Agenda – Council – July 15, 2015

Report – Standing Policy Committee on Property and Development – June 26, 2015

Item No. 1 Subdivision and Rezoning – 3600 and 3636 Portage Avenue (St. Charles Ward) File DASZ 8/2015 [c/r DAV 116118/2015D]

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 8/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2015 dated June 2, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 8/2015 dated June 2, 2015; to be rezoned to the "C3" Commercial Corridor District, subject to the following:

    A. That Zoning Agreement DAZ 272A/1986 (By-law 4842/1988), Caveat 1056375/1 be withdrawn as it affects Lot 1 Plan 22729 WLTO in RL 97 Parish of St. Charles.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or freestanding 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, fencing, landscaping, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

Report – Standing Policy Committee on Property and Development – June 26, 2015

ii. That, no mobile signs shall be permitted on the subject site.

iii. Every building on the land shall be set back at least 15.24 m (50 feet) from the south property line of the land.

iv. A landscaped strip having a minimum depth of 10 ft. shall be developed and maintained in good condition at all times along the north limit of the land abutting Portage Avenue, excepting private approaches.

v. All fencing, landscaping and garbage enclosures shown on that Schedule "A" shall be completed by June 30th, 2016, in whole or in part, or any building constructed on the land, unless an extension of that time is approved by that Community Committee and those works shall thereafter be maintained in good condition at all times to the satisfaction of the Director of Planning, Property and Development.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

Report – Standing Policy Committee on Property and Development – June 26, 2015

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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 – Standing Policy Committee on Property and Development – June 26, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 8, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2015, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Recommendation 2.B.v. by deleting "within three (3) months of occupancy" and replacing with "by June 30th, 2016";

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 3600 and 3636 Portage Avenue**
File DASZ 8/2015

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

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **June 10, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 9, 2015, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 8/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2015 dated June 2, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 8/2015 dated June 2, 2015; to be rezoned to the "C3" Commercial Corridor District, subject to the following:

    A. That Zoning Agreement DAZ 272A/1986 (By-law 4842/1988), Caveat 1056375/1 be withdrawn as it affects Lot 1 Plan 22729 WLTO in RL 97 Parish of St. Charles.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or freestanding 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, fencing, landscaping, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

ii. That, no mobile signs shall be permitted on the subject site.

iii. Every building on the land shall be set back at least 15.24 m (50 feet) from the south property line of the land.

iv. A landscaped strip having a minimum depth of 10 ft. shall be developed and maintained in good condition at all times along the north limit of the land abutting Portage Avenue, excepting private approaches.

v. All fencing, landscaping and garbage enclosures shown on that Schedule "A" shall be completed ***~~within three (3) months of occupancy~~ by June 30th, 2016***, in whole or in part, or any building constructed on the land, unless an extension of that time is approved by that Community Committee and those works shall thereafter be maintained in good condition at all times to the satisfaction of the Director of Planning, Property and Development.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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.

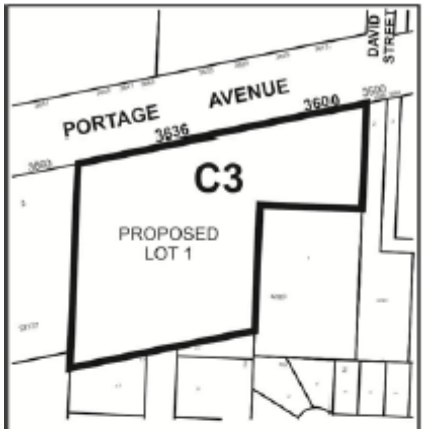
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. This is a very good project for the area and fills the space nicely.

PUBLIC HEARING SUMMARY

File:	DASZ 8/2015
Before:	Assiniboia Community Committee Councillor Gillingham, Chairperson Councillor Dobson Councillor Morantz
Public Hearing:	June 9, 2015 Council Building, 510 Main Street
Applicant:	PIKE Projects (Colin Grover)
Subject:	



APPLICANT : PIKE PROJECTS
FILE : DASZ 8/15
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C4" COMMERCIAL REGIONAL DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands to allow for the expansion of a vehicle display area accessory to an existing auto dealership. **For information, phone Mr. D. Clark, Planner, at 204-986-5684.**

Premises Affected:	3600 and 3636 Portage Avenue

Exhibits Filed:

