Agenda - Council - June 23, 2004

Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 9 Subdivision and Rezoning - 499 River Avenue
File DASZ 1/2004 [c/r DAC 5/2004]

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 1/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2004 dated April 6, 2004, for registration in the Winnipeg Land Titles Office.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2004 dated April 27, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That the developer shall provide to the City of Winnipeg a cross access easement on Lot 1 to permit the ingress and egress of City service vehicles through the development.

    B. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting and photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the City Centre Community Committee prior to the issuance of a building permit.

    C. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the City Centre Community Committee.

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D. That no permanent signage be erected on site except in accordance with plans approved by the City Centre Community Committee.

E. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

4. That prior to release of the subdivision mylars for registration in the Winnipeg Land Titles Office, the developer shall place with the City of Winnipeg a letter of credit sufficient to fund the cost of construction of the enhanced pedestrian connection improvements between the northwest corner of Osborne Street and River Avenue to the east entrance of the proposed Safeway store, as shown in Figure 2 - Site Plan - Future Phase, at such time that the public lane adjacent to the site may be closed.

5. That Caveat Nos. 225906 and 1955937 be withdrawn.

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

7. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

8. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

10. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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11. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

12. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report - Standing Policy Committee on Property and Development - June 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2004, the City Centre Community Committee concurred in the administrative recommendation, with the following amendment, namely:

- Recommendation 1, delete the following, namely:

  "subject to the following:

  A. That the Developer be required to enter into a Servicing Agreement with the City, with a condition that the developer shall be responsible for the construction of a sidewalk on the south side of Roslyn Road for the full length of the subject property, to the standard required by the Department of Public Works."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On April 13, 2004, the City Centre Community Committee did not hear any public representations and adjourned the public hearing to its meeting on May 4, 2004, inasmuch as the Administration advised that all statutory requirements had not been complied with.

RE: **Subdivision and Rezoning - 499 River Avenue**
File DASZ 1/2004 [c/r DAC 5/2004, DAV 110113/2004D, DCU 100472/2004D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **May 18, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 1/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2004, dated April 6, 2004, for registration in the Winnipeg Land Titles Office~~***, subject to the following:***~~

   ~~***A. That the Developer be required to enter into a Servicing Agreement with the City, with a condition that the developer shall be responsible for the construction of a sidewalk on the south side of Roslyn Road for the full length of the subject property, to the standard required by the Department of Public Works.***~~

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 1/2004, dated April 27, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That the developer shall provide to the City of Winnipeg a cross access easement on Lot 1 to permit the ingress and egress of City service vehicles through the development;

   B. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting and photometrics, fencing,

landscaping, hardscaping, and garbage enclosures, be subject to the approval of the City Centre Community Committee prior to the issuance of a building permit;\

C. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the City Centre Community Committee;

D. That no permanent signage be erected on site except in accordance with plans approved by the City Centre Community Committee;

E. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

4. That prior to release of the subdivision mylars for registration with the Winnipeg Land Titles Office, the developer shall place with the City of Winnipeg a letter of credit sufficient to fund the cost of construction of the enhanced pedestrian connection improvements between the northwest corner of Osborne Street and River Avenue to the east entrance of the proposed Safeway store, as shown in Figure 2 - Site Plan - Future Phase, at such time that the public lane adjacent to the site may be closed.

5. That Caveat Nos. 225906 and 1955937 be withdrawn.

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

7. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

8. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

9. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

10. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those

lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

11. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

12. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

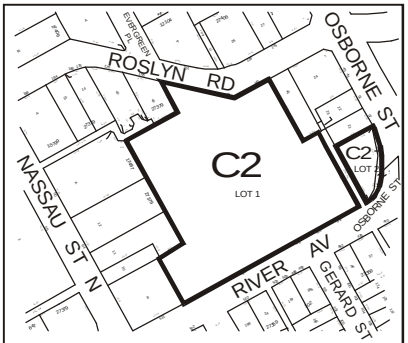
1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated April 27, 2004.

2. The message from the community is that a new store is needed.

3. The concerns of the community have been addressed.

PUBLIC HEARING SUMMARY

File:	DASZ 1/2004 [c/r DAC 5/2004, DAV 110113/2004D, DCU 100472/2004D]
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Steek
Public Hearing:	May 4, 2004, Council Chamber April 13, 2004, North Committee Room Council Building, 510 Main Street
Applicant:	Kasian Kennedy Architecture Inc.
Subject:	



APPLICANT : KASIAN ARCHITECTS LTD.
FILE : DASZ 1/04
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. 6400/94 by rezoning the land shown outlined above from an "RM-7" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial redevelopment including the re-establishment of a supermarket and a fuel kiosk (subject to Conditional Use approval) and to withdraw the existing Zoning Agreement affecting the subject site. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected:	499 River Avenue

2120

Exhibits Filed:

