Minutes – Executive Policy Committee – July 12, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2017

Item No. 2 Rezoning – Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher) Review
(St. Boniface Ward)
File DAZ 201/2017

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That a by-law (draft by-law attached as Appendix "B") to amend Schedule "E" (Boulevard Provencher Planned Development Overlay 1) to the Winnipeg Zoning By-law No. 200/2006, be enacted to:

    A. change the design review process for most development to require approval by the Riel Community Committee instead of the Director of Planning, Property and Development;

    B. increase the maximum allowable building height on the south side of Boulevard Provencher to 60 feet from 30 feet; and

    C. amend the list of prohibited uses as follows:

        i. eliminate the existing restriction of no more than 2 amusements devices on any property; and

        ii. add "billboard signs," "outdoor amusement enterprises," "auto/light truck/motorcycle, repair and service," "auto/light truck/motorcycle, sales and rental," "fleet services," "kennels," "pawnshops," "cheque cashing facility," "animal hospital or veterinary clinic" and "fuel sales".

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Minutes – Executive Policy Committee – July 12, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Add “cheque cashing facility” and “animal hospital or veterinary clinic” to recommendation 1.C.ii. after “pawnshops”.

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Rezoning – Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher) Review**
File DAZ 201/2017

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

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **June 14, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended,*** and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That Council enact a by-law (draft by-law attached as Appendix "B") to amend Schedule "E" (Boulevard Provencher Planned Development Overlay 1) to the Winnipeg Zoning By-law No. 200/2006 to:

    A. change the design review process for most development to require approval by the Riel Community Committee instead of the Director of Planning, Property and Development;

    B. increase the maximum allowable building height on the south side of Boulevard Provencher to 60 feet from 30 feet; and

    C. amend the list of prohibited uses as follows:

        i. eliminate the existing restriction of no more than 2 amusements devices on any property; and

        ii. add "billboard signs," "outdoor amusement enterprises," "auto/light truck/motorcycle, repair and service," "auto/light truck/motorcycle, sales and rental," "fleet services," "kennels," "pawnshops," ***"cheque cashing facility," "animal hospital or veterinary clinic"*** and "fuel sales".

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. This will move Provencher Boulevard to develop and achieve its full potential; there will be work to do in terms of future plans and amendments.
2. We've incorporated the changes that can be accommodated for the scope of this project.

PUBLIC HEARING SUMMARY

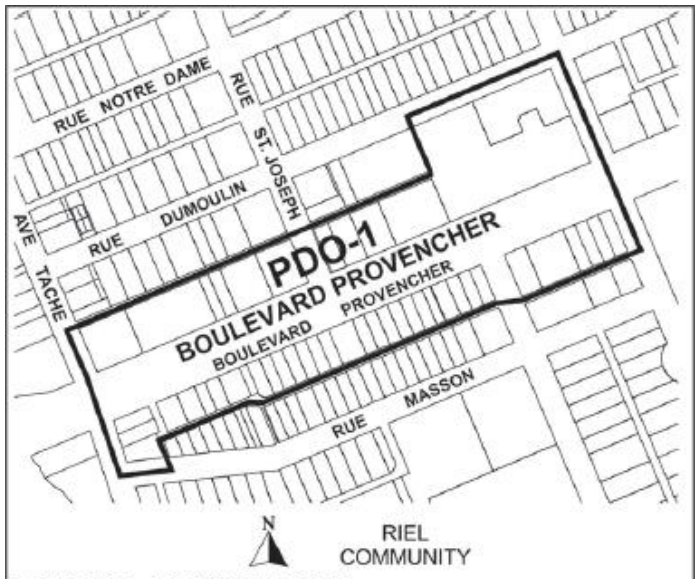
File: DAZ 201/2017

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: June 12, 2017
Council Building, 510 Main Street

Applicant: The City of Winnipeg
(Richard Mahé)

Subject:



APPLICANT : CITY OF WINNIPEG
FILE : DAZ 201/17
PROPOSAL : To amend the Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher), Schedule "E" to the Winnipeg Zoning By-law No. 200/2006, as follows:

1. Amend the design review process for development in the PDO-1 Boulevard Provencher;
2. Increase the maximum building height on the south side of Boulevard Provencher; and,
3. Amend the permitted use restrictions.

