Minutes – Executive Policy Committee – January 22, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 13 Zoning Agreement Amendment – 268 Almey Avenue (Transcona Ward) File ZAA 5/2018

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 Zoning Agreement Caveat 3084917 under File DASZ 14/1999, registered on January 12th, 2005, be amended as follows:

   A. That "tire: sales, service" be deleted from Clause 3; and

   B. That the text of Clause 5 be deleted in its entirety, and replaced with the following: 'The Owner and its respective successors in title are required to establish any principle building(s) at least 3.5 feet (1.067 metres) from the eastern site limit of the land.'

   C. There shall be no motor vehicle access to the subject property from Ravelston Avenue West and subsequent clauses be renumbered accordingly.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-law 13/2004) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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 January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Delete Recommendation 1 B) and replace with the following:

  "B. That the text of Clause 5 be deleted in its entirety, and replaced with the following: 'The Owner and its respective successors in title are required to establish any principle building(s) at least 3.5 feet (1.067 metres) from the eastern site limit of the land.'"

- Add the following new Recommendation after 1 B)

  "C. There shall be no motor vehicle access to the subject property from Ravelston Avenue West and subsequent clauses be renumbered accordingly."

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

RE: **Zoning Agreement Amendment – 268 Almey Avenue**
File ZAA 5/2018

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

Prepared by: **Pieter Prinsloo, Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **November 15, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the East Kildonan-Transcona 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 Zoning Agreement Caveat 3084917 under File DASZ 14/1999, registered on January 12th, 2005, be amended as follows:

   A. That "tire: sales, service" be deleted from Clause 3; and

   B. That the text of Clause 5 be deleted in its entirety, and replaced with the following: 'The Owner and its respective successors in title are required to establish any principle building(s) at least 3.5 feet (1.067 metres) from the eastern site limit of the land.'

   C. There shall be no motor vehicle access to the subject property from Ravelston Avenue West and subsequent clauses be renumbered accordingly.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-law 13/2004) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

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

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. We've heard from quite a few of the community members and with a perspective of fairness this provides a balance between the property in question and area residents.
2. This is fair to all parties.

PUBLIC HEARING SUMMARY

File: ZAA 5/2018

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Nason

Public Hearing: November 13, 2018
Council Building, 510 Main Street

Applicant: Brian Lowes, 10007885 Manitoba Ltd.

Subject:



Premises Affected: 268 Almey Avenue

Exhibits Filed:

1. Application dated October 17, 2018
2. Notification of Public Hearing dated September 21, 2018
3. Manitoba Status of Title 297292/1
4. Letter of authorization dated October 16, 2018 from 10023987 Manitoba Ltd. to Brian Lowes

5. Letter of authorization dated October 16, 2018 from 10007885 Manitoba Ltd. to Brian Lowes
6. Surveyor's Building Location Certificate and sketch dated June 14, 2018
7. Caveats 3084917/1, 3084918/1, 3084919/1, 3084921/1 3084922/1, 3084923/1, 3596743/1, 3666618/1, 3666619/1, 3666621/1, 3709637/1, 4124772/1, 412773/1
8. Site Plan (1 page)
9. Landscape Plan and East Elevations (1 page)
10. Report from the Urban Planning Division dated October 31, 2018
11. Inspection Report
12. Recording of Representations

REPRESENTATIONS:

In Support:

Brian Lowes
Robert Tyler
Chris Alto
John Pearson
Brennan Pearson

In Opposition

Denise Wenham
Michael Wenham
David Coleman
Christine Piotrowski

For Information:

Anthony Proske
Stan Burym
Ron Snider

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "10" referred to in File ZAA 5/2018

ADMINISTRATIVE REPORT

Title: ZAA 5/2018, 268 Almey Avenue

Issue: Proposed Zoning Agreement Amendment to Amend Schedule "A" of the Zoning Agreement Created under DASZ 14/1999 by deleting "tire: sales, service" from Clause 3, deleting Clause 5 and by renumbering the subsequent clauses accordingly.