1. Application dated February 5, 2004
2. Notification of Public Hearing to Applicant dated April 1, 2004
3. Manitoba Status of Titles: 1064684, 1233894, 1234048, 1234050, 1234052, 1234055, 1265474, 1275696, 1281122, 1281113, 1623672, 1657943
4. Surveyor's Building Location Certificate and sketch dated January 23, 2004
5. Letter of authorization dated September 17, 2003 from Chris Phillips, Design Manager, Canada Safeway Limited to Chris Gowing, Kasian Kennedy
6. Caveat No. 225906
7. Site Plans (8 pages)
8. Report from the Planner, Planning, Property and Development Department dated April 5, 2004, advising the application needs to be re-advertised for the May 4, 2004 meeting.
9. Communication dated April 13, 2004, from Carolyn Levesque, Director, Astra Non Profit Housing Corporation in opposition to the application
10. Notification of Public Hearing to Applicant dated April 6, 2004
11. Extract of Atlas Sheet AB24
12. Report from the Manager of Planning and Land Use dated April 27, 2004
13. Inspection Report
14. Communication dated Mary 4, 2004, from Ken Toland, in support of the application.

REPRESENTATIONS:

In Support:

June E. Anderson
David Andreychuk
Irene Argyle
Violet Bell
Anthony Bishop
Earl Brown, Safeway Canada Ltd.
Patricia Brown
Lucie Daoust
Ed Clarke, Safeway Canada Ltd.
Scott Douglas,
Kasian Kennedy Architecture Inc.
Susan Feldman
Amanda Fitzsimmons
Pat Flower
Jim Haier
Hazel Harvey
Frances Hillman Fryza
James Galtfuler
Bernice Gnitecki
Y.M. Gold
Lisa Hardess
Gordon A. Harding
Grant Henderson
Paul Jackson
Betty Jenkins
F. Johnston
Margaret Jones
Don Kasian,
Kasian Kennedy Architecture Inc.
Genevieve Kemp
Joan Koeppel
Michelle Kuly
Anne Lariviere
David Leibl
Carolyn Levesque
Karen Loscerbo
B. Phyllis McDougall
Ross McGowan, McGowan Design Group Inc.
Eileen McKinnon
Audrey E. Moran
Mr. and Mrs. Irwine L. Permut
Nancy Perrin
Chris Phillips,
Safeway Canada Ltd.
Marilyn and Bob Robbie
Barb Roth
Leonore Saunders
Sophie Schwark
Annie C. Short
Bissoondaie Singh
Bea Stewart
Ken Toland
Lionel Tougas
Glenrose Turner
Aviva Tynchyshyn
Linda Van Weeghei
Connie Watkins,
Safeway Canada Ltd.
Asher Webb
Shelagh Welter
Verna Wright
Annette Young

In Opposition:

Rita Kurtz
Barry Yanchyshyn

For Information:

Don Bailey
Chanelle Birks
Lesley Brown
Shannon Stundeu Bower
Jaclyn Friesen
Molly Johnson
Cyrus Hemmat
Tim Hoover
Annette Hercus
B. Hopkins
Pat Kendall
Delphine Kinvig
Monica Koeppel
Kathleen Leathers
Donna Leeies
Laurie Marcella
M. Renard
S. Renard
David Ringer
Martin Ringer
Constance J. Sarchuk
Matthew Wiebe
Angela Scerbo
Blair Short
Judith Templeman

For the City: Ms C. Knoll, Manager of Planning and Land Use, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicants, Don Kasian, Kasian Kennedy Architecture and Connie Watkins, Safeway Canada Ltd., appeared in support of application and gave a brief overview on the application.

Councilor Gerbasi inquired as to the number of parking stalls.

Don Kasian responded that the proposal was a change from165 to 145 parking stalls.

Councillor Steek inquired as to the dollar value of the investment Safeway was making with the development.

Connie Watkins responded that it was an estimated $12 to 14 million investment into community.

Jim Haier, appeared in support of the application. Mr. Haier stated that he shopped at Safeway and considered Safeway a good corporate citizen

Susan Feldman appeared in support of the application. Ms Feldman stated she represented four properties abutting Safeway. Ms Feldman also stated the need for landscaping and the backside of the development on Roslyn Road addressed.

Councillor Steek inquired as to Ms Feldman's concerns being the landscaping.

Ms Feldman stated that she wanted extensive, meaningful, well maintained and community friendly landscaping in the development.

Carolyn Levesque appeared in support of the application.

Asher Webb appeared in support of the application.

Leslie Brown appeared for information on the application. Ms Brown inquired as to pedestrian access to Safeway in winter.

David Leibl appeared in support of the application. Mr. Leibl stated that Osborne village was a very good community model and that it was important to keep Roslyn Road in mind for the development.

Councillor Gerbasi stated that the final plans would come back to Community Committee for approval.

Molly Johnson appeared for information on the application. Ms Johnson stated concerns with the elevation plans for Safeway, lack of windows for the store, the character of Roslyn road, and safety for pedestrians,

Mr. Permut appeared in support of the application. Mr. Permut stated that he lived in area for over 15 years and would like to see the final plans.

Michelle Kuly appeared in support of the application. Ms Kuly stated concerns with design, lighting and landscaping. Ms Kuly also stated the need for windows in the store.

