Minute No. 405
Report – Executive Policy Committee – June 13, 2018

Item No. 4 Zoning Agreement Amendment – 2790 Pembina Highway (South Winnipeg - St. Norbert Ward) File ZAA 2/2018

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat #230983 under File DAZ 150/73 dated May 5, 1974, be discharged in its entirety.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to discharge Zoning Agreement DAZ 150/73, as approved in aforesaid Recommendations 1.

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

    A. The Owner must submit plans showing the location and design of any and all proposed:

        i. buildings;
        ii. accessory parking areas;
        iii. private approaches;
        iv. garbage enclosures;
        v. fencing;
        vi. landscaping; and
        vii. free-standing signage

        on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

Report – Executive Policy Committee – June 13, 2018

COUNCIL DECISION (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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

i. Landscape or Garden Supplies
ii. Supermarket
iii. Auction Room
iv. Pawnshop
v. X-rated store
vi. Drive-in or Drive-through
vii. Auto/light truck/motorcycle, repair and service
viii. Auto/light truck/motorcycle, sales and rental
ix. Auto parts and supplies, sales
x. Car wash
xi. Fuel sales
xii. Parking, surface
xiii. Contractor's establishment
xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
xv. Outside display and sales

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

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – June 13, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2018, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment – 2790 Pembina Highway**
File ZAA 2/2018

For submission to: **Executive Policy Committee**

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

Report date: **June 5, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That Zoning Agreement Caveat #230983 under File DAZ 150/73 dated May 5, 1974, be discharged in its entirety.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to discharge Zoning Agreement DAZ 150/73, as approved in aforesaid Recommendations 1.

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

i. Landscape or Garden Supplies
ii. Supermarket
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v. X-rated store
vi. Drive-in or Drive-through
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xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
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4. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

5. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. This original zoning was put on in 1974, so things have changed along Pembina Highway.
2. We are modifying some of the points to this, and updating it to today.

PUBLIC HEARING SUMMARY

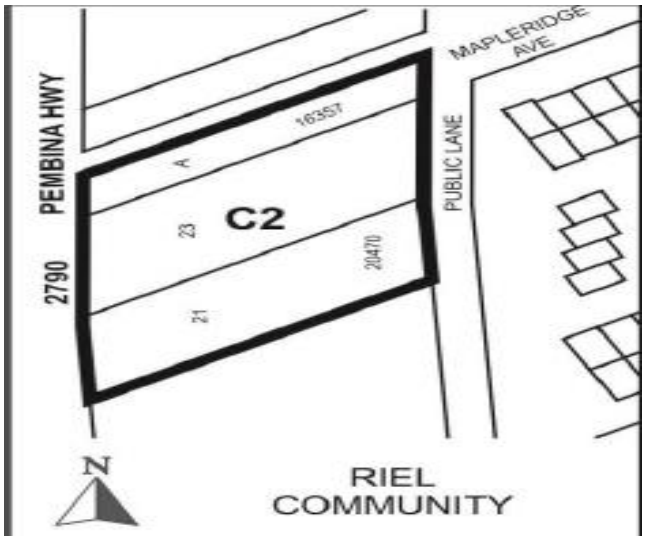
File: ZAA 2/2018

Before: Riel Community Committee
Councillor Lukes, Chairperson
Councillor Allard

Public Hearing: June 5, 2018
Council Building, 510 Main Street

Applicant: Articulated Design Union (Daniel MacGibbon)

Subject:



APPLICANT: ARTICULATED DESIGN UNION
FILE: ZAA 2/2018
PROPOSAL: To discharge the existing Zoning Agreement Caveat No. 230983/1 of DAZ 150/1973, By-law 696/1974 affecting the land shown outlined above to allow for the establishment of commercial uses that are permitted under the Winnipeg Zoning By-law 200/2006. **For information, phone Ms. Simi Jerez, Planner at 204-986-7175.**
DEMANDEUR: ARTICULATED DESIGN UNION
N° DE DOSSIER: MCZ 2/2018
PROJET: Abrogation de l'opposition de la convention de zonage no 230983/1 de la DAZ 150/1973, règlement municipal 696/1974, visant le bien-fonds délinéé ci-dessus afin de permettre l'aménagement les usages commercial qui sont autorisés en vertu du Zoning By-law No. 200/2006 (règlement municipal sur le zonage). **Pour plus de renseignements, veuillez communiquer avec Mme Simi Jerez, urbaniste, au 204-986-7175.**

Premises Affected: 2790 Pembina Highway

Exhibits Filed:

1. Application dated March 23, 2018
2. Notification of Public Hearing dated May 8, 2018
3. Manitoba Status of Title 2908279/1
4. Letter of authorization dated March 22, 2018 from Hesion Development Ltd. to Daniel MacGibbon
5. Caveats 264576, 230983
6. Plans (5 pages)
7. Report from the Urban Planning Division dated May 28, 2018
8. Inspection Report

REPRESENTATIONS:

In Support:
Nil

In Opposition
Nil

For Information:
Nil

For the City:
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 2/2018

ADMINISTRATIVE REPORT

Title: ZAA 2/18 – 2790 Pembina HWY

Issue: For consideration at the Public Hearing to discharge the Zoning Agreement under DAZ 150/73 to permit a range of commercial uses.

