Agenda – Council – September 26, 2019

Report – Executive Policy Committee – September 17, 2019

Item No. 8 Subdivision and Rezoning – 2634 Pembina Highway/21 Bayridge Avenue/Bayridge Avenue
(St. Norbert-Seine River Ward)
File DASZ 15/2019 [c/r DAV 12158/2019D and DCU 131597/2019D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2019, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the subdivision under Development Application No. DASZ 15/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C3" Commercial Corridor District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated July 31, 2019 to the satisfaction of the Director of Planning, Property and Development.

    B. That the Developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "C3" Commercial Corridor District, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. free-standing signage

Report – Executive Policy Committee – September 17, 2019

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

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.

ii. That a maximum of two (2) private vehicular approaches shall be permitted on the subject property.

iii. That private vehicular approaches shall not be permitted on Bayridge Avenue.

iv. The following uses shall not be permitted on the land:

a. Parking, surface;
b. Billboard signs; and
c. Mini-warehouse, self-storage.

C. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.B., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

D. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That Caveat No. 3347517 be discharged as it affects Parcels A, B and C, Plan 45408.

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

Report – Executive Policy Committee – September 17, 2019

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

5. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 15/2019, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 17, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2019, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2019, 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.

PUBLIC HEARING SUMMARY

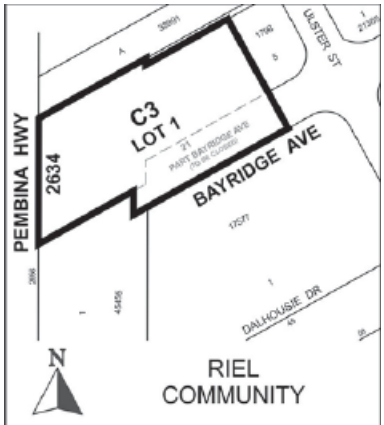
File: DASZ 15/2019

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

Public Hearing: September 9, 2019
Council Building, 510 Main Street

Applicant: Barnes & Duncan (Christian Korell)

Subject:



APPLICANT: Barnes and Duncan Surveying, Engineering and Geomatics
FILE: DASZ 15/2019
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 "C2" COMMERCIAL COMMUNITY DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT to facilitate the consolidation of lands for the expansion and redevelopment of the existing retail sales use with accessory outside storage. **For information, phone Ms. E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR: Barnes and Duncan Surveying, Engineering and Geomatics
N° DE DOSSIER: DALZ 15/2019
PROJET: Demande d'approbation par le conseil municipal du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C2 (secteur commercial communautaire) et de la catégorie RMF-S (secteur de petites habitations multifamiliales) à la catégorie C3 (secteur de couloir commercial) en vue de faciliter le remembrement des terres afin de permettre l'agrandissement et le réaménagement du commerce de détail existant avec entreposage extérieur contigu. **Pour plus de renseignements, communiquez avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 2634 Pembina Highway/21 Bayridge Avenue/Bayridge Avenue

For submission to: Executive Policy Committee

Prepared by: Kate McMillan, Senior Committee Clerk
Riel Community Committee

Report date: September 9, 2019

Community Committee Recommendation:

On September 9, 2019, 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 the subdivision under Development Application No. DASZ 15/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "C3" Commercial Corridor District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated July 31, 2019 to the satisfaction of the Director of Planning, Property and Development.

    B. That the Developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "C3" Commercial Corridor District, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings;
            b. accessory parking areas;
            c. private approaches;
            d. garbage enclosures;
            e. fencing;
            f. landscaping; and
            g. 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.

ii. That a maximum of two (2) private vehicular approaches shall be permitted on the subject property.

iii. That private vehicular approaches shall not be permitted on Bayridge Avenue.

iv. The following uses shall not be permitted on the land:

a. Parking, surface;
b. Billboard signs; and
c. Mini-warehouse, self storage.

C. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.B., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

D. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That Caveat No. 3347517 be discharged as it affects Parcels A, B and C, Plan 45408.

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 15/2019, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment of the By-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. After consulting with both sides, I feel that this project can move forward based on the concessions that have made on both sides.

2. It allows for bringing the space into 2019 and more functionality and look and feel with the businesses surrounding it.

Exhibits Filed:

1. Application dated April 9, 2019
2. Notification of Public Hearing dated June 26, 2019
3. Manitoba Status of Titles 2183418/1, 2912201/1, 2912204/1
4. Letter of authorization dated February 4, 2019 from Mike Bodnar, Brier Holdings Ltd., to Barnes & Duncan
5. Caveat 3347517
6. Plans (3 pages)
7. Report from the Urban Planning Division dated August 30, 2019
8. Inspection Report
9. Presentation in support of the application submitted by the Applicant at the public hearing
10. Recording of Representations

REPRESENTATIONS:

In Support:

Christian Korell
Chrys Pappas
Ryan Epp

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
J. Hildebrand, Planner, Planning Property and Development Department

Exhibit "7" referred to in File DASZ 15/2019

ADMINISTRATIVE REPORT

Title: DASZ 15/19 – 2634 Pembina Hwy

Issue: An application for consideration at the Public Hearing to consolidate five existing parcels/lots as well as a portion of Bayridge Avenue and rezone from C2 and RMF-S to C3 for the purposes of expanding the existing hardware store located at 2634 Pembina Hwy and to establish an outdoor storage area.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet, Acting	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 15/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 30, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "C3" Commercial Corridor District as shown on the map dated August 30, 2019 and attached as Schedule "A" to this report, subject to the following conditions:

   A. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated July 31, 2019 to the satisfaction of the Director of Planning, Property and Development.