Leonore Saunders appeared in support of the application. Ms Saunders stated concerns with safety issues, accessibility to the site, parking and truck traffic.

Chanelle Birks appeared for information on the application. Ms Birks stated that Osborne Village has a real sense of community and that she was opposed to corporations taking over this unique community.

Don Bailey appeared for information on the application. Mr. Bailey stated concerns with not having had a previous chance to look at the plans. Mr. Bailey also stated concerns with the back lane between Roslyn and River Roads and the need to close it for pedestrian safety.

The Manager of Planning and Land Use stated that the video store relied on that lane for access.

Delphine Kinvig appeared for information on the application. Ms Kinvig stated concerns with the parking lot, traffic, where the Safeway was to be placed, truck traffic, and where the loading was being proposed.

In rebuttal, Don Kasian stated that they appreciated the input from the community. Mr. Kasian also stated that design plans had not been finalized and they were looking forward to feedback. Mr. Kasian further stated that the plans would include the flow of pedestrian traffic, landscaping and lighting. Mr. Kasian further stated that the intent was to have a beautiful and aesthetic pleasing development .

Councillor Gerbasi inquired as to the garbage disposal?

Don Kasian stated that the garbage was to be kept indoors.

Councillor Gerbasi inquired as to the loading at the site.

Don Kasian sated that it was the intent to use one large truck and some smaller ones for loading.

Exhibit "12" referred to in File DASZ 1/2004 [c/r DAC 5/2004, DAV 110113/2004D, DCU 100472/2004D]

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 1/04 (c/r DCU 04-100472D; DAV 04-110113D; DAC 5/04) April 27th, 2004
Our c/f CP 100 (.117)

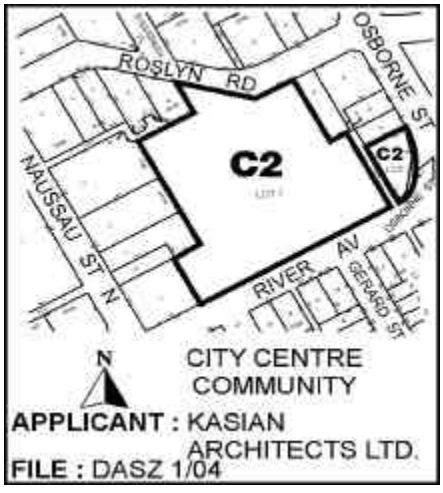
Ms. Josie Marques, Community Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
North of River Avenue, West of Osborne Street
City Centre Community
File No. DASZ 1/04

An application has been received from Kasian Kennedy Architects, on behalf of Canada Safeway, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "C1.5" Commercial District and a "RM-7" Multiple Family Residential District to a "C2" Commercial District.

PREVIOUS FILES: DASZ 12/00, DAV 647/00D, Demo 13/00, Demo 14/00, DAC11/00
DAZ 3/72, DAV 581/76



SITE DESCRIPTION:

Site Area:

The total site area of the proposed rezoning and redevelopment of the Safeway site is approximately 171,365 square feet (3.93 acres). The portion of the redevelopment site abuting Osborne Street is separated from the bulk of the site by a public lane.

Existing Land Use and Zoning:

The bulk of the site is zoned "C1.5" Commercial and is occupied by the current Safeway store, an additional building housing a liquor store and other uses, and surface parking areas facing River Avenue & Osborne Street. The northern portion of the site (0.5 acres) is occupied by the vacant Clifford Arms multi-family residential building and Campbell House building, both of which are zoned "RM-7" Multi-Family Residential. A public lane in the shape of an "L" traverses the site, the east-west portion of which is proposed to be abandoned and incorporated into the site.

Surrounding Land Use and Zoning:

North: Detached residential homes ("RM-7"), then Roslyn Road and multi-family residential buildings ("RM-7")
South: River Avenue, then a church building and attached & detached residential buildings ("R1-3")
East: Commercial buildings ("C1.5") and Osborne Street, then commercial buildings ("C1.5")
West: A church building and high-rise multi-family residential buildings ("RM-7"), then Nassau Street

DEVELOPMENT DESCRIPTION:

Canada Safeway is proposing to redevelop the existing site at the northwest corner of Osborne Street and River Avenue with a comprehensive development proposal, which involves a rezoning and subdivision application (DASZ 1/04), a conditional use application (DCU 04-100472D), a variance application (DAV 04-110113D), and a lane closure (DAC 5/04).

At present, the site is occupied by an existing Safeway store (32,000 square feet), an older commercial building (21,600 square feet), the vacant Clifford Arms multi-family residential building, the vacant Campbell House building, and two parking areas containing approximately 165 parking spaces. The development proposal involves removing these buildings, and constructing a new Safeway store (49,000 square feet), a fuel sales kiosk (450 square feet), and two commercial retail unit buildings (6,000 & 3,500 square feet). The two commercial retail unit buildings are proposed to be oriented towards Osborne Street and River Avenue, and focused about a pedestrian plaza. Under the proposed plan, the total number of parking spaces will decrease from the approximately 165 spaces on-site to 145 parking spaces.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development. The Plan Winnipeg Policies which are relevant to the redevelopment proposal are summarized below:

1. Promote compact urban form through infill and redevelopment (3A-02)

- The proposal will redevelop a significant site within the Osborne Village neighbourhood, and will maximize the use of existing infrastructure in the area.

