Minutes - Executive Policy Committee - July 9, 2008

Minute No. 402
Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 16 Zoning Agreement Amendment - 905 Corydon Avenue (Fort Rouge-East Fort Garry Ward) File ZAA 5/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, and submits the following to Council:

1. That Zoning Agreement under File DAZ 231/2004 dated September 29, 2004 (By-law No. 148/2004) be amended by replacing "restaurant, maximum 2,000 square feet" under Clause 3 with "restaurant, maximum 2,700 square feet" of total gross floor area.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 231/2004 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 24, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, as amended, namely:

- Amend Recommendation 1. by adding the words "of total gross floor area" after the words, "2,700 square feet"

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- Recommendation 1
  Delete the words "maximum 2,500 square feet" and replace with the words "maximum 2,700 square feet",

and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 905 Corydon Avenue**
File ZAA 5/2008

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

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

Report date: **June 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre 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 under File DAZ 231/2004 dated September 29, 2004 (By-law No. 148/2004) be amended by replacing "restaurant, maximum 2,000 square feet" under Clause 3 with "restaurant, ***~~maximum 2,500 square feet~~ maximum 2,700 square feet***".

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 231/2004 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The recommended approval is a slight variation to what is normal in this type of zoning.

2. The proposal respects smaller nature of businesses in area.

3. The proposal maintains a balance of residential and businesses in the area.

PUBLIC HEARING SUMMARY

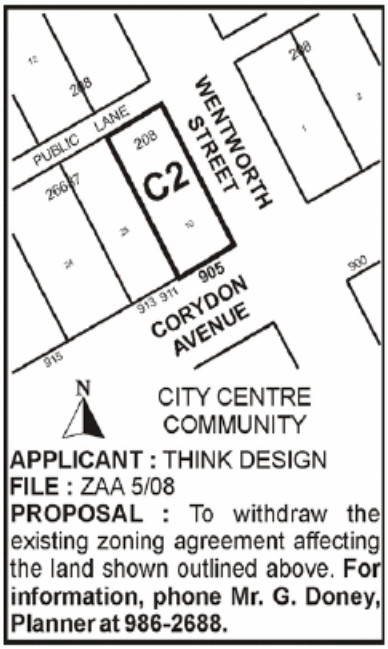
File: ZAA 5/2008

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

Hearing: June 17, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Think Design (Tammie Rocke)

Subject:



Premises Affected: 905 Corydon Avenue

Exhibits Filed:

1. Application dated April 9, 2008
2. Notification of Public Hearing dated May 14, 2008
3. Manitoba Status of Title 2197545

4a. Letter of authorization dated April 1, 2008 from 5052289 Manitoba Ltd. to Antonio Foderaro, Director of 5052289 Manitoba Ltd.

4b. Letter of authorization dated April 10, 2008 from 5052289 Manitoba Ltd. to Think Design
5. Surveyor's Building Location Certificate and sketch dated May 10, 2004
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated June 3, 2008
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Rhea Collison
Christian Franz
Tammie Rocke, Think Design

In Opposition

Marielle Lacroix

For Information:

Peter Rohne

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

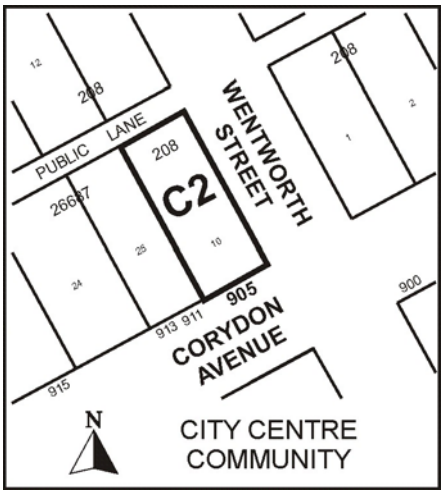
Exhibit "7" referred to in File ZAA 5/2008

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 3, 2008
File: **ZAA 5/08**
Related Files:
Subject: To delete Zoning Agreement By-Law 148/04, DAZ 231/04 for future expansion of restaurant use

Location: 905 Corydon Avenue
Legal Description: Lot 10, Block 66, Plan 208 31/5 Parish of St. Boniface;

