

Agenda – Board of Adjustment – November 28, 2018

PUBLIC HEARINGS

**Item No. 3 Variance – 4075 - 4077 Portage Avenue
(Charleswood - Tuxedo Ward)
File DAV 171255/2018C**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the "C4" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a commercial building to permit a front yard of 3.28 feet (1.00 meters) instead of 10 feet (3.05 meters).

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File:	DAV 171255/2018C
Applicant:	Shindico Realty Inc. (John Pearson)
Premises Affected:	4075 - 4077 Portage Avenue
Legal Description:	LOTS 9/10/11 PLAN 61943 (LOT 10 DASSF 515/2018), hereinafter called “the land”
Property Zoned:	“C4” - Commercial Regional District
Nature of Application:	To vary the "C4 PDO-2 Westport Festival" District Dimensional Standards of the Winnipeg Zoning By-Law No. 200/2006 for the construction of a commercial building to permit a front yard of 3.28 feet (1.00 metres) instead of 10 feet (3.05 metres).
Exhibits Filed:	<ol style="list-style-type: none">1. Application dated November 6, 20182. Notification of Public Hearing dated November 1, 20183. Manitoba Status of Titles 2962262/1, 2962263/1, 2962264/14. Letter of authorization dated September 25, 2018 from Shindico Realty Inc. as authorized agent for 71185 Manitoba Limited to John Pearson5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising6. Caveat 48371957. Communication in support of the application, submitted by the applicant8. Plans, Sheets 1 to 6 inclusive, for File DAV 171255/2018C dated November 19, 20189. Report from the Urban Planning Division dated November 20, 201810. 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.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by

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

Moved by

That the receipt of public representations be concluded.

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Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

- (a) ☐ is consistent ☐ is not consistent
with Plan Winnipeg, and any applicable secondary plan;
- (b) ☐ does not create ☐ does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) ☐ is ☐ is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) ☐ is ☐ is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

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

Exhibit “9” referred to in File DAV 171255/2018C

ADMINISTRATIVE REPORT

Title: DAV 18-171255\C – 4077 Portage AVE

Issue: For consideration at the public hearing for a variance associated with the construction of a commercial building to permit a front yard of 3.28 feet instead of 10 feet.

Critical Path: Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
F. Ojo	B. Smith	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the "C4" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a commercial building to permit a front yard of 3.28 feet (1.00 meters) instead of 10 feet (3.05 meters).

REASON FOR THE REPORT

This report describes the proposed development and the associated variance, which requires a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, Section 249.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the variance application will be approved.

FILE/APPLICANT DETAILS

FILE: DAV 18-171255\C

RELATED FILES:

COMMUNITY: Assiniboia Committee

NEIGHBOURHOOD #: 2.227 (Charleswood-Tuxedo)

SUBJECT: To vary the "C4" dimensional standards of Zoning By-Law No. 200/2006 for the construction of a commercial building to permit a front yard of 3.28 feet (1.00 meters) instead of 10 feet (3.05 meters)

LOCATION: 4077 Portage AVE

LEGAL DESCRIPTION: LOT 10 DASSF 515/2018

APPLICANT: John Pearson (Shindico Realty Inc.)
1355 Taylor Ave. Suite 200
Winnipeg , Manitoba R3M 3Y9

OWNER: Red River Exhibition Association
3977 PORTAGE AVE
Winnipeg , Manitoba R3K 2E8

HISTORY

On September 27, 2012 - The Council concurred in the recommendation of the Standing Policy Committee on Property and Development and approved the subdivision and rezoning of subject land from "A" Agriculture to "C4" PDO-2 (under File DASZ 43/2011) subject to ten (10) conditions.

Central to these conditions are plan approval, signage and building addressing system, cross-access agreement and lighting.

The proposal was intended to accommodate a regional use center which includes +/- 600,000 square feet of large and small format retail, restaurant, office and entertainment uses.

