Agenda - Council – November 21, 2007

Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 11 Zoning Agreement Amendment - 1171 Fife Street (Point Douglas Ward) File ZAA 9/2007 [c/r DAV 151472/2007D]

STANDING COMMITTEE RECOMMENDATION:

On November 14, 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 That Zoning Agreement Caveat 3102813 under File DAZ 233/2002 dated March 26, 2003 (By-Law No. 71/2003) be withdrawn.

2. 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 – October 30, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 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 October 30, 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 October 16, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 1171 Fife Street**
File ZAA 9/2007 [c/r DAV 151472/2007D]

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

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

Report date: **October 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 16, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement Caveat 3102813 under File DAZ 233/02 dated March 26, 2003 (By-Law No. 71/2003) be withdrawn.

2. 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 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 comments of the Winnipeg Public Service contained in the report from the Planning and Land Use Division dated October 9, 2007.

PUBLIC HEARING SUMMARY

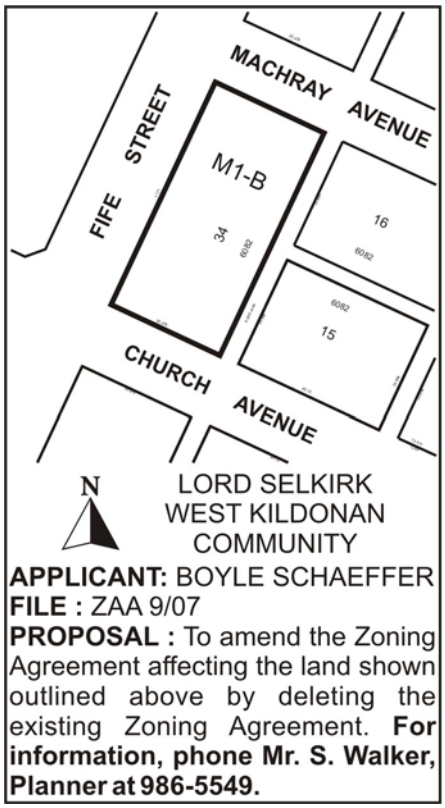
File: ZAA 9/2007 [c/r DAV 151472/2007D]

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

Public Hearing: October 16, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Boyle Schaeffer

Subject:



Premises Affected: 1171 Fife Street

Exhibits Filed:
1. Application dated September 25, 2007
2. Notification of Public Hearing dated September 21, 2007
3. Manitoba Status of Title 1916624

4. Letter of authorization dated September 12, 2007 from Mike Knysh, on behalf of 4456794 Manitoba Ltd., to Boyle Schaeffer
5. Plan (1 page)
6. Zoning Agreement DAZ 233/2002 dated March 26, 2003
7. Report from the Planning and Land Use Division dated October 9, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Boyle Schaeffer
Ralph Caldwell
Mike Knysh

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

The applicant, Boyle Schaeffer, appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Planning and Land Use Division dated October 9, 2007.

Exhibit "7 referred to in File ZAA 9/2007 [c/r DAV 151472/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **October 9, 2007**
File: **ZAA 9/2007**
Related Files: DAZ 233/02, DAV 1061/02D, DAV 07-131086/C, DAV 07-140944/A, ZAA 9/07

Subject: **Application to remove the Zoning Agreement on 1171 Fife Street to allow access to the public lane.**

Location: **1171 Fife Street**
Legal Description: **BLOCK 34 PLAN 6082 43/4 ST J OTM**



Applicant: Boyle Schaeffer
365 HARGRAVE ST UNIT 404
WINNIPEG MB R3B 2K3
Owner: 4456794 MANITOBA LTD
386 BROADWAY UNIT 903
WINNIPEG MB R3C 3R6

2250

Recommendation: Approval

Site Description

Existing Land Use and Zoning

The existing site is located in the Inkster Industrial Park neighbourhood in the Point Douglas Ward. The site is designated Industrial Policy Area in Plan Winnipeg. The property is zoned "M1-B" Light Industrial District.