Critical Path: Riel 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
Simi Jerez	B. Smith	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat #230983 under File DAZ 150/73 dated May 5, 1974, be discharged in its entirety.
2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to discharge Zoning Agreement DAZ 150/73, as approved in aforesaid Recommendations 1.
3. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A) The Owner must submit plans showing the location and design of any and all proposed:

      i. buildings;
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B) That the following uses shall not be permitted on the land:

i. Landscape or Garden Supplies
ii. Supermarket
iii. Auction Room
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vi. Drive-in or Drive-through
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xiii. Contractor's establishment
xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
xv. Outside display and sales

4. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
5. 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 is proposing to demise a vacant restaurant building into 5 office/retail spaces at 2790 Pembina Highway.
- The applicant is applying to discharge DAZ 510/1973 to remove the restriction on permitted commercial uses.
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, Zoning Agreement Caveat #230983 will be discharged.

HISTORY

DAZ 150/73

- DAZ 150/73 rezoned the subject property for commercial use.
- The related Zoning Agreement (B/L 696/1974) used Caveat #230983 to implement conditions related to landscaping and fencing of the parking area, and restricted the site to a restaurant use only.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Simi Jerez
Date:	May 28, 2018
File No.	ZAA 2/2018

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE:	May 28, 2018
FILE:	**ZAA 2/18**
RELATED FILES:	DAZ 150/73
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.615 – Fort Richmond
SUBJECT:	For consideration at the Public Hearing to discharge zoning agreement DAZ 150/73 to permit a range of commercial uses.
LOCATION:	2790 Pembina HWY
LEGAL DESCRIPTION:	PCL A PLAN 16357 117 ST N LOT 21,23 PLAN 20470 115/121 ST N
APPLICANT:	Daniel MacGibbon 673 Mulvey Ave Winnipeg, Manitoba R3M 1G2
OWNER:	Hesion Development 306-2505 Waverly Street Winnipeg, Manitoba R3Y 1S3
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is located on the east side of Pembina Highway south of Mapleridge Avenue, in the Fort Richmond neighbourhood of the South Winnipeg – St. Norbert ward.
- The site is 31,352 square feet in area and contains a 5,541 square foot vacant building previously used as a restaurant.
- The site is falls is located along a Regional Mixed Use Corridor (Pembina Highway) policy area under *the Complete Communities Direction Strategy*. The property is zoned "C2" Commercial Community.