Critical Path: East Kildonan – Transcona 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	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 3084917 under File DASZ 14/1999, registered on January 12th, 2005, be amended as follows:
   A. That "tire: sales, service" be deleted from Clause 3; and
   B. That Clause 5 be deleted and the subsequent clauses be renumbered accordingly.
2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/1999 (By-law 13/2004) as approved in aforesaid Recommendation 1.
3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.
4. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter.*

REASONS FOR REPORT

This report describes the proposed zoning agreement amendments and the proposed development, and makes recommendations based on their compliance with *OurWinnipeg*, *Complete Communities* and the *Transcona West Area Structure Plan.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposed amendments can be made.

SUBMITTED BY

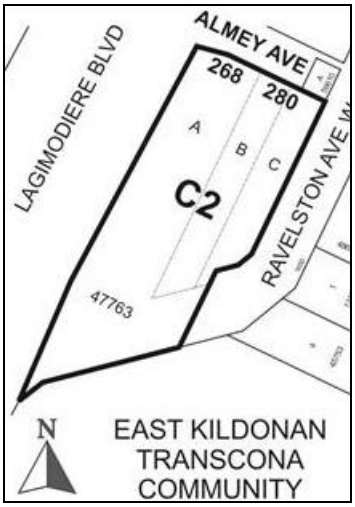
Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Glen Doney
Date:	October 31, 2018
File No.	ZAA 5/2018

Attachments

- **Appendix "A," Planning Discussion**

APPENDIX "A," PLANNING DISCUSSION

DATE:	October 31, 2018
FILE:	**ZAA 5/2018**
COMMUNITY:	East Kildonan – Transcona
NEIGHBOURHOOD #:	4.417 (Peguis)
SUBJECT:	Proposed Amendments to Zoning Agreement
LOCATION:	southeast of Lagimodière Boulevard and Almey Avenue
LEGAL DESCRIPTION:	Parcels A, B and C, Plan 47763 (except out Parcel B: all mines and minerals)



APPLICANT:	Brian Lowes, 10007885 Manitoba Ltd. Winnipeg R3C 4G1
OWNERS:	10023987 Manitoba Ltd.
RECOMMENDATION:	Approval

SITE DESCRIPTION

The subject site, identified on Figures 1 and 2:

- is at the southeast corner of Lagimodière Boulevard and Almey Avenue and abutting Ravelston Avenue West and fronts onto Almey Avenue;
- is in the Peguis Neighbourhood and the Transcona Ward;
- is approximately 2000 feet north of Regent Avenue West;

- is 2.3 acres;
- contains part of a rural-cross section roadway that enters the site from the Ravelston Avenue West Public Street and dead-ends on the site;
- contains electricity distribution lines that extend alongside the site's western limit, in an easement area registered as a caveat on the site by Manitoba Hydro;
- is mostly in a "C2" Commercial Community District and partly in a "C3" Commercial Corridor District, both of Zoning By-law 200/2006;
- is in a Regional Mixed Use Centre of *OurWinnipeg* and *Complete Communities*, which is identified as the "Regent and Lagimodière Area" (in *Complete Communities*);
- is in an Existing Commercial Policy Area and the Almey-Ravelston Special Planning Area, both of the *Transcona West Area Structure Plan*; and
- is subject to a zoning agreement, created under File DASZ 14/1999.

