Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 4 Rezoning – 946 Corydon Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 236/2012 [c/r DCU 173913/2012D]

STANDING COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submits the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DAZ 236/2012 dated November 27, 2012 to a "C2" Commercial Corridor District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:
            a. Advertising sign
            b. Amusement enterprise, outdoor
            c. Auto/light truck/motorcycle, repair and service
            d. Car wash
            e. Fleet services
            f. Kennel
            g. Pawnshop
            h. Supermarket

        ii. The following uses may only be approved as conditional uses:
            a. Auto/light truck/motorcycle, sales and rental
            b. Drinking establishment
            c. Fuel sales
            d. Hotel or motel

Report – Standing Policy Committee on Property and Development – January 15, 2013

iii. The following uses are limited to the specified amount of gross floor area per building:
   a. Amusement enterprise, indoor: 2,500 square feet
   b. Medical/dental/optical counseling clinic: 5,000 square feet
   c. Retail sales: 5,000 square feet
   d. Studio, radio/TV/motion picture broadcast and production: 5,000 square feet
   e. Personal services: 5,000 square feet

iv. That, for the development of any building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway or signage, plans, showing the locations and designs of any proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development and City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned area, provided that the said effective date occurs within one year of the date by-law is passed.

Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2012, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DAZ 236/2012 dated November 27, 2012 to a "C2" Commercial Corridor District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:
            a. Advertising sign
            b. Amusement enterprise, outdoor
            c. Auto/light truck/motorcycle, repair and service
            d. Car wash
            e. Fleet services
            f. Kennel
            g. Pawnshop
            h. Supermarket

Report – Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

ii. The following uses may only be approved as conditional uses:
   a. Auto/light truck/motorcycle, sales and rental
   b. Drinking establishment
   c. Fuel sales
   d. Hotel or motel

iii. The following uses are limited to the specified amount of gross floor area per building:

   a. Amusement enterprise, indoor: 2,500 square feet
   b. Medical/dental/optical counseling clinic: 5,000 square feet
   c. Retail sales: 5,000 square feet
   d. Studio, radio/TV/motion picture broadcast and production: 5,000 square feet
   e. Personal services: 5,000 square feet

vi. That, for the development of any building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway or signage, plans, showing the locations and designs of any proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development and City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned area, provided that the said effective date occurs within one year of the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

RE: **Rezoning – 903 Mulvey Avenue**
File DAZ 233/2012

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **December 5, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 4, 2012, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DAZ 236/2012 dated November 27, 2012 to a "C2" Commercial Corridor District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

i. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:
a. Advertising sign
b. Amusement enterprise, outdoor
c. Auto/light truck/motorcycle, repair and service
d. Car wash
e. Fleet services
f. Kennel
g. Pawnshop
h. Supermarket

ii. The following uses may only be approved as conditional uses:
a. Auto/light truck/motorcycle, sales and rental
b. Drinking establishment
c. Fuel sales
d. Hotel or motel

iii. The following uses are limited to the specified amount of gross floor area per building:
a. Amusement enterprise, indoor: 2,500 square feet
b. Medical/dental/optical counseling clinic: 5,000 square feet

c. Retail sales: 5,000 square feet

d. Studio, radio/TV/motion picture broadcast and production: 5,000 square feet

e. Personal services: 5,000 square feet

vi. That, for the development of any building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway or signage, plans, showing the locations and designs of any proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development and City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned area, provided that the said effective date occurs within one year of the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The owner of the property remains the same as when a drive-thru use was permitted.