Related material can be found on the project website (www.winnipeg.ca/ppd/NorthStBoniface).
For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.
DEMANDEUR : VILLE DE WINNIPEG
N° DE DOSSIER : DAZ 201/17
PROJET : Demande de modification de l'annexe E, développement organisé 1 du secteur du boulevard Provencher (DO 1 du secteur du boulevard Provencher) du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à permettre ce qui suit :

1. La modification du processus de révision de la conception du DO 1 du secteur du boulevard Provencher;
2. L'augmentation de la hauteur de bâtiment maximale autorisée du côté sud du boulevard Provencher;
3. La modification des restrictions liées aux usages permis.

Des documents connexes sont accessibles sur le site Web du projet, à www.winnipeg.ca/francais/ppd/NorthStBoniface .
Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.

Premises Affected:	North and South Sides of Provencher Boulevard between Taché and Langevin
Exhibits Filed:	1. Application dated April 13, 2017 2. Notification of Public Hearing 3. Report from the Urban Planning Division dated May 31, 2017 4. Letter of intent dated May 10, 2017 from Richard Mahé to Michelle Ho 5. Communication dated June 11, 2017, from Bo Lucki in support of the application

REPRESENTATIONS:

In Support:

Marc Allard
Paul Allard
Georges Bohermier
Shawn Brandson
Normand Gousseau
Bo Lucki
Robert Mackay
Stephen McIntosh
Daniel Serhal
Andrew Wilkinson

In Opposition:

Karl Brosch
Susan Brosch
Laura Horosko
Walter Kleinschmit
Réal Rioux

For Information:

Antonio Guerreiro

For the City:

R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "3" referred to in File DAZ 201/2017

ADMINISTRATIVE REPORT

Title: DAZ 201/2017 – Boulevard Provencher Planned Development Overlay 1 (PDO-1 Boulevard Provencher) Review

Issue: For consideration at the public hearing for Winnipeg Zoning By-law No. 200/2006 text amendments to Schedule "E" PDO-1 Boulevard Provencher

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
R. Kostiuk, RPP	B. Smith, RPP	n/a	n/a	n/a

RECOMMENDATIONS

1. That Council enact a by-law (draft by-law attached as Appendix "B") to amend Schedule "E" (Boulevard Provencher Planned Development Overlay 1) to the Winnipeg Zoning By-law No. 200/2006 to:
   (a) change the design review process for most development to require approval by the Riel Community Committee instead of the Director of Planning, Property and Development;
   (b) increase the maximum allowable building height on the south side of Boulevard Provencher to 60 feet from 30 feet; and
   (c) amend the list of prohibited uses as follows:
      (i) eliminate the existing restriction of no more than 2 amusements devices on any property; and
      (ii) add "billboard signs," "outdoor amusement enterprises," "auto/light truck/motorcycle, repair and service," "auto/light truck/motorcycle, sales and rental," "fleet services," "kennels," "pawnshops," and "fuel sales".
2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and directed the Winnipeg Public Service report back on the following:

    1. The initiation of a review of the Boulevard Provencher Planned Development Overlay to:

        A. Update the design review process in order to align it with the design review process outlined in the Downtown Transcona Planned Development Overlay 1 and in the St. Norbert Neighbourhood Main Street Planned Development Overlay 1.

        B. Update the maximum building height requirements on the south side of Boulevard Provencher.

        C. Consider possible amendments to the list of prohibited uses.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the Public Service recommendations are concurred in, Schedule "E", PDO-1 Boulevard Provencher, of the Winnipeg Zoning By-law No. 200/2006 will be amended to:
    - change the design review process for most development in the PDO-1 Boulevard Provencher area by requiring approval by the Riel Community Committee instead of the Director of Planning, Property and Development;
    - increase the maximum allowable building height on the south side of Boulevard Provencher to 60 feet from 30 feet in the PDO-1 Boulevard Provencher area; and,
    - eliminate the existing restriction of no more than 2 amusements devices on any property, and add "billboard signs," "outdoor amusement enterprises," "auto/light truck/motorcycle, repair and service," "auto/light truck/motorcycle, sales and rental," "fleet services," "kennels," "pawnshops," and "fuel sales" to the list of prohibited uses in the PDO-1 Boulevard Provencher.