Neighbourhood Context

The site is located at the edge of the Inkster Industrial Park. To the east of the site is a hydro corridor, which the applicant is applying to rezone to "M1" Industrial District, and then the residential neighbourhood of Mynarski. Some of the industrial uses along Fife Street have been using the edge of the Hydro corridor across the public lane for parking. In a few cases, at the south end of Fife Street, where there is no public lane running parallel to Fife Street, the hydro corridor is being used by businesses on Fife Street for outdoor storage and auto compounds.

Surrounding Land Use and Zoning

North: Machray Avenue then a vacant building zoned "MP-2" Industrial District
South: Church Avenue then an industrial building zoned "MP-2" Industrial District
East: Public lane then a hydro corridor zoned "MP-2" Industrial District and "R1-4" Single-family Residential District (proposed to be rezoned to "M1" Industrial District DAZ 230/07).
West: Fife Street then an industrial building zoned "MP-2" Industrial District

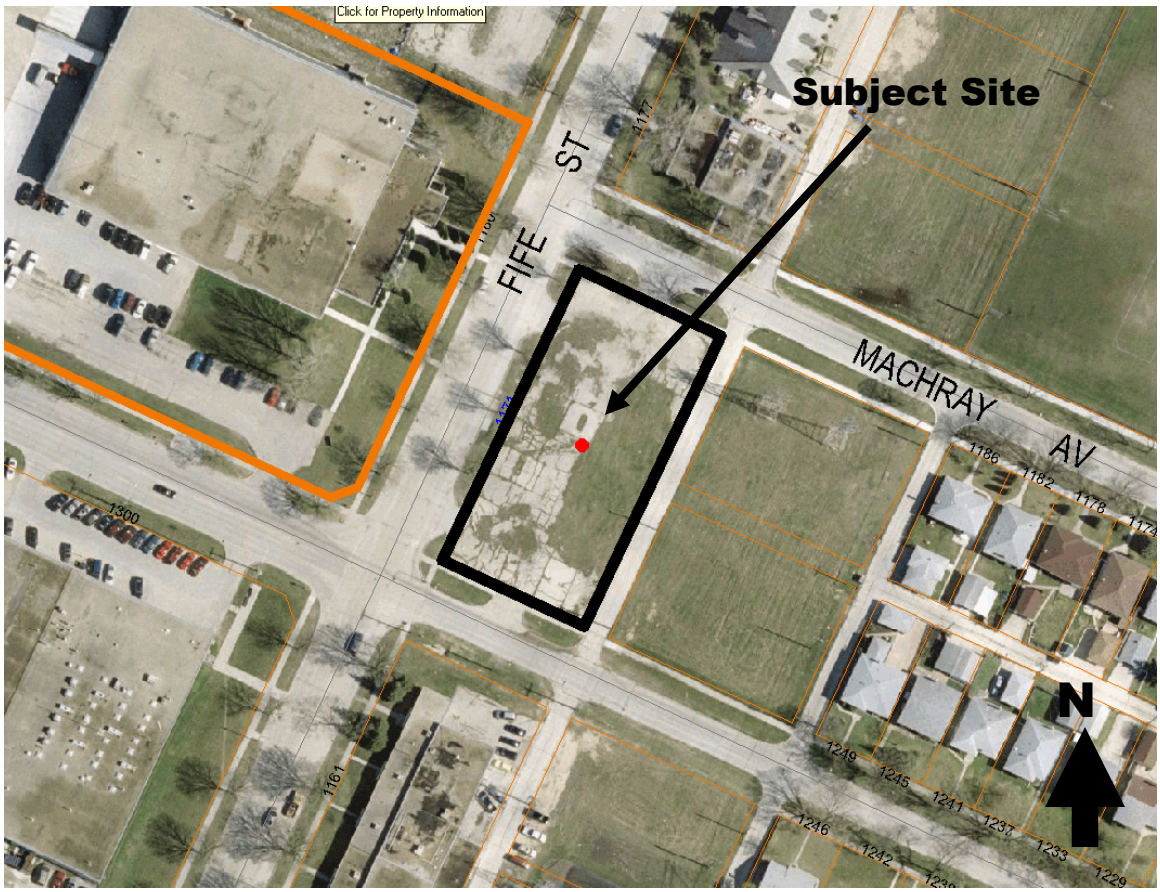


Figure 1: Air photo of the subject site and surrounding land uses (flown in 2005)