The associated Westport Festival Planned Development Overlay 2 (PDO-2) was developed to set specific guidelines in terms of use regulations and development standards.

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is situated east of Festival Drive and south of Red River Ex Roadway, in the Assiniboia Downs neighborhood of the Charleswood-Tuxedo ward.
- The subject site is currently vacant and is part of the *Festival Planned Development Overlay 2 (PDO-2)*. The site is approximately 14.45 acres (672,852 square feet) in size.
- It is important to note that while the subject site falls within Precinct R under *Complete Communities Direction Strategy*; it's planning and development should be in accordance with Section 06 (Commercial section) of the policy document.
- The subject site is zoned "C4" Commercial Regional, connected to Portage Avenue by Festival Drive. Portage Avenue is considered a Regional Mixed Use Corridor under the *Complete Communities Direction Strategy*.

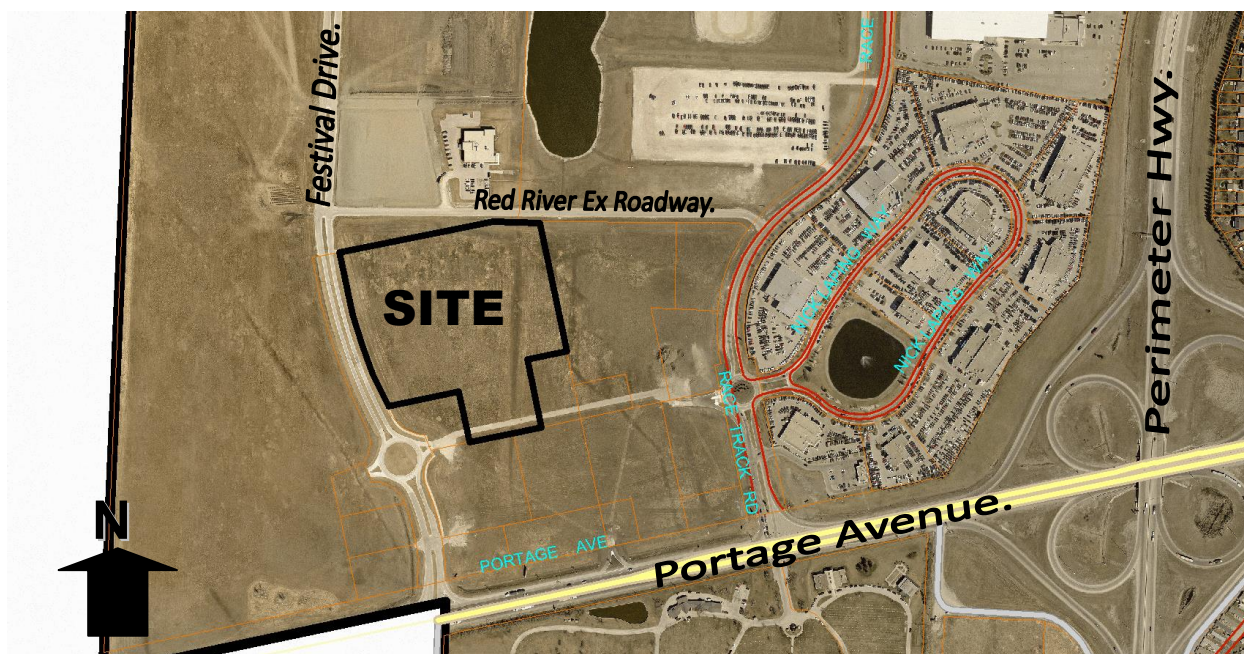


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2018)

SURROUNDING ZONING & USES (See Figure 2)

North: Red River Ex Roadway, then the Dairy Farmers of Manitoba building zoned "A" Agriculture