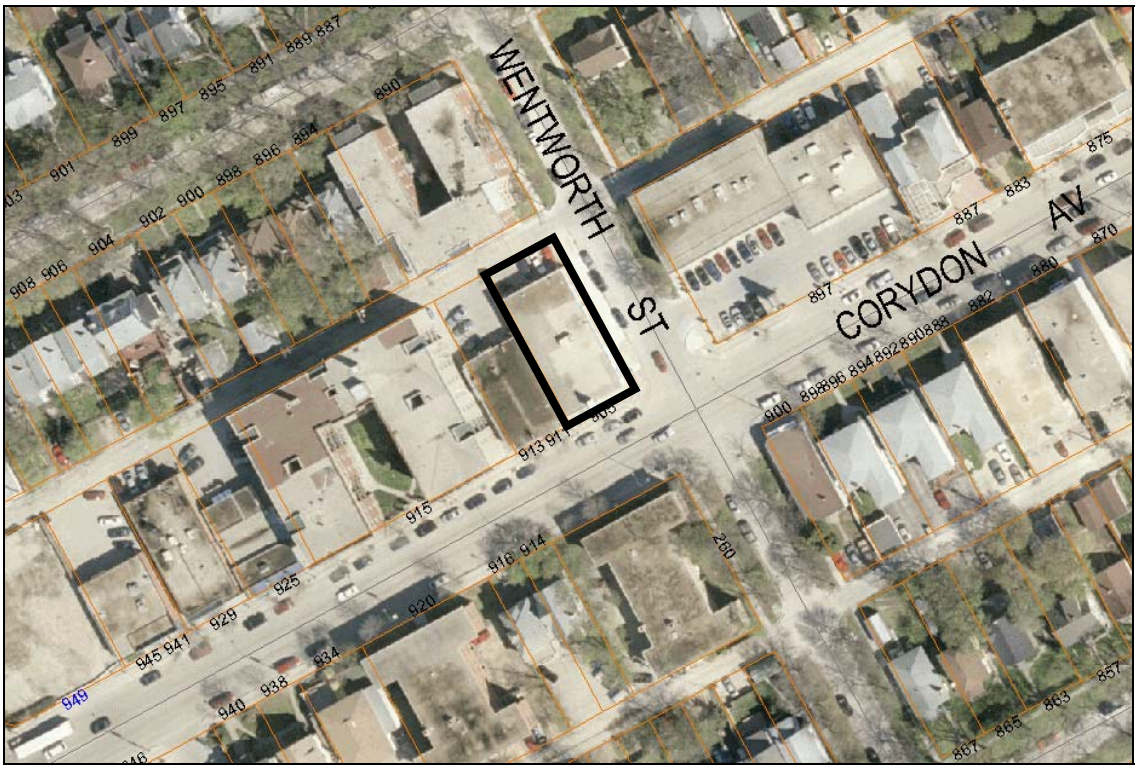


Applicant: Tammie Rocke, Think Design
Owner: Antonio Federoo / 5052289 Manitoba Ltd.

Recommendation: *To amend the Zoning Agreement*

Site Description

The subject site is a one storey multi-unit commercial building. It occupies approximately **6000 square feet** on the northwest corner of Corydon Avenue and Wentworth Street and is located in the McMillan Neighbourhood of the Fort Rouge – East Fort Garry Ward. The site is zoned "**C2" Commercial** in the **Neighbourhood Main Streets** area overlay, consistent with adjacent properties fronting on this section of Corydon Avenue. To the north is an "R2" Two Family Residential zoned district that contains an apartment building. To the south is a "RMF" Multi-Family zoned district that contains an apartment building.



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant has indicated that they wish to establish a restaurant that will be beyond the 2000 square foot limit stipulated in the Zoning Agreement. No detailed plans were submitted to the Zoning and Permits Branch.

Analysis

The Neighbourhood Main Streets overlay district, under Zoning By-Law 200/2006, is intended to protect the scale and character of the pedestrian-oriented, neighbourhood-scale commercial areas in older areas of the city, to prevent the proliferation of certain uses that will erode the scale, character, or walkability of those areas, and to protect the surrounding neighbourhoods from adverse impacts of active commercial uses in close proximity to residential areas.

The maximum floor area allowed for a restaurant within the overlay district is 2500 square feet. Although the previous restaurant at this site (the subject of DAZ 231/04) was under 2000 square feet, the Planning and Land Use Division is of the view that our new zoning by-law sets fair and consistent regulations for commercial main streets and allowing 2500 square feet (as per Zoning By-Law 200/2006) for a restaurant at this site is appropriate. At the time of the rezoning, the building consisted of one 1,950 square feet unit and one 2,700 square feet unit. The applicant has not confirmed whether the demising will change, however, she has been advised that approval of this Zoning Agreement Amendment does not imply approval of a restaurant use *over* 2500 square feet.

The Zoning Agreement also prohibits drinking establishments at the subject property. This restriction stems from on-going concerns about the cumulative impacts of the proliferation of drinking establishments in the Corydon Village area. The Planning and Land Use Division is currently engaged in a background study that will look at Corydon Village (and other main street areas) with a view to striking a balance between nightlife and neighbourhood livability. Results of this study are not yet available. Although all new drinking establishments in this district remain a conditional use and are subject to a public process, it is acknowledged that Community Committee took a keen interest in this issue and intended that stricter controls on drinking establishment be put in place where possible, particularly along this portion of Corydon Avenue (east of Lilac Street) that has tended toward less intensive commercial among multi-family residential properties.

Recommendation

The Planning and Land Use Division recommends the Zoning Agreement be amended as per the conditions below for the following reasons:

- The change in maximum restaurant size is consistent with the underlying zoning.
- The change in maximum restaurant size is compatible with the area.
- The applicant has not expressed an intent to develop a drinking establishment at the subject site.
- There remain concerns about the potential for new drinking establishments in this neighbourhood while guidelines for drinking establishment approvals are still in development.

Recommended Conditions of Approval

1. That Zoning Agreement under File DAZ 231/04 dated September 29th, 2004 (By-Law No. 148/2004) be amended by replacing "restaurant, maximum 2000 square feet" under Clause 3 with "restaurant, maximum 2500 square feet".

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 231/04 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.

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

Report Prepared by: Kurtis Kowalke
PPD File # ZAA 5/08