

Agenda - Lord Selkirk-West Kildonan Community Committee - February 26, 2008**PUBLIC HEARINGS**

**Item No. 3 Zoning Agreement Amendment - 176 Watson Street
(Old Kildonan Ward)
File ZAA 1/2008 [c/r DCU 101568/2008D]**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

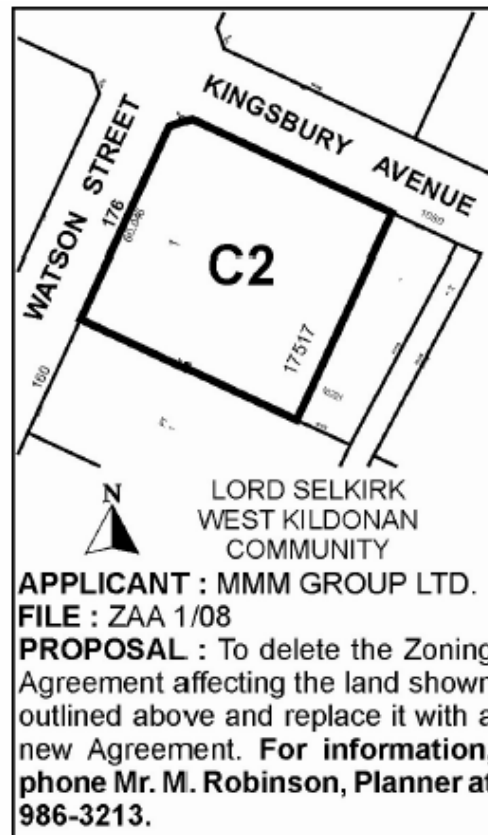
1. That Zoning Agreement Caveats 83-82834 and 80-3973, under DAZ 11/79 dated August 15, 1979 (By-Law Nos. 2439/79 and 2440/79), be withdrawn and replaced with a new Zoning Agreement as follows:
 - A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:
 - i. That the following uses shall not be permitted on the land:
 - a. amusement enterprise, outdoor
 - b. drinking establishment
 - c. landscape or garden supplies
 - d. fuel sales
 - e. landscape/garden contractor
 - ii. That the following uses shall be conditional on the land:
 - a. drive-in or drive-through
 - b. auto/light truck/motorcycle, repair and service
 - iii. That the following use shall be restricted as follows:
 - a. auto/light truck/motorcycle, sales and rental; shall be limited to a maximum of six (6) vehicles on display at any one time
 - iv. That not more than one freestanding identification sign shall be permitted. Said sign shall be setback a maximum of twenty (20) feet from any abutting street
 - v. That not more than one fascia identification sign shall be permitted nor shall such sign exceed ten percent (10%) of the square footage of the building wall to which the sign is attached, without the approval of the Lord Selkirk-West Kildonan Community Committee

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- vi. That said free standing and fascia signage shall not be of a flashing, scintillating, and animated type without the approval of the Lord Selkirk-West Kildonan Community Committee, in which event the sign shall be located no closer than two hundred (200) feet from an adjacent residential district.
 - vii. That no building shall be located within twenty-five (25) feet of the north and south limits and the east and west limits of Kingsbury Avenue and Watson Street, respectively, unless such construction is first approved by the Lord Selkirk-West Kildonan Community Committee
 - viii. That no parking shall be located within ten (10) feet of the north and south limits and the east and west limits of Kingsbury Avenue and Watson Street, respectively, unless such parking is first approved by the Lord Selkirk-West Kildonan Community Committee
 - ix. That for the development of any building, accessory parking area, outdoor storage area, and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, outdoor storage, fencing, landscaping and signage to the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.
2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 11/79 (By-Law Nos. 2439/79 and 2440/79) as approved in aforesaid recommendation 1.
 3. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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File: ZAA 1/2008 [c/r DCU 101568/2008D]
 Applicant: MMM Group Limited (Frieder Aldinger)
 Subject:



Premises Affected: 176 Watson Street

Exhibits Filed:

1. Application dated January 8, 2008
2. Notification of Public Hearing dated January 15, 2008
3. Manitoba Status of Title 2103063
4. Letter of authorization (undated) from Grasshopper Ventures Inc. to MMM Group Limited
5. Surveyor's Building Location Certificate and sketch dated May 14, 1987
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated February 1, 2008
8. Inspection Report

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The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

Moved by Councillor

That the report of the Winnipeg Public Service be taken as read.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the recommendation of the Winnipeg Public Service be / not be concurred in and forwarded to Standing Policy Committee on Property and Development / Executive Policy Committee and Council.

Moved by Councillor

That the following supporting reasons be provided, namely:

Moved by Councillor

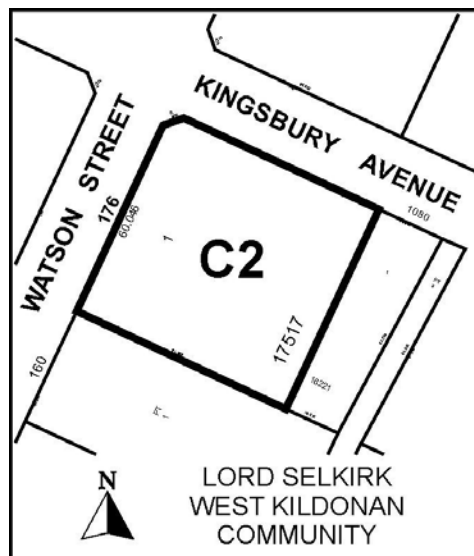
That the public hearing with respect to this application be concluded.