   B. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

      i. For those portions of the Owner's Land zoned "C3" Commercial Corridor District, the Owner must submit plans showing the location and design of any and all proposed:

(a) buildings;

(b) accessory parking areas;

(c) private approaches;

(d) garbage enclosures;

(e) fencing;

(f) landscaping; and

(g) 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.

ii. That a maximum of two (2) private vehicular approaches shall be permitted on the subject property.

iii. That private vehicular approaches shall not be permitted on Bayridge Avenue.

iv. The following uses shall not be permitted on the land:

a. Parking, surface;

b. Billboard signs; and

c. Mini-warehouse, self storage.

C. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.B., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

D. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That Caveat No. 3347517 be discharged as it affects Parcels A, B and C, Plan 45408.

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report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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11. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law in enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

REASON FOR THE REPORT

- The applicant is proposing to consolidate five existing parcels/lots as well as a portion of Bayridge Avenue and rezone from C2 and RMF-S to C3 for the purposes of expanding the existing hardware store located at 2634 Pembina Hwy and to establish an outdoor storage area.
- Rezoning applications 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.

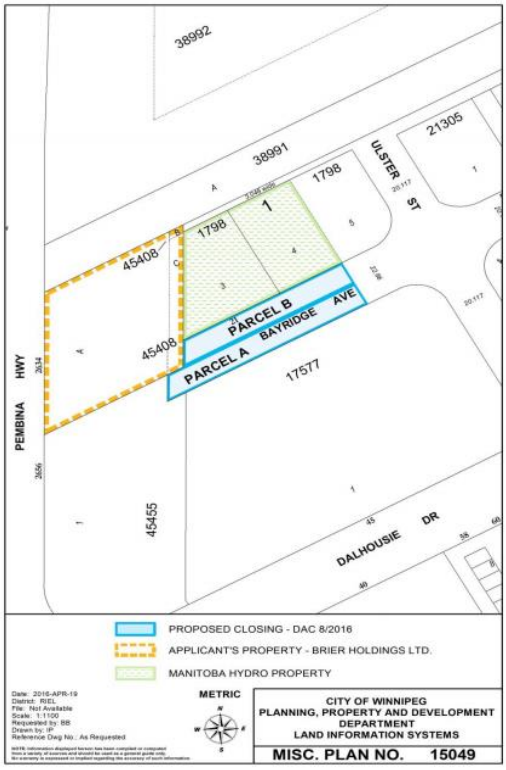
IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be rezoned from C2 and RMF-S to C3 with a zoning agreement further restricting the property.

HISTORY

DAC 8/2016

- On July 13, 2016, Council approved the closing of a portion of Bayridge Avenue in accordance with Misc. Plan No. 15049.



CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan, MA Planning
Date:	August 30, 2019
File No.	DASZ 15/19

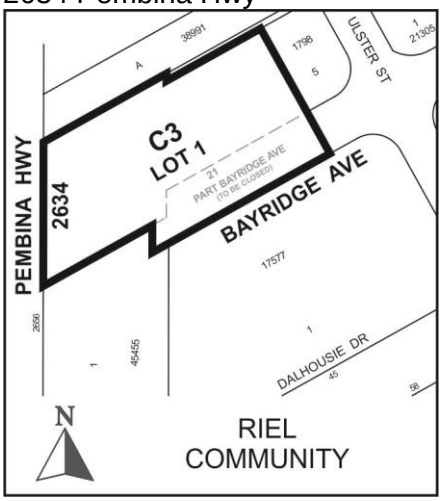
1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 15/2019 Riel Community Committee, dated August 30th, 2019.
3. Schedule “B” — Report of the Administrative Working Group – June 20th, 2019
4. Appendix B — Plan Approval Design Guidelines

APPENDIX 'A'

FILE: **DASZ 15/19**
RELATED FILES: DAV 19-121587\D, DCU 19-131597\D, DAC 8/2016
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.615 - Fort Richmond Neighbourhood

SUBJECT: To consolidate and rezone the subject lands from "C2" Commercial Community and "RMF-S" Residential Multi-Family Small to "C3" Commercial Corridor to facilitate the expansion and redevelopment of the existing retail sale use with accessory outside storage.

LOCATION: 2634 Pembina Hwy



APPLICANT: Christian Korell
6 Donald ST
Winnipeg , Manitoba R3L 0K6

OWNER: 20039 96TH AVE
LANGLEY , British Columbia V1M 3C6

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject properties are located on the east side of Pembina Hwy extending along Bayridge Avenue to the west side of Ulster Street in the Fort Richmond neighbourhood of the St Norbert - Seine River ward.
- The site is approximately **2.25 acres in area.**
- The land is predominantly occupied by an existing hardware store (i.e., Windsor Plywood).
- The properties are zoned C2 and RMF-S and are located along a Regional Mixed Use Corridor (Pembina Highway) and within the Areas of Stability – Recent Communities Policy Area under *the Complete Communities Direction Strategy*.

