Agenda – Council – September 27, 2012

Report – Executive Policy Committee – September 5, 2012

Item No. 3 Zoning Agreement Amendment – 2405 Main Street (Old Kildonan Ward) File ZAA 5/2012

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 5, 2012, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DASZ 22/2010, (By-law No. 398/2011), be amended as follows:

   A. That Clause 4 be deleted and replaced with the following:

      The maximum height of any illuminated signage on the Owner's Land is fifteen (15) feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 22/2010, (By-law No. 398/2011) 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 – September 5, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 5, 2012, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 10, 2012, the Lord Selkirk-West Kildonan 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 – 2405 Main Street**
File ZAA 5/2012

For submission to: **Executive Policy Committee**

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **July 11, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 10, 2012, the Lord Selkirk-West Kildonan 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 under File DASZ 22/10, (By-law No. 398/11), be amended as follows:

   A. That Clause 4 be deleted and replaced with the following:

      The maximum height of any illuminated signage on the Owner's Land is fifteen (15) feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 22/10, (By-law No. 398/11) 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 26, 2012.

PUBLIC HEARING SUMMARY

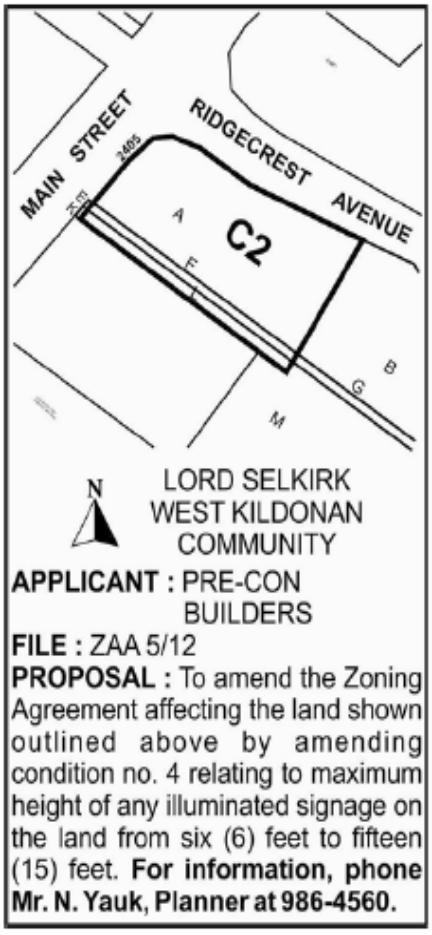
File: ZAA 5/2012

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: July 10, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Jarrod Stevens)

Subject:



Premises Affected: 2405 Main Street

Exhibits Filed:

1. Application dated May 16, 2012
2. Notification of Public Hearing dated May 28, 2012
3. Manitoba Status of Title 2572847/1
4. Letter of authorization from 6244565 Manitoba Ltd. (Antonio Canosa) to Pre-Con Builders
5. Surveyor's Building Location Certificate and sketch dated January 3, 2012
6. Zoning Agreement for DASZ 22/2010
7. Caveat 4169711
8. Plans (2 pages)
9. Report from the Planning and Land Use Division dated June 26, 2012
10. Inspection Report
11. Audio Recording of representation

REPRESENTATIONS:

In Support:

Jarrod Stevens, Pre-Con Builders

In Opposition

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File ZAA 5/2012

ADMINISTRATIVE REPORT

Title: ZAA 5/12 – 2405 Main Street

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to allow:

- A height of 15 feet for freestanding illuminated signage instead of 6 feet

Critical Path: Lord Selkirk – West Kildonan 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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That Zoning Agreement under File DASZ 22/10, (By-law No. 398/11), be amended as follows:

   B. That Clause 4 be deleted and replaced with the following:

   The maximum height of any illuminated signage on the Owner's Land is fifteen (15) feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the 2.necessary Amending Agreement to Zoning Agreement DASZ 22/10, (By-law No. 398/11) 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 owners of the commercial property at 2405 Main Street are trying to facilitate signage for prospective tenants that will be visible from Main Street
- The property has a Zoning Agreement caveated on the Certificate of Title by the City of Winnipeg, of which one of the clauses restricts the height of illuminated free standing signage to 6 feet.
- The owners have applied to amend the Zoning Agreement to allow sign heights of 15 feet instead of 6 feet.
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the height of freestanding signage will be changed in the zoning agreement to allow illuminated signage up to a maximum of 15 feet.

