Agenda - Council - June 29, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 14 Zoning Agreement Amendment - 40 Scurfield Boulevard
File ZAA 14/2004 [c/r DASZ 44/79]

STANDING COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development concurred and the City Centre Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 80-60583 under File DASZ 44/79 dated April 16, 1980, (By-law No. 2657/80) be amended as follows:

   A. That Condition 3 be revised to the following:

   "All buildings constructed on the land shall provide the following minimum yard requirements:

   front yard – twelve (12) metres [thirty-nine point thirty-seven (39.37) feet]

   rear yard – zero (0) metres [zero (0) feet]

   side yard, except where a side yard abuts a railway right-of-way no side yard shall be required – four point five (4.5) metres fourteen point sixty-seven [(14.67) feet]

   corner side yard – six (6) metres [nineteen point sixty-eight (19.68) feet], excepting for the southwest corner of Lot 2, Plan 21508 and Lot 3, Block 6, Plan 15348 which shall be two point forty-five (2.45) metres [eight point zero three (8.03) feet]".

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 (By-law No. 2657/80) dated April 16, 1980, as approved in aforesaid Recommendation 1.

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

4. That the 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.

Report - Standing Policy Committee on Property and Development - June 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendations 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 7, 2005, 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 3, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 40 Scurfield Boulevard**
File ZAA 14/2004

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

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

Report date: **May 4, 2005**

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 Zoning Agreement Caveat No. 80-60583 under File DASZ 44/79, dated April 16, 1980, (By-law No. 2657/80), be amended as follows:

   A. That Condition 3 be revised to the following:

   "All buildings constructed on the land shall provide the following minimum yard requirements:

   front yard - 12 metres (39.37 feet)
   rear yard - 0 metres (0 feet)
   side yard, except where a side yard abuts a railway right-of-way no side yard shall be required - 4.5 metres (14.67 feet)
   corner side yard - 6 metres (19.68 feet), excepting for the southwest corner of Lot 2, Plan 21508 and Lot 3, Block 6, Plan 15348 which shall be 2.45 metres (8.03 feet)"

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 (By-law No. 2657/80), dated April 16, 1980 as approved in aforesaid Recommendation 1.

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

4. That the 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.

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

1. The Administration was in favour of the application.
2. The application had no negative effects on the surrounding properties.

PUBLIC HEARING SUMMARY

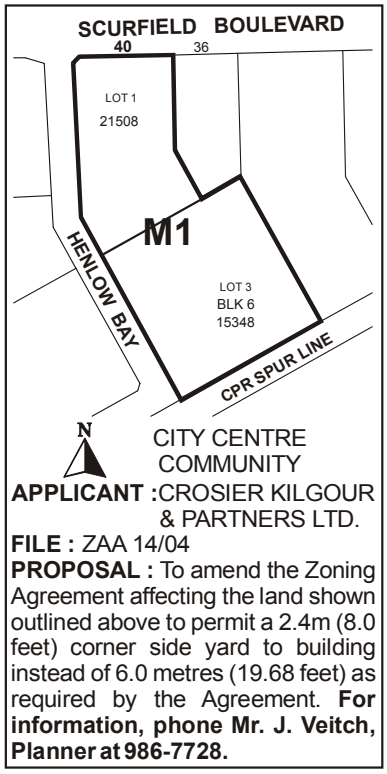
File: ZAA 14/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: May 3, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: Crosier Kilgour & Partners Ltd. (Wes Anderson)

Subject:



Premises Affected: 40 Scurfield Boulevard

Exhibits Filed:
1. Application dated March 23, 2005
2. Notification of Public Hearing dated April 6, 2005
3. Manitoba Status of Titles 1314715 and 1575086

4. Surveyor's Building Location Certificate and sketch dated April 30, 2004
5. Letter of authorization dated June 29, 2004 from Apotex Fermentation Inc. to Crosier Kilgour & Partners Ltd.
6. Caveat Forbidding Registration
7. Site Plan (1 page)
8. Report from the Manager of Planning and Land Use dated April 26, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Wes Anderson, Crosier Kilgour & Partners Ltd.
Ted Hoare

In Opposition

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The application, Wes Anderson, Crosier Kilgour & Partners Ltd., appeared in support of the application and gave a brief overview of the proposal.