- Aspects of the proposed redevelopment will assist in the revitalization of the neighbourhood, as the proposed street-oriented commercial retail unit (CRU) buildings and the pedestrian plaza at the northwest corner of Osborne Street & River Avenue will reintroduce to the site the pedestrian-oriented 'main street' commercial character and urban form found on Osborne Street south of River.

2. Promote vibrant neighbourhoods by accommodating compatible uses (3A-01; 3B-01; 3B-04)

- The proposed redevelopment application is in general a compatible land use with the surrounding neighbourhood, with the exception of the proposed fuel sales kiosk use. The proposed Safeway building will in essence replace an existing supermarket use, and the proposed CRU buildings are similar in use to other commercial buildings and uses along Osborne Street.

- The proposed CRU buildings and the pedestrian plaza will re-introduce to the site the pedestrian-oriented 'main street' urban form and commercial character found on Osborne Street south of River Avenue. The construction of the CRU buildings and pedestrian plaza will serve to reinforce the character of the Osborne commercial area as a pedestrian-oriented 'main street' destination, and will present a marked improvement over the current parking area and older former grocery store building on-site.

- While the proposed building footprint and location is larger than initially proposed during the Steering Committee process (see discussion below), the net square footage of commercial buildings proposed to be constructed is similar to that currently existing on-site (59,000 square feet proposed versus 53,500 square feet existing), not including the existing residential buildings. Moreover, while the proposed Safeway building appears to be somewhat suburban in terms of placement back from the street, the building and associated parking area is largely screened from view from the Osborne Street through the development of the proposed commercial retail units, which re-establish the pedestrian-oriented urban form along that corridor. In addition, the proposed redevelopment substantially reduces the number of automobile parking spaces on-site from approximately one hundred & sixty-five (165) to one hundred & forty-five (145).

- The proposed fuel sales kiosk use is not in conformance with these policies, as it is not in keeping with the 'neighbourhood character' of Osborne Village, and would serve to dimish the pedestrian-oriented scale and density of the area.

The redevelopment proposal as presented will result in an improvement on the conditions currently found on site in terms of Plan Winnipeg compliance, and will substantially enhance the

pedestrian-oriented 'main street' commercial character of the area on the Osborne Street frontage, and within the environs of the northwest corner of Osborne Street & River Avenue.

Fort Rouge Neighbourhood Management Plan:

The subject property also falls within the boundaries of the Fort Rouge Neighbourhood Management Plan, which was adopted in principal by City Council on June 21st, 2000. In regards to commercial redevelopment, the Fort Rouge Neighbourhood Management Plan calls to "discourage suburban-type commercial development in the villages which, by nature of its site design, parking layout, auto-orientation or traffic generation, conflicts with the pedestrian-friendly, main street character of the commercial precincts" (p. 21), and states that change "must be of a nature and scale which are commensurate with prevailing character…" (p. 2).

ADMINISTRATIVE COMMENTS:

Due to the complexity of the redevelopment proposal and the various components involved, this portion of the report has been discussed in the sub-sections outlined below:

Prior Development Applications On-site: A redevelopment proposal for this site had been submitted by Canada Safeway in 2000, and included a rezoning & subdivision application (DASZ 12/00), variances (DAV 647/00D), and a lane closure application (DAC 11/00). The proposal involved the demolition of the two existing commercial buildings on site, the construction of a new 40,700 square foot Safeway store, and approximately 210 vehicle parking spaces. The Safeway store was proposed to be located siding onto River, with the principle façade facing Osborne Street and separated from Osborne by a parking lot. The proposal also involved demolition of the the Clifford Arms (Demo 14/00) and Campbell House (Demo 13/00) residential buildings.

The previous application was controversial and was ultimately denied. The denial was based upon the position that the redevelopment proposal was not in conformance with several Plan Winnipeg policies. These included the fact that the Safeway proposal was detrimental to preserving the existing pedestrian oriented character of the Osborne Village area, and that the proposal was not compatible with the surrounding properties and area in terms of scale and urban form.

Osborne Village Safeway Steering Committee: In late 2002 – early 2003, the Department of Planning, Property, and Development engaged Canada Safeway in discussions about the future of the Osborne Village Safeway, and Canada Safeway's continued interest in redeveloping the site. The Department proposed a Steering Committee process with Canada Safeway that would involve all parties with an interest in the site in a collaborative planning process to formulate redevelopment options that would meet the concerns of the neighbourhood and Canada Safeway.