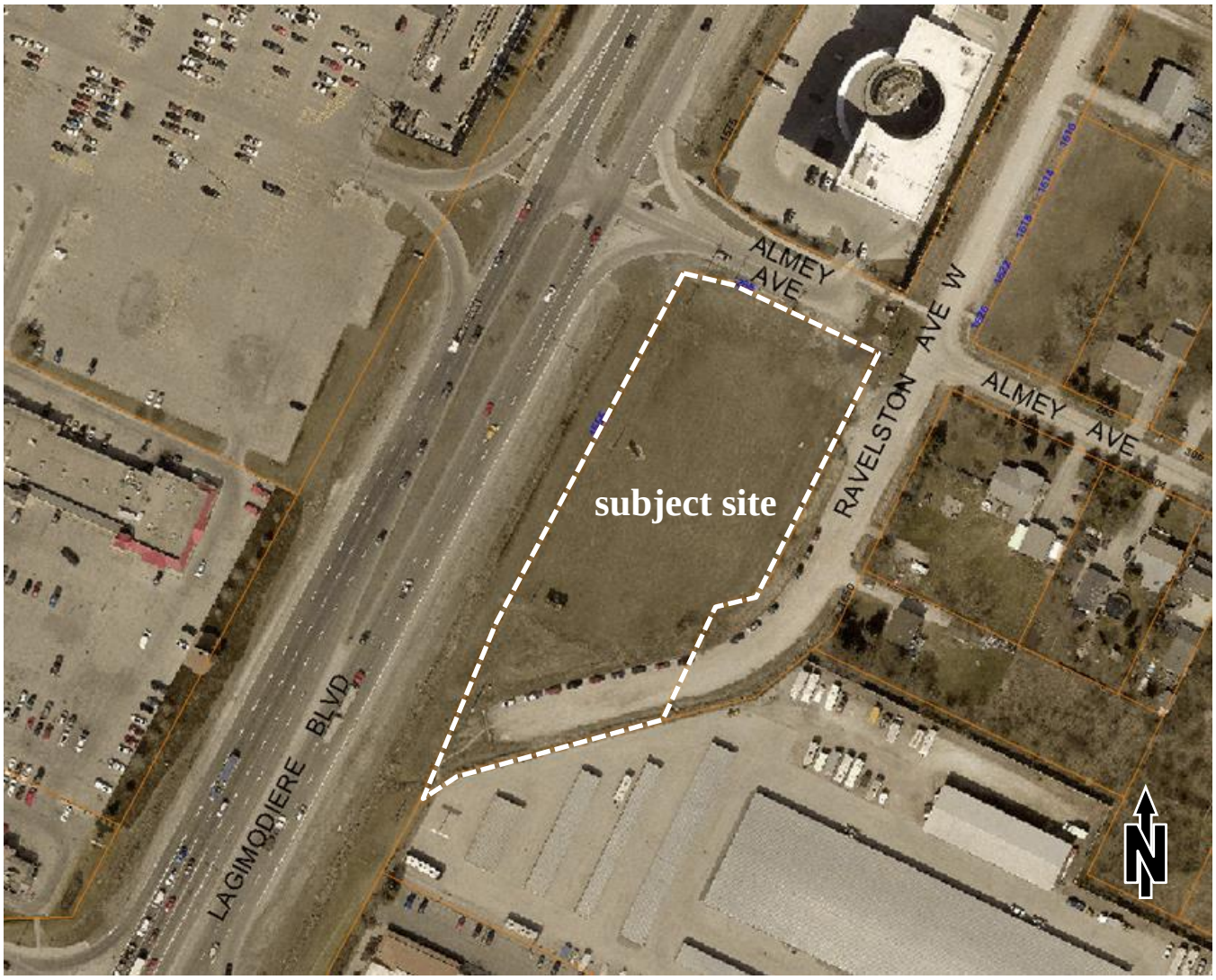


Figure 1: 2018 Aerial Photography and Existing Assessment Parcels

The aforementioned zoning agreement:

- does not allow the use “tire: sales, service”;
- requires development to be done in accordance with plans submitted to the City by the developer and approved by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee; and
- requires a landscaped berm and a fence on the easterly 15 feet of the site.

Also of note is that, in addition to the zoning agreement caveat, other City caveats apply to the site. The pertinent ones are regarding land drainage and providing a publicly accessible path along the site’s southern limit. Only the zoning agreement caveat is the subject of this report.

SURROUNDING LAND USE AND ZONING

The area in which the site is located is shown on Figures 1 and 2.

North: Almey Avenue and a City-owned area of land, in a “C2” Commercial Community District that was created from a partial closure of Almey Avenue, then a credit union in a “C2” District.

East: Ravelston Avenue West then single-family dwellings in a “R1-L” Residential Single-Family (Large) District and in a “RR5” Rural Residential 5 District.

South: self-storage / mini-warehouse in a “C3” Commercial Corridor District.

West: Lagimodière Boulevard then commercial uses in a ‘C4” Commercial Regional District.