In response to the Committee's questions, the Planner stated that the Administration was in support of the application.

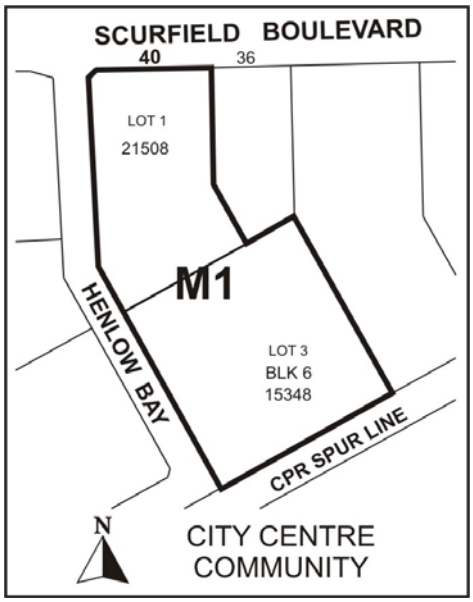
Exhibit "8" referred to in File ZAA 14/2004

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: April 26, 2005
File: ZAA 14/04
Related Files: N/A
Subject: To amend part of condition No.3 that requires a corner side yard of 6.0 metres (19.69 feet).

Location: 40 Scurfield Boulevard
Legal Description: Lot 2, Plan 21508 & Lot 3, Block 6, Plan 15348



Applicant: Crosier Kilgour & Partners Ltd. – Wes Anderson
Owner: Apotex Fermentation Inc. – Alexander (Sandy) Fowler

5246

Recommendation: Approval

Report Summary:

- Apotex Fermentation operates a pharmaceutical manufacturing plant on the subject site
- Apotex is planning to construct an approximately 46.45 square metre, (500 square foot) addition located off the SW corner of the exist building.
- The proposed addition will be 2.445 metres, (8.02 feet) from the west property line in the corner side yard
- DASZ 44/79 affecting the subject site requires a 6 metre, (19.68 feet) corner side yard therefore the corner side yard setback condition will be in contravention.

Site Description

The subject property is located in the Whyte Ridge Industrial Park at the southeast corner of Scurfield Boulevard and Henlow Bay. The property is zoned 'M1' Industrial and is occupied by the Apotex Fermentation pharmaceutical manufacturing plant.

North of the property is Scurfield Boulevard followed by 'M1' Industrial, to the south is 'M1' Industrial. Henlow Bay is west of the property followed by 'M2' Industrial and east is 'M1' Industrial.

Background

B/L 2657/80
DASZ 44/79

Analysis

Apotex Fermentation is planning an addition to their pharmaceutical plant as stated above. The addition will be encroaching to 2.445 metres (8.02 feet) from the west property line on the corner side yard at the southwest corner of the property.

The encroachment of this addition at this location on the subject site does not appear to pose a significant impact on the immediate context. The southwest corner of the subject site is not located at a public right of way intersection where the encroachment into the corner side yard could potentially affect visibility and may become a safety concern.

Recommendation

The Planning and Land Use Division recommends approval;

- The addition is relatively small and askew from the side yard, therefore only one corner of the addition actually encroaches lessening any impact
- There does not appear to be a negative impact on the immediate context
- It is located over 143 metres (470 feet) back from the intersection of Henlow Bay and Scurfield Boulevard

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 80-60583 under file no. DASZ 44/79, dated, April 16, 1980, (By-Law # 2657/80), be amended as follows:

b. That Condition 3 be revised to the following:

"All buildings constructed on the land shall provide the following minimum yard requirements:

Front Yard – 12 m (39.37 feet)
Rear Yard – 0 m (0 feet)
Side Yard, except where a side yard abuts a railway right –of-way no side yard shall be required – 4.5 m (14.67 feet)
Corner Side Yard – 6 m (19.68 feet), **excepting for the SW corner of Lot 2, Plan 21508 & Lot 3, Block 6, Plan 15348 which shall be 2.45 m (8.03 feet)"**

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 (By-Law #2657/80), dated, April 16, 1980 as approved in aforesaid Clause I.