2. When a drive-thru use was permitted, there were minimal complaints from area residents.

PUBLIC HEARING SUMMARY

File: DAZ 236/2012

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

Hearing: December 4, 2012
Council Chambers
Council Building, 510 Main Street

Applicant: The Law Offices of Peter J. Moss

Subject:



APPLICANT : THE LAW OFFICES OF PETER J. MOSS

FILE : DAZ 236/12

PROPOSAL : For a text amendment to Zoning By-law, Schedule G Neighbourhood Main Streets Planned Development Overlay (PDO-1) to remove the land shown outlined above from the PDO-1 to allow for the establishment of an accessory drive thru facility in conjunction with a restaurant use. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 946 Corydon Avenue

Exhibits Filed:

1. Application dated November 6, 2012
2. Notification of Public Hearing dated November 5, 2012
3. Manitoba Status of Titles 1271114/1, 1271115/1
4. Copy of Caveat 156321
5. Copy of Caveat 81-61196
6. Copy of Caveat 1381811
7. Copy of Caveat 4234371/1
8. Letter of authorization dated October 29, 2012 from Wajih Zeid, Moe Investments Co. Ltd. to Peter J. Moss
9. Surveyor's Building Location Certificate and sketch dated July 30, 2012
10. Plan (1 page)
11. Report from the Planning and Land Use Division dated November 28, 2012
12. Inspection Report
13. Communication dated November 24, 2012, from Christine Sveinson in opposition to the application
14. Communication dated November 27, 2012, from Rosalie Loeppky in opposition to the application
15. Communication dated November 28, 2012, from Pat Ilasewich in opposition to the application
16. Communication dated November 28, 2012, from Jody Rutledge in opposition to the application
17. Communication dated November 28, 2012, from Laila and Stuart Schwartz in opposition to the application
18. Communication dated November 28, 2012, from Gerald McDowell in opposition to the application
19. Communication dated November 30, 2012, from Mark Hudson in opposition to the application
20. Communication dated December 2, 2012, from Julia Arkos and Matthew Moreau in opposition to the application
21. Communication dated December 3, 2012, from Mark Cohoe in opposition to the application
22. Communication dated December 3, 2012, from Heidi Klaschka in opposition to the application
23. Communication dated December 3, 2012, from Kirsten Dent in opposition to the application
24. Communication dated December 4, 2012, from Melissa Steele in opposition to the application
25. Communication dated December 4, 2012, from Jennifer Still in opposition to the application
26. Petition in opposition to the application purporting to contain the signatures of 141 area residents, submitted by Jennifer Still

27. Presentation, petition in support of the application purporting to contain the signatures of 200, and letters of support submitted by the applicant at the public hearing
28. Audio Recording of representations

REPRESENTATIONS:

In Support:

Debra and Greg Burad
Rana Abdulla
Mohammed M M Assi
Jason Bryk
Steve Chatzoglon
Nadia and Richard Cotton
Albert Eltassi
George Forzley
Watha Ghazal
Courtney Hindorff
Deborah Matos
Harjot Mehta
Rahilah and Atallan Nakhlen
Brennan Pearson
John Pearson
Jeff Rabb
Hanza Safi
Mohinder and Jaskiran Sidhu
Michael Stronger
Jan Swayze
Harold Taylor
Imbram Zaid
Wael Zaid
Jalal Zangana
Justin Zarnowski
Hamdllah and Bahija Zeid
Husni Zeid
Inaam, Hassan, Fatima Zeid
Khalid, Yousef, Abdelhakim Zeid
Khelan and Jumana Zeid
Mamood and Nocha Zeid
Misara Zeid
Mohammed, Zarifa, Ali Zeid
Nadine and Ata Ayuod Zeid
Ramsey Zeid
Suad and Wajih Zeid
Suada and Avaser Zeid
Tarih, Thaher and Suad Zeid

In Opposition:

Julia Arkos and Matthew Moreau
Riley Barkman and Cheryl Hobbs
John Burns
Marion Chyzzy
Mark Cohoe
Kirsten Dent
Shirley Forsyth
Patricia Holbrow
Mark Hudson
Pat Ilasewich
Heidi Klaschka
Melissa Kohut
Rosalie Loeppky
Ann Lyons
Gerald McDowell
Graeme Omelan
Jody Rutledge
Laila and Stuart Schwartz
Melissa Steele
Christine Sveinson
Sandra Tosh
Jennifer Still
Christine Sveinson

For Information:

Nil

For the City:

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

Exhibit "11" referred to in File DAZ 236/2012

ADMINISTRATIVE REPORT

Title: DAZ 236/12 – 946 Corydon Avenue

Issue: For consideration at the public hearing for a Rezoning for DAZ 236/12 – 946 Corydon Avenue

Critical Path: City Centre Community Committee 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

That the application be **rejected**.