HISTORY

- As discussed in the *Reason for Report* section above, on February 16, 2016, the Public Service was requested to initiate a review of the design review process, maximum building height requirements, and list of prohibited uses within the PDO-1 Boulevard Provencher.

CONSULTATION

- Public consultation on the proposed amendments to the PDO-1 Boulevard Provencher was undertaken in conjunction with the North St. Boniface Secondary Plan Review project. Consultation took place primarily between March and June of 2016.
- The public consultation process was comprised of stakeholder meetings with residents, community groups/organizations, and, representatives from the local business and development community, and a public open house, which was held on June 7, 2016 from 4:30 p.m. to 8:30 p.m. at École Taché (744 Rue Langevin). One hundred and twenty-three people attended the open house.
- On May 19, 2016, a project website was added to the City of Winnipeg website to provide project materials and updates.
- One hundred (100) questionnaires were completed either online or at the open house.
- The consultation process was approved by the City of Winnipeg Office of Public Engagement. Materials provided through the consultation process were also reviewed by the Office of Public Engagement.
- Legal Services was consulted on legal issues with respect to the recommendations and proposed amending by-law found within this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Kostiuk, MCIP
Date:	May 31, 2017
File No.	DAZ 201/2017

Attachments:
Appendix “A” – Administrative Report
Appendix “B” – Draft amending By-law
Appendix “C” – Public Consultation Report

APPENDIX 'A' – Administrative Report

DATE: May 31, 2017

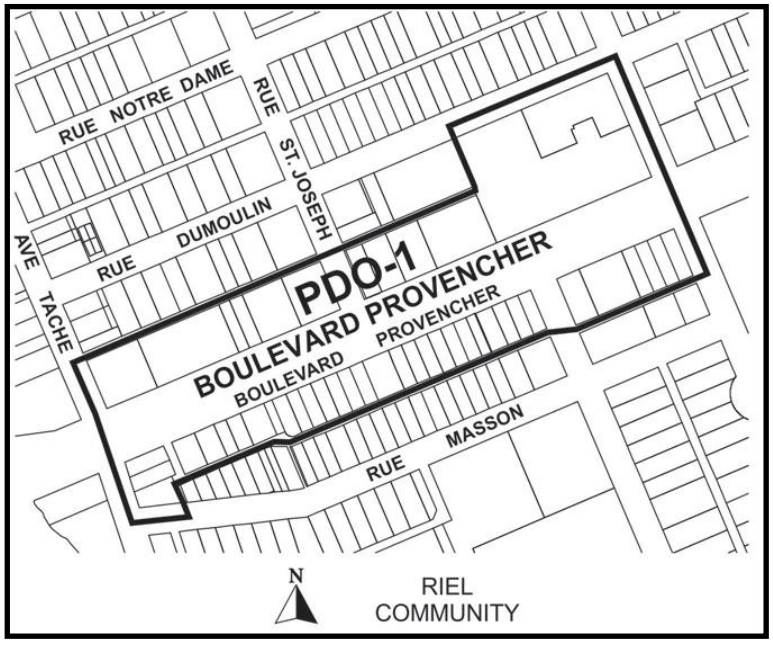
FILE: **DAZ 201/2017**
RELATED FILES: n/a

COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.501 & 5.502 North & Central St. Boniface

SUBJECT: To amend PDO-1 Boulevard Provencher, Schedule "E" to the Winnipeg Zoning By-law No. 200/2006, as follows:

- Amend the design review process for development in the PDO-1 Boulevard Provencher;
- Increase the maximum building height on the south side of Boulevard Provencher; and,
- Amend the permitted use restrictions.

LOCATION: see map below:



APPLICANT: City of Winnipeg

RECOMMENDATION: **Approval**

BACKGROUND

History of the Boulevard Provencher PDO-1

1985-1995 (Boulevard Provencher District)

