided along the rear property line. This screening should provide a dense row of coniferous trees.
        - The applicant should provide a lighting plan that demonstrates how light trespass onto adjacent residential properties will be minimized, particularly overnight.
    - High quality site design:
        - Ample, high quality landscaping in required yards as well as internal to the site. This should include low-lying landscaping in the front yard that, while still providing visibility of the dealership's merchandise, enhances the Regent Av streetscape. Landscaped islands should be provided internal to the site as well. It is also possible to create landscaped features to showcase particular vehicles



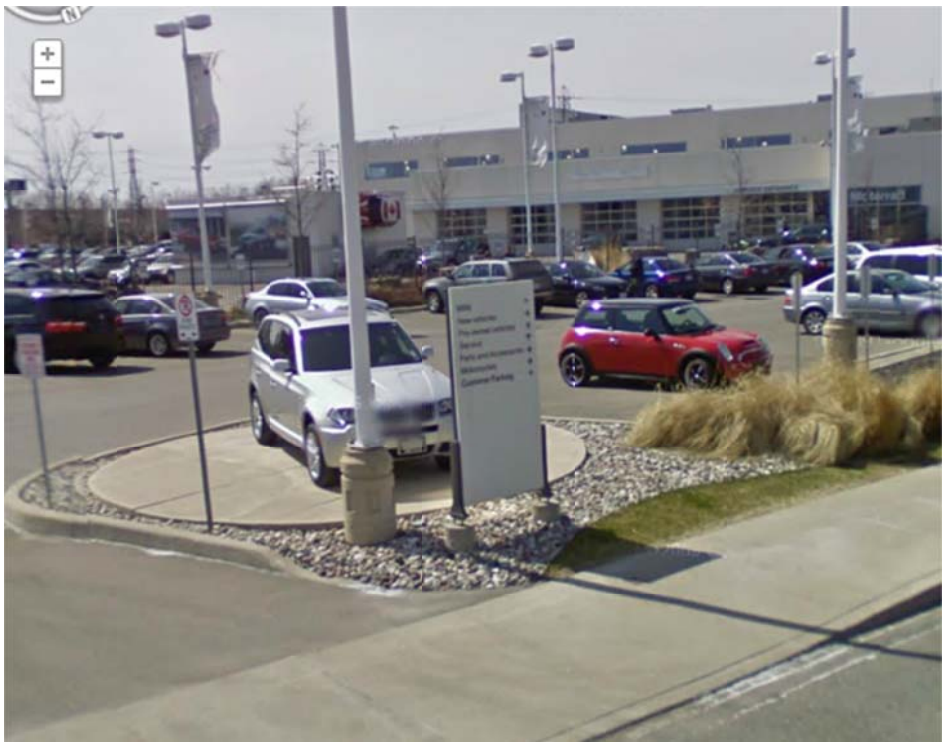


Figure 5: Examples of design features that can be incorporated into the site

- Building location and design.
- The location and design of the site's garbage enclosures. The garbage enclosure should match the architectural detailing of the primary building.
- The location and design of accessory signage. Any free-standing sign should have substantial landscaping at its base.
- The location and design of any on-site fencing. Any front and side yard fencing should be constructed of wrought iron or a similarly high-quality material.

RECOMMENDATION

By and large, the Urban Planning Division recognizes that the proposed development is consistent with the surrounding context, as there are many car dealerships along Regent Av W already.

It is important to note that the zoning agreement only applies to the subject property. A requirement for plan approval cannot be extended over the larger site that will form the future car dealership.

Looking at the larger site, the Urban Planning Division would like to see the following items addressed:

- Significant landscaping along the rear property line, likely in the form of a dense row of coniferous trees.
- The applicant should provide a lighting plan that demonstrates how light trespass onto adjacent residential properties will be minimized, particularly overnight.
- That the site be developed to a high standard, particularly given Regent Avenue's status as a Regional Mixed Use Corridor. This would include high quality landscaping along required yards as well as internal to the site, as well as building design, garbage enclosures, signage, and fencing.

It is recommended that a number of land uses be restricted on the subject property that would not be compatible along a Regional Mixed Use Corridor such as Regent.

In order to reduce visual clutter along Regent, a condition restricting various forms of excess signage is recommended to be included in the zoning agreement.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # ZAA 13/2011