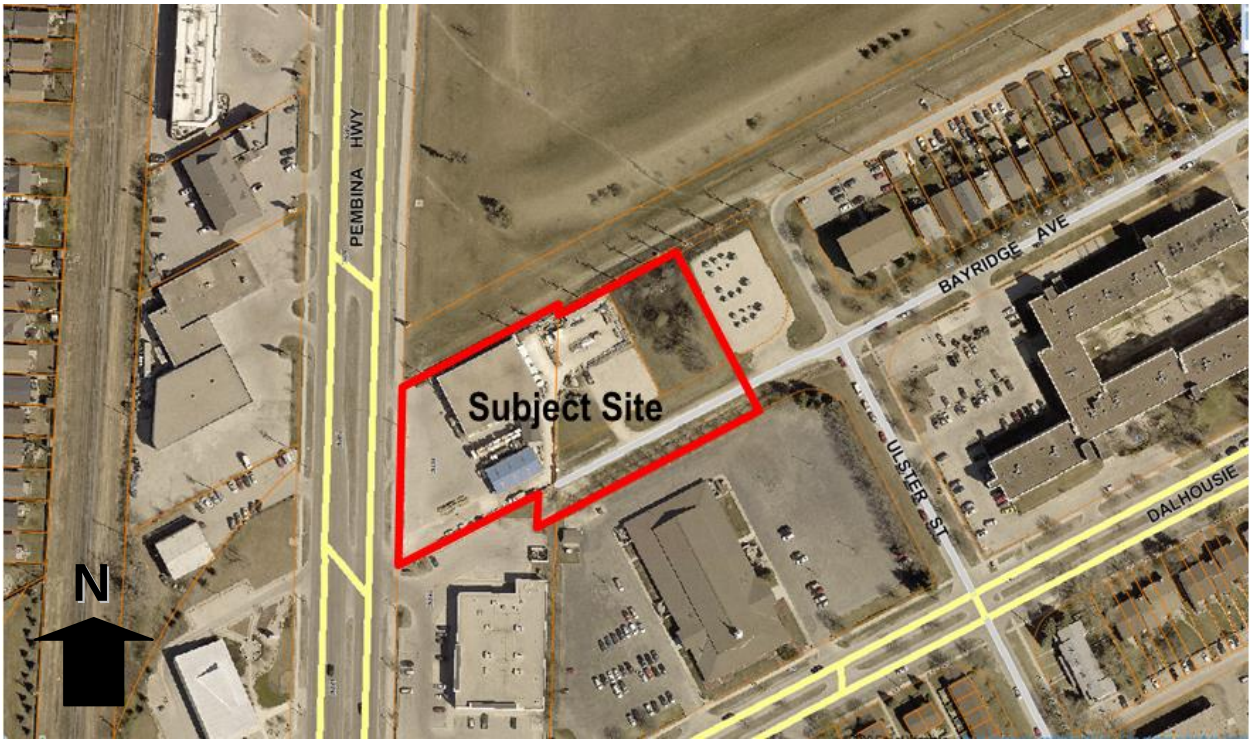


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: University of Manitoba Smartpark zoned Manufacturing Mixed Use (MMU).

South: Retail use zoned Commercial Community (C2) and Place of Worship Use zoned Residential Multi-Family Small (RMF-S).

East: Manitoba Hydro substation zoned RMF-S; then public lane; then multi-family residential uses zoned RMF-S.

West: Pembina Highway; then commercial uses zoned C2.

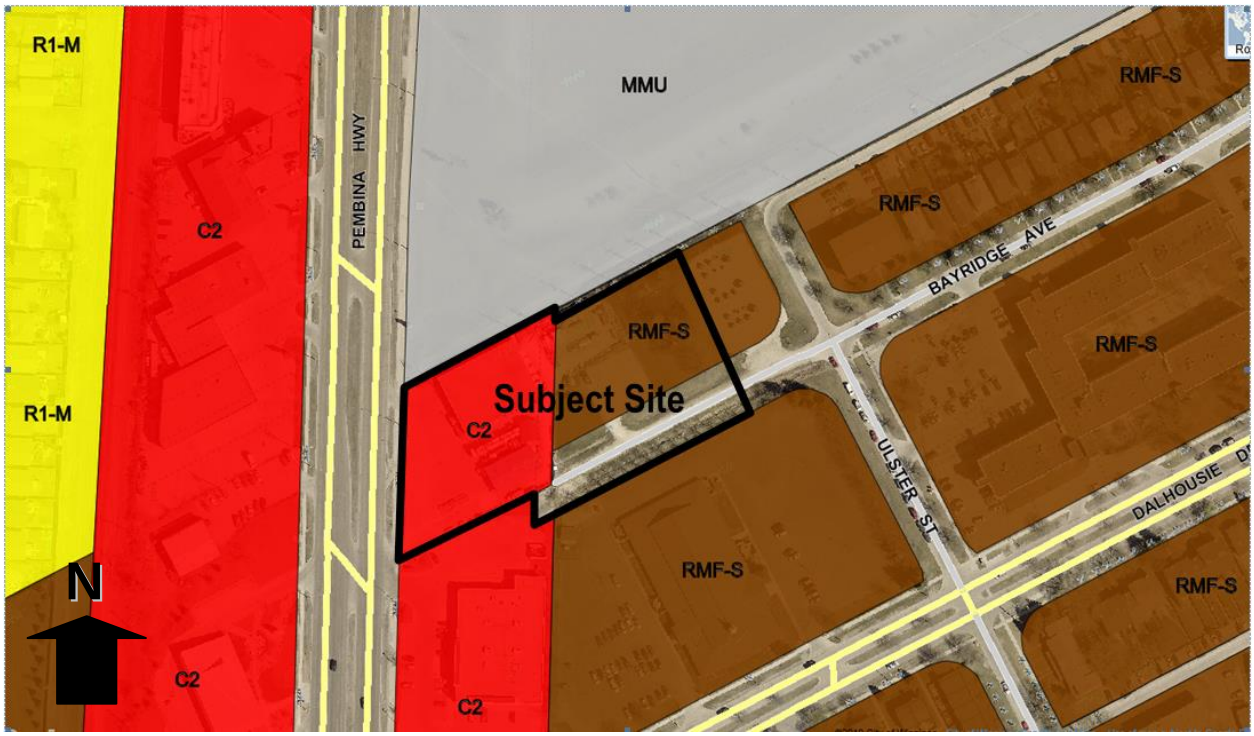


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate five existing parcels/lots as well as a portion of Bayridge Avenue and rezone from C2 and RMF-S to C3 for the purposes of expanding the existing hardware store located at 2634 Pembina Hwy and to establish an outdoor storage area.
- The applicant is proposing to construct a 3,280 square foot addition to the rear of the existing hardware store and establish an outside storage area approximately 48,977 square feet in area.
- Access to the property is proposed by way of two existing approaches off Pembina Highway. A third existing approach located off Pembina Highway is proposed to be closed.
- A total of 43 parking spaces and 4 bicycle parking spaces are proposed.
- The proposed development is the subject of an additional two (2) concurrent applications for:
    - A Variance under file no. DAV 19-121587\D to vary aspects of the outside storage area as well as landscaping requirements. A report on the proposed variances has been submitted to the Riel Community Committee for consideration.
    - A Conditional Use under file no. DCU 19-131597\D to permit an outside storage area that is larger than 25 percent of the gross floor area of the principal building. A report on the proposed conditional use has been submitted to the Riel Community Committee for consideration.