- The Boulevard Provencher District was initiated as part of Core Initiative Neighbourhood Main Streets Development program and came into force and effect on June 28, 1985, under the St. Boniface Town Planning Scheme of 1957 (see DAZ 220/84; By-law 3993/85). When commissioned, the three key outcomes were to:
    - identify the uses to be permitted in the area;
    - make recommendations on height limits; and
    - establish standards or guidelines to preserve the architectural character of the area.
- The original Boulevard Provencher District included a process to establish an advisory committee and a design review board. Limited design guidelines were created with a design review process to grant “certificates of appropriateness” for development in the plan area.
- Uses that required a private approach to Provencher Boulevard for motor vehicles were prohibited (unless approved by variance), while an extensive list of permitted uses was included along with sign restrictions.
- Parking standards that established a minimum setback or 15 metres from the front property line were introduced.
- When originally reviewed by the St. Boniface/St. Vital Community Committee, that Committee recommended that the proposed height limit of 9 metres (29.53 feet) be amended on the north side of Provencher to 25 metres (82.02 feet). As such, the north side of Provencher Boulevard has since then been permitted substantially taller buildings than the south side Provencher Boulevard.

1995-2008 (Boulevard Provencher District)

- In 1995, the City of Winnipeg adopted Zoning By-law No. 6400/94, which repealed the multiple former cities and towns municipal zoning by-laws that existed prior to “Unicity” and placed all zoning regulations, excluding the downtown, under one by-law.
- The Boulevard Provencher District was incorporated into Zoning By-law 6400/94 with minor wording changes to reflect the organization of By-law 6400/94. The list of permitted and conditional uses was also expanded from what was previously allowed, and specific sign regulations were eliminated.
- The maximum heights were modestly adjusted to a maximum of 80 feet on the north side and 30 feet on the south side of Provencher Boulevard.
- There were no substantial changes to the design review process.

2008-Today (Boulevard Provencher PDO-1)

- The creation of the current Winnipeg Zoning By-law No. 200/2006 (adopted March of 2008) introduced the use of Planned Development Overlays (PDOs) and established the Boulevard Provencher PDO-1.
- Some of the essential concepts employed in the development of the Winnipeg Zoning By-law No. 200/2006 were: to simplify and modernize the zoning districts; consolidate like uses into broader categories; and, reduce reliance on negotiated approvals.
- These concepts applied to the creation Boulevard Provencher PDO-1 as the number of permitted use restrictions were reduced and the design review process was simplified to being an administrative process rather than one conducted by a board. However, as noted by the consultant's approach report for the Winnipeg Zoning By-law, the Boulevard Provencher district was lacking substantive standards to guide the review process. To address this, design review standards developed or applied by staff for use in the Certificate of Appropriateness review were incorporated into the PDO-1 Boulevard Provencher.

Zoning

- Virtually all properties in the PDO-1 Boulevard Provencher are zoned "C2" Commercial Community except a small portion of City-owned land near the old St. Boniface City Hall, which is zoned "R1-M" Residential Single-Family Medium.



Figure 1: Limits of the Boulevard Provencher PDO-1 Showing Zoning Designations

Existing Uses

- The existing uses within the PDO-1 Boulevard Provencher can generally be classified as the following under the Winnipeg Zoning By-law 200/2006
    - Library;
    - Restaurant;
    - Office;
    - Multi-family dwelling;
    - Personal services;
    - Medical/dental/optical/counseling clinic;
    - Auto/light truck/motorcycle repair and service;
    - Place of worship;
    - Post office/carrier depot;
    - Gallery/museum;
    - Retail sales;
    - Billboard, poster

Historically Designated Sites:

- The former St. Boniface City Hall (219 Provencher Blvd.) and St. Boniface Firehall No. 1 (212 Dumoulin Street) are the only properties in the PDO-1 Boulevard Provencher that are on the City of Winnipeg List of Historical Resources.

DESCRIPTION OF THE PROPOSED AMENDMENTS

- On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and directed the Winnipeg Public Service report back on the following:

    1. The initiation of a review of the Boulevard Provencher Planned Development Overlay to:

        A. Update the design review process in order to align it with the design review process outlined in the Downtown Transcona Planned Development Overlay 1 and in the St. Norbert Neighbourhood Main Street Planned Development Overlay 1.

        B. Update the maximum building height requirements on the south side of Boulevard Provencher.

        C. Consider possible amendments to the list of prohibited uses.

PUBLIC CONSULTATION

- Per the direction from the Riel Community and ultimately the Standing Policy Committee on Property and Development, Heritage and Downtown Development, the Public Service initiated a review of the PDO-1 Boulevard Provencher.
- Public consultation on the proposed amendments to the PDO-1 Boulevard Provencher was undertaken in conjunction with the North St. Boniface Secondary Plan Review project. The full consultation report (including the portion related to the North St. Boniface Secondary Plan) is included in Appendix "C".
- Public consultation for the PDO-1 Boulevard Provencher Review took place primarily between March and June of 2016. The consultation process was approved by the City of Winnipeg Office of Public Engagement. Materials provided through the consultation process were also reviewed by the Office of Public Engagement.
- A brief overview of the process is provided in the following bullet points below.