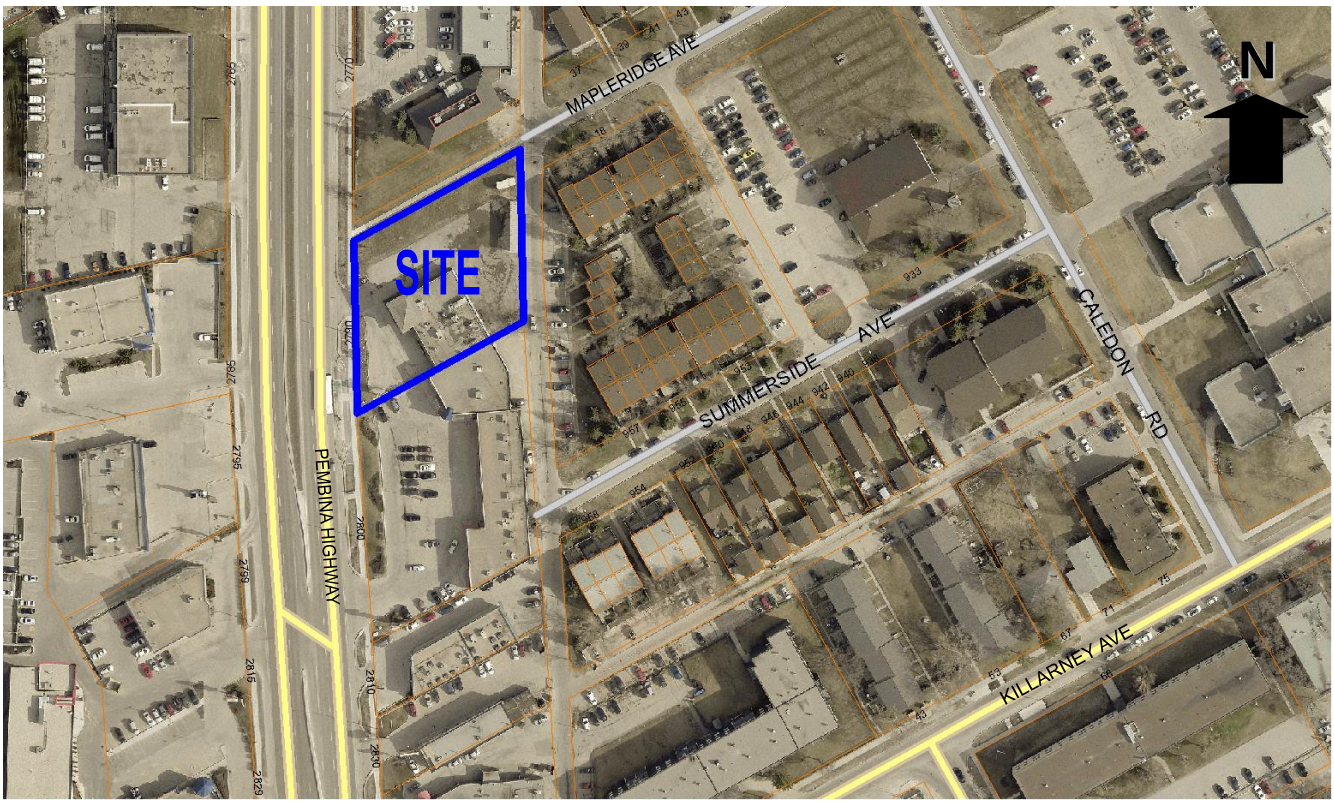


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Mapleridge Ave; then commercial uses zoned "C2" Commercial Community.

South: Commercial uses zoned "C2" Commercial Community; then Killarney Avenue.

East: Public lane; then multi-family residential uses zoned "RMF-S" Residential Multi-Family Small.

West: Pembina Highway; then commercial uses zoned "C2" Commercial Community.