South: Fragmented vacant commercial lands zoned "C4" Regional Commercial

East: Vacant commercial lands zoned "C4" Regional Commercial

West: Festival Drive, then vacant agricultural lands zoned "A" Agriculture

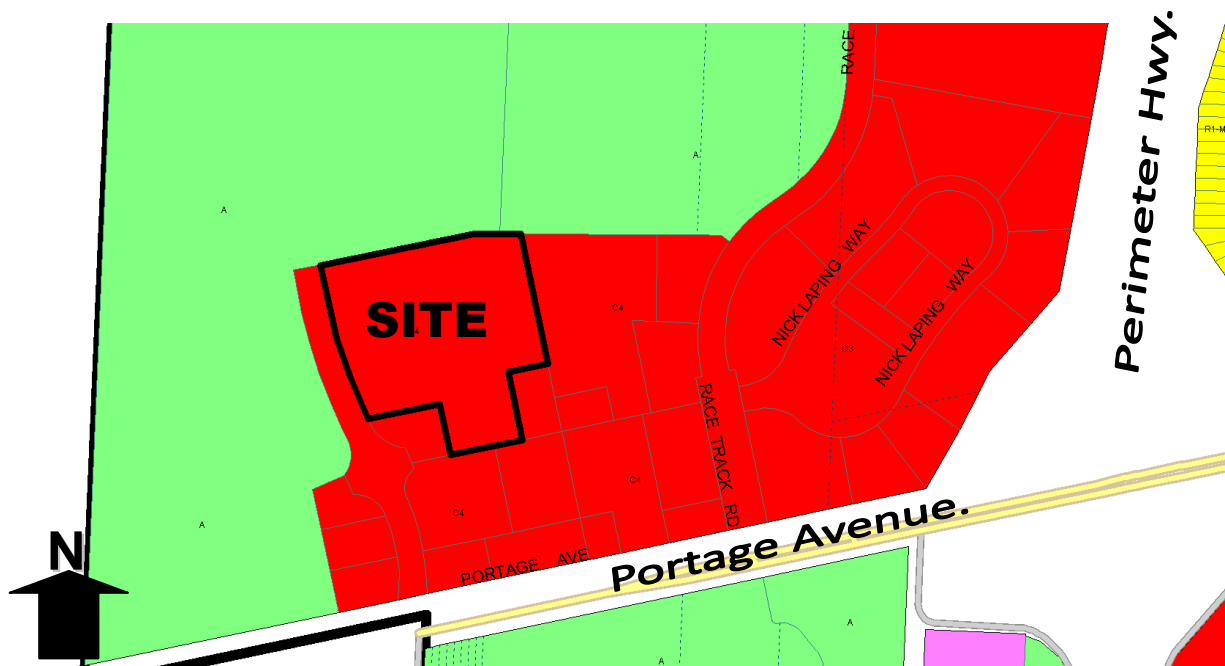


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks approval for the construction of a commercial building to permit a front yard of 3.28 instead of 10 feet.
- Submitted plans show the proposed buildings, accessory parking area, landscape plan, pedestrian connections, bicycle parking area and site access. The applicant has also submitted photo-rendering of different facades of the proposed building.
- The proposed principal building will be 158,163 sq. ft. in size.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES

The subject site falls within the *New Communities Policy Area* (Precinct R) under *Complete Communities Direction Strategy*. The Key Direction of *Complete Communities* that pertains to *New Communities* states:

New Communities will continue to play an important role in accommodating the city's projected population growth. These New Communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.

Notwithstanding the above, New Community (Precinct R) is to be developed and planned as per *Section 6* (Commercial Section) of *Complete Communities*.

The policies of *Complete Communities* that pertain to the Commercial Policy Area state:

Promote principles of high quality design in commercial areas, such as building design, layout and materials, the adequacy of landscaping, parking, access, pedestrian and

vehicular circulation and consideration of commercial signage in terms of its size, design and location.

Integrate a mix of commercial services and amenities in the planning of new communities.

Recognize and support the role that commercial businesses play in local employment.