REASON FOR THE REPORT

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 property will not be rezoned.

CONSULTATION

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

SUBMITTED BY

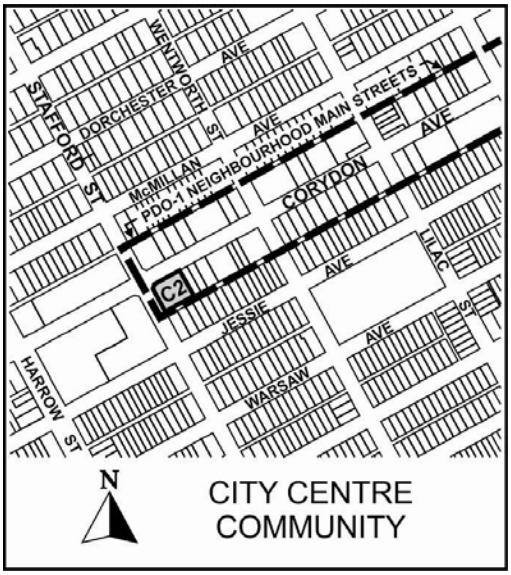
Department:	Planning, Property and Development
Division:	Planning and Land Use
Prepared by:	Michael Robinson, AICP, MCIP
Date:	November 28, 2012
File No.	DAZ 236/2012

APPENDIX 'A'

DATE: November 28, 2012
FILE: DAZ 236/2012
RELATED FILES: DCU 12-173913/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.106

SUBJECT: To rezone the subject land from a "C2" (PDO-1 Neighbourhood Main Streets) to a "C2" Commercial District

LOCATION: 946 Corydon Avenue
LEGAL DESCRIPTION: DCU 12-173913/D



APPLICANT: The Law Offices of Peter J. Moss

OWNER: Moe Investment Co. Ltd – Wajih Zeid

RECOMMENDATION: Rejection

SITE DESCRIPTION

The subject property, which is zoned "C2" Neighbourhood Main Streets PDO-1, is located at the southeast corner of Stafford Street and Corydon Avenue in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Corydon Avenue, then commercial uses zoned "C2" Neighbourhood Main Streets PDO-1
South: Residences zoned "R1-S" Residential Single-Family District
East: Commercial uses zoned "C2" Neighbourhood Main Streets PDO-1
West: Stafford Street, then a church zoned "R1-M" Residential Single-Family District

BACKGROUND

1981
For many years, a Chicken Delight restaurant operated at the subject property. In 1981, zoning approval was granted to establish an accessory drive-thru in conjunction with the restaurant.

1995
In 1995, City of Winnipeg Zoning By-law 6400/94 was passed. This By-law established a "C1.5" Commercial District designation for this property and for all commercial properties eastward along Corydon Avenue to Daly Street. The "C1.5" District prohibited the use of drive-thru restaurants.

At that time, pursuant to the City of Winnipeg Charter and Zoning By-law 6400/94, the drive-thru became an existing non-conforming use.

2008
In 2008, the City of Winnipeg Zoning By-law 200/2006 was approved. This By-law created a Neighbourhood Main Streets Planned Development Overlay District (PDO-1 Neighbourhood Main Streets) for properties on Corydon Avenue that were previously zoned "C1.5".

This overlay continued to prohibit drive-thru uses.