Stakeholder Meetings

- Three stakeholder meetings were held in March of 2016 at the City of Winnipeg, Urban Planning Division offices (15 – 30 Fort Street):
    - March 23, 2016: Residents;
    - March 23, 2016: Community groups/organizations; and,
    - March 24, 2016: Representatives from the local business and development community.
- The purpose of the meetings was to review the project parameters and to obtain feedback on the proposed amendments.

Public Open House

- The Public Open House was held on June 7, 2016 from 4:30 p.m. to 8:30 p.m. at École Taché (744 Rue Langevin).
- A total of 123 people attended the open house; 94 of the attendees identified as a resident of the North St. Boniface Area.
- Attendees at the open house were invited to complete a questionnaire (see Appendix "C" to view the questionnaire). One hundred (100) questionnaires were completed either online or at the open house.
- With respect to the PDO-1 Boulevard Provencher Review, three questions posed to the public were a mix of rating-scale and multiple-choice questions. The results are below.

Q 1 **I agree with the proposed changes to the design review process.**

- 19% Strongly Agreed;
- 40% Agreed;
- 21% Neutral;
- 10% Disagreed;
- 10% Strongly Disagreed

Q 2 **I think the height limit on the south side of Provencher Boulevard within the PDO area should…**

- Increase to 80 feet (18%);
- Increase to 60 feet (20%);
- Increase to 40 feet (22%);
- Remain at 30 feet (31%);
- Other (9%)

- Of those who responded with “Other”, three (3) responses included the following specific direction with respect to height:
  - 35 feet;
  - Same as north side (80 feet) or higher; and,
  - 40 feet, but taller if the main floor is for a grocery store.

Q 3 **I think the list of prohibited uses within the PDO area should…**

- Align with the list of prohibited uses within the PDO-1 Neighbourhood Main Streets (43%);
- Remain unchanged (36%);
- Other (21%)

- Those who responded with “Other” identified prohibiting the following uses:
  - Pharmacy;
  - Liquor mart;
  - Vape shop;
  - Dog grooming;
  - Tattoo parlours;
  - XXX videos stores;

- Cheque cashing facilities;
- Auto-repair shops;
- Billboards; and,
- Industrial uses.

- Two of those who responded with "Other" also indicated that a supermarket should *no*t be prohibited. This may be in response to the fact that supermarkets are listed as a prohibited use in the PDO-1 Neighbourhood Main Streets.

ANALYSIS

PDO-1 Boulevard Provencher Design Review

- Under the current PDO-1 Boulevard Provencher design review process, "all development, redevelopment, expansion, demolition, or exterior alteration visible from public rights-of-way is subject to urban design review and must be approved by the Director (of Planning, Property and Development) prior to commencement." Design review approval is also required for development within public roads, public lanes, public walkways and public right-of-ways.
- A key issue for many members of the community is that the design review is not taking place in a more transparent public forum, particularly when it comes to the matter of bilingual signage.
- A potential solution to resolve this issue is to amend the PDO-1 Boulevard Provencher design review process to be more like either design review process found in the PDO-1 Downtown Transcona or the PDO-1 St. Norbert (see section 6 of Schedule M and section 7 of Schedule N of the Winnipeg Zoning By-law).
- Both of these design review processes require virtually all development to be approved by the relevant Community Committee.
- Requiring approval at Community Committee makes the design review process more transparent than solely requiring approval by the Director of Planning, Property and Development because decisions on the design approval occur at a public, regular meeting where a supporting report from the Urban Planning Division is provided and the decision making is recorded publicly. Design review decisions made by the Director under the current PDO-1 Boulevard Provencher are not made at a public meeting.
- It should be noted that items on the agenda at a Community Committee Regular Meeting are not *public hearing* items. Key differences between *regular meeting* items and *public hearing* items for development applications are that:
    - *Public hearing* items must follow a public process identified in the *City of Winnipeg Charter* and the Development Procedures By-law. Components of this process often require a site to be posted (or if applicable, advertised in 2 newspapers) at least two weeks in advance of the public hearing. The site posting (and, if applicable, newspaper advertisement) identifies: the nature of the application; the relevant hearing body; and

the time/date/location of the public hearing. Public hearings also follow a defined procedure for the applicant(s) and members of the public to speak on the item.