Under the direction of a third-party facilitator, the Osborne Village Safeway Steering Committee identified site issues and design principles for redevelopment, and held a design charrette to examine potential redevelopment options. Three conceptual plans were developed. All three plans proposed several buildings and a pedestrian plaza located at the northwest corner of

Osborne Street & River Avenue, and the closure of the existing lane; however, they differed in the placement and orientation of the proposed Safeway building on-site. Approximately 130 people attended a public open house on April 3rd, 2003 to review the background issues and the three conceptual plans developed by the Steering Committee. The majority of the public attending the open house selected Option "A" as the preferred conceptual plan. It is should be noted that the fuel sales kiosk now proposed by Canada Safeway was not illustrated on any of the conceptual plans.

The Steering Committee met at the end of April, 2003 to review the results of the open house, and the draft report prepared by the facilitator. The facilitator's report concluded that the redevelopment of the Osborne Village Safeway site should be in accordance with the Option "A" conceptual plan that was selected by the majority of the open house participants. Canada Safeway then began to draft redevelopment plans based on the feedback from the open house, and presented a more refined plan including a fuel sales kiosk to the Steering Committee at a meeting in August 2003. The consensus of the Steering Committee was generally that while the proposed redvelopment was the outcome of the planning process, it was felt that the fuel sales kiosk was not an appropriate land use for this site in Osborne Village.

Rezoning and Subdivision: The site in question currently holds two separate zoning designations. The northern portion of the site occupied by Campbell House and Clifford Arms is currently zoned "RM-7" Multiple Family Residential. The remainder of the site occupied by the existing Safeway and secondary commercial buildings is zoned "C1.5" Commercial, and is governed by a zoning agreement on-site. The existing Safeway store also functions as a legal non-conforming use under its current "C1.5" Commercial designation.

In order to redevelop the site as proposed, the applicant has requested that the site be rezoned from the existing "C1.5" Commercial and RM-7 Multi-Family Residential zoning to "C2" Commercial, to discharge of the existing zoning agreement, and implement a new zoning agreement for the site. The existing zoning agreement (By-Law No. 195/72) required the owner to maintain the existing residential buildings on-site for a minimum of ten years beyond the date of the agreement (1973), implement fencing and landscaping requirements on the western and southern boundaries of the site, and restricted permitted uses on-site to grocery markets and associated uses, parking, and local 'non-impactive' uses, such as banks, barber shops, and other small scale commercial uses. The existing zoning agreement also requires Schedule "A" plan approval.

The Planning & Land Use Division supports the proposed rezoning & subdivision. The "C2" Commercial designation will permit the establishment of a new supermarket, which essentially replaces the older, existing store operating as a non-conforming use on-site. While a zoning agreement is recommended in terms of plan approval and other conditions, the Division recommends that no land use restrictions be placed on-site. The rationale for this recommendation is due to the fact that the vast majority of potentially 'objectionable' land uses in a "C2" Commercial district are already subject to an additional conditional use approval process, such as large restaurants, pawnshops, cocktail lounges, drive-in uses, and fuel sales kiosks. The redevelopment application also includes a proposed subdivision of the land, in

essence a consolidation of land titles, to which the Planning & Land Use Division has no objections.

Lane Closure: As part of the redevelopment proposal, the developer has applied to close the portion of the lane running east-west behind the existing commercial building now occupied by the liquor store and the drug store (see file DAC 5/04). The closure of the entire lane had been discussed during the Steering Committee process, as the lane has prompted many complaints in terms of pedestrian safety, cut through traffic, and traffic interaction issues where the lane enters River Avenue, just west of the intersection of Osborne Street & River Avenue. Closing the entire lane is desirable from a planning & land use perspective as well, as it would permit the full development and utilization of a pedestrian plaza and out door seating area, as well as resolving numerouse pedestrian and vehicle traffic issues. Safeway agreed in principle to the concept of closing the lane for similar reasons. Regardless, the closure of the entire portion of the lane is not feasible at this time, as the other adjoining property owner to the lane, the owner of Movie Village, has objected to the north-south portion of the lane being closed. Several other options to resolve the issue were explored, such as a public cross access easement as part of the zoning agreement for the Safeway site; however, no resolution on this issue was achieved. As a result, the applicant has modified their original proposal to maintain the north-south portion of the lane; however, they have agreed to pave a portion of the lane with enhanced paving materials at 'zero' grade differential (i.e. no curb) at their expense to incorporate the lane into the pedestrian plaza area until a closure of the remainder of the lane may be considered in the future. The Administration has no objections to the partial lane closure and the applicant's proposal.

Site Plan: The proposed site plan submitted as part of the redevelopment proposal is based somewhat on the preferred Option "A" conceptual plan shown at the April 3rd, 2003 open house. Two commercial retail unit (CRU) buildings and a pedestrian plaza are proposed to be located immediately adjacent to the northwest corner of Osborne Street & River Avenue (see Figure 1). These buildings serve as the principle interface with the street intersection, and serve to continue the 'main street' pedestrian oriented nature of built form found on Osborne Street south of River. The grouping of the buildings and pedestrian space also serve to 'hide' the proposed Safeway and its associated parking areas from view on Osborne Street. The pedestrian plaza will feature enhanced paving materials and benches, and will serve as an area for informal gatherings and provide opportunities for outdoor seating and dining areas.