2011-2012
According to City records, in June 2011, the restaurant and associated drive-thru use closed. In August 2012, the applicant applied for permits to reestablish the restaurant and associated drive-thru.

However, in accordance with the City of Winnipeg Charter and Zoning By-law 200/2006, since the drive-thru had been non operational for more than one year, this resulted in its losing its existing non-conforming rights to operate.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to remove the subject property from the PDO-1 Neighbourhood Main Streets overlay district, in order to reestablish a drive-thru that lost its non-conforming right to operate in June of this year.

The proposed drive-thru would operate in conjunction with a Harvey's restaurant, which will be operated from the existing building and will be extensively renovated.

Reason for application
Drive-thrus are not permitted in the "C2" Neighbourhood Main Streets PDO-1. Consequently, the applicant is requesting a rezoning to "C2" (w/o PDO) in order to accommodate this use.

ANALYSIS AND ISSUES

A. Policies
*O*urWinnipeg and Complete Communities Direction Strategy

Community Mixed Use Corridor
Corydon Avenue is identified in Complete Communities, the City's new land use and development plan, as a community mixed use corridor. The plan has the following Direction for corridors:

Develop centres and corridors as focal points, characterized by a mix of uses, higher density developments, opportunities for gathering and other social interaction and a high level of accessibility through multiple modes of transportation.

Zoning By-law 200/2006, the intent of which is to implement planning policy, states the following intent for the Neighbourhood Main Streets PDO-1

The Neighbourhood Main Streets overlay district is intended to protect the scale and character of the pedestrian-oriented, neighbourhood-scale commercial areas in older areas of the city, to prevent the proliferation of certain uses that will erode the scale, character, or walkability of those areas, and to protect the surrounding neighbourhoods from adverse impacts of active commercial areas in close proximity to residential areas.

B. Transportation

The applicant has provided information from Harvey's regarding drive thru traffic

- On average, drive-thru sales equal approximately 35% of the total restaurant sales. In comparison, other fast food operators, such as Tim Horton's and McDonalds average 50% or more of their total sales through the drive-thru.

- During peak periods, the highest volume restaurants average 35 cars per hour. Based on service level studies, it was determined that even in peak periods, drive-thru stacking did not exceed 7 cars at any given time.

- To improve speed of service, Harvey's recently implemented process changes to improve service times by almost 1 minute per order.

In this instance, the proposed drive thru includes 11 stacking spaces, which exceeds the company's requirements by 4 spaces. With that said, the Public Service does not have any concerns about the amount of stacking space that is being provided in the drive-thru. It will be more than adequate to accommodate the demand in peak periods and will avoid the problem of cars backing up onto public streets.

C. Site Design

A number of cities across Canada have developed design guidelines for drive-thrus. These guidelines are intended to achieve appropriate design that will, among other things:

- Protect and enhance the character and quality of the districts and neighbourhoods where drive-thru facilities are located
- To create a safe and comfortable pedestrian environment on and off site
- To minimize impacts on adjacent land uses

To that point, in the event that the subject application is approved, the Public Service has identified several changes to the site plan that would improve the overall compatibility of the drive-thru. (see diagrams in Appendix A and Appendix B)

1. The existing site plan shows two approaches on Corydon Avenue. One approach is for cars existing the drive-thru and the second is for site in general. In accordance with the guideline to reduce the number and width of driveways from the public street, it is desirable that the west approach on Corydon be closed. This would provide a greater distance between the approach, the building, and the intersection and improve pedestrian safety and comfort. However, the applicant has indicated that this would require relocating the drive-thru window and reconfiguring all the internal space, which they have indicated would present difficulties.

2. Wherever approaches cross sidewalks, guidelines recommend distinguishing the sidewalk from the driving surface by using varied paving treatments and by raising the sidewalk to curb level. (see photo in Appendix B)

3. Landscaping can provide both a visual and noise buffer and should be provided at the rear of the site, against the back lane

4. A solid fence can also provide both a visual and noise buffer. To that point, a new solid fence should be provided at the rear of the property.