1. Application dated March 18, 2015
2. Notification of Public Hearing dated April 17, 2015
3. Manitoba Status of Titles 2581266/1 and 2754941/1
4. Letter of authorization dated January 7, 2015 from Boquist Developments Inc. to PIKE Projects
5. Surveyor's Building Location Certificate and sketches dated February 5 and 6, 2015

6a. Caveat 1056375
6b. Caveat 1097835
6c. Caveat 1740057

7. Plans (3 pages)
8. Report from the Urban Planning Division dated June 2, 2015
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:

Russell Krepart, on behalf of the Applicant

In Opposition

Nil

For Information:

John Wintrup

For the City:

Mr. D. Clark, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 8/2015

ADMINISTRATIVE REPORT

Title: DASZ 8/15 – 3600 Portage Avenue

Issue: For consideration at the public hearing to subdivide the parcel of land at 3600 Portage Avenue by consolidating two (2) lots into one (1) lot. The consolidated property is to be rezoned to the "C3" Commercial Corridor zoning district.

Critical Path: Assiniboia 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 8/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2015 dated June 2, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 8/2015 dated June 2, 2015; to be rezoned to the "C3" Commercial Corridor District, subject to the following:

   A. That Zoning Agreement DAZ 272A/1986 (By-law 4842/1988), Caveat 1056375/1 be withdrawn as it affects Lot 1 Plan 22729 WLTO in RL 97 Parish of St. Charles.

   B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building and/or accessory parking area and/or freestanding 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, fencing, landscaping, lighting, bicycle parking and free standing signage to the Director of Planning, Property and Development and the Assiniboia 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.

      ii. That, no mobile signs shall be permitted on the subject site.

iii. Every building on the land shall be set back at least 15.24 m (50 feet) from the south property line of the land.

iv. A landscaped strip having a minimum depth of 10 ft. shall be developed and maintained in good condition at all times along the north limit of the land abutting Portage Avenue, excepting private approaches.

v. All fencing, landscaping and garbage enclosures shown on that Schedule "A" shall be completed within three (3) months of occupancy, in whole or in part, or any building constructed on the land, unless an extension of that time is approved by that Community Committee and those works shall thereafter be maintained in good condition at all times to the satisfaction of the Director of Planning, Property and Development.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. 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.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

10. 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 subdivide the parcels at 3600 and 3636 Portage Avenue by consolidating the two properties into one property. The consolidated property is to be rezoned to the "C3" Commercial Corridor district.

- Subdivisions and rezonings require 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 Urban Planning Division are concurred in, the subject land will be consolidated into one lot and will be rezoned to the "C3" Commercial Corridor zoning district.

HISTORY

Rezoning - DAZ 272A/86

In 1986, Council approved the rezoning of the property at 3636 Portage Avenue subject to the applicant entering into a zoning agreement. The following zoning agreement conditions are relevant to this application:

- A landscaped strip having a minimum depth of 10 ft. shall be developed and maintained in good condition at all times along the north limit of the land abutting Portage Avenue, excepting private approaches.
- No building shall be constructed or located on the land exceeding a height of thirty (30) feet.
- Every building on the land shall be set back at least 15.24 m (50 feet) from the south property line of the land.
- All garbage receptacles on the land shall be enclosed by fencing six (6) feet high.
- No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until plans including the location and design of the proposed buildings and structures, exterior materials and elevations thereof, accessory parking and loading areas, the location and design of landscaping, fencing and garbage enclosures, all free standing signs (excepting mobile advertising signs) and the location and design of methods of access and egress to and from the land are submitted to and approved by the St. James-Assiniboia Community Committee.
- All fencing, landscaping and garbage enclosures shown on that Schedule "A" shall be completed within three (3) months of occupancy, in whole or in part, or any building constructed on the land, unless an extension of that time is approved by that Community Committee and those works shall thereafter be maintained in good condition at all times to the satisfaction of the Commissioner.

Plan Approvals

- 2006 - CP 500 (.211) – The applicant submitted Schedule "A" drawings showing 4 proposed fascia signs. The building additions for the Ford dealership were approved at the Assiniboia

Community Committee Meeting January 17, 2006. The drawings were reviewed by the Planning and Land Use Division, were deemed to be acceptable and approved.

- 2012 - PA 12 107605 000 00 ZR - A plan approval was submitted for free standing signage. The Planning report noted that:

  The Urban Planning Division is supportive of the proposed changes to the existing free-standing sign. However, its approval is subject to the applicant submitting a landscaping plan. A condition of the rezoning back in 1986 was that a 10 ft. landscaped strip shall be developed and maintained along Portage Avenue. Currently, this strip is only landscaped with sod; this does not fulfill the expectations of the Urban Planning Division nor the original intent of the requirement.