  Please see the associated Variance and Conditional Use reports for discussion of these applications.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy* the proposed development is located along a Regional Mixed-Use Corridor (Pembina Highway). With regard to this proposal, the key policies guiding development along Centres and Corridors include:

- 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.
- Encourage urban design and/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.
- Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area.
- Mitigate the potential impacts of new development on neighbouring streets, parks and properties.
- Promote high quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground 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.
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.

- 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.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

CURRENT ZONING DISTRICTS:

"C2" Commercial Community

- The C2 zone 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, recreational, limited residential 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. The dimensional standards in the C2 zone are: a minimum front yard of 10 feet to open parking and no front yard to a building wall; a minimum rear yard of 25 feet; no side yard requirement and, a maximum building height of 49 feet.

"RMF-S" Residential Multi-Family Small

- The RMF zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 4 feet, a minimum corner side yard of 5 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1250 square feet.

PROPOSED ZONING DISTRICT:

"C3" Commercial Corridor

- The C3 zone 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.

Reason for the Rezoning

The applicant is proposing to expand the existing hardware store located at 2634 Pembina Hwy and to establish an outdoor storage area. Outdoor storage is not a permitted use in the C2 zoning district or the RMF-S zoning district. As such, a rezoning to C3 is required.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Typically the Urban Planning Division would not be supportive of a mid-block, spot rezoning to C3 for the expansion of an automobile oriented hardware store along a *Regional Mixed Use Corridor*, however, given the unique circumstances of the subject property being adjacent to a Hydro substation and an unimproved road to the east, an industrial zoned field to the north, the rear wall of a place of worship to the south, and Pembina Highway to the west, a rezoning to C3 is deemed to be compatible with the existing land uses. It is also acknowledged the hardware store currently exists on the site and the subject application provides an opportunity for site improvements that would better align the operation with the City's policies guiding development along the Pembina Highway Regional Mixed Use Corridor.
- Under the *Complete Communities Direction Strategy* it is envisioned that Regional Mixed-Use Corridors will evolve into vibrant, pedestrian-friendly districts. Noting this vision, the final design of the site will be important and the Urban Planning Division will expect the final site plan fully conceal the outdoor storage area from view of the street on all sides with significant landscaping and fencing as well as include improvements to the Pembina Highway frontage to help create a better pedestrian environment and stronger streetscape

along this frontage (please see planner's report for DAV 19-121587\D for further discussion on site design).

COMMENTS FROM PUBLIC WORKS

- Per the report of the Administrative Coordination Group (Schedule "B" of this report), the Public Works Department advises that the existing south private approach from Pembina Highway to this property is non-conforming as the Private Access By-Law requires conforming approaches to be a minimum of 3.0m from the adjacent lot line. This requirement is in place to safely provide a separation between all possible vehicular turning movements between properties. If private approaches are located closer than 6m, traffic safey is at risk, as there are too many possible turning movements within a short distance.
- The Public Service recommends this private approach be reconstructed as conforming.

RECOMMENDED ZONING AGREEMENT

Plan Approval

The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before any future development takes place on the site. This is of particular concern with the subject proposal as the current site plan does not align with the recommendation of the Public Service for the associated variance application (see DAV 19-121587\D) as well as the comments included in the report of the Administrative Coordinating Group (see Schedule "B") regarding the location of the south private approach from Pembina Highway. Recommended design guidelines for approval are included in Appendix B to assist with any future plan approval review. Of particular importance for any future plan approval application will be the submission of a high quality landscaping plan by a professional landscape architect.

Vehicular approaches

To ensure commercial traffic from the subject property does not utilize Ulster Street which is classified as a local residential street, the Urban Planning Division is recommending that no private vehicular approaches be permitted on Bayridge Avenue.

To help ensure the safety and comfort of pedestrians and cyclists is maintained along Pembina Highway, the Urban Planning Division is recommending that only two private vehicular approaches be permitted on Pembina Highway.

Use Restrictions

The Urban Planning Division is recommending restricting certain car oriented commercial uses (i.e., non-accessory surface parking; billboard signs; and mini-warehouse self storage use) that do not align with the policies guiding development along Regional Mixed Use Corridor and that could have a negative impact on the overall appearance of the site.

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.
- The City is requesting cash in lieu for this application.