The proposed variance would allow a portion of the proposed building to be setback by 3.28 feet from the front lot line. This would not have any negative impact on the overall proposal as the applicant is providing over and above the required landscaping, parking and a well laid out pedestrian/vehicular circulation.

CITY OF WINNIPEG ZONING BY-LAW (WESTPORT FESTIVAL PLANNED DEVELOPMENT OVERLAY 2 (PDO-2))

The purpose of this overlay is to support the development of the Westport Festival Regional Mixed Use Center.

The following design guidelines will be applicable to development within the *Westport Festival Planned Development Overlay 2 area*:

- Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;
- Ensure the vehicular environment for both public and private transportation is well integrated with the pedestrian environment;
- Respect the existing context, including current uses, scale and functions of adjacent land uses and streets;
- Utilize the architectural elements of the building(s) in a sensitive and cohesive manner (i.e. facades, roofs, entrances, landscaping, signage, and lighting) to enhance the development.

REASON FOR THIS APPLICATION

A front yard of 3.28 feet instead of 10 feet

- The *PDO-2 Westport Festival* dimensional standard prescribes a 10 foot setback, free from all improvements other than parking, fences, landscaping and drive-in or drive-throughs abutting all following roadways:
 - a. Portage Avenue
 - b. Race Track Road
 - c. Any future north/south roadway extending north from the intersection of Camp Manitou Road and Portage Avenue (PTH 1), whether public or private.
- The applicant is proposing a 3.28 foot front yard setback to Festival Drive, therefore requiring a variance, relating to bullet (c) above.