  The Urban Planning Division will be expecting the provision of low-lying landscaping (such as shrubs, prairie grasses, and/or flower beds). It is also highly encouraging of the incorporation of landscaping into the parking area; it can be used to help feature specific vehicles.

  A landscaping plan was submitted, however, landscaping was not established in accordance with the submitted plan.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works

SUBMITTED BY

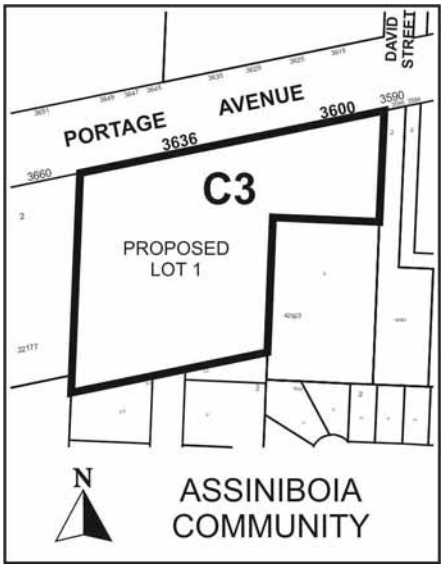
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	June 2, 2015
File No.	DASZ 8/15

APPENDIX 'A'

DATE: June 2, 2015
FILE: **DASZ 8/15**
RELATED FILES: DAV 15-116118/D
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.224

SUBJECT: To subdivide the parcel of land at 3600 Portage Avenue by consolidating two (2) lots into one (1) lot. The consolidated property is to be rezoned to the "C3" Commercial Corridor zoning district.

LOCATION: 3600 Portage Avenue
LEGAL DESCRIPTION: LOT 1 PLAN 22729 WLTO IN RL 97 PARISH OF ST. CHARLES
LOT 1 PLAN 22887 WLTO IN RL 98 PARISH OF ST. CHARLES



APPLICANT: Pike Projects (Colin Grover)
21-530 Waterfront Dr.
Winnipeg MB R3B 0H1

OWNER: Boquist Development Inc.
770 Broad Street
Regina SK S4R 8H7

RECOMMENDATION: Approval, with conditions

REPORT SUMMARY

- The applicant intends to subdivide the parcels of land at 3600 and 3636 Portage Avenue by consolidating the two (2) lots into one (1) lot. The consolidated property is to be rezoned to the "C3" Commercial Corridor zoning district.

- The Urban Planning Division recommends approval of the application subject to conditions in the Zoning Agreement.

SITE DESCRIPTION

- The subject property is located on the south side of Portage Avenue in the Westwood Neighbourhood of the St. Charles ward.
- The applicant is proposing to consolidate a 42,702 square foot property with the existing car dealership which is 4 acres.
- Existing on Lot 1 is a 28,386 square foot structure which is the principal building for the car dealership. Lot 2, to the east, is currently vacant.
- The site is located on a Regional Mixed Use Corridor Policy Area under the Complete Communities Direction Strategy. Lot 1 is currently zoned “C3” Commercial Corridor and Lot 2 is zoned “C4” Commercial Regional.



Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Portage Avenue then Unicity Mall zoned “C4” Commercial Regional.

South: Multi-family residential zoned “RMF-M” Residential Multi Family – Medium and Glendale Golf Course zoned “R1-E” Residential Single Family - Estate

East: Private Road then vacant land zoned “C4” Commercial Regional

West: Large commercial retail zoned “C4” Commercial Regional.