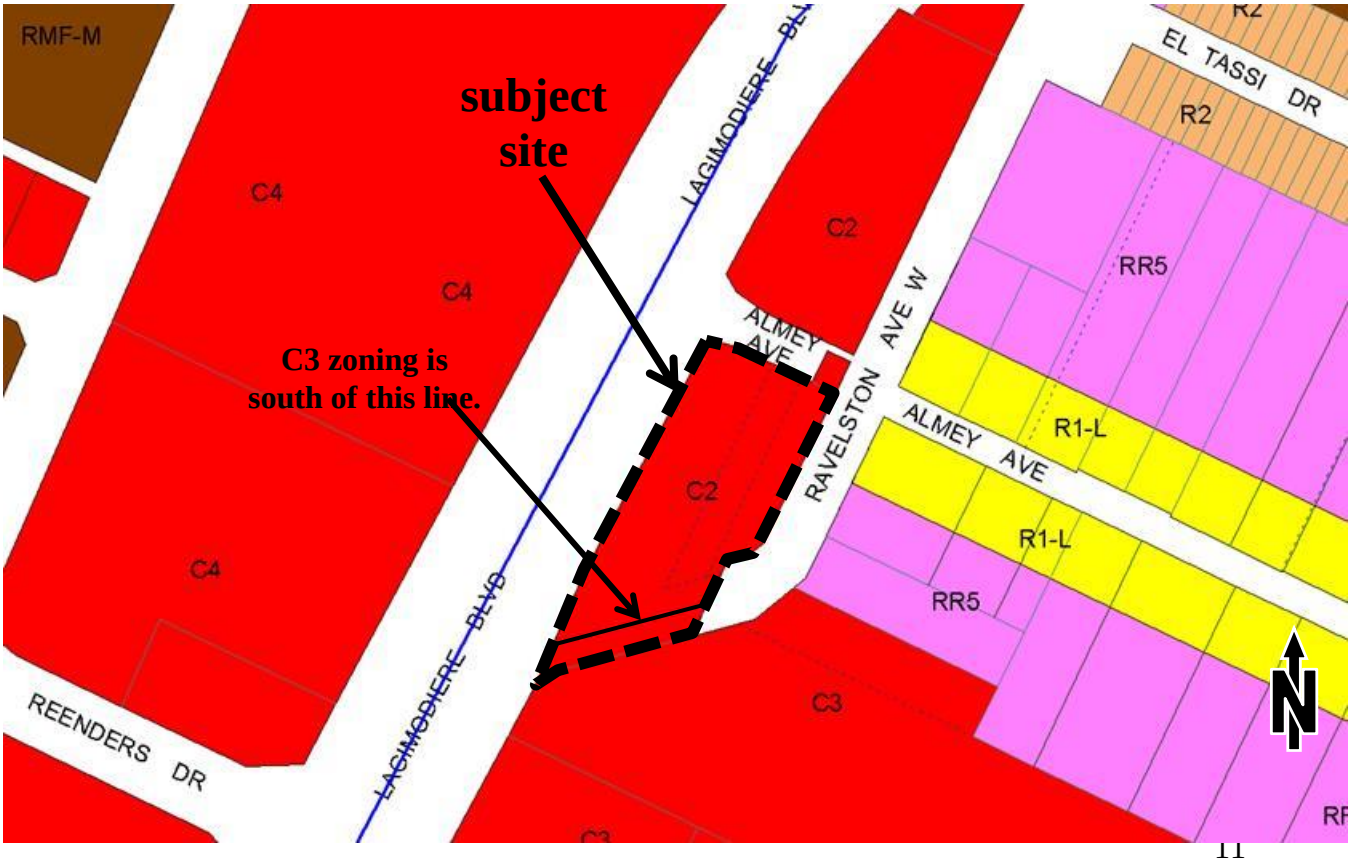


Figure 2: Existing Zoning and Lot Lines

Also of note are:

- that there are public transit stops along Reenders Avenue; and
- that piped water, wastewater and land drainage works are in the Almey Avenue Public Street.