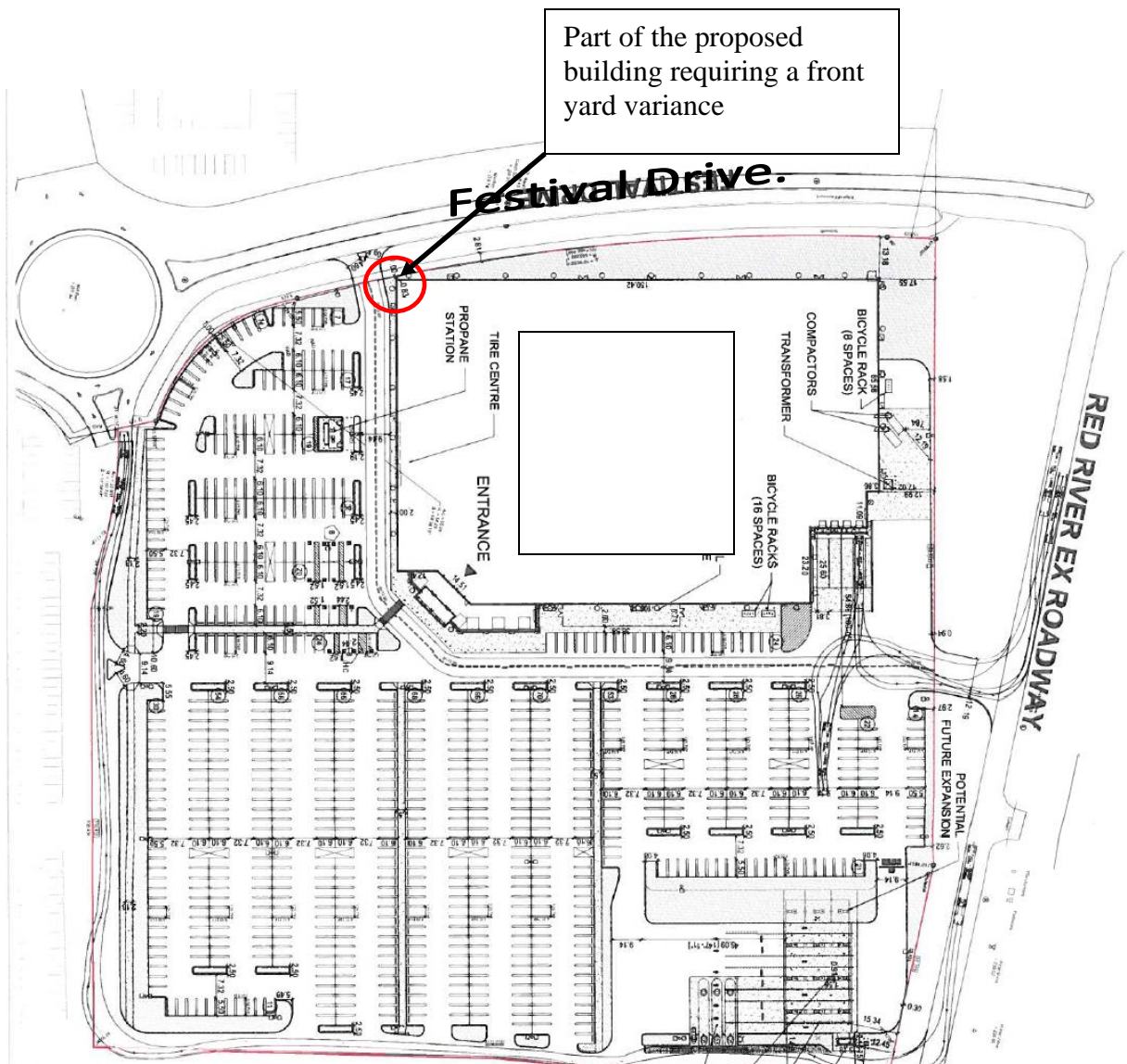


Figure 3: Site plan showing the portion of the building requiring a variance.

ANALYSIS OF PROPOSED VARIANCES

- The *PDO-2 Westport Festival* development standard allows for a zero foot front yard setback except when abutting roads as previously mentioned. Submitted site plan shows a warehouse-type building with a front yard setback of 3.28 feet at the south western portion of the building, and increases to 13.18 feet at the north western portion of the building.
- Due to the curved nature of Festival Road, only a portion of the proposed warehouse structure will be 3.28 feet from the front lot line. As such, the Urban Planning Division is supportive of the proposal to amend the front yard setback from 10 feet to 3.28 for this particular corner of the site.

- In addition, there is nothing to suggest that the reduced front yard setback, on the small portion of the proposed warehouse structure would have a negative effect on future uses within the immediate vicinity.
- Plan approval is a requirement of all development within the Westport Festival PDO-2. Thus, when building plans are submitted to the City, the Urban Planning Division will have the opportunity to review and verify that the design aligns with the intended nature of this variance.
- It is therefore recommended that the variance application be approved.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
In that, Complete Communities promotes principles of high quality design which is evident in the subject proposal through the provision of over and above the required landscaping, parking and a well thought out pedestrian/vehicular circulation.
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
In that, the proposed 3.28 front yard at the south western edge of the proposed building will not cause any negative impact to vehicle and pedestrian uses of Festival Drive or any other adjacent future development.
- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
In that, to the extent that the proposed development complies with Complete Communities and the Westport Festival PDO-2; a 3.28 foot front yard setback for a small portion of the proposed warehouse building is a minimum modification to the zoning by-law.
- (d) is compatible with the area in which the property to be affected is situated.
In that, the proposal is consistent with the future development plan for the Westport Festival PDO-2 area.