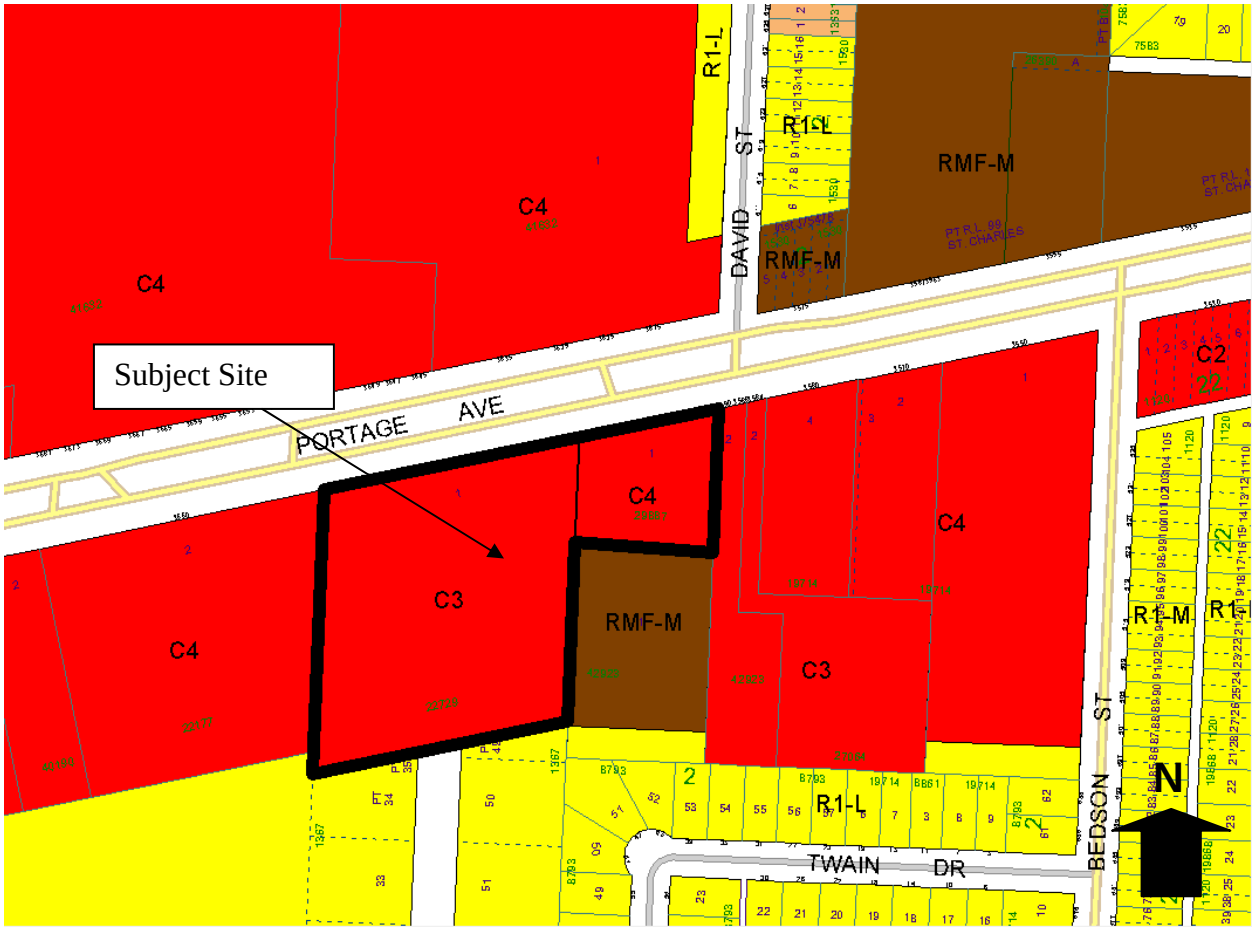


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant has made a subdivision and rezoning request to consolidate two properties into one property and rezone Lot 2 from “C4” to “C3” so that the zoning districts of the consolidated properties are consistent.
- The applicant is proposing to establish a display area for vehicles on Lot 2 that will be associated with the existing car dealership.
- The total lot area for the consolidate properties will be approximately 214,144 square feet (4.98 acres).

- The applicant has applied for variances to reduce the front yard setback from 25 feet to 10 feet and the rear yard setback of 6'-2" instead of 25 feet.
- Submitted plans indicate that there will be substantial landscaping around the perimeter of Lot 2.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located on a Regional Mixed Use Corridor (Portage Avenue). The key relevant policy guiding the development of Regional Mixed Use Corridors under the *Complete Communities Direction Strategy* includes:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Mitigate the potential impacts of new development on neighbouring streets, parks and properties
    - Encourage urban design and/or form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.
    - Focus improvements to the public realm, including pedestrian elements, such as street trees, street furniture, wide sidewalks and bicycle parking and public art
    - Encourage environmentally friendly design and construction
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

- Regional Mixed Use Corridors are identified as "significant routes of entry into the city and to downtown (most are currently designated as image routes)" (p.48 of *Complete Communities*).
- Urban Design is also identified in the Complete Communities Direction Strategy. Key relevant policies include:
    - Consider the comfort, convenience, safety and visual interest of streetscapes, recognizing that streets are places where people gather.