- *Regular meeting* items are neither posted nor advertised in a newspaper. However, these items are identified on the relevant the Community Committee agenda, which is posted at least 96 hours before the date of the meeting. Items on the regular meeting agenda do not follow an established public hearing format like public hearing items, but the applicant or members of the public may speak to the item(s) if they register at the meeting as a delegation.

- The majority of respondents to the questionnaire agreed with amending the design review process to be similar to that of the design review process for both the St. Norbert and Transcona PDOs.

PDO-1 Boulevard Provencher Maximum Height Requirements

- At 30 feet, the existing height limit on the south side of Boulevard Provencher is the most restrictive in the Winnipeg Zoning By-law. By comparison, all of the single-family districts in the Winnipeg Zoning By-law permit buildings to a maximum height of 35 feet.
- Boulevard Provencher is considered by many in the community as the key main street in St. Boniface. Under the *Complete Communities Direction Strategy*, Boulevard Provencher is designated as a Neighbourhood Mixed Use Centre where moderate intensification through the development of a mix of uses and a broad range of ground-oriented and mid-density housing is encouraged.
- It is difficult to accommodate mixed use development and mid-density housing with a height limit of 30 feet, which is approximately 3 storeys. For relative comparison, under the Winnipeg Zoning By-law, the RMF-M (Residential Multi-family Medium) zoning district allows a maximum height of 60 feet.
- The north side of the Boulevard Provencher allows a maximum height of 80 feet in the PDO area.
- When consulting with the public, the Public Service reviewed the potential shadow impact of developments with heights of 40, 60 and 80 feet (see Appendix C). All of these heights had a relatively low impact on the north side of Boulevard Provencher primarily because Boulevard Provencher is approximately 130 feet wide.
- Considering that the *Complete Communities Direction Strategy* encourages mixed-use development and mid-density housing in Neighbourhood Mixed Use Centre; the north side of Boulevard Provencher allows a maximum building height of 80 feet; and that Boulevard Provencher is approximately 130 feet wide (which helps limit shadow impact to the north), the Public Service recommends increasing the height limit on the south side of Boulevard Provencher to 60 feet within the PDO area.
- The collective majority (60%) of those who responded to the questionnaire wanted to increase the current height limit on the south side of Boulevard Provencher. This majority was split between respondents selecting either: 40 feet (22%); 60 feet (20%); or 80 feet (18%).

PDO-1 Boulevard Provencher Permitted Use Restrictions

- The Boulevard Provencher PDO-1 currently restricts amusement devices; drive-in or drive throughs, and car washes.
- The existing requirements of a minimum setback of 50 feet between the street edge and any parking area, and a maximum setback of 15 feet between the street edge and the front building façade make it more difficult to develop car-oriented uses.
- The Public Service reviewed the uses restricted in the Neighbourhood Main Streets Planned Development Overlay 1 (Schedule G of the Winnipeg Zoning By-law), which applies to portions of Main Street, Selkirk Avenue, Sargent Avenue, Ellice Avenue, Broadway Avenue, Sherbrook Street, and Osborne Street. These Neighbourhood Main Streets have similar qualities to Boulevard Provencher. Uses listed as prohibited and conditional in the Neighbourhood Main Streets PDO-1 are provided in Figure 2 below.

Prohibited	**Conditional**
Billboard, Digital Moving Copy/Billboard, Digital Static Copy/Billboard, Poster	Auto/light truck/motorcycle, sales and rental
Amusement enterprise, outdoor	Drinking establishment
Auto/light truck/motorcycle, repair and service	Fuel sales
Car wash	Hotel or motel
Drive-in or drive through	Craft brewery, distillery or winery
Fleet services	
Kennel	
Pawnshop	
Supermarket	

Figure 2: Prohibited and conditional uses in the Neighbourhood Main Streets PDO-1

- The Public Service recommends prohibiting the following uses in the Boulevard Provencher PDO-1:
  - Digital Moving Copy/Billboard, Digital Static Copy/Billboard, Poster;
  - Amusement enterprise, outdoor;
  - Auto/light truck/motorcycle, repair and service;
  - Auto/light truck/motorcycle, sales and rental;
  - Car wash;
  - Drive-in or drive through;
  - Fleet services;
  - Kennel;
  - Pawnshop; and,
  - Fuel sales.