The applicant's original site plan proposal included closing and incorporating the public lane into the pedestrian plaza, and providing for a strong pedestrian linkage between the intersection and the entrance to the proposed Safeway building (see Figure 2); however, as indicated above, this portion of the lane cannot be closed at this time. Canada Safeway has stated that it will place a letter of credit with the City of Winnipeg to fund construction of this plan if the lane may be closed in the future. The east-west portion of the existing lane is proposed to be closed and incorporated into the site as part of the on-site circulation.

Two pedestrian linkages are proposed between the two entrances of the Safeway building and River Avenue, and the corner of Osborne Street & River Avenue respectively. All pedestrian linkages to the street and pedestrian crossings on-site are proposed to utilize enhanced paving

materials to clearly delineate between the pedestrian and vehicular realms. Pedestrian linkages will also be provided to the north on the east and west sides of the proposed Safeway building, and a sidewalk will be constructed on the south side of Roslyn Road. In addition, a 25' wide landscape buffer area will be provided between the rear elevation of the proposed Safeway building and Roslyn Road.

The proposed site plan will also involve the demolition of the vacant Clifford Arms and Campbell House buildings. During the Steering Committee process, it was identified that it would be preferable to retain and rehabilitate the Campbell House building for office or commercial use, if feasible. Campbell House was also shown as potentially being retained in the preferred Option "A" conceptual plan shown at the April 3rd, 2003 open house. Subsequent to the open house, Canada Safeway commissioned a structural report from Crosier Kilgour & Partners Ltd. to evaluate the existing conditions of Campbell House. The report identified a significant amount of water damage and structural damage to the building. Based on the findings of the structural report, it is unlikely that the building could be economically rehabilitated for a residential or commercial use. In light of these findings, and the fact that the building is not a designated heritage building, nor a building of outstanding or unique architectural character, the Planning & Land Use Division is not opposed to the demolition of Campbell House, or the Clifford Arms building.

Transit Island Improvements: The Steering Committee process identified a need for improvements to the transit island and pedestrian crossing at the north west corner of Osborne Street & River Avenue. These improvements were identified as a means of increasing the functionality of the transit island, and improving pedestrian amenities and safety. Upon further analysis, it was determined that the transit island could be lengthened to accommodate two buses, and the angle of approach for the southbound right turn lane on Osborne Street could be changed to reduce vehicle speeds, thus potentially increasing the safety of the pedestrian crossing. In addition, traffic calming improvements could be installed on the south side of River Avenue west of Osborne Street to address safety issues. While these improvements are the responsibility of the City of Winnipeg to install, the applicant has shown these improvements on their plans to illustrate the intersection upon completion. The Department of Planning, Property, and Development will be entering into discussions with Public Works and Transit as to the timing and budgeting of these improvements.

Fuel Sales Kiosk: The redevelopment proposal includes a three island fuel sales kiosk on the southwestern portion of the site, adjacent to River Avenue. A fuel sales kiosk is a conditional use in a "C2" Commercial district, and is subject to a separate development application (see file DCU 04-100472D). While the overall design of the fuel sales kiosk is above average in terms of architectural design and materials, the Planning & Land Use Division has recommended that the conditional use application be denied, as it is an inappropriate land use for the area, and does not conform with Plan Winnipeg policies.

Landscape Plan: The redevelopment proposal includes a landscape / hardscape plan, and will involve the removal of some existing trees on-site (see Figure 3). As part of the construction of the proposed Safeway store, seven (7) large mature trees (six American Elm & one Manitoba

Maple) and several smaller trees will be removed from the area around Campbell House; however, a total of forty-eight (48) existing trees will be retained on-site. An arbourist report provided by Canada Safeway has identified that six (6) of the larger mature trees to be removed as in a generally 'good' or 'fair' condition, while one (1) has been identified as in a 'poor' condition. Three other smaller trees will also be removed along River Avenue. The applicant is proposing to plant additional American Elm trees with a minimum calliper of 100mm along River Avenue, in the parking areas, and along the western boundary of the site. A 25' landscape buffer yard is proposed along the Roslyn Road frontage of the property.

The landscape plan submitted also includes a hardscape component. Decorative paving materials will be utilized at all pedestrian crossings, and within the pedestrian plaza area at the northwest corner of Osborne Street & River Avenue. Pedestrian connections will also be maintained between the corner of Osborne & River to the eastern entrance of the proposed Safeway building, and from River Avenue to the western entrance to the proposed building. Benches and provisions for outdoor seating areas will be provided in the proposed pedestrian plaza. Additional benches and column elements to match those found on the proposed buildings will be provided along River Avenue to provide for a more meaningful street interface.

Architecture: The architectural plans and elevations submitted as part of the redevelopment proposal are attached as Figures 4 - 8. The overall theme of the proposed architecture is to tie into the various materials, forms, massing, and details of the McKim Courtyard heritage building located kittycorner to the site at the southeast corner of the Osborne Street & River Avenue. A colour rendering and materials board illustrating this theme is attached as Figure 4. The CRU (Commercial Retail Unit)1 & CRU 2 buildings (Figures 5 & 6) utilize the same street massing, materials, banding, and details as the McKim Courtyard building, and provides a pleasing pedestrian scale interface with the street. Metal canopy awnings are proposed to be utilized, as they are more resistant to Winnipeg's climate than traditional cloth awnings. The proposed fuel sales kiosk and canopy (Figure 7) also utilizes similar banding and materials treatment; however, as stated above, this conditional use is not supported (see file DCU 04-100472D).