Exhibit “7” referred to in File ZAA 1/2008 [c/r DCU 101568/2008D]



Planning, Property and Development Department Report
To the Lord Selkirk-West Kildonan Community Committee

Date: February 1, 2008
File: ZAA 1 /2008
Related Files: DCU 08-101568/D
Subject: Application to remove the existing Zoning Agreement
Location: 176 Watson Street



Applicant: Frieder Aldinger (MMM Group Limited)
Owner:
Recommendation: Withdraw the existing zoning agreement and replace it with a new agreement

Site Description

The subject property, which is zoned “C2” Commercial, is located at the southeast corner of Watson and Kingsbury Streets in the Leila-McPhillips Triangle neighbourhood of the Old Kildonan Ward.

North: Multiple-family residences zoned “C2” Commercial

South: Commercial uses zoned “C2” Commercial

East: Commercial use zoned “C2” Commercial

West: Multiple-family residences zoned “RM-2” Multiple-Family Residential

Background

DAV 06-149411/C

In September 2006, the Board of Adjustment approved a variance for a 15-foot rear yard setback, instead of 25 feet.

DCU 06-11149411/C

In September 2006, the Board of Adjustment approved a conditional use for the expansion of an automobile washing drive-through and self-service use. The approval included five conditions:

- 1) That if any Conditional Use granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Conditional Use, shall terminate.
- 2) That final plans showing the location of buildings, lighting, and signage shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits and that the development shall be built in substantial conformance with those plans and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.
- 3) That all lighting shall be full cut off, to eliminate glare on adjoining properties
- 4) That all but one free standing sign shall be removed from the property by October 31, 2006
- 5) That all external business signage shall be approved by the Director of Planning, Property, and Development prior to the issuance of development permits

Description of the Proposed Development

At this time, the applicant wishes to withdraw the existing zoning agreement on the property. Their intention is to sell vehicles on the property, which is currently not permitted under the Zoning Agreement.

The applicant has indicated that the vehicle sales would be ancillary to the car wash and that a maximum of six (6) vehicles would be displayed for sale at any given time. They have also indicated that there are no plans to have banners, streamers, or other attention getting devices.

Analysis

Vehicle Sales

The Division supports the proposed amendment to allow auto sales, provided that the use is ancillary to the principal use (car wash and laundromat) and that it is limited to a maximum of six (6) vehicles on display at any one time.

Given the size of the property, the display of six vehicles will not impede the overall operation of the car wash and laundromat.

Zoning Agreement

With respect to the repealing the balance of the existing zoning agreement, the Planning and Land Use Division believes that the agreement was added to protect adjoining residential properties from development that could be potentially incompatible or have an adverse impact on residences.

With that said, nothing has the intervening years has changed insomuch as the subject property still abuts residences and the restrictions still provide protection for those residences.

Consequently, the Division does not recommend completely withdrawing the existing agreement. However, the Division does recommend updating the zoning agreement by reevaluating the prohibited uses, using the following criteria:

1. Any uses that were not previously restricted should not be restricted in the new agreement
2. If it no longer makes sense for a use to be prohibited, it should be removed from the prohibited list
3. Where a use was restricted previously and where one could reasonably conclude that the use may still have a negative impact on adjoining properties, it should remain on the prohibited list
4. Where a use was a conditional use previously and where one could reasonably conclude that the use may still have a negative impact on adjoining properties, it should remain as a conditional use
5. All restrictions with respect to building and parking setbacks, signage, and plan approval should remain

Fascia Signage

The existing building does not comply with the sign restrictions in the existing zoning agreement, which requires that the building be limited to one (1) fascia sign, not exceeding 10% of the square footage of the building wall.

The Planning and Land Use Division believes that this restriction is onerous and indicated that with the submittal of a signage plan, which provided a coordinated, visually appealing signage program for the building, a loosening of this restriction would be recommended. However, at the time of this writing, a signage plan had not been submitted.

Recommendation

The Planning and Land Use Division recommends withdrawing the existing zoning agreement and replacing it with a new agreement for the following reasons:

- The current zoning agreement is outdated, with respect to the list of prohibited uses
- Vehicle sales will not have an adverse impact on adjoining properties, provided that they are limited to a maximum of six (6) vehicles.

Recommended Conditions of Approval

1. That Zoning Agreement Caveat 83-82834 and 80-3973, under File DAZ 11/79 and dated August 15, 1979 (By-Law Nos.2439/79 & 2440/79), be withdrawn and replaced with a new Zoning Agreement as follows:
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This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP
PPD File # ZAA 1/2008



Figure 1: Aerial Photo (Flown in 2005)