Background

An application was made in 2002 (DAZ 233/2002) to rezone the subject site from "MP-2" Industrial District to "M1-B" Light Industrial District. A resident on Church Ave submitted a written letter for the Public Hearing on the rezoning and expressed concern about the potential additional traffic generated by a funeral chapel use on Church and Machray Avenues. The site has existing accesses to Machray Avenue and Church Avenues. The Lord Selkirk-West Kildonan Community Committee approved the rezoning and a Zoning Agreement that states that all "ingress and egress to and from the land shall be restricted to Fife Avenue". The applicant is applying to remove this Zoning Agreement from the site in order to be able to access the property from the public lane.

In 2002, application was also made for a variance to the Winnipeg Zoning By-law (DAV 1061/2002D) for the subject property. A Variance Order was approved for:

- A front yard to 24.4 feet instead of 25 feet;
- A pedestrian drop off lane with a front yard of 6.4 feet instead of 25 feet;
- No front yard to parking area instead of 5 feet;
- A canopy projection of 20 feet;

- A north side yard of 13 feet instead of 25 feet;
- A south side yard to parking area of 3 feet instead of 25 feet; and
- 47 parking spaces instead of 92 parking spaces.

The Variance approved in 2002 expired February 11, 2005 and in May of 2007 the applicant made another variance application (DAV 07-131086). A Variance Order was approved by the Board of Adjustment for:

- A front yard canopy projection of 19.5 feet instead of 5 feet;
- Two freestanding signs with a front yard of 4 feet instead of 25 feet, a north corner side yard of 4 feet instead of 25 feet, and a south corner yard of 4 feet instead of 25 feet; and
- An accessory parking area with a front yard of 20 feet instead of 25 feet, a south corner side yard of 9.9 feet instead of 25 feet, and 23 parking spaces instead of 97 spaces.

Another variance (DAV 07-140944/A) was approved in June of 2007 by the Winnipeg Public Service to vary the number of parking spaces required from 23 to 19 spaces when a revised site plan was submitted.

A condition was placed on the Variance Order of DAV 131086/2007C that requires the applicant to provide a 65 parking stall off-site parking agreement to the satisfaction of the Director of the Planning, Property & Development Department prior to the issuance of a building permit.

Description of the Proposed Development

The applicant is proposing to establish a 12,222 square foot funeral chapel on the existing site with a maximum occupancy of 486 people and 22 parking stalls on site. The applicant is applying (DAV 07-151472D) to remove two conditions of the Variance Order for DAV 131086/2007C, namely that development of the site be in substantial conformance with the plans submitted and that a light proof fence be built along the east side of the parking area.

The applicant is also applying to remove the Development Agreement on the property that states that access to the site shall only be off of Fife Street (ZAA 9/07). In addition, the applicant is also applying for a use variance and rezoning of the adjacent Hydro Corridor to allow for an accessory surface parking lot with 74 parking stalls (DAZ 230/07 and DAV 07-151486D). Finally, the applicant is applying to vary the yard requirements of the "MP-2" Industrial Zoning District, the "R1-4" Residential Zoning District, and the "M1" Industrial Zoning District (proposed) for the parking lot on the hydro corridor (DAV 07-151486D).

Analysis

The applicant is planning to not use the existing access on Church Avenue or Machray Avenue. Plans submitted, including plans submitted with DAV 07-151472D, have consistently shown that these access points will not be used thereby complying with the intent of the zoning agreement. The Planning and Land Use Division feels that the applicant should have access to the public

lane to promote orderly traffic flows and to provide access to additional parking on the hydro corridor to the rear of the site.

The proposed parking area plans for the hydro corridor do not include an access on Machray Avenue or on Church Avenue. All access to the parking lot will be from the public lane between the site and 1171 Fife Street. It is anticipated that at least some traffic to and from the parking area will use Machray and Church Avenues. Should the traffic reach a level that the neighbourhood is uncomfortable with, turning restrictions could be placed on the public lane that would direct traffic towards Fife Street when exiting the parking area.

All other clauses with regard to the Development Agreement have been satisfied.