5. A pedestrian warning signal can be installed at the edge of the sidewalk and drive aisle, to increase awareness of pedestrians and vehicles. (see Appendix D) This would be an alternative to closing the approach.

REASON FOR RECOMMENDATION

Non-conforming use
While recognizing that the drive-thru use only lapsed a little more than one year ago and only missed reestablishing the non-conforming use by two months, the Winnipeg Zoning By-law states the following about existing non-conforming uses:

The intent of this By-law is to permit a non-conformity to continue until it is removed by not to encourage its survival.

Policy
Zoning regulations which prohibit drive-thrus in this area were first adopted by Council in 1995. These regulations were continued in 2008, when the Neighbourhood Main Street PDO-1 was approved by Council in conjunction with Winnipeg Zoning By-law 200/2006.

The overall mixed use, pedestrian oriented intent of the area was further confirmed by Council with the adoption of “Complete Communities” in 2011, the City of Winnipeg’s Land Use Plan. In “Complete Communities”, Corydon Avenue is identified as a Community Mixed Use Corridor.

Consequently, the proposed drive-thru is not consistent with the land use vision for this area, as identified in “Complete Communities” and the Winnipeg Zoning By-law.

PDO-1
The planned development overlay was designed to protect the scale and character of the pedestrian oriented, neighbourhood scale commercial areas of older areas of the city, to prevent the proliferation of certain uses that will erode the scale, character, or walkability of those areas, and to protect the surrounding neighbourhoods from adverse impacts of active commercial uses in close proximity to residential areas.

Currently, the PDO-1 applies to all commercial properties uniformly within the defined area. The subject rezoning, if approved, would lift the subject property out of the PDO and would remove restrictions/special conditions on this property that otherwise apply to every other property within the PDO. It would create a precedent that weakens the integrity of the PDO-1 as an effective zoning tool to protect the unique qualities of certain neighbourhoods.

Recommendation
For the above reasons, the Winnipeg Public Service recommends that the application be **rejected**.

However, if the Committee wishes to approve the application, the following conditions should be included:

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DAZ 236/2012 dated November 27, 2012 to a "C2" Commercial Corridor District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. The following uses are prohibited and not allowed as permitted, conditional, accessory, or temporary uses:

            a. Advertising sign
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        ii. The following uses may only be approved as conditional uses:

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        iii. The following uses are limited to the specified amount of gross floor area per building:

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vi. That, for the development of any building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway or signage, plans, showing the locations and designs of any proposed building, accessory parking or loading area, private approach, garbage enclosure, landscaping, fencing, lighting, walkway and signage, must be submitted to the Director of Planning, Property and Development and City Centre Community Committee for approval prior to the issuance of any development or building permit, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

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4. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the planned area, provided that the said effective date occurs within one year of the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Design Considerations:
If approved, the Public Service recommends that the plans include the modifications discussed in Section C: Site Design and illustrated in either Appendix A or B.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DAZ 236/12

APPENDIX "B"
Schedule "A" for File No. DAZ 236/2012, City Centre Community Committee, dated November 28, 2012

By-Law No. _____

File No. **DAZ 236/12**

Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 on the land located at 946 Corydon Avenue for a text amendment to Zoning By-law, Schedule G Neighbourhood Main Streets Planned Development Overlay (PDO-1) to remove the land shown outlined above from the PDO-1 to allow for the establishment of an accessory drive thru facility in conjunction with a restaurant use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