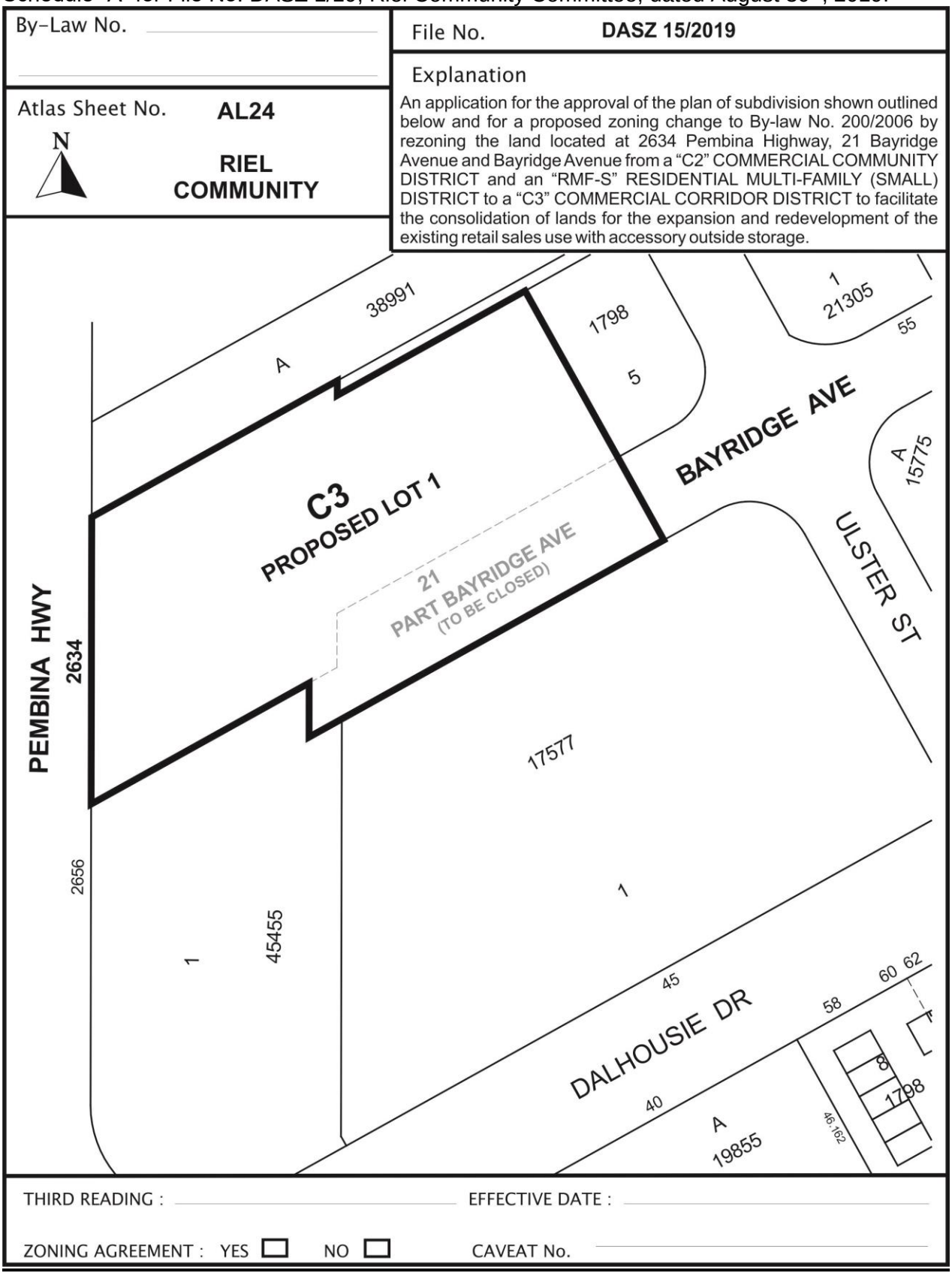
RECOMMENDATION

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

- The proposal is consistent with the policies guiding development along *Regional Mixed Use Corridors* in the *Complete Communities Direction Strategy* which promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
- The proposal is also compatible with the existing land uses in the area.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 15/19

Schedule “A” for File No. DASZ 1/19, Riel Community Committee, dated August 30th, 2019.



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 20, 2019

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 2634 PEMBINA HIGHWAY, 21 BAYRIDGE AVENUE AND BAYRIDGE AVENUE PARCELS A, B AND C

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 15/2019. The applicant should take into consideration the following servicing and design requirements and comments in the redevelopment of the site:

Public Works Department:

The Public Works Department advises that the existing south private approach from Pembina Highway to this property is non-conforming as the Private Access By-Law requires conforming approaches to be a minimum of 3.0m from the adjacent lot line.

The Public Service recommends this private approach be reconstructed as conforming.

However, if the applicant wishes to retain the existing approach, they must apply to the Public Works Department for a non-conforming private approach. The Public Service does not have authority to approve non-conforming private approaches. Review is required by the Standing Policy Committee on Infrastructure Renewal and Public Works for approval or rejection. Please note that the future building permit will be put on hold until the approach is dealt with. The Private Access application form can be found via the following weblink:

https://winnipeg.ca/publicworks/permitsApprovals/pdf/PrivateAccess-ApplicationForm2019.pdf.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 15/2019
July 31, 2019

"*Original Signed by D. Trenchard"*

D. Trenchard, P. Eng.
Land Development Branch

"*Original Signed by C.J. Desjardine"*

C.J. Desjardine, M.Sc., P. Eng.
Public Works Department, Transportation Division

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DASZ 15/2019 – 2634 Pembina Highway

1. Site Planning

1.1 The site layout and building orientation should ensure that the building relates appropriately to the street (Pembina Highway) and surrounding developments and creates a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be screened with landscaping or active uses.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