Recommendation

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

- All other clauses in the Zoning Agreement have been satisfied.
- Plans indicate that the existing access on Machray Avenue and Church Avenue will not be used in the development of 1171 Fife Street (DAV 07-151472D).
- Variance approval requires that the building and site be developed in substantial accordance with the plans submitted which do not show access on Machray and Fife Street.
- That the intent of the Zoning Agreement will be respected through the approval of the plans submitted (DAV 07-151472D).

Recommended Conditions of Approval

1. That Zoning Agreement Caveat 3102813 under File DAZ 233/02 dated March 26th, 2003 (By-Law No. 71/2003) be withdrawn.

2. 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: Stephen Walker
PPD File # ZAA 9/07

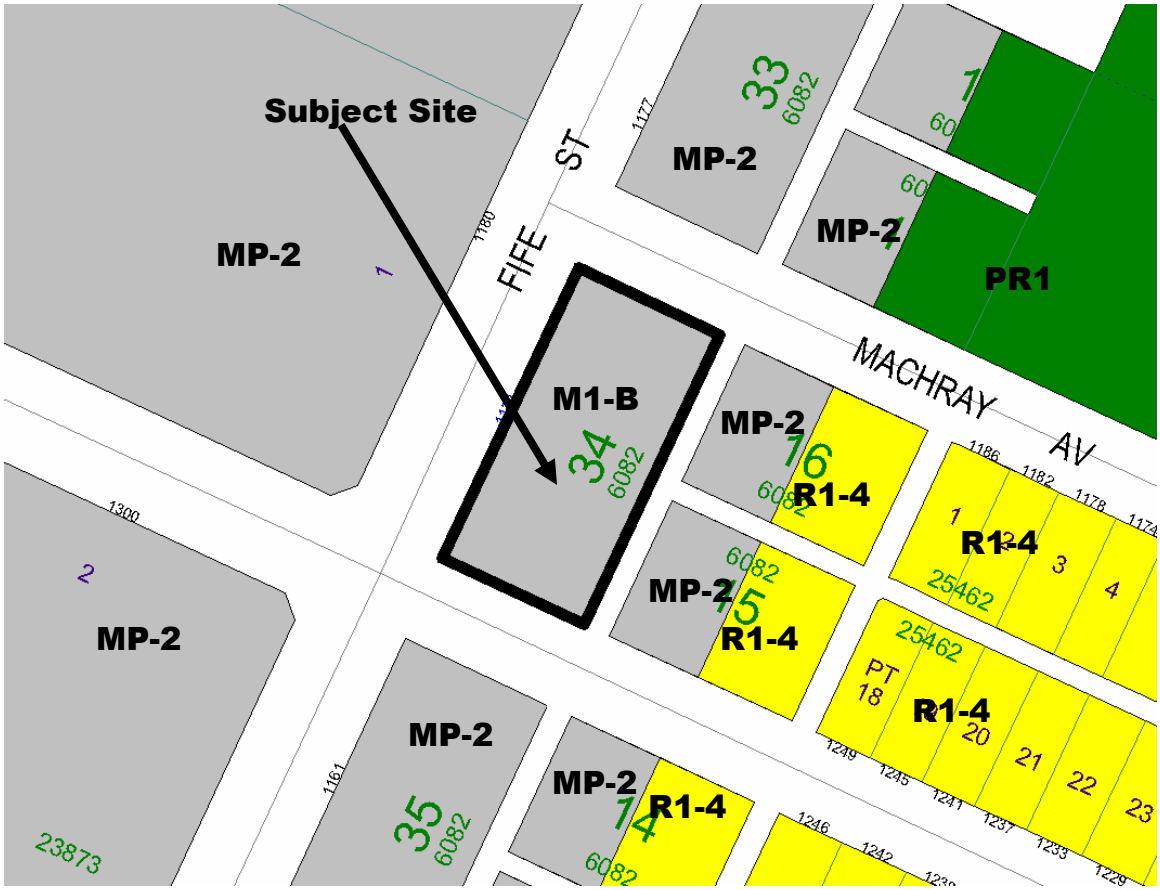


Figure 2: Zoning map of subject site and surrounding area.