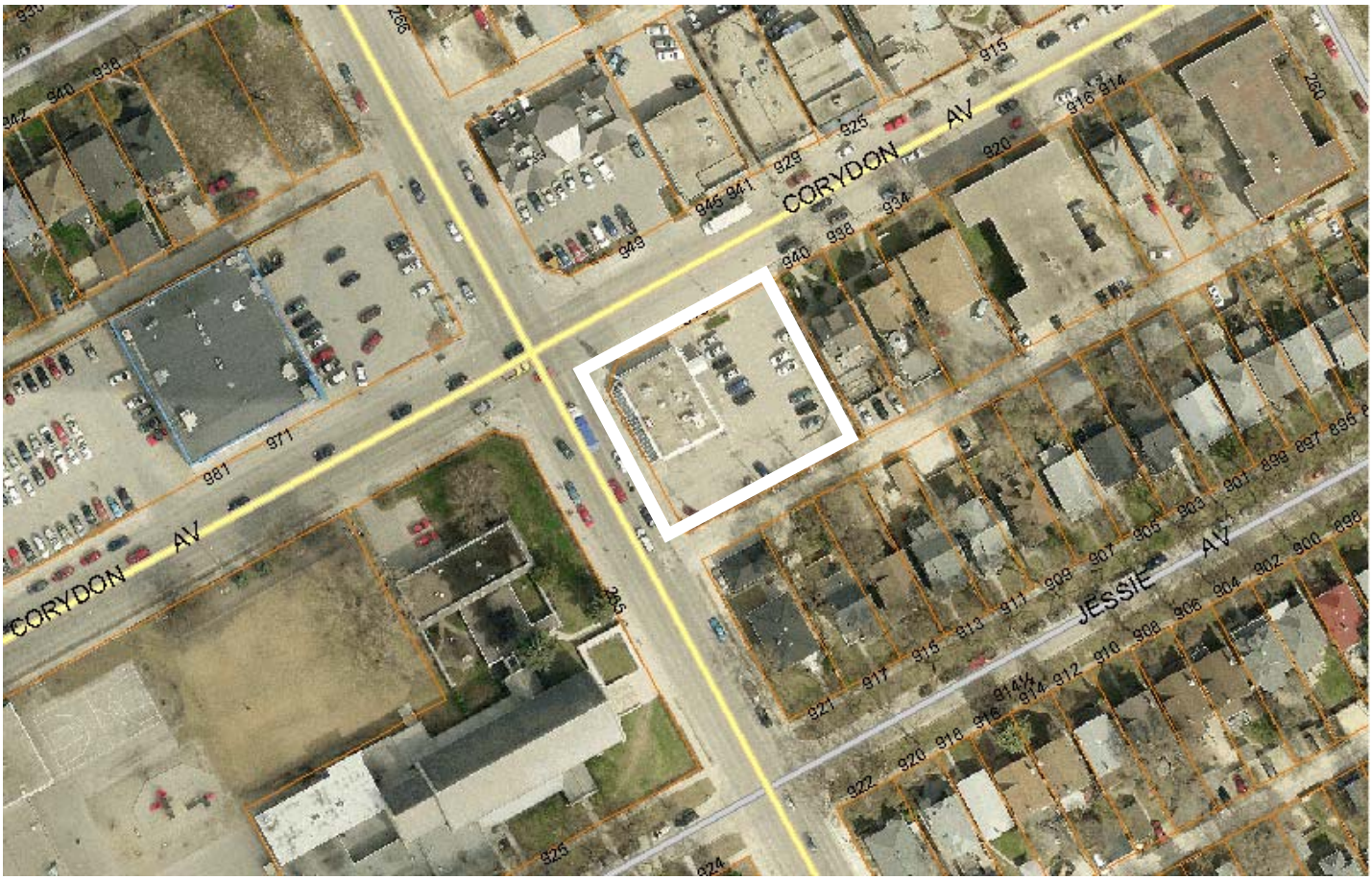