2. Building Orientation and Design

2.1 The building façades should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

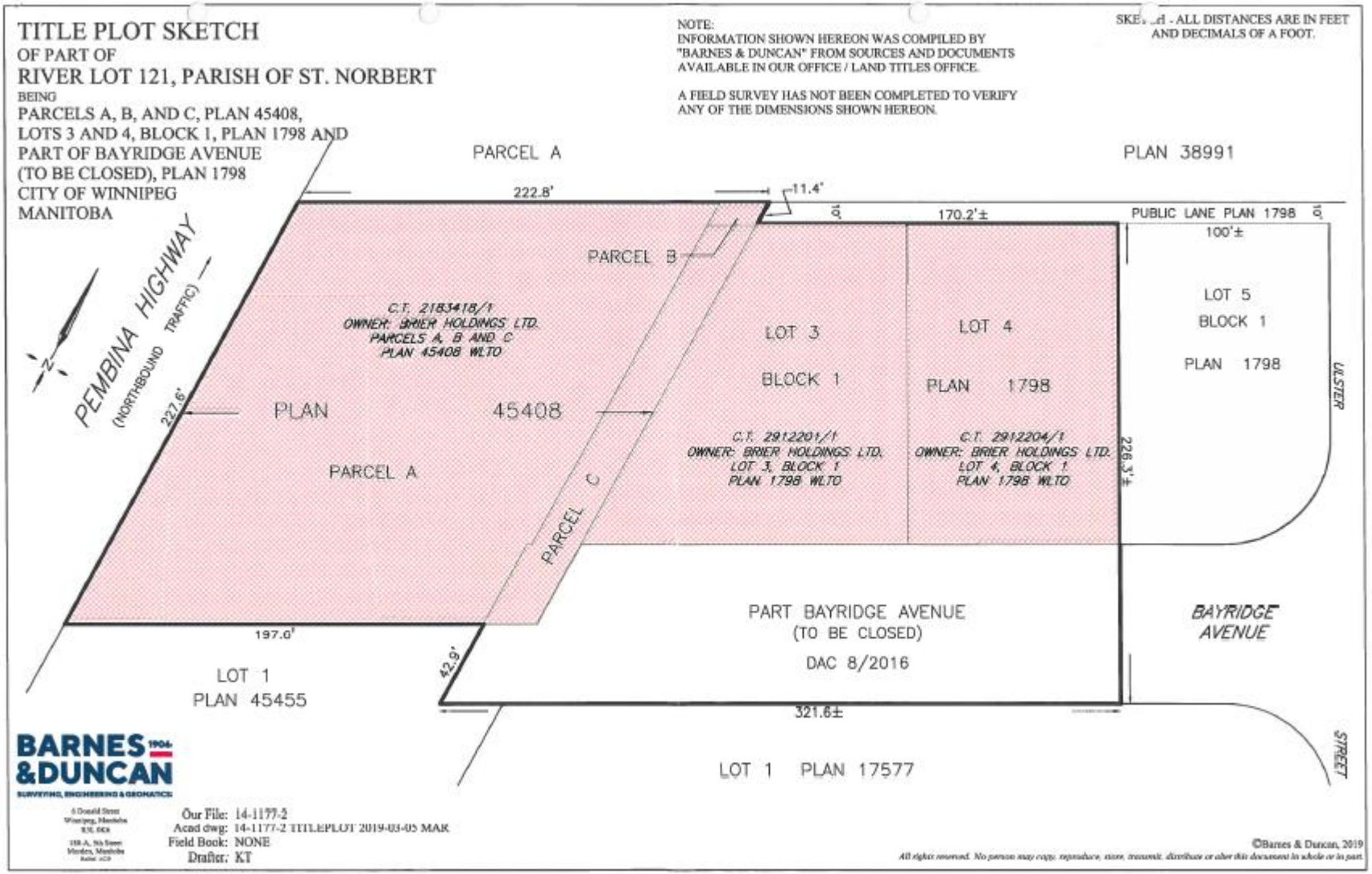
2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, balconies, etc. to break up tracts of continuous blank walls.