HISTORY

DASZ 22/10

- On January 26, 2011, Council recommended approval of the application DASZ 22/10 to rezone the subject property to a *'C2' Commercial* District" to allow the development of multi-tenant commercial uses,
- The rezoning included a Zoning Agreement.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	*June 26, 2012*
File No.	ZAA 5/12

APPENDIX 'A'

DATE: June 26, 2012

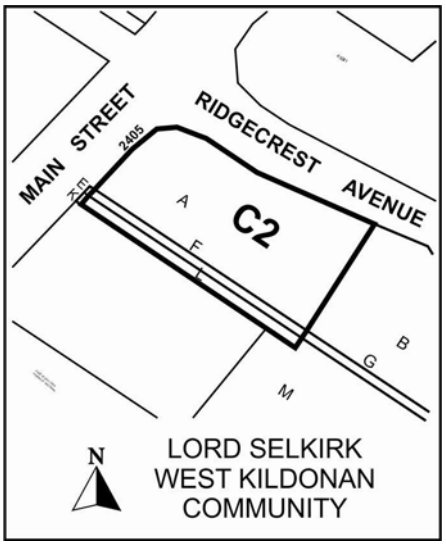
FILE: **ZAA 5/12**
RELATED FILES: DASZ 22/10

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.322

SUBJECT: For consideration at the Public Hearing to amend the Zoning Agreement related to uses by adding amending Clause 4 which restricts the height of free-standing illuminated signage to a maximum of 6 feet in height.

LOCATION: 2405 Main Street

LEGAL DESCRIPTION: **Parcels, A,F & L Plan 52275**



APPLICANT: Jarrod Stevens / Pre-Con Builders
1540 Taylor Ave
R3N 1Y1

OWNER: **6244565 Manitoba LTD.**

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to amend the existing zoning agreement to allow freestanding signs to be 15 feet in height instead of 6 feet in height
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Urban Planning Division is supportive of the proposed amendment.

SITE DESCRIPTION

Land Use and Zoning

The subject site is located at the southeast corner of Main Street and Ridgecrest Avenue and is zoned "C2" Commercial District. The site is currently being constructed to include several commercial retail uses and a dental clinic. The site is located in the Rivergrove Neighbourhood of the Old Kildonan Ward.