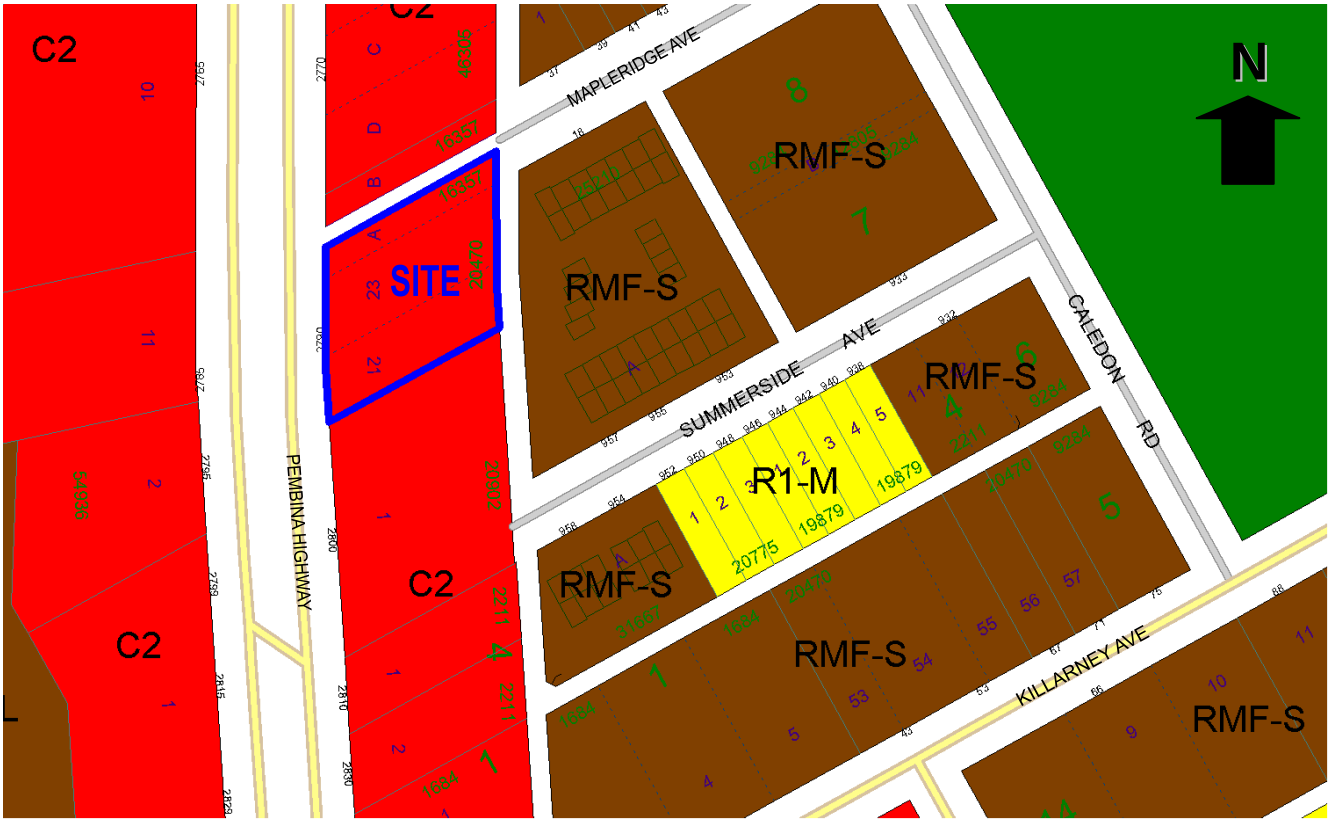


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to convert a 1-storey 5,541 sq. ft. building at 2790 Pembina Highway formerly used as a restaurant to 5 commercial spaces to for office and retail uses.
- Access to the site will be from an existing access on Pembina Highway.
- There is a public sidewalk on the west side of the property adjacent to Pembina Highway, and on the north side of the property adjacent to Mapleridge Avenue.
- The applicant has submitted elevations and a site plans showing parking, the garbage enclosure, landscaping and pedestrian connections from the building to both sidewalks.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is situated on a Regional Mixed Use Corridor (Pembina Highway) in *Complete Communities'* Urban Structure map.

- Our Corridors serve a dual function. On one hand, they are our primary city routes, connecting neighbourhoods and transporting people, goods and services. On the other hand, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work and play. The Complete Communities Direction Strategy focuses growth to our Centres and Corridors in a manner that:
    - Provides compact, mixed-use, high-quality urban development;
    - Concentrates people and jobs in areas well served by transit;
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
    - Encourages a built form that supports a pedestrian-friendly environment.
- Key relevant policies guiding development along our Regional Mixed Use Corridors include the following:
    - 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.
    - Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
    - 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.
    - Ensure multi-modal connectivity.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The Commercial Community (C2) zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
- C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- Office and retail uses are permitted in the “C2” Commercial Community zone.

LAND USE BY-LAW

Zoning Agreement DAZ 150/73

- Zoning Agreement Caveat #230983, states:
    2. *The land and any building or structure thereon shall not be used and no building or structure shall be erected, altered or enlarged on the land except for as a restaurant without drive-in facilities to be constructed in accordance with plans to be approved by the Commissioner of Environment of the City and identified under the designation DAZ 150/73.*

3. *The parking area shown on said plan shall be screened by a light –proof fence having a minimum height of four (4) feet to the satisfaction of the Commissioner of Environment and the land shall be landscaped as shown on said plans and to the satisfaction of the Commissioner of Environment.*

- The applicant is proposing to establish 5 office/retail units in a former restaurant building and as such a Zoning Agreement Amendment is required to allow these uses to be permitted.

ZONING AGREEMENT ANALYSIS

- The restriction on commercial uses incorporated into the zoning agreement was intended to protect nearby residents from noise generated by traffic in the parking lot at 2790 Pembina Highway. However, the change in permitted commercial uses will likely not create conflict as office and commercial are less likely to generate a significant amount of traffic or noise as a restaurant use, and because the site is situated on an arterial route. Furthermore, the residential uses to the east are separated by a back lane providing a further distance to reduce potential impacts of sound.
- The proposed development supports objectives in the Complete Communities Direction Strategy as it maximizes the use of existing infrastructure, encourages intensification to occur along a corridor, and supports a mix of commercial services and employment uses that serve the local community. It fits within the Complete Communities vision of supporting the viability of existing commercial strip and contributing to a vibrant and complete community.

CONDITIONS OF APPROVAL

- The Urban Planning Division recommends registering a new zoning agreement on the title restricting a number of car oriented commercial uses that are not compatible with the *Complete Communities* policies for Regional Mixed-Use Corridors and the context in which the property is located. The Urban Planning Division also recommends inclusion of a Plan Approval clause allowing the Urban Planning Division and the Riel Community Committee to review final plans and design details before development takes place on the property.
- The proposed site plan has been worked on collaboratively between the Urban Planning Division and the applicant to ensure pedestrian connections and landscaping have been addressed.

