Minute No. 78
Report - Standing Policy Committee on Property and Development - November 19, 2002

Item No. 4 Proposed Zoning Agreement Amendment - 161/169 Lilac Street
File ZAA 9/2002 [c/r DAV 753/2002D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

That Zoning Agreement DAZ 238/94 (By-law No. 6634/95) dated May 17, 1995, be amended by deleting Clauses 3 and 4, renumbering Clauses 1 through 15, and adding the following clause:

> "16. That the second floor of the addition approved under ZAA 9/2002 be used for office space only."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 238/94 (By-law No. 6634/95) dated May 17, 1995, as approved in Recommendation 1.

3. That the Proper Officers of the City be 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 Act.

Report - Standing Policy Committee on Property and Development - November 19, 2002

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 4, 2002, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development.

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2002, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 24, 2002, the City Centre Community Committee concurred in the administrative recommendation.

RE: **Proposed Zoning Agreement Amendment Report – land located at 161/169 Lilac Street – File ZAA 9//2002 (c/r DAV 753/2002D)**

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

Prepared by: **Carol Freeman, Clerk, City Centre Community Committee**

Report date: **September 27, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:
The City Centre Community Committee concurred in the administrative recommendations, and recommends:

1. That Zoning Agreement DAZ 238/94 (By-law No. 6634/95) dated May 17, 1995, be amended by deleting Clauses 3 and 4, renumbering Clauses 1 through 15, and adding the following clause:

   "16. That the second floor of the addition approved under ZAA 9/2002 be used for office space only."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 238/94 (By-law No. 6634/95) dated May 17, 1995, as approved in Recommendation 1.

3. That the Proper Officers of the City be 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 Act.

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

1. The applicant has taken steps to bring the neighbourhood on side by reviewing the proposal with and obtaining supporting signatures from adjacent residential and commercial property owners.

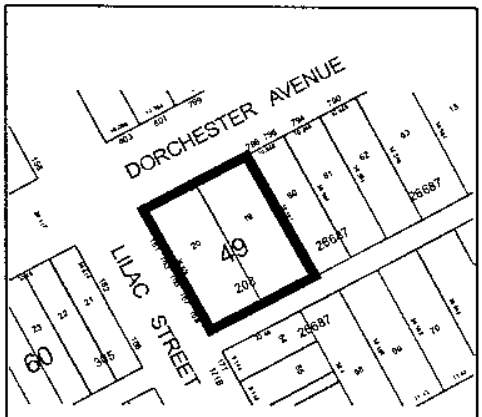
2. The Planning and Land Use Division is prepared to support the proposed expansion on the basis that the addition will not encourage the spill over of commercial activity into the residential area to the east.

3. Restricting use of the second floor for offices only will assist in ensuring there is no spill over of commercial activity into the residential area to the east.

PUBLIC HEARING SUMMARY

File:	ZAA9/2002
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Steek
Public Hearing:	September 24, 2002 Community Committee Chamber, 300 Assiniboine Avenue
Applicant:	Passages Inc. (Roy Robertson) 169 Lilac Street Winnipeg, Manitoba R3M 2S1

Subject:



APPLICANT: PASSAGES INC.
FILE: ZAA 9/02
PROPOSAL: To amend the Zoning Agreement affecting the land shown outlined above by deleting the following clauses which state:
1. That no commercial uses other than accessory parking shall be established on the land unless located within the existing building, and
2. That no additions to the existing building or structures shall be constructed unless needed to satisfy the requirements of the Manitoba Building Code. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 161/169 Lilac Street

Exhibits Filed:

1. Application dated August 12, 2002
2. Notification of Public Hearing to Applicant dated August 16, 2002
3. Manitoba Status of Title 1438524
4. Surveyor's Sketches dated July 26, 1993
5. Zoning Agreement No. 1949958 dated June 7, 1996 together with By-Law No. 6634/95 for DAZ 238/94
6. Aerial Site Plan dated June 17, 2002
7. Planning, Property and Development Plan

8. Plans, Sheets 1 to 3 inclusive for File ZAA 9/2002
9. Report from the Manager of Planning and Land Use dated September 13, 2002
10. Photographs of the site and Inspection Notice

REPRESENTATIONS:

In Support:
Roy Robertson, Passages Inc., 169 Lilac Street, Winnipeg, R3M 2S1

In Opposition:
Paul Fortie, 789 McMillan Avenue, Winnipeg, R3M 0S9
Penny Gilbert, 789 McMillan Avenue, Winnipeg, R3M 0S9

For the City:
Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS **MADE AT THE PUBLIC HEARING:**

Roy Robertson, appearing in support of the application, advised that it was their intention to construct a two-storey addition of approximately 956 square feet per floor to the existing building on the north corner of Lilac Street and Dorchester Avenue.

He indicated the intent was to relocate the Passages office to the second floor of the addition and lease out the main floor as retail space. He advised that the surrounding area had been canvassed including the people across the street on Dorchester Avenue, those adjacent to the parking lot, the residents on McMillan Avenue opposite the back entrance to the parking lot as well as the apartment block.

Mr. Robertson noted that people "running" the 4-way stop sign on Dorchester Avenue and Lilac Street was the largest concern for the residents. He suggested that the residents understood the on street parking was only being used during business hours and was not an impact at night or on weekends. Many residents, he suggested, felt that the apartments were more of a parking concern than the businesses.