- Use planning tools to establish high quality design standards for signage.
- Promote entranceways and gateways at major entry points to the city, Downtown and communities by using distinctive urban design features, lighting, enhanced vegetation, landscaping and public art.

ZONING BY-LAW 200/2006

Current Zoning

- **'C3' Commercial Corridor**
  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 in Community or Regional mixed use centres or along Community or Regional mixed use corridors.

  And

  'C4' Commercial Regional

  The Commercial Regional (C4) district is intended to accommodate the development of large-scale, distrinctive and attractive regional centres containing a mix of concentrated land uses. 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. The centre should provide commercial, office, institituional and residential uses and structures at higher intensities than surrounding areas. The area may also contain concentrations of medium-to high-density office developemtn, as well as a broad mix of complementary uses, which may include major civic and public facilities and parks. Development should facilitate and encourage pedestrian travel between uses. These areas are associated with Regional mixed use centres.

Proposed Zoning

- **C3 Corridor Commercial District**
  - dimensional standards are as follows:

Zoning District	Minimum/Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.) (note b)	Minimum Interior Side Yard (Ft.) (note b)	Minimum Corner Side Yard (Ft.)	Maximum Height of Building (Ft.)	Maximum Floor Area Ratio
C3	25/NA	25	0	25	49	1.5

Note b – *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, Landscaping and Buffering, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.*

Associated Variances

- The applicant has applied for two (2) variances in association with the creation of the consolidated lot. Variances are for reduced front yard and reduced rear yard setbacks, discussed in associated file DAV 15-116118/D

LAND USE BY-LAW

Subdivision and Rezoning

- The applicant is proposing to consolidate the property into one (1) lot and rezone a portion of the lands from the "C4" Commercial Regional district to the "C3" Commercial Corridor district for the purposes of establishing a vehicle display area associated with an existing auto dealership.
- The subdivision of lands will result in the consolidation of two (2) lots into one (1) lot. The Urban Planning Division is supportive of this consolidation.
- The subject property is zoned "C3" on the western portion and "C4" on the eastern portion. Because the lots are being consolidated it is desirable to rezone the lands so that the zoning on the land is consistent.
- The "C3" zoning district is consistent with the zoning districts of other properties in this area.

COMPATIBILITY WITH SURROUNDING USES

- The property at 3636 Portage Avenue currently operates as an auto dealership. Existing uses in the area along this portion of Portage Avenue include several other auto dealerships, large scale commercial and multi-family residential uses.
- The proposed expansion to the existing auto dealership will be consistent with the current uses in the area.

EASEMENT AGREEMENT

- As part of the application the owner of the subject land intends to enter into an easement agreement to allow access to a private road owned by the Army, Navy & Air Force Veterans in Canada (see Figure 3). The submitted letter with the application states that if the owner is favourable to entering an agreement they will put in an pay for proper curbing along both sides of the street, put a new sidewalk on the west side and possibly widen the road in certain spots to allow for proper turn lanes onto Portage. The letter goes on to say that if an Easement Agreement is entered into the owner would pursue having the west corner divider on Portage removed in order to improve left hand turning onto Portage Avenue from the private road and ultimately have a set of traffic lights installed at this location.
- In response to this consideration Public Works has the following comments:
    - The Public Works Department does not support installation of traffic control signals on Portage Avenue to serve the private approach on the south side of Portage Avenue (opposite David Street),
    - The Public Works Department does not support geometric improvements to the median opening on Portage Avenue to accommodate the northbound left turn movement from the private approach on the south side of Portage Avenue (opposite David Street),

- Portage Avenue is a Regional Street intended to carry large volumes of through traffic. Installation of Traffic Signals tends to diminish the mobility along the street. The Public Works Department is not in favour of introducing delay to motorists on Portage Avenue.