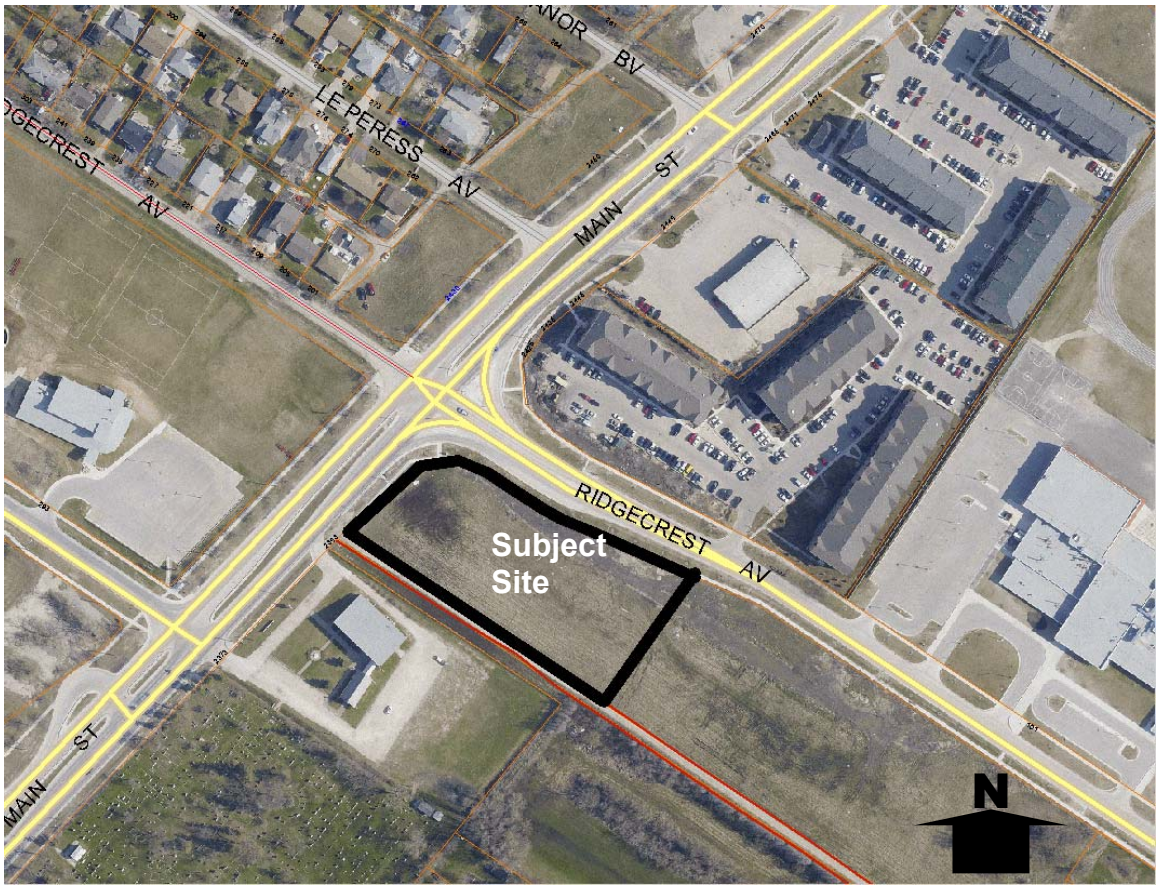


Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2009)

SURROUNDING LAND USES & ZONING

North: The Intersection of Main Street and Ridgecrest Avenue, with a vacant commercial property zoned "C1" Commercial District on the north side of Main Street and Multi-family apartments on the south side of Main Street.

South: The Kildonan Presbyterian Church zoned "R1-E" Residential District.

East: Vacant property zoned "RR5" Rural Residential District

West: Main Street, then the Red River Community Centre zoned "PR2" Parks and Recreation District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to construct 2 freestanding illuminated multi-tenant signs on the subject site.
- The applicant intends to build both signs at a height of 15 feet, but the zoning agreement limits the height of illuminated signs to 6 feet.
- In order for the proposed signage to be approved, a zoning agreement amendment is necessary to allow the proposed height.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* Main Street is categorized as a Regional Mixed Use Corridor falling within the Areas of Stability – Recent Communities policy area. The Complete Community Strategy states; *'Regional Mixed Use Corridors are specifically designated, major regional arterial roads" and are characterized by "moderate to high volume retail and commercial roadways".*

- A key policy guiding the development of Recent Communities in Areas of Stability includes:
    - *'…intense and diverse development will be encouraged in Centres and Corridors.'*

ZONING

"C2" Commercial Corridor District

This district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and broader community.

- The proposed sign heights are well in keeping with the parameters of the "C2" Zoning District which allows a height of 20 feet for freestanding signage. With respect to height, the zoning by-law does not treat free-standing signage that is illuminated any differently than freestanding signage that is not illuminated. Illumination allows the sign to be visible at night.
- It is noted that any proposed signage will have to meet all other requirements of zoning by-law 200/2006.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is zoned *'C2' District as are many other neighbouring properties fronting Main Street.*
- It is noted that many of the commercial properties include similar freestanding signage, and in some cases are in excess of the 20 feet maximum height requirement of zoning by-law 200/2006.
    - Tim Horton's sign at 2500 Main Street is 21.75 feet in height
    - The Shopper's Drug Mart at 2512 Main Street contains a free-standing illuminated sign that is 20 feet in height.
- While the restriction on sign height in the zoning agreement was meant to protect the multiple-family uses fronting Ridgecrest Avenue, it is noted that the closest of those residential units is approximately 275 feet away.
- It can be argued that subject zoning agreement clause is overly restrictive given that many other neighbouring properties with the same zoning designation can legally establish the same type of signage at a height of 20 feet. In light of this, the proposed 15 feet is appropriate.

RECOMMENDATION

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

- *The proposed signage is consistent with the "C2" 'Commercial District which the site is zoned.*
- *The proposed signage is consistent with other illuminated free-standing signs on Main Street.*

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

Report Prepared By: Noah Yauk
PPD File # ZAA 5/12