Agenda - Council - July 18, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 3 Zoning Agreement Amendment - 595 Mountain Avenue (Mynarski Ward) File ZAA 10/2006 (c/r DAZ 231/83)

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat 85-52800 under File DAZ 231/83 dated October 19, 1983 (By-law No. 3903/85), be amended as follows:

   A. That clause 2 be amended by adding non-accessory antennae as a listed permitted use.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 231/83 (By-law No. 3903/85) as approved in Recommendation 1.

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

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 22, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 595 Mountain Avenue**
File ZAA 10/2006

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 29, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 22, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated May 8, 2007.

PUBLIC HEARING SUMMARY

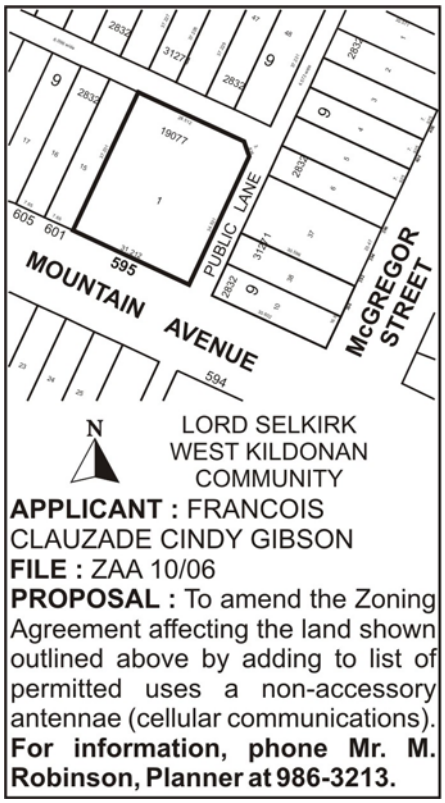
File: ZAA 10/2006

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Pagtakhan

Public Hearing: May 22, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Francois Clauzade Cindy Gibson Architects

Subject:



Premises Affected: 595 Mountain Avenue

Exhibits Filed:
1. Application dated April 19, 2007
2. Notification of Public Hearing dated April 24, 2007
3. Manitoba Status of Title 1701129

4. Letter of authorization dated April 5, 2007 from The Manitoba Housing and Renewal Corporation to MTS Allstream Inc. and its agents
5. Caveat Nos. 85-52800 and 86-19678
6. Plans (comprising 8 pages)
7. Report from the Planning and Land Use Division dated May 8, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Francois Clauzade
Cindy Gibson
Reg Parkin

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Francois Clauzade and Cindy Gibson appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated May 8, 2007.

Exhibit "7" referred to in File ZAA 10/2006

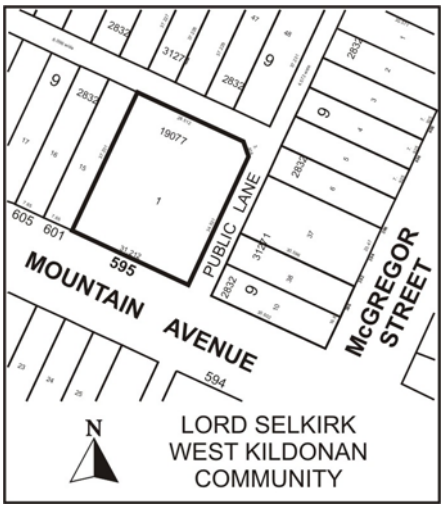
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **May 8, 2007**
File: **ZAA 10/2006**
Related Files:
Subject: **Application to amend condition #2 of DAZ 231/83 by including a non-accessory (cellular communications) antennae as a listed permitted use**

Location: **595 Mountain Avenue**



Applicant: **Francois Clauzade (Cindy E. Gibson Architects)**
Owner: **The Manitoba Housing and Renewal Corporation**

Recommendation: **Approval**

Report Summary:

- **In 2001, a similar application was rejected by the Lord Selkirk-West Kildonan Community Committee**
- **The proposed installation meets the administrative guidelines for the placement of cellular antennas**
- **The antennas are unobtrusive and unlikely to be noticed from adjacent properties**
- **The Planning and Land Use Division recommends approval**

Site Description

The subject property, which is zoned "RM-7" Multiple-Family Residential, is located on Mountain Avenue, between McGregor and McKenzie Streets, in the Inskster-Faraday neighbourhood of the Mynarski Ward.

North: Residences zoned "R1-2.5" Residential
South: Commercial uses zoned "C1" Commercial
East: Commercial uses zoned "C1" Commercial
West: Residences zoned "R1-2.5" Residential

Background

ZAA 01/2001

In 2001, the Lord Selkirk-West Kildonan Community Committee rejected a similar application. At that public hearing, there were approximately 20 residents in opposition. The reason given by Community Committee for rejecting the application was as follows:

The Ward Councillor is convinced approval of the subject application will have a negative and adverse effect on the surrounding residential neighbourhood.

Description of the Proposed Development

The applicant, on behalf of MTS Allstream Inc., is applying for a zoning amendment agreement to remove condition #2 of DAZ 231/83, to include a cellular communications antennae as a permitted use.

The development would consist of:

- Six antennas mounted to the exterior face of the building's penthouse walls, with the top of the antennas extending no higher that the roof line of the penthouse
- Communications equipment situated in the existing penthouse mechanical room
- Related service connections and grounding

Analysis

In response to cellular tower and cellular antenna applications and the associated issues, the Administration has adopted guidelines with respect to the placement of cellular towers and cellular antennas. These guidelines are to assist the industry in implementing their potentially

obnoxious uses, and guide the proper placement of cellular towers and cellular antennas into the existing landscape so they are unobtrusive as possible. They follow a philosophy of co-operation and consultation towards consensus building. These guidelines are:

1. New telecommunications installations should be incorporated on existing buildings in a discrete manner.

2. Where a free-standing structure must be built, due to the technical requirements of location and height, it should:

    - be located in a non-residential area;
    - be located well away from the view corridor of a major street;
    - be as low and unobtrusive as possible.