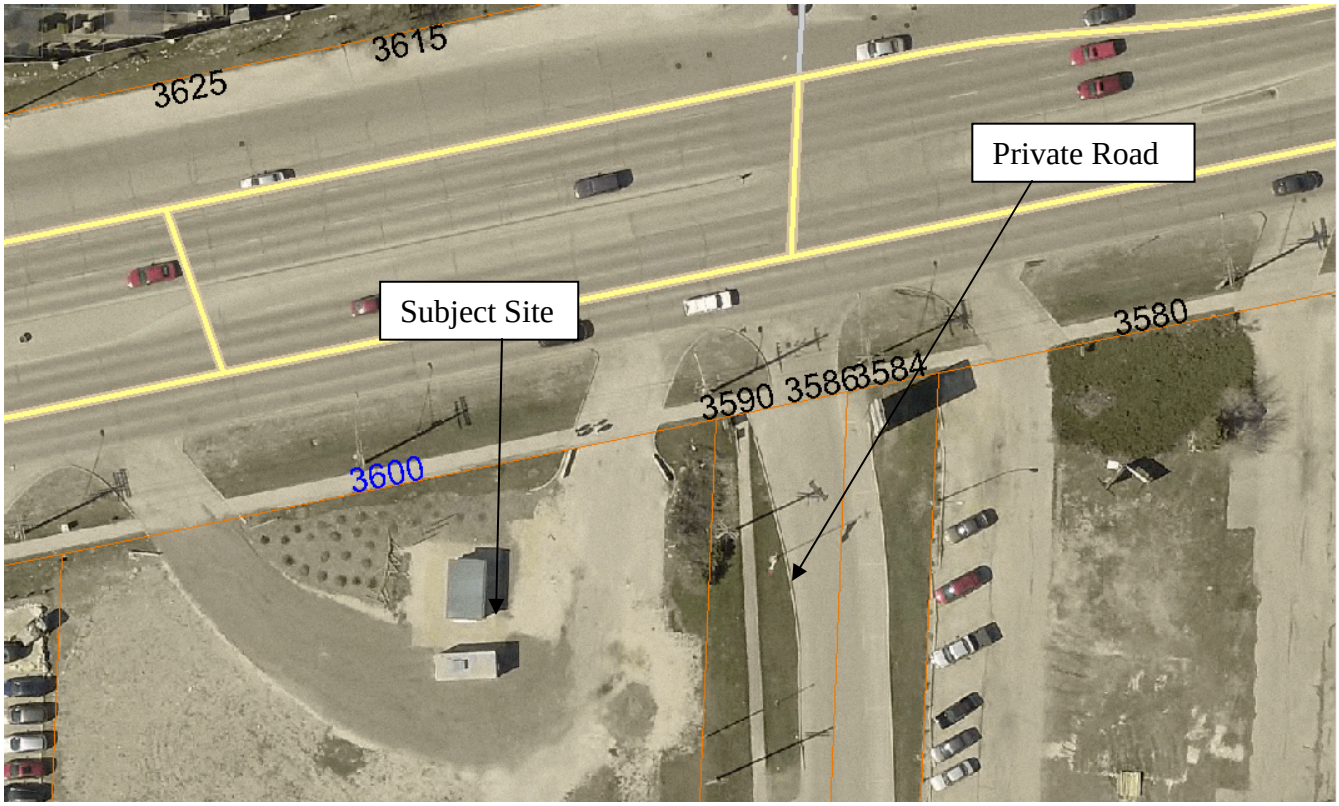


Figure 3: Private road adjacent to subject site

CONDITIONS OF APPROVAL

Zoning Agreement

Previous conditions in the zoning agreement under file DAZ 272A/86A have been carried forward into the zoning agreement for this application with the exception of building height requirements. Under the 'C4' zoning district there is no maximum height for buildings, whereas under the 'C3' zoning district the maximum height of buildings is 49 feet. If this site were to be redeveloped in the future, a 49 foot tall building could be appropriate. Any proposed development will be subject to plan approval review for compatible design.

Plan Approval – The Urban Planning Division is recommending Plan Approval as a condition of approval for this application. As part of the plan approval condition the Urban Planning Division expects the following:

- Building location and elevations – If any new building is established on the land, plans showing the location of the building and elevations with colour renderings should be provided as part of the plan approval package.

- Landscaping – Policies for development along Regional Mixed Use Corridors promote the establishment of high quality plazas, parks and streetscapes as well as landscaping within and around surface parking areas. Planning will be expecting a landscape design that applies a consistent theme throughout the site. In particular, high quality design and landscaping features should be included along the frontage within the 10 foot front yard setback for the entire site, which could include low lying plants, trees, grasses shrubs, boulders, flowers, etc. Plans should address the landscaping that is absent from the initial rezoning (DAZ 272A/86) requirement and subsequent plan approvals (see Figures 4 and 5). Planning would also like to see the introduction of trees, shrubs and other landscape features throughout the parking area and around the perimeter of the portion of the property adjacent to the multi-family zoning district. Plans submitted with this application indicate there is an intention to do so.
- Garbage bins and enclosures should be located on site in a manner that is accessible for waste collection. The garbage enclosures are to be constructed of wood, brick, stone, or another compatible material and should be sufficiently screened and not visible from the public street.
- Lighting – any lighting on site should not provide glare or spill over onto any adjacent property. Plans shall include location and design of light standards.
- Fencing - Any proposed fencing should be composed of high quality materials and design.