CONSULTATION

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

SUBMITTED BY

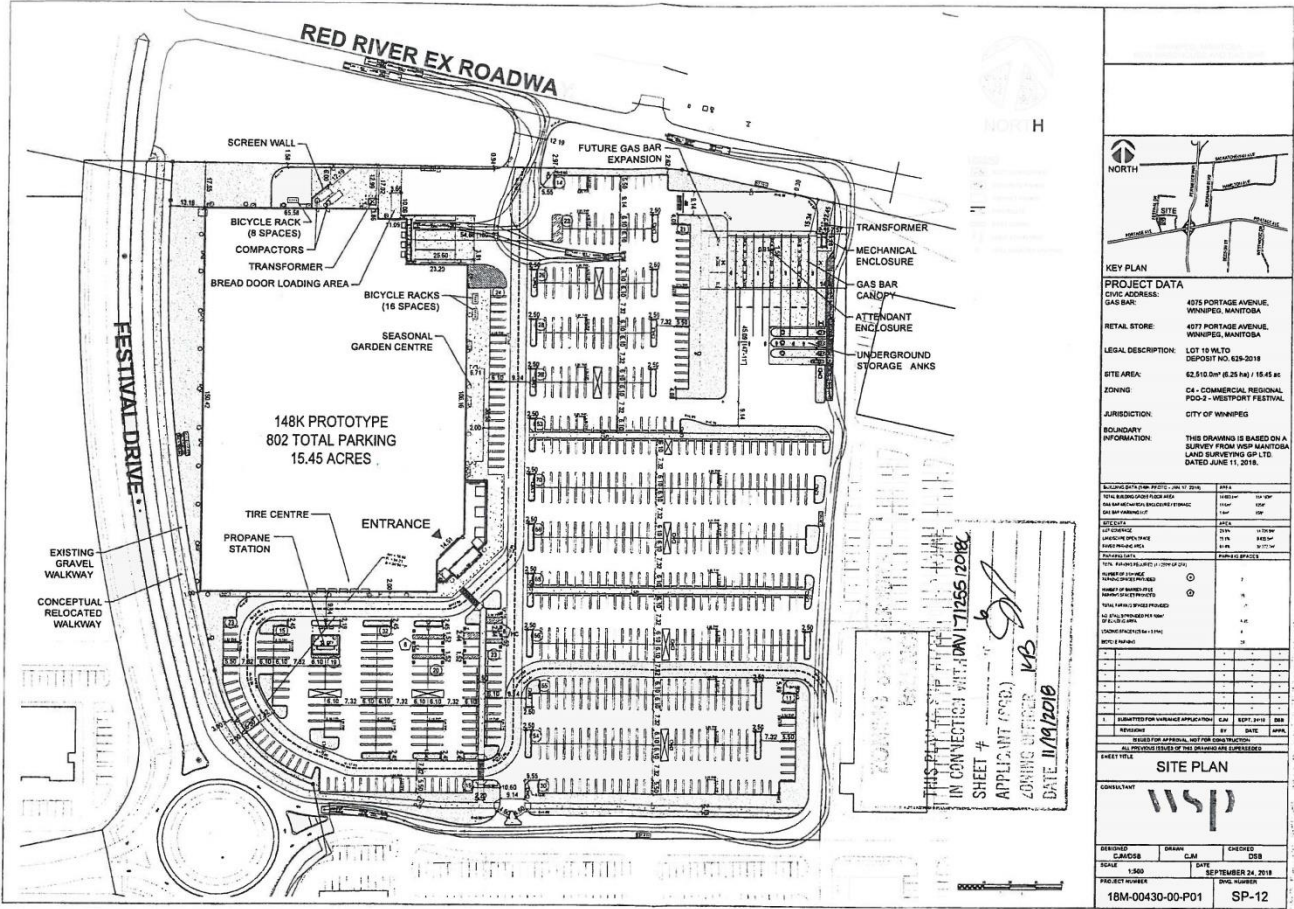
Department: Planning, Property and Development