- Further, a drive-through will continue to be permitted as a conditional use provided there is no direct access from Boulevard Provencher and the drive-through services a financial institution.
- The recommended prohibited uses capture existing uses restricted in the Boulevard Provencher PDO-1 (drive-through; car washes), but eliminates amusement devices. Restricting amusement devices is generally viewed as a dated and irrelevant regulation.
- The recommended prohibited uses also predominantly align with the uses restricted in the Neighbourhood Main Streets PDO-1, with the following exceptions:
    - Both “auto/light truck/motorcycle, sales” and rental and “fuel sales” are included as prohibited uses instead of conditional in the Blvd Provencher PDO-1;
    - A “supermarket” is not prohibited Blvd Provencher PDO-1;
    - “Drinking establishments,” “hotels or motels,” and “craft breweries, distilleries or wineries” are not restricted as conditional uses in the Blvd Provencher PDO-1.
- These modifications take into account the yard requirement restrictions and design considerations that encourage pedestrian-oriented development in the Boulevard Provencher PDO-1 and comments provided throughout the consultation process. Most respondents indicated that they would prefer to see the use restrictions in the Boulevard Provencher PDO-1 align with the restrictions found in the Neighbourhood Main Streets PDO-1. Further, the proposed use restrictions align with the *Complete Communities Direction Strategy* to promote neighbourhood mixed use centres as pedestrian-friendly places, and aligns with the proposed policies of the North St. Boniface Secondary Plan (see Mixed Use Commercial Policy Area).
- It should be noted that if the proposed uses are restricted in the Boulevard Provencher PDO-1, any use that was established prior to the date that the By-law was changed can continue to exist as a protected non-conforming use. Protected non-conforming uses may continue in accordance with the “Protected Non-Conformities” section of the Winnipeg Zoning By-law (see sections 21-34).

RECOMMENDATION

1. That Council enact a by-law (draft by-law attached as Appendix “B”) to amend Schedule “E” (Boulevard Provencher Planned Development Overlay 1) to the Winnipeg Zoning By-law No. 200/2006 to:

    (a) change the design review process for most development to require approval by the Riel Community Committee instead of the Director of Planning, Property and Development;

    (b) increase the maximum allowable building height on the south side of Boulevard Provencher to 60 feet from 30 feet; and

    (c) amend the list of prohibited uses as follows:

        (i) eliminate the existing restriction of no more than 2 amusements devices on any property; and

        (ii) add “billboard signs,” “outdoor amusement enterprises,” “auto/light truck/motorcycle, repair and service,” “auto/light truck/motorcycle, sales and rental,” “fleet services,” “kennels,” “pawnshops,” and “fuel sales”.

    2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASONS FOR RECOMMENDATION:

- Requiring design review approval at Community Committee makes the design review process more transparent than solely requiring approval by the Director of Planning, Property and Development because decisions on the design approval occur at a public, regular meeting where a supporting report from the Urban Planning Division is provided and the decision making is recorded publicly.
- Increasing the maximum building height to 60 feet on the south side of Boulevard Provencher balances encouraging redevelopment in line with the *Complete Communities Direction Strategy* while not impacting the north side of Boulevard Provencher and respecting fairly significant public support for this height option.
- The proposed use restrictions align with the *Complete Communities Direction Strategy* to promote neighbourhood mixed use centres as pedestrian-friendly places, and aligns with the proposed policies of the North St. Boniface Secondary Plan (see Mixed Use Commercial Policy Area).
- The proposed use modifications take into account the yard requirement restrictions and design considerations that encourage pedestrian-oriented development in the Boulevard Provencher PDO-1 and comments provided throughout the consultation process.

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

Report Prepared by: Robert Kostiuk, MCIP, RPP
PPD File # DAZ 201/2017

APPENDIX “B” – Draft amending By-law

APPENDIX “C” – Public Consultation Report