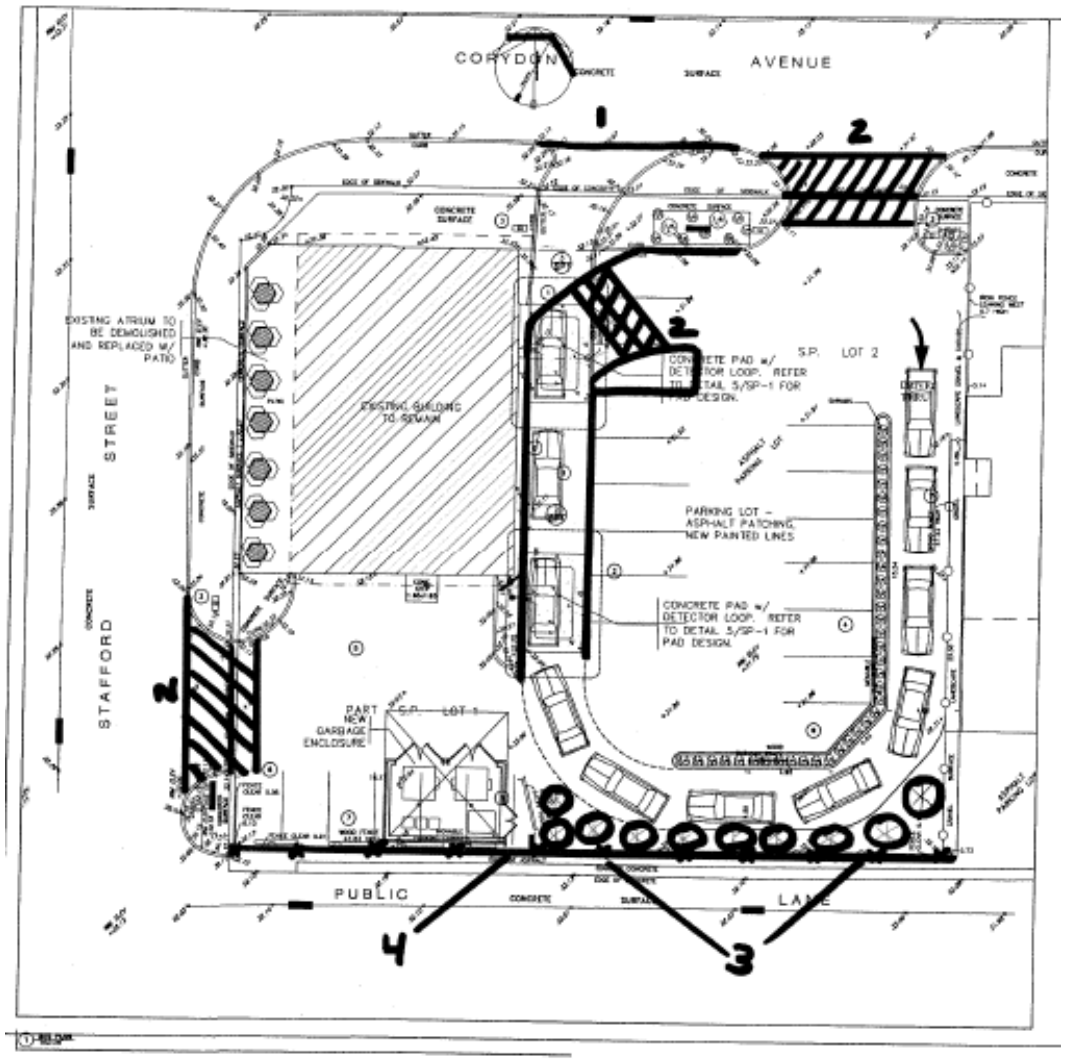