Many of the same features found on the CRU 1 & 2 builings are proposed to be utilized on the elevations of the Safeway building (Figure 8). The materials, banding, and faux column & tower elements are found on all four elevations as a means of breaking of the physical mass and monotony of the building façades. In addition, the loading bay on the west side of building is screened from view and incorporated into the building through the extension of the building façade as a screen wall. More prominent banding, column, and tower elements are utilized on the front façade; however, the Planning & Land Use Division believes that additional pedestrian oriented elements, such as an arcade or column elements, are required along the front façade between the two principle entrances. The Planning & Land Use Division will continue to work with the applicant to resolve this issue, and will bring the elevations for review and approval by the City Centre Community Committee as part of the Schedule "A" approval process, per the proposed zoning agreement.

Lighting & Illumination: The applicant has submitted a photometrics and lighting plan as part of the redevelopment proposal. The applicant has agreed to the use of decorative wall mounted

and pole mounted lighting fixtures for this redevelopment project, the details of which will be addressed during the development permit process. The decorative wall mounted fixtures will be identified on the building elevations during the Schedule "A" review process.

In response to concerns about lighting intensity and the potential for 'light trespass' onto adjacent non-commercial properties, the applicant has agreed to the use of downward-directed and cut-off lighting fixtures, and is modifying their illumination plans to address this issue. The applicant has also reduced the level of illumination under the proposed fuel sales canopy from sixty-one foot candles (61 F.C.) to approximately twenty-five to thirty foot candles. Low intensity security lighting has also been added on the north and west façades of the Safeway building to address CPTED (Crime Prevention Through Environmental Design) concerns.

Variances: A variety of variances have been applied for as part of this redevelopment proposal (see file DAV 04-110113D). These include providing 145 parking spaces than the 236 spaces required by the City's by-law, two loading spaces instead of the three required, no on-site parking spaces for the proposed CRU 1 building (spaces are provided in the adjacent parking area), and reduced setbacks for the proposed CRU, Safeway, and fuel sales kiosk buildings. The Planning & Land Use Division has no objections with the proposed variances, with the exception of those pertaining to the proposed fuel sales kiosk use.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 1/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 1/04, attached hereto and dated April 6th, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City, with a condition that the developer shall be responsible for the construction of a sidewalk on the south side of Roslyn Road for the full length of the subject property, to the standard required by the Department of Public Works.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 1/04, attached hereto and dated April 27th, 2004, to an "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. The developer shall provide to the City of Winnipeg a cross access easement on Lot 1 to permit the ingress and egress of City service vehicles through the development;

B. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting & photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the City Centre Community Committee prior to the issuance of a building permit;

C. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the City Centre Community Committee;

D. That no permanent signage be erected on site except in accordance with plans approved by the City Centre Community Committee;

E. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

IV. Prior to release of the subdivision mylars for registration with the Winnipeg Land Titles Office, the developer shall place with the City of Winnipeg a letter of credit sufficient to fund the cost of construction of the enhanced pedestrian connection improvements between the northwest corner of Osborne Street & River Avenue to the east entrance of the proposed Safeway store, as shown in Figure 2 - Site Plan - Future Phase, at such time that the public lane adjacent to the site may be closed.