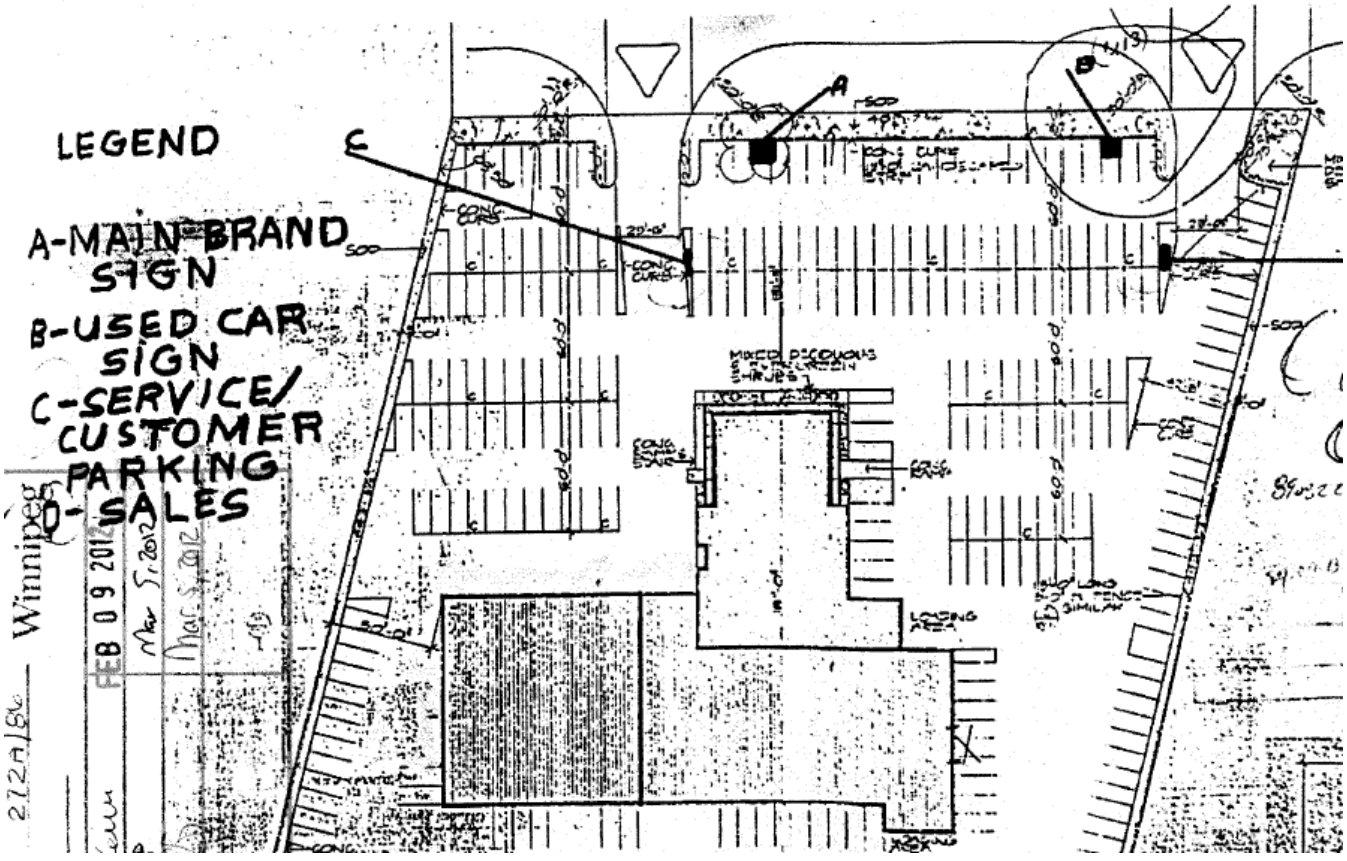


Figure 4: Original site plans for plan approval from DAZ272A/86



Figure 5: Photo taken April 28, 2015 showing no landscaping (shrubs or trees) in 10 foot landscape strip.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The rezoning from 'C4' to 'C3' brings the property into a zoning category that more accurately reflects the uses on site. The 'C4' zoning district is intended to accommodate the development of large-scale regional centres containing a mix of concentrated land uses.
- The proposed development is consistent and compatible with existing land uses in the immediate vicinity.
- Conditions set out in the Zoning Agreement establish parameters for development on the site in a manner that aligns with *Complete Communities*. The plan approval review should pay particular attention to the landscape design of the entire site. The condition requiring landscaping at 3636 Portage Avenue was never satisfied from the original rezoning (DAZ 272A/86) and as such, landscaping along the entire frontage will be expected.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 8/2015