RECOMMENDATION

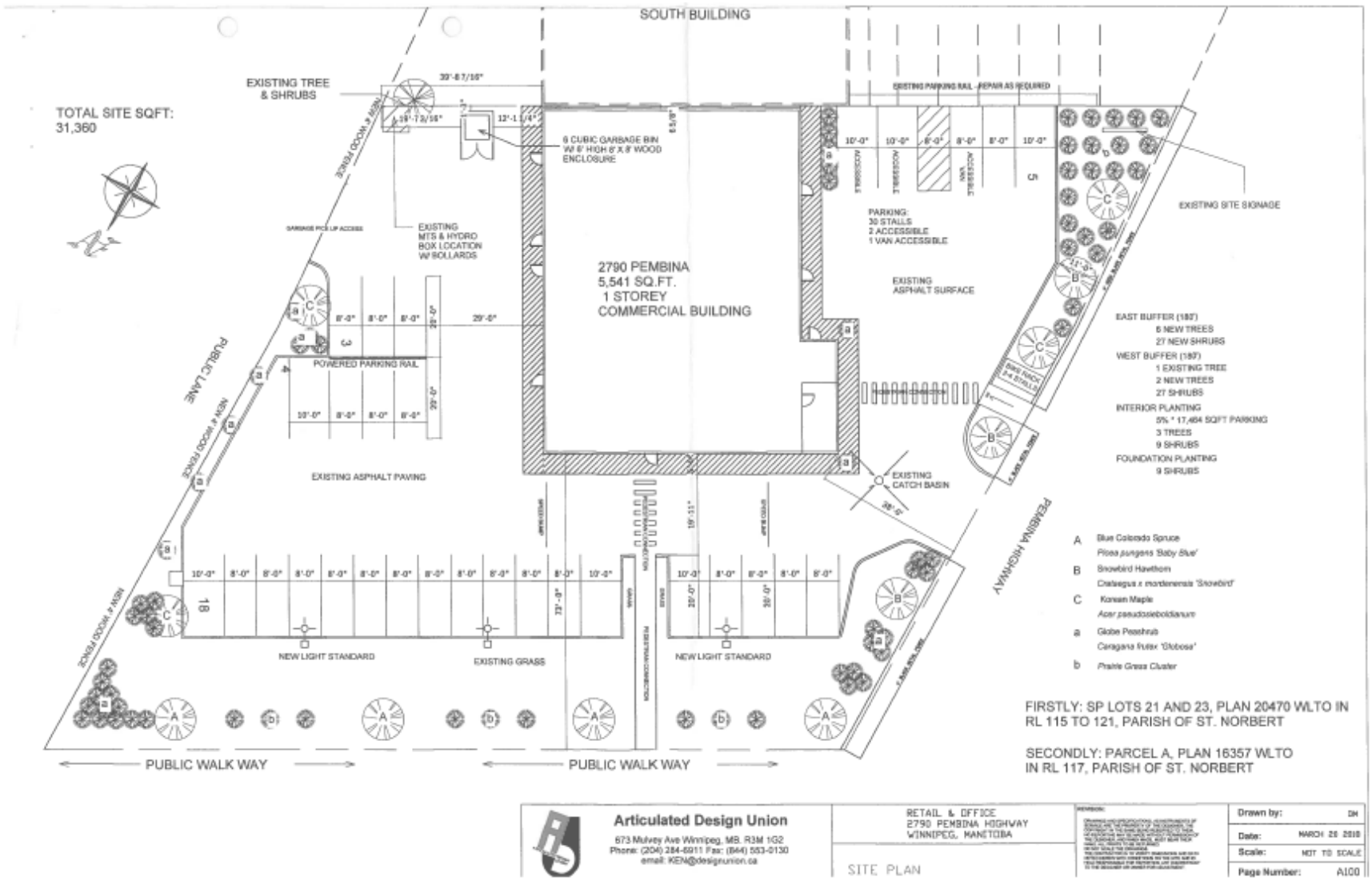
The Urban Planning Division recommends **approval** for the following reason:

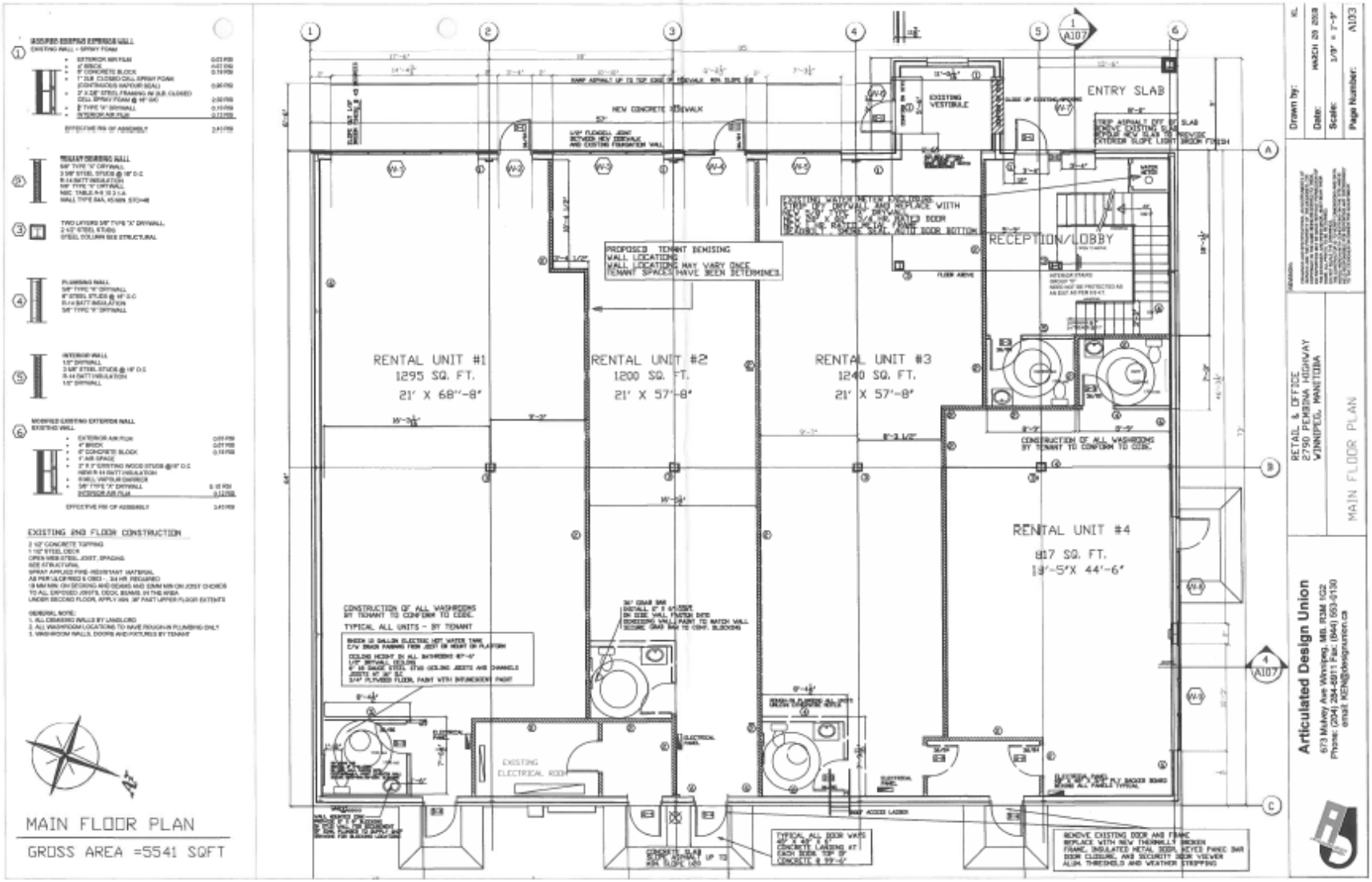
- Discharging a caveat that restricts commercial uses to a restaurant will have little impact on the surrounding neighbourhood given that this is a busy commercial corridor.