V. That Caveat Nos. 225906 & 1955937 be withdrawn.

VI. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

VII. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

VIII. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

IX. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

X. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning

Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

XI. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh AICP, Planner
986-5549

By-Law No. _____

File No. **DASZ 1/04**

Atlas Sheet No. **AB24**

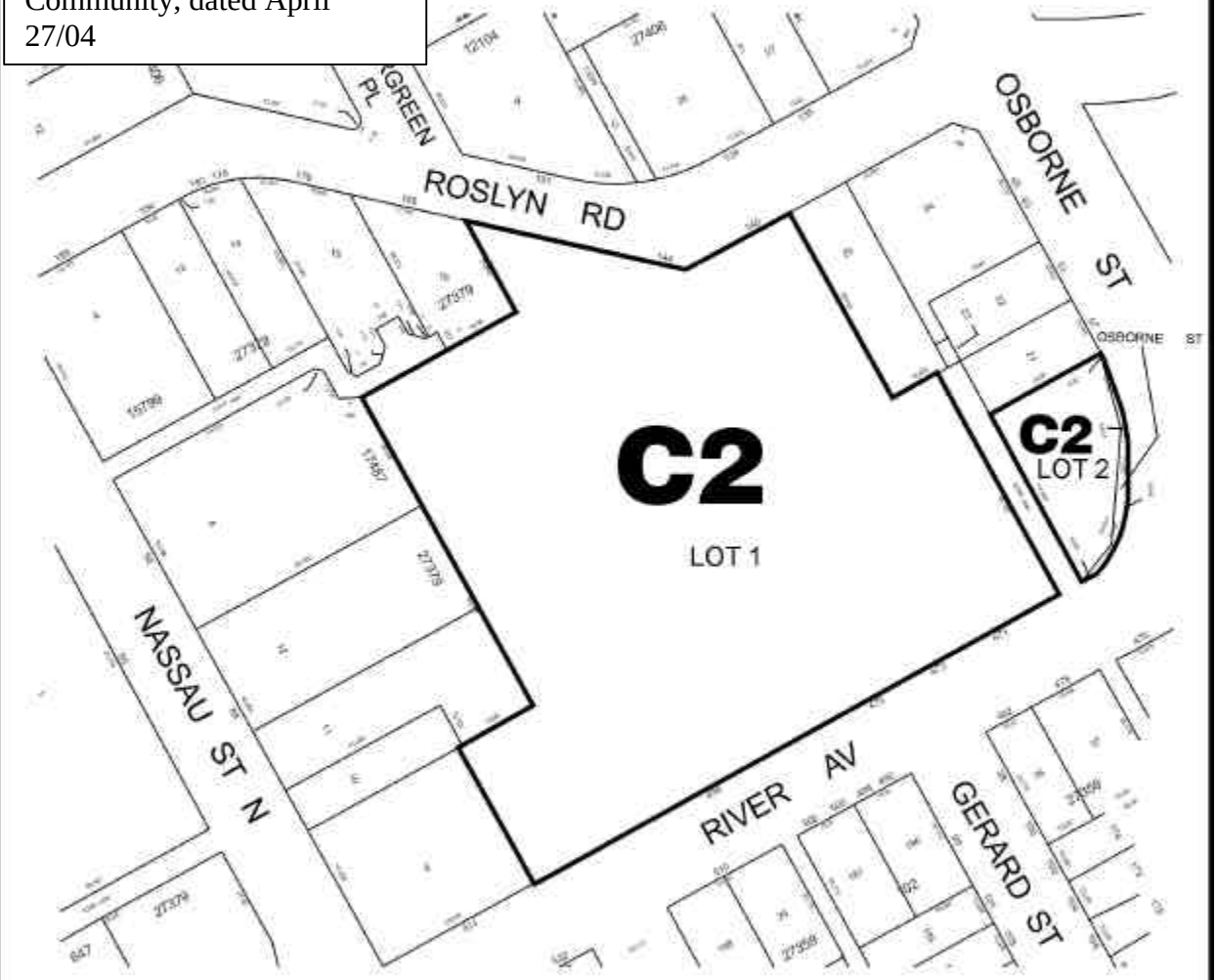
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CITY CENTRE COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 499 River Avenue from an "RM-7" MULTIPLE-FAMILY DISTRICT and a "C1.5" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 1/04, City Centre Community, dated April 27/04



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "14" referred to in File DASZ 01/2004 [c/r DAC 5/2004, DAV 110113/2004D, DCU 100472/2004D]

-----Original Message-----
From: ken toland [mailto:tolands@ilos.net]
Sent: Tuesday, May 04, 2004 3:47 PM
To: jmarques@winnipeg.ca
Subject: New Safeway Store--Osborne Village

Josie:

I want to go on record that The Osborne Community Coalition does not represent me or my family as far as the public hearing tonight about the proposed new Safeway Store in Osborne Village. Nor should they suggest that to the press as they have done. I for one, and my family, Three of us, have no objection to a new safeway store being built along with a gas bar on that property. There is room for it, a need for it for competitive reasons and it will not add much at all to the traffic flow along River avenue. It will likely be many of the same people who shop at Safeway, and in the area, or those that use River Avenue on their way homethat use the gas bar. The traffic problem being suggested is overdone.

The area around the Shell Station at Osborne & Roslyn is quite small and, at busy times, it does take a few minutes to get back onto Osborne or Roslyn. It is not a big problem.

The parking lot at Shoppers Drugs is a zoo at times. However we all get out back onto Roslyn Rd or over to River Avenue. It is not a big problem.

A new Condominium project is going up on River Avenue, opposite the proposed new Safeway building site. This will bring more cars into the area that will go out of it onto River Ave, on Nassau St. N. and then onto Roslyn Rd to Osborne St--north and south. What should have been done here? Object to it being built to stop more cars comming into the area? No way. This is progress and if there is some slowness on River Avenue because of this then we will just have to live with it. It is a good addition to the area.

My understanding is that the Osborne Village Business Improvement Zone and, some of its supporters, are against this gas bar. There is, in my opinion, no basis for this objection. A new Safeway Store, along with its gas bar plus two or three other businesses there will bring more people into the area which will be good for their businesses. They will benefit from this development.

There could be many more examples of why this store and gas bar should go ahead immediately without any more wrangling. Please convey this to the three councillors who will be at the meeting tonight. I cannot be there in person due to other commitments. Thank You.

Yours Truly, Ken Toland, #706-21 Roslyn Rd, Wpg. Mb R3L 2S8