Schedule "A" for File No. DASZ 20/2014, Assiniboia Community Committee, dated June 2, 2015

By-Law No. _____

File No. **DASZ 8/15**

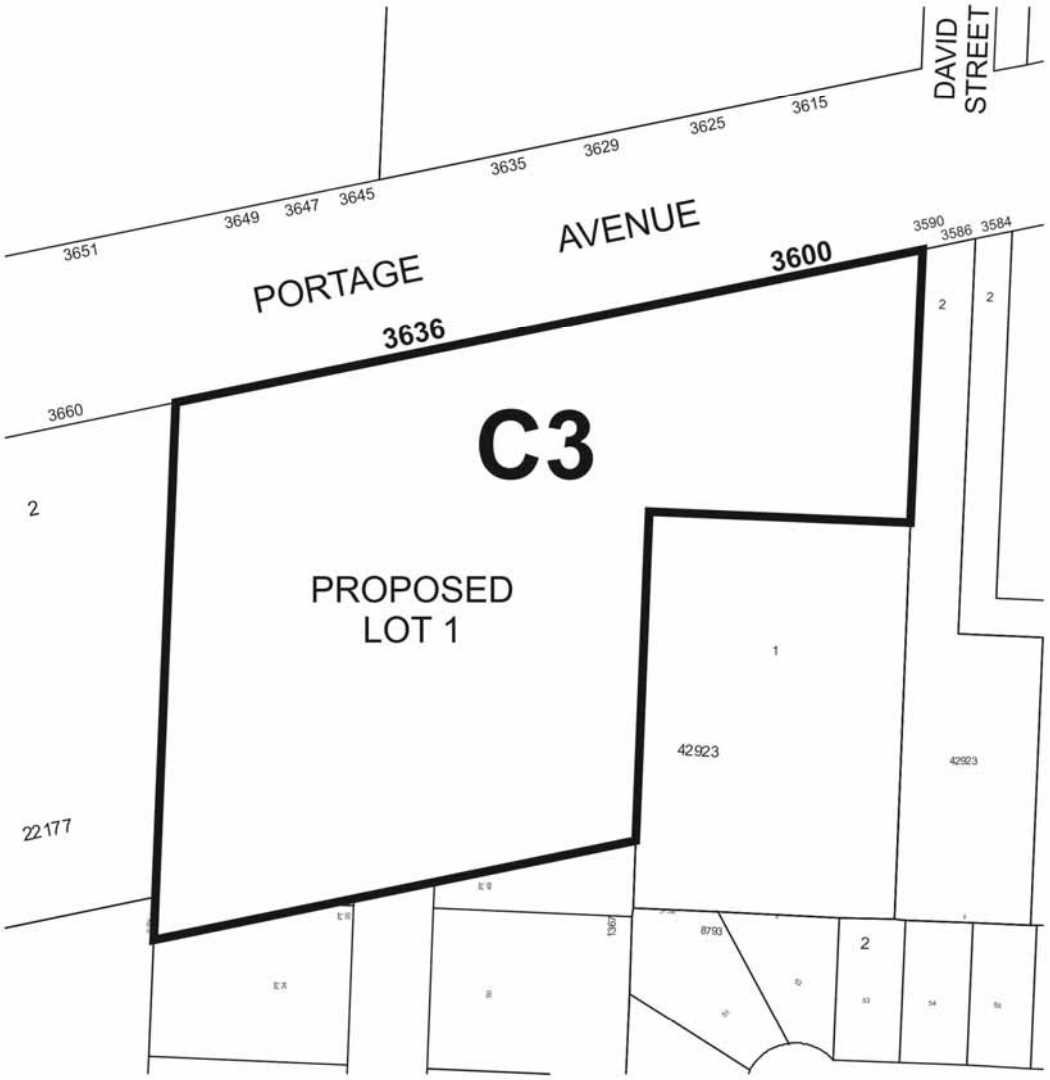
Atlas Sheet No.

N

AB12 ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 3600 & 3636 Portage Avenue from a "C4" COMMERCIAL REGIONAL DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands to allow for the expansion of a vehicle display area accessory to an existing auto dealership as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____