3. In order to minimize the visual impact of cell structures, cell service providers will be strongly encouraged to share locations for their facilities when existing structures are present.

4. When a cell tower must be built in a residential area, in order to provide full cell services, the operator will be asked to consult with the community at a public meeting prior to making application.

In this case, the subject application is for six antennas built into the roof of the top floor of a multiple-family complex at 595 Mountain Avenue. The antennas themselves, which measure 48 inches in length by 19 inches in width, are unobtrusive and are unlikely to be visible from most neighbouring properties.

Public Consultation

A meeting was held on site at the German Manor on February 8, 2007 to present an overview of the proposed development and to answer questions by residents. Seventeen (17) residents were in attendance at this meeting.

According to the applicant, residents had few, if any concerns.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- **The proposed installation meets the administrative guidelines for the placement of cellular antennas**
- **The antennas are unobtrusive and unlikely to be noticed from adjacent properties**

Recommended Conditions of Approval

1. That Zoning Agreement Caveat 85-52800 under File DAZ 231/83 dated October 19, 1983 (By-Law No. 3903/85), be amended as follows:

    A. That Clause 2 be amended by adding non-accessory antennae as a listed permitted use.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 231/83 (By-Law No. 3903/85) as approved in aforesaid Recommendation 1.

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

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

Report Prepared by: Michael Robinson, AICP
PPD File # 3.308

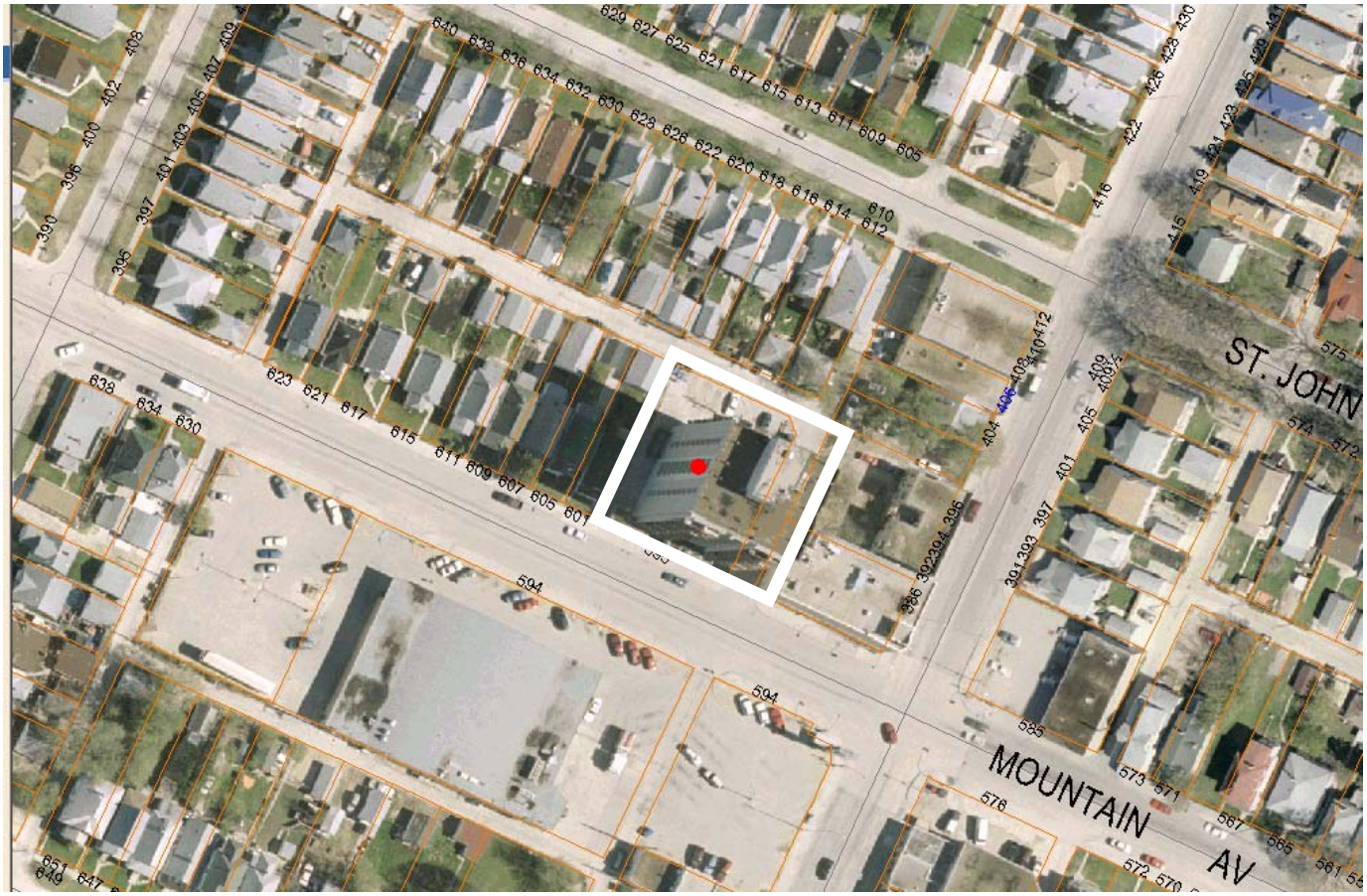


Figure 1: Aerial Photo (Flown in 2005)