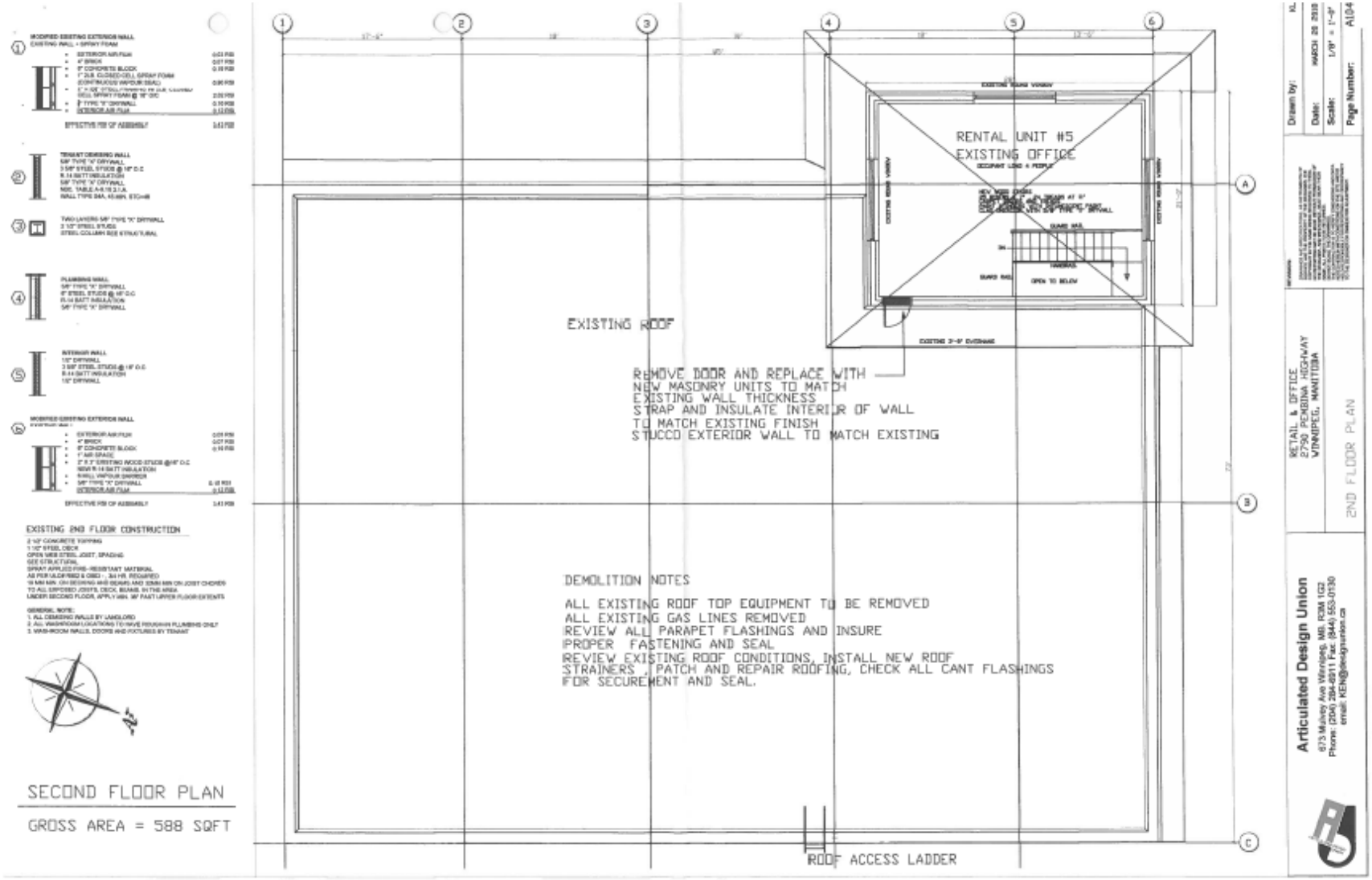
This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

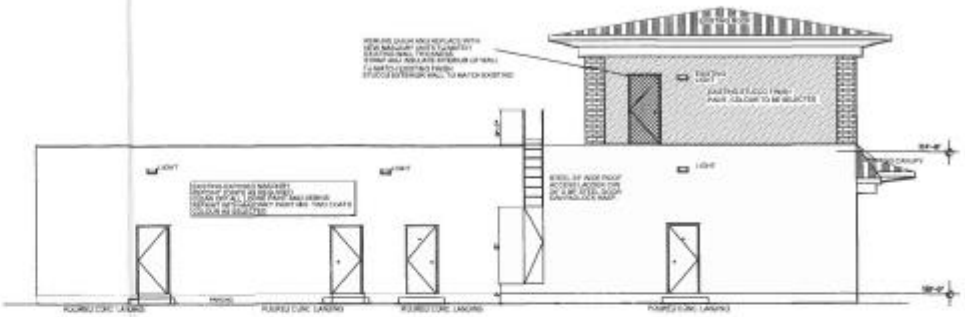
Report Prepared By: Simi Jerez
PPD File # ZAA 7/16