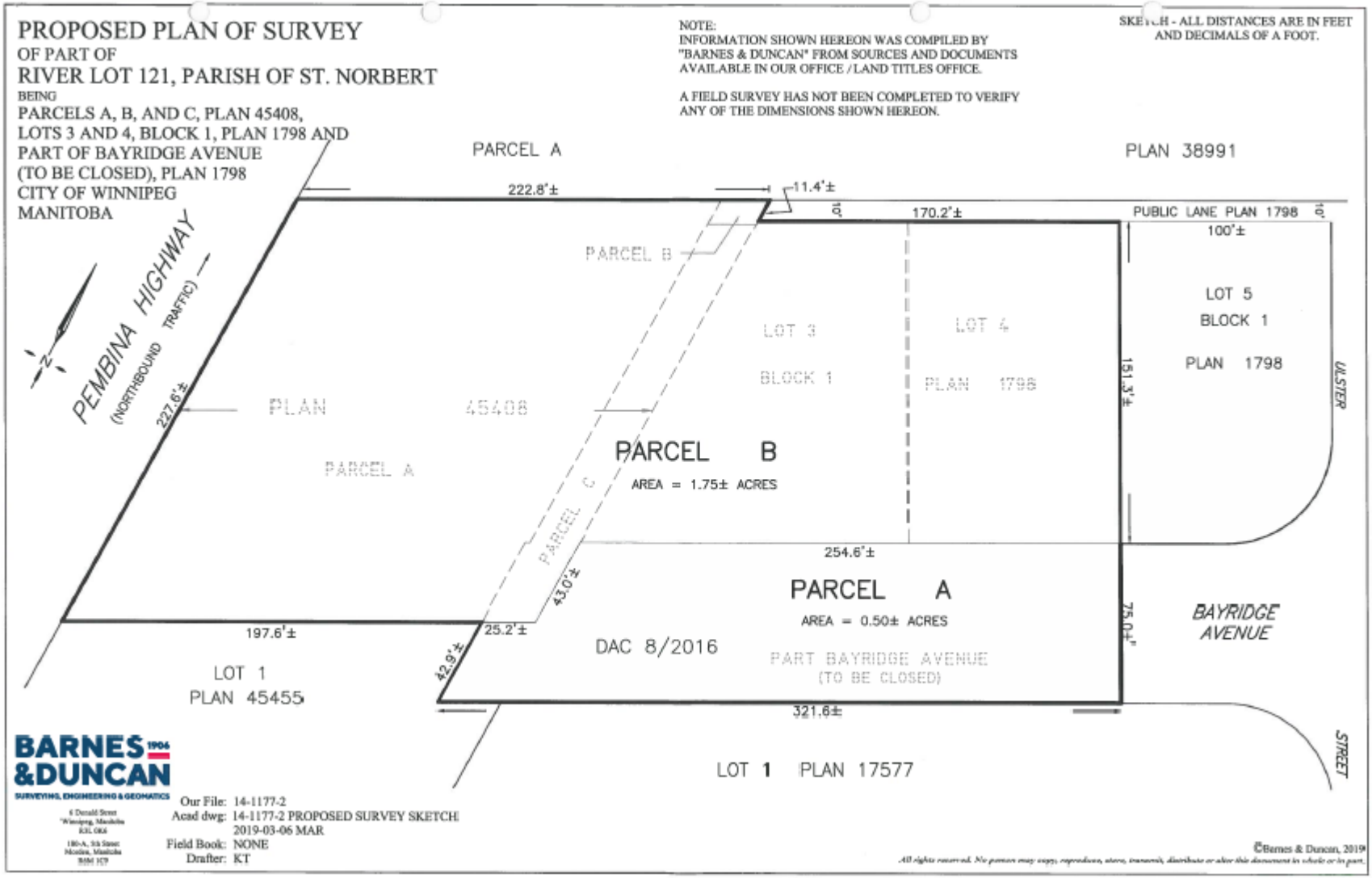
3. Landscaping

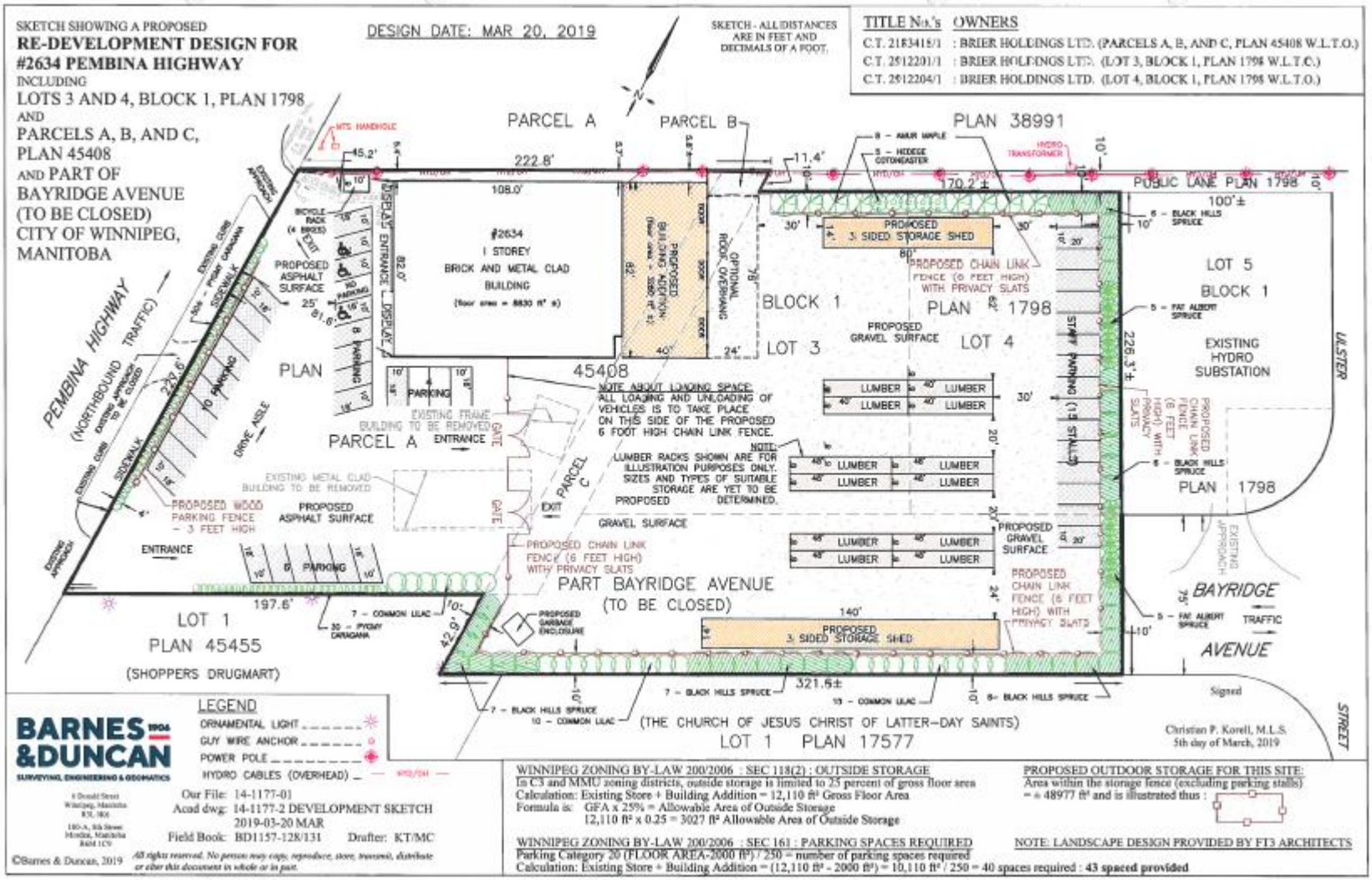
3.1 High-quality landscaping should be provided along the streetedge of the site (i.e. Pembina Highway).

3.2 Landscaping and fencing will need to be addressed for the entire site. Quality fencing should be provided along the north, south, and east property lines concealing the outdoor storage area from view of the street. On the outside of the fencing a 10 to 12 foot landscape buffer should be provided including a mix of deciduous and coniferous trees.