(A public street is the land in which publicly accessible roads, paths, sidewalks and other infrastructure are located.)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

An auto dealership, which would include tires sale and service, is proposed. The ground floor of the principal building, including exterior walls, would be approximately 21,000 square feet. The second floor, including exterior walls, would be approximately 4900 square feet and the mezzanine approximately 600 square feet.

Plans of the proposed development show:

- that no landscaping is proposed in the west side yard whereas significant landscaping is proposed in the other yards;
- that the proposed east side yard would be approximately 3.8 feet deep and is to contain 21 “Prairie Skyrise” Aspen trees;
- that a wood fence, approximately six feet in height, is proposed along the east side of the site, north and south of the proposed building; and
- that a path would be built on the site and would extend alongside the entire southern limit of the site.

(Front and rear yards extend the full width of a site whereas side yards are between the front and rear yards.)

The proposal cannot proceed without the aforementioned zoning agreement being amended. The proposed amendments are the subject of this report. They are needed:

- to permit the use “tire: sales, service”; and
- to remove the requirement to establish a landscaped berm and fence on the easterly 15 feet of the site.

The landscaping proposed on some portions of the site would exceed the minimum requirements of the zoning by-law whereas on other portions it would be below the minimum requirements. The proponents intend on submitting an Alternative Equivalency Compliance Application to address the deficiencies.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES

OurWinnipeg is the City’s development plan and *Complete Communities* is a Direction Strategy that contains additional policies on land use and development.

As previously stated, the subject site is in the Regent and Lagimodière Area Regional Mixed-Use Centre. The Key Direction of *OurWinnipeg* and *Complete Communities* that pertains to Centres and Corridors states:

Focus a significant share of growth to Centres and Corridors in a manner that:

- *provides compact, mixed-use, high-quality urban development.*
- *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*
- *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
- *encourages a built form that supports a pedestrian friendly environment while incorporating climate sensitive site and building design.*

The proposed amendments to the zoning agreement are consistent with this Key Direction because:

- the existing site is underdeveloped and has access to the full range of municipal infrastructure;
- that the *Transcona West Area Structure Plan* shows a future path that would connect the subject site to public transit service in Reenders Drive;
- that part of the aforementioned path would be built on the site, (alongside the site's southern limit);
- that the proposed development would utilize existing City infrastructure; and
- that the proposed development includes extensive landscaping near the site's southern, eastern and northern limits, which would enhance the pedestrian environment.

Given the broad scope of the aforementioned Key Direction, the proposed development, and the proposed zoning agreement amendments, comply in general with *OurWinnipeg* and *Complete Communities*

TRANSCONA WEST AREA STRUCTURE PLAN

As previously stated, the site is in two policy areas of the *Transcona West Area Structure Plan* – the Existing Commercial policy area and the Almey-Ravelston Special Planning Area.

Regarding the Existing Commercial policy area, Section 4.2 of the Plan states that land in this area can be developed in accordance with the current zoning of that land.

Regarding the Special Planning Area, Section 5.2.2(1) of the Plan states:

- that land in this area can be developed into local commercial or community commercial uses, as defined in the Plan.

The Plan describes "commercial community" as "*commercial which provides a wide variety of goods and services to an area beyond the immediate neighbourhoods and may include office and other non-commercial uses."* Also of note is that the Plan describes "regional commercial" as "*large scale, distinctive, attractive regional centres containing a mix of concentrated lands uses, including stores with more than 100,000 square feet of gross floor area."*

Given that the floor area of the proposed principle building would be only 26,500 square feet, the proposed development would be a “commercial community” use.

Also of note is the aforementioned future path. Figure 3, below, shows the pertinent portion of Map 4 of the *Transcona West Area Structure Plan.* This map shows a future path that would extend north from Reenders Drive, through the subject site and beside its southern limit, then north in the Ravelston Avenue West Public Street and beyond.