Exhibit "6" referred to in File ZAA 2/2018

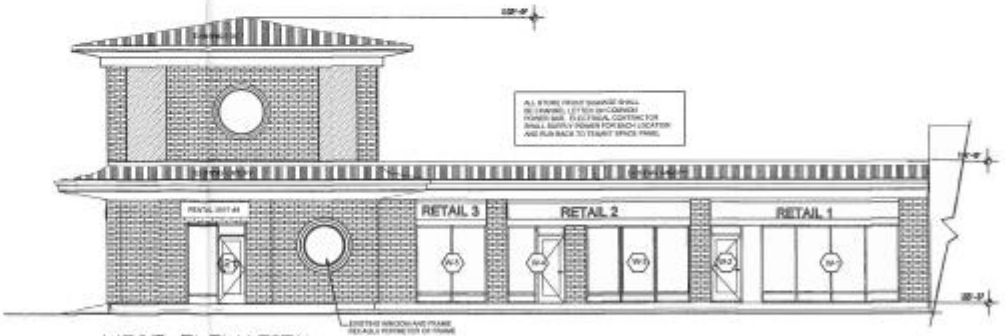



RENTAL UNIT #1
1295 SQ. FT.
21' X 68'-8"
RENTAL UNIT #2
1200 SQ. FT.
21' X 57'-8"
RENTAL UNIT #3
1240 SQ. FT.
21' X 57'-8"
RENTAL UNIT #4
817 SQ. FT.
18'-5"X 44'-6"
ENTRY SLAB
RECEPTION/LOBBY
NEW CONCRETE SIDEWALK
PROPOSED TENANT DEMISING WALL LOCATIONS
WALL LOCATIONS MAY VARY ONCE TENANT SPACES HAVE BEEN DETERMINED
CONSTRUCTION OF ALL WASHROOMS BY TENANT TO CONFORM TO CODE.
TYPICAL ALL UNITS - BY TENANT
EXISTING ELECTRICAL ROOM
MAIN FLOOR PLAN
GROSS AREA =5541 SQFT
RETAIL & OFFICE
2790 PEMBINA HIGHWAY
WINNIPEG, MANITOBA
MAIN FLOOR PLAN
Articulated Design Union
673 Mulvey Ave Winnipeg, MB. R3M 1G2
Phone: (204) 334-8911 Fax. (844) 553-6130
email KEN@designunion.ca
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Date: MARCH 20 2018
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RENTAL UNIT #5
EXISTING OFFICE
EXISTING ROOF
REMOVE DOOR AND REPLACE WITH
NEW MASONRY UNITS TO MATCH
EXISTING WALL THICKNESS
STRAP AND INSULATE INTERIOR OF WALL
TO MATCH EXISTING FINISH
STUCCO EXTERIOR WALL TO MATCH EXISTING
DEMOLITION NOTES
ALL EXISTING ROOF TOP EQUIPMENT TO BE REMOVED
ALL EXISTING GAS LINES REMOVED
REVIEW ALL PARAPET FLASHINGS AND INSURE
PROPER FASTENING AND SEAL
REVIEW EXISTING ROOF CONDITIONS, INSTALL NEW ROOF
STRAINERS , PATCH AND REPAIR ROOFING, CHECK ALL CANT FLASHINGS
FOR SECUREMENT AND SEAL.
ROOF ACCESS LADDER
EXISTING 2ND FLOOR CONSTRUCTION
SECOND FLOOR PLAN
GROSS AREA = 588 SQFT
RETAIL & OFFICE
2790 PEMBINA HIGHWAY
WINNIPEG, MANITOBA
2ND FLOOR PLAN
Articulated Design Union
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EAST ELEVATION



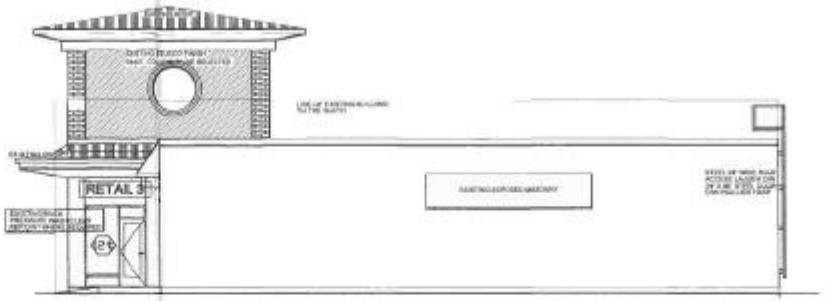
WEST ELEVATION

Articulated Design Union
673 Mulvey Ave Winnipeg, MB. R3M 1G2
Phone: (204) 284-6911 Fax: (844) 553-0130
email: KEN@designunion.ca

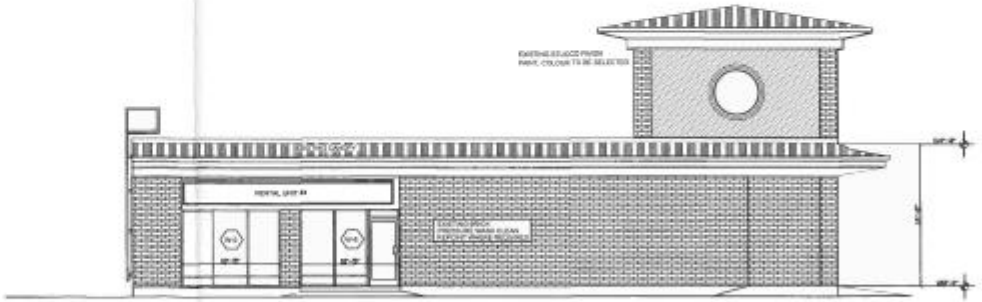
RETAIL & OFFICE
2790 PEMBINA HIGHWAY
WINNIPEG, MANITOBA

ELEVATIONS

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SOUTH ELEVATION



NORTH ELEVATION

Articulated Design Union 473 Mulvey Ave Winnipeg, MB. R3M 1G3 Phone: (204) 284-6911 Fax: (844) 553-0130 email: KEN@designunion.ca	RETAIL & OFFICE 2790 PEMBINA HIGHWAY WINNIPEG, MANITOBA ELEVATIONS	Drawn by: DH Date: MARCH 20 2018 Scale: 3/32" = 1'-0" Page Number: A106