In response to an inquiry, Mr. Robertson advised that there were presently four tenants in the building - Passages, a clothing store Little Bo Peep, a small bookstore Who Dun It, and a florist Beyond Flowers, which occupies two spaces.

Paul Fortie, appearing in opposition to the application, advised that his property was adjacent to the building directly across the lane from the access to the subject property. He suggested it was clear that the existing density already exceeded what could be handled by the building. He noted

that about once a week he is required to pick up the garbage in his yard from the subject building and parking was a serious concern.

Mr. Fortie advised that he accesses his garage off the back lane and has to drive up to Lilac or Arbuthnot Streets to exit the lane. He indicated that there were parked vehicles on Lilac Street right up to the lane, making it impossible to move safely from the lane onto Lilac Street. He also advised that the lane has, as well, often been blocked by delivery or other vehicles.

Mr. Fortie questioned why the parking lot was now renting out spaces, noting that there had been a sign posted on the lot advertising monthly parking up to about 10 days previous, while it was his understanding the parking was for tenants of the building. He also noted that the parking lot was not paved and as a result there was a dust problem.

Penny Gilbert, appearing in opposition to the application, advised that her concerns were quite similar to those expressed by Mr. Fortie. She indicated that while she was in favour of a mixed use and does not object to not being able to park in front of her house, she did object to not being able to get into the back lane because of parked cars and had problems with access at least once a week. She suggested that the business operators did not reside in the area.

Mr. Robertson advised that the garbage was removed three times a week and Passages was meticulous in keeping the area clean. He noted that there had been a problem with flower shop material, which had started to blow, however, same had been resolved by arranging for an additional garbage removal.

With respect to density, he noted that Fort Rouge was an urban area, a combination of single, multi-family residential and commercial uses, which is what has provided an array of different homeowners and businesses, and that cannot be changed. With respect to parking, Mr. Robertson questioned whether residents were being blocked by the subject building or the adjacent one, which is a hair salon. He indicated that they did not have people entering their building from the back lane.

Mr. Robertson suggested that while have he and his partner had a good rapport with other adjacent neighbours, they did not speak to the residents in opposition, as they do not have a good rapport with these particular people and it was their understanding that no one else did either. Mr. Robertson further advised that both himself and his partner do indeed live in the area and pay both residential and commercial taxes.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Tɘlɘc. : (204) 986-3684

File No. ZAA 9/02 (c/r DAV 753/02D) Setember 13, 2002
Our c/f CP 500 (.110)

Ms. Carol Freeman, Community Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Freeman:

ZONING AGREEMENT AMENDMENT
Southeast corner Dorchester and Lilac
City Centre Community
File No. ZAA 9/02

An application has been received from Passages Inc. (Roy Robertson), to amend the Zoning Agreement affecting the property shown below by deleting the following clauses, which state:

1. That no commercial uses other than accessory parking shall be established on the land unless located within the existing building, and;
2. That no additions to the existing building or structures shall be constructed unless needed to satisfy the requirements of the Manitoba Building Code.

RELATED FILES: DAV 753/02D



SITE DESCRIPTION:

Dimensions: - 120 feet along Lilac and 100 feet along Dorchester

Site Area: - 12,000 square feet

Existing Land Use and Zoning: "C1" Commercial District, commercial building and accessory parking.

DEVELOPMENT DESCRIPTION:
The site contains an older, one-storey, brick, multi-unit commercial building facing Lilac on the southeast corner of Dorchester. The building leaves a 20-foot yard against Dorchester that is currently grassed. A tree grows at the corner of the lot. The proposal is to construct a two-storey commercial addition into the yard to within about 1.8 feet of the north property limit. An external stair would be attached to the rear of the building for access to the second storey. The addition measures 18' by 50' for a gross floor area of 900 square feet on two levels (1,800 square feet total). The ground floor would be used for retail space, and the second floor for the offices of the applicant. The building currently contains 5 commercial units occupied by Passages Inc., Painters Pallet, Who Dunit books, and Beyond Flowers. Parking is to be provided on-site off the back lane for 10 vehicles plus a loading zone.

ADMINISTRATIVE COMMENTS:
The property was rezoned under DAZ 238/94 from "R2" Two-family Residential District to "C1" Commercial District to reflect the buildings commercial use. At the time, the application was somewhat controversial given the increasing attractiveness of Corydon Avenue for commercial development and the concerns of area residents about pedestrian and vehicular traffic and commercial encroachment into the bordering residential area. The Zoning Agreement included safeguards such as a list of permitted uses and a reversionary clause should the building be destroyed or demolished. The current applicant has taken steps to bring the neighbourhood on side by reviewing the proposal with and obtaining supporting signatures from adjacent residential and commercial property owners.

The Division is prepared to support the proposed expansion on the basis that the addition will not encourage the spillover of commercial activity into the residential area to the east. To help avoid this, it is recommended that the second floor be used for offices only.

RECOMMENDATION:
That Zoning Agreement DAZ 238/94 (By-Law #6634/95), dated May 17, 1995, be amended by deleting Clauses 3 & 4, renumbering the clauses 1 through 15, and adding the following clause:

16. That the second floor of the addition approved under ZAA 9/02 be used for office space only.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 238/94 (By-Law #6634/95), dated May 17, 1995, 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 Servicesbe requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(Assiniboia Community)
986-5017

/jc
attach.


803
Liac
Dorchester
782
R2
780
R1-3
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794
796
C1
SITE
161
150
R2
Dorchester
R2
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Liac
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R2
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McMillan