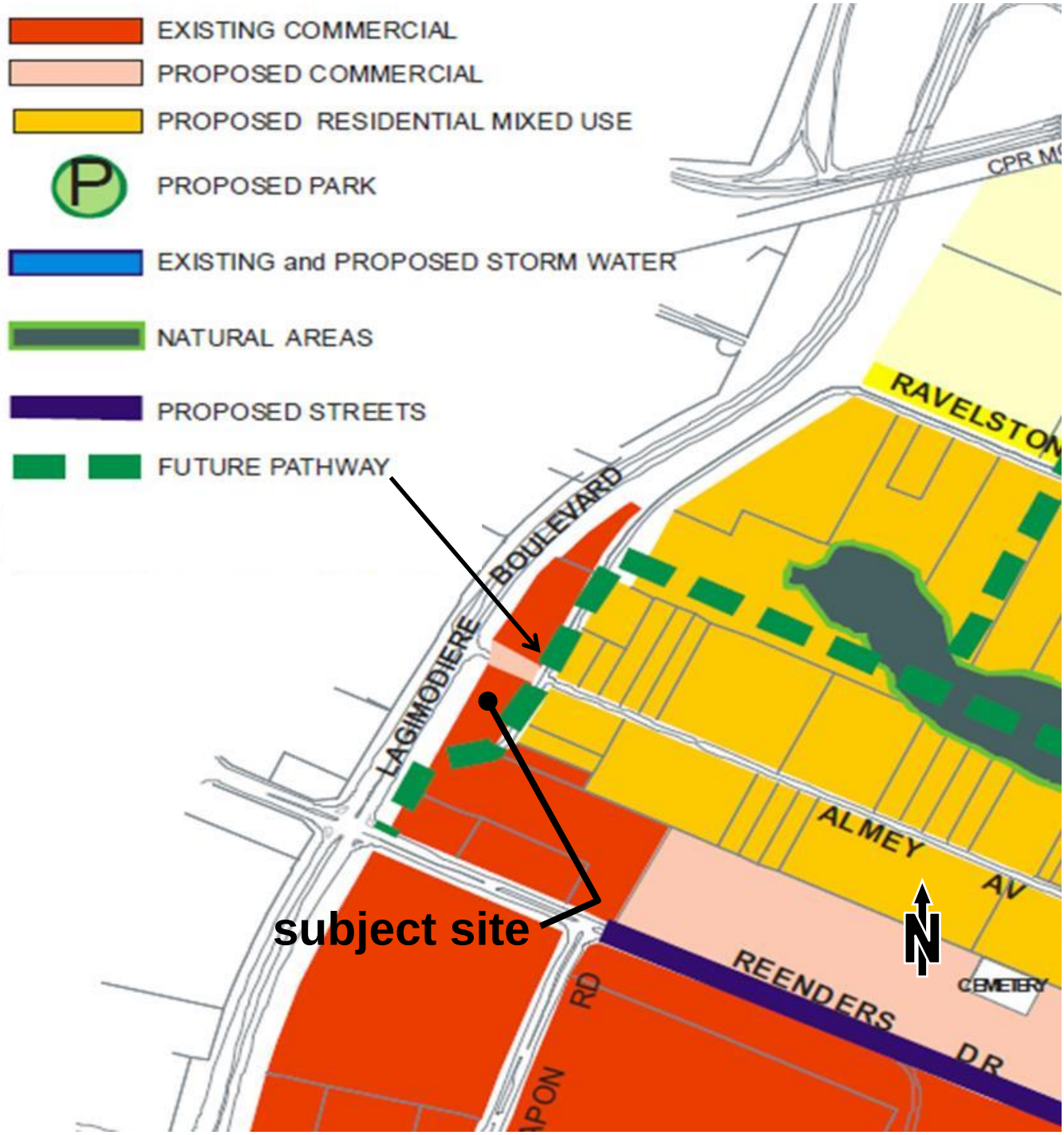


Figure 3: Part of Map 4 of the Transcona West Area Structure Plan (with additional labels)

REASONS FOR THE RECOMMENDATIONS

The Urban Planning and Design Division recommends approval of the proposed amendments to the zoning agreement because:

- they would accommodate a proposed development that is consistent with *OurWinnipeg*, *Complete Communities* and the *Transcona West Area Structure Plan*; and
- the zoning agreement that applies to the site requires development to be done in accordance with plans submitted to the City by the developer and approved by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee.