Exhibit “6” referred to in File DASZ 15/2019




PROPOSED PLAN OF SURVEY
OF PART OF
RIVER LOT 121, PARISH OF ST. NORBERT
BEING
PARCELS A, B, AND C, PLAN 45408,
LOTS 3 AND 4, BLOCK 1, PLAN 1798 AND
PART OF BAYRIDGE AVENUE
(TO BE CLOSED), PLAN 1798
CITY OF WINNIPEG
MANITOBA
NOTE:
INFORMATION SHOWN HEREON WAS COMPILED BY "BARNES & DUNCAN" FROM SOURCES AND DOCUMENTS AVAILABLE IN OUR OFFICE / LAND TITLES OFFICE.
A FIELD SURVEY HAS NOT BEEN COMPLETED TO VERIFY ANY OF THE DIMENSIONS SHOWN HEREON.
SKETCH - ALL DISTANCES ARE IN FEET AND DECIMALS OF A FOOT.
PARCEL A
PLAN 38991
222.8'±
11.4'±
170.2'±
PUBLIC LANE PLAN 1798
100'±
PARCEL B
LOT 3
BLOCK 1
PLAN 1798
LOT 4
LOT 5
BLOCK 1
PLAN 1798
PEMBINA HIGHWAY
(NORTHBOUND TRAFFIC)
227.6'±
PLAN 45408
PARCEL A
PARCEL B
AREA = 1.75± ACRES
PARCEL C
151.3'±
MYSTER
254.6'±
43.0'±
PARCEL A
AREA = 0.50± ACRES
197.6'±
25.2'±
42.9'±
DAC 8/2016
PART BAYRIDGE AVENUE
(TO BE CLOSED)
75.04'
BAYRIDGE AVENUE
LOT 1
PLAN 45455
321.6±
LOT 1 PLAN 17577
STREET
BARNES 1906 &DUNCAN
SURVEYING, ENGINEERING & GEOMATICS
Our File: 14-1177-2
Acad dwg: 14-1177-2 PROPOSED SURVEY SKETCH 2019-03-06 MAR
Field Book: NONE
Drafter: KT
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SKETCH SHOWING A PROPOSED
RE-DEVELOPMENT DESIGN FOR
#2634 PEMBINA HIGHWAY
INCLUDING
LOTS 3 AND 4, BLOCK 1, PLAN 1798
AND
PARCELS A, B, AND C,
PLAN 45408
AND PART OF
BAYRIDGE AVENUE
(TO BE CLOSED)
CITY OF WINNIPEG,
MANITOBA
DESIGN DATE: MAR 20, 2019
SKETCH - ALL DISTANCES ARE IN FEET AND DECIMALS OF A FOOT.
TITLE No.'s OWNERS
C.T. 2183415/1 : BRIER HOLDINGS LTD. (PARCELS A, B, AND C, PLAN 45408 W.L.T.O.)
C.T. 2512201/1 : BRIER HOLDINGS LTD. (LOT 3, BLOCK 1, PLAN 1798 W.L.T.O.)
C.T. 2512204/1 : BRIER HOLDINGS LTD. (LOT 4, BLOCK 1, PLAN 1798 W.L.T.O.)
PARCEL A
PARCEL B
PLAN 38991
PUBLIC LANE PLAN 1798
#2634
1 STOREY
BRICK AND METAL CLAD
BUILDING
PROPOSED ASPHALT SURFACE
PROPOSED 3 SIDED STORAGE SHED
PROPOSED CHAIN LINK FENCE (6 FEET HIGH) WITH PRIVACY SLATS
BLOCK 1
PLAN 1798
LOT 3
LOT 4
LOT 5
BLOCK 1
PLAN 1798
EXISTING HYDRO SUBSTATION
PROPOSED GRAVEL SURFACE
PLAN 45408
NOTE ABOUT LOADING SPACE:
ALL LOADING AND UNLOADING OF VEHICLES IS TO TAKE PLACE ON THIS SIDE OF THE PROPOSED 6 FOOT HIGH CHAIN LINK FENCE.
NOTE:
LUMBER RACKS SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY. SIZES AND TYPES OF SUITABLE STORAGE ARE YET TO BE DETERMINED.
PROPOSED GRAVEL SURFACE
PROPOSED WOOD PARKING FENCE - 3 FEET HIGH
PROPOSED ASPHALT SURFACE
EXISTING METAL CLAD BUILDING TO BE REMOVED
EXISTING FRAME BUILDING TO BE REMOVED
PARCEL A
PARCEL C
ENTRANCE
EXIT
GATE
PROPOSED CHAIN LINK FENCE (6 FEET HIGH) WITH PRIVACY SLATS
PART BAYRIDGE AVENUE
(TO BE CLOSED)
PROPOSED GARBAGE ENCLOSURE
PROPOSED 3 SIDED STORAGE SHED
PROPOSED CHAIN LINK FENCE (6 FEET HIGH) WITH PRIVACY SLATS
PEMBINA HIGHWAY
(NORTHBOUND TRAFFIC)
LOT 1
PLAN 45455
(SHOPPERS DRUGMART)
(THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS)
LOT 1 PLAN 17577
BAYRIDGE AVENUE
LUSTER STREET
TRAFFIC
LEGEND
ORNAMENTAL LIGHT
GUY WIRE ANCHOR
POWER POLE
HYDRO CABLES (OVERHEAD)
BARNES &DUNCAN
SURVEYING, ENGINEERING & GEOMATICS
Our File: 14-1177-01
Acad dwg: 14-1177-2 DEVELOPMENT SKETCH 2019-03-20 MAR
Field Book: BD1157-128/131 Drafter: KT/MC
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WINNIPEG ZONING BY-LAW 200/2006 : SEC 118(2) : OUTSIDE STORAGE
In C3 and MMU zoning districts, outside storage is limited to 25 percent of gross floor area
Calculation: Existing Store + Building Addition = 12,110 ft² Gross Floor Area
Formula is: GFA x 25% = Allowable Area of Outside Storage
12,110 ft² x 0.25 = 3027 ft² Allowable Area of Outside Storage
PROPOSED OUTDOOR STORAGE FOR THIS SITE:
Area within the storage fence (excluding parking stalls)
= ± 48977 ft² and is illustrated thus :
WINNIPEG ZONING BY-LAW 200/2006 : SEC 161 : PARKING SPACES REQUIRED
Parking Category 20 (FLOOR AREA-2000 ft²) / 250 = number of parking spaces required
Calculation: Existing Store + Building Addition = (12,110 ft² - 2000 ft²) = 10,110 ft² / 250 = 40 spaces required : 43 spaced provided
NOTE: LANDSCAPE DESIGN PROVIDED BY FT3 ARCHITECTS
Christian P. Korell, M.L.S.
5th day of March, 2019