Figure 1: Aerial Photo (Flown in 2012)

Appendix A
Identified modifications to site plan (Option 1)



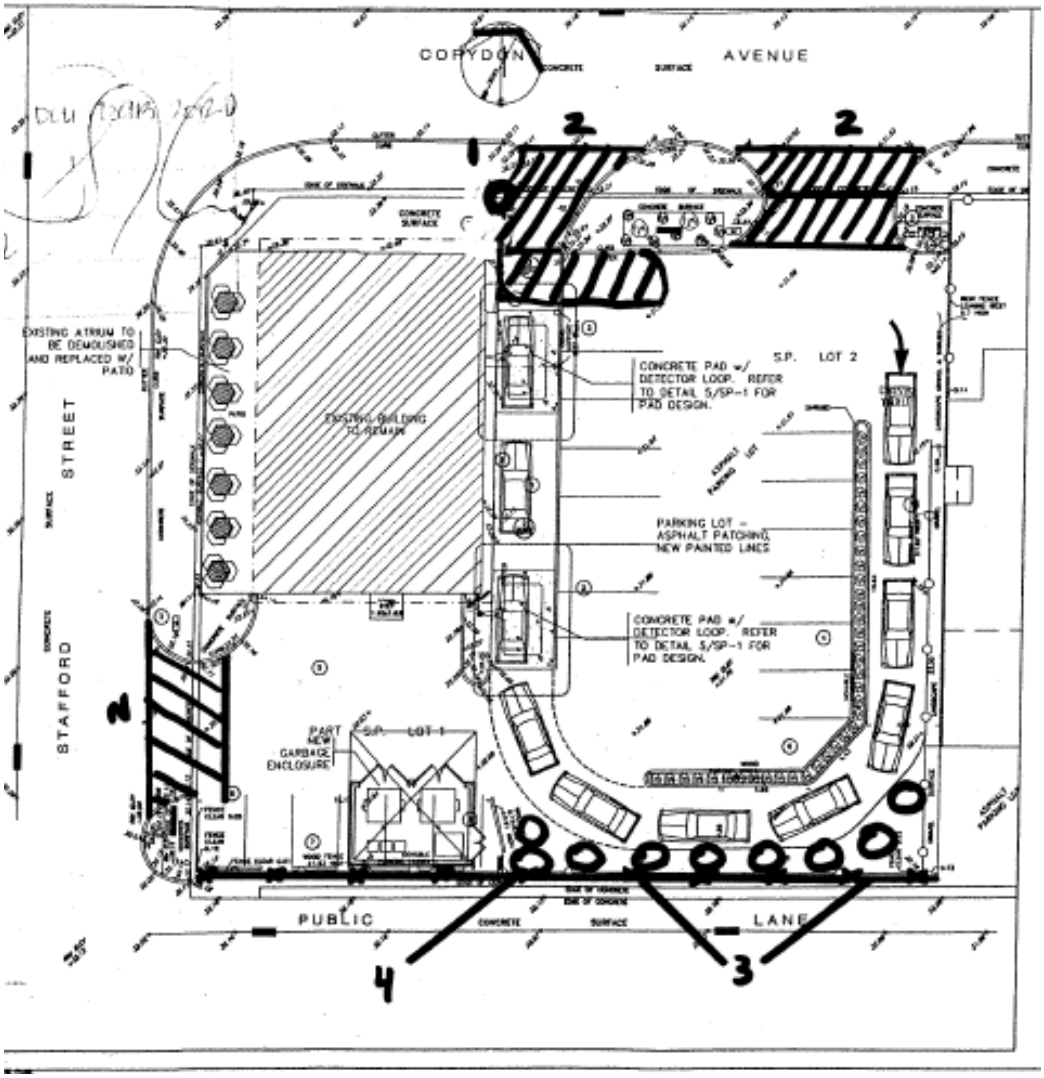
#1 Close approach on Corydon and reconfigure drive-thru

#2 Use varied pavement treatment and raise sidewalk wherever the sidewalk meets vehicle approaches

#3 Landscaping

#4 Solid fencing

Appendix B
Identified modifications to site plan (Option 2)



#1 Pedestrian warning light

#2 Use varied pavement treatment and raise sidewalk wherever the sidewalk meets vehicle approaches

#3 Landscaping

#4 Solid fencing

Appendix C
Example of a raised, textured pedestrian crossing



Appendix D
Pedestrian warning light