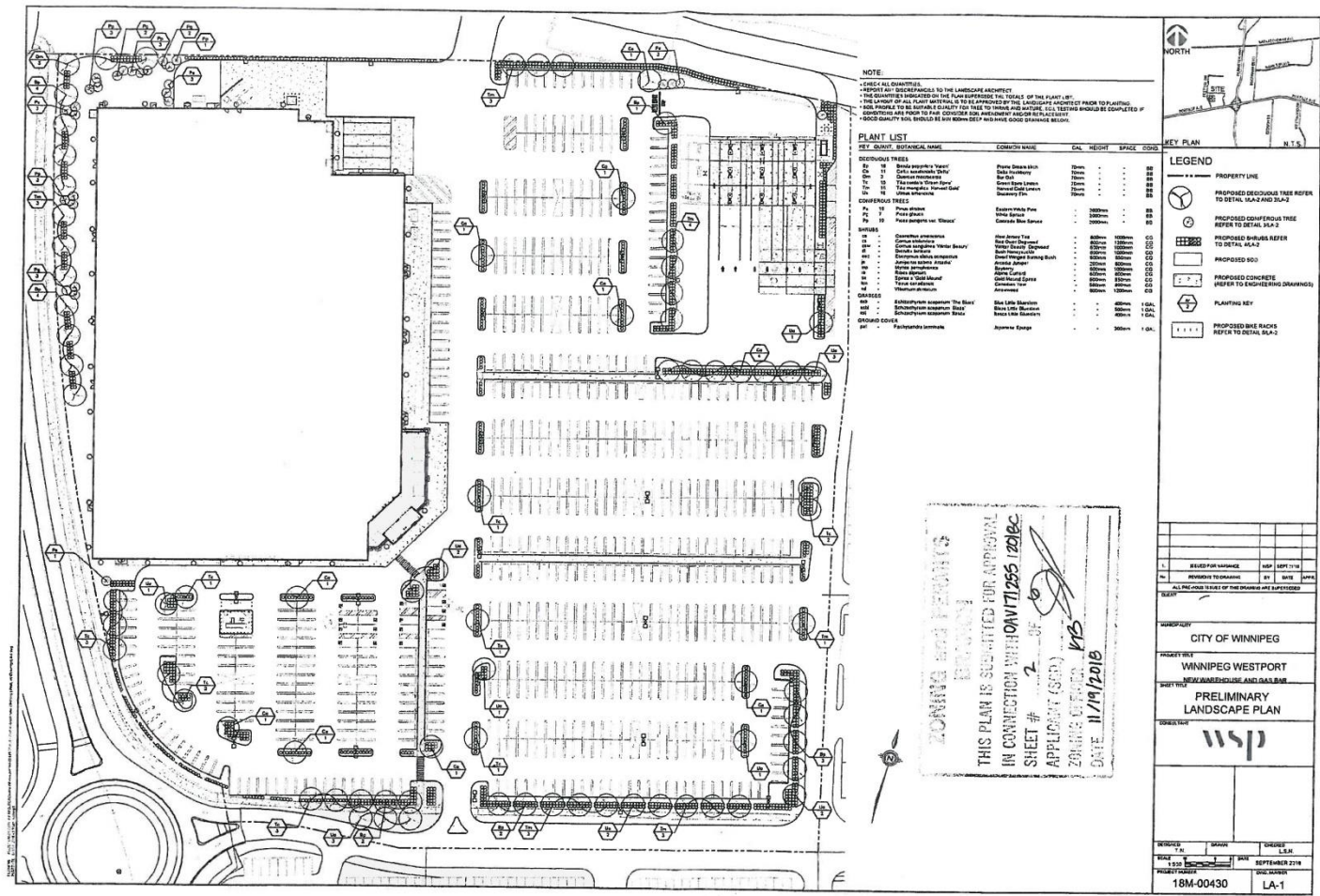
Division: Urban Planning

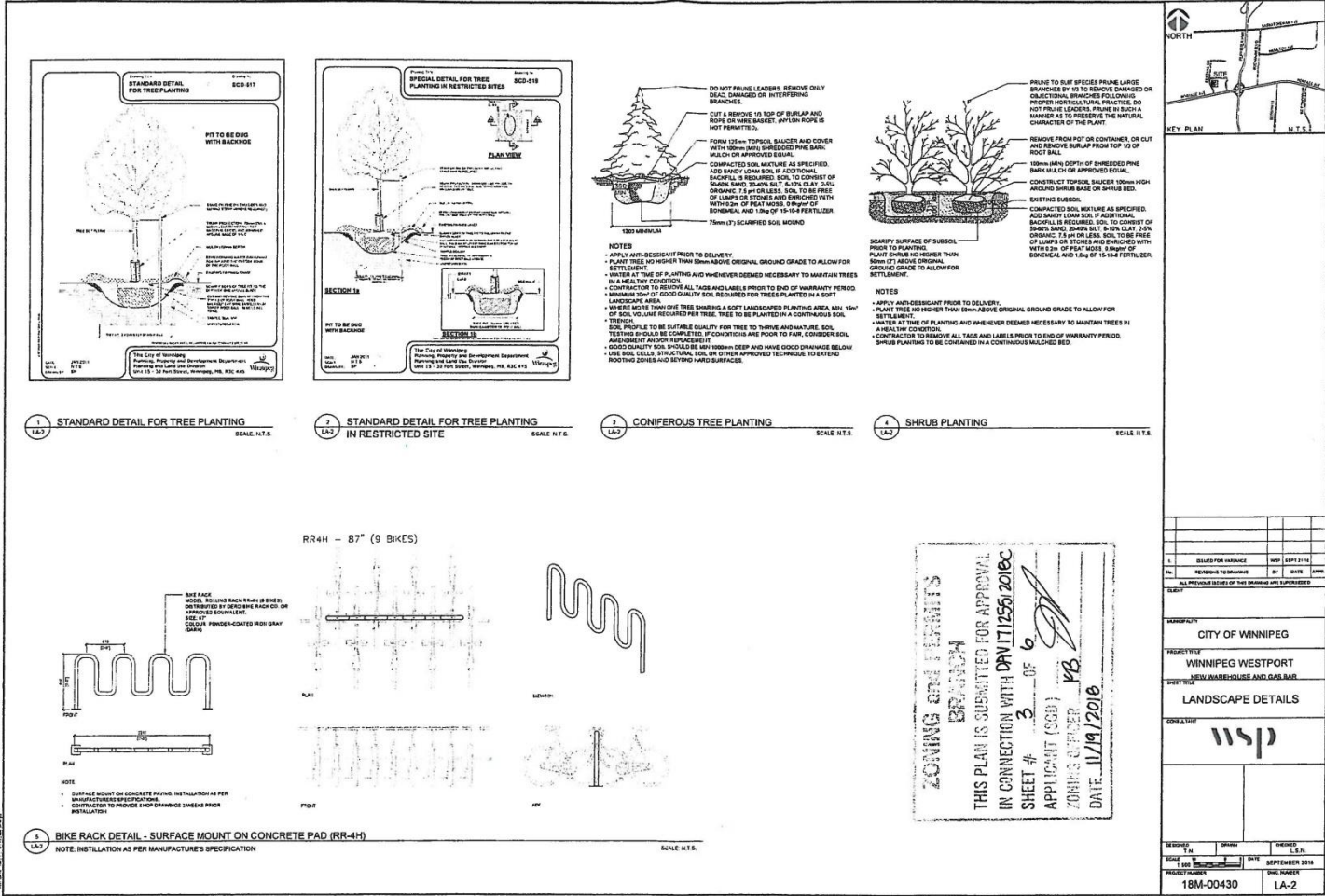
Prepared by: Femi Ojo, MCIP, RPP

Date:	Tuesday, November 20, 2018
File No.	DAV 18-171255\C

Exhibit “8” referred to in File DAV 171255/2018C













MULVANNY|G2
ARCHITECTURAL PARTNERS

September 10, 2018
W. Winnipeg, Manitoba

PERSPECTIVE FROM PARKING LOT