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

Report Prepared by:
Glen Doney
PPD File #:
ZAA 5/2018

Exhibit “9” referred to in File ZAA 5/2018

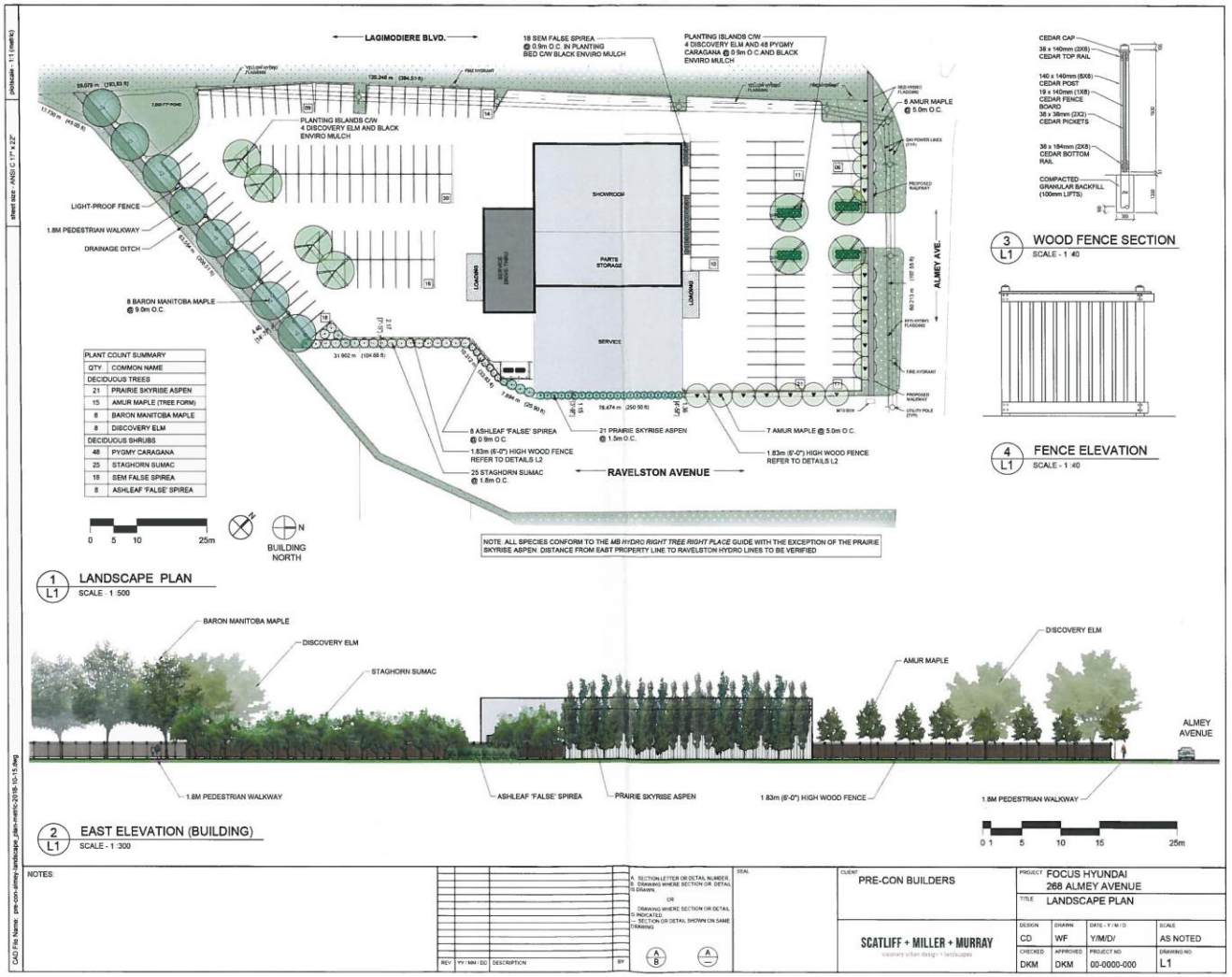


Exhibit “8” referred to in File ZAA 5/2018