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

IV. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # ZAA 14/04

Schedule "A"

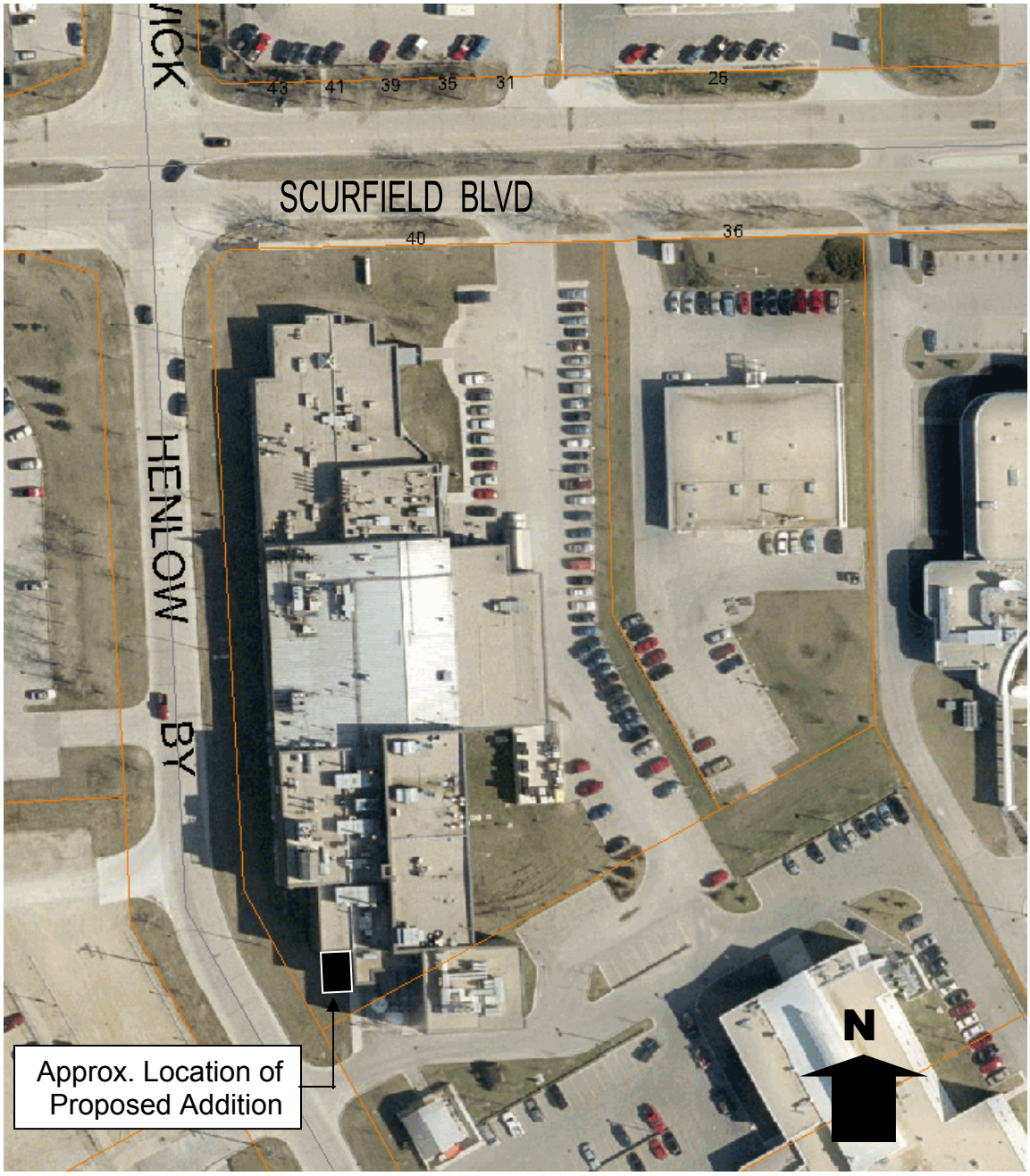


Figure 1: Aerial Photograph of the Subject Site (flown 2002)