Report - Executive Policy Committee - November 12, 2008

Item No. 4 Zoning Agreement Amendment - 440 Dovercourt Drive (River Heights-Fort Garry Ward) File ZAA 18/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That Zoning Agreement under File DASZ 12/83, dated November 30, 1983 (By-law 3640/84, Caveat No. 84-71662) be amended as follows:

   A. That Clause 2 be deleted and the following substituted therefore:

      The following minimum yards be provided in relation to each building constructed on the land, measured in accordance with the provisions of the relevant zoning by-law:

Front yard	12.19 metres (40 feet)
Rear yard	0 metres (0 feet)
South Side yard	4.57 metres (15 feet)
The most westerly 75 feet of the North Side yard	1.52 metres (5 feet)t
The remainder of the North Side yard	4.57 metres (15 feet)
Corner Side yard	6.10 metres (20 feet)

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12/83 (By-law No. 3640/84) 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 - Executive Policy Committee - November 12, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 28, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment - 440 Dovercourt Drive**
File ZAA 18/2008

For submission to: **Executive Policy Committee**

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

Report date: **October 29, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 28, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That Zoning Agreement under File DASZ 12/83, dated November 30, 1983 (By-law 3640/84, Caveat No. 84-71662) be amended as follows:

   A. That Clause 2 be deleted and the following substituted therefore:

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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 application is a positive development.

PUBLIC HEARING SUMMARY

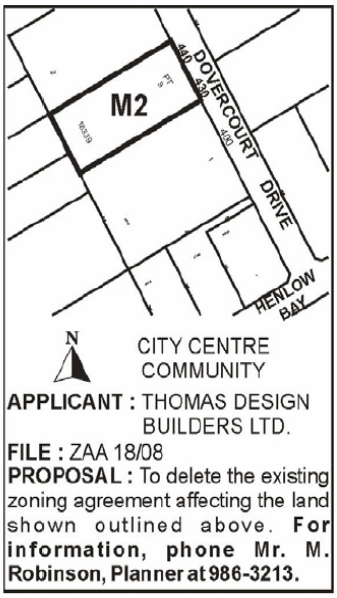
File: ZAA 18/2008

Before: City Centre Community Committee
Councillor Gerbasi
Councillor Smith

Public Hearing: October 28, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: Thomas Design Builders Ltd.
(Trevor Miller)

Subject:



Premises Affected: 440 Dovercourt Drive

Exhibits Filed:

1. Application dated September 11, 2008
2. Notification of Public Hearing dated September 19, 2008
3. Manitoba Status of Title 1169372
4. Letter of authorization dated September 3, 2008 from 79971 Manitoba Inc. to Thomas Design Builders Ltd.
5. Caveat No. 2851439
6. Caveat No. 84-71662
7. Plans (4 pages)

8. Report from the Planning and Land Use Division dated October 1, 2008
9. Inspection Report
10. Letter dated October 22, 2008, in support of the application, from Thomas P. Robson, Dovercourt Holdings Ltd., submitted by the applicant.
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bill Thomas, Thomas Design Builders Ltd
Thomas P. Robson, Dovercourt Holdings Ltd.

In Opposition

Nil

For Information:

Nil

For the City:

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

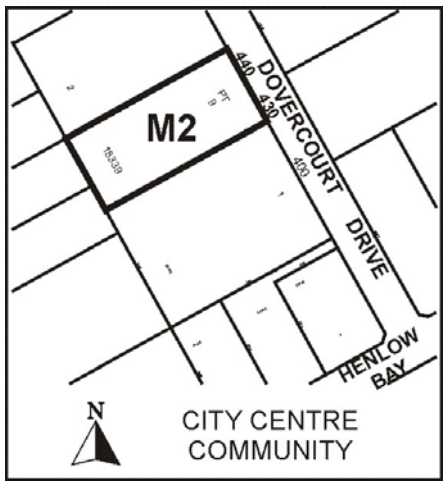
Exhibit "8" referred to in File ZAA 18/2008

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: October 1, 2008
File: ZAA 18/2008
Related Files: DASZ 12/83
Subject: Application to remove the existing zoning agreement

Location: 440 Dovercourt Drive



Applicant: Thomas Design Builders (Trevor Miller)
Owner: 79971 Manitoba Inc.

Recommendation: Approval, with modifications

Report Summary:

- **The Planning and Land Use Division recommends that the existing zoning agreement be amended, rather than removed**

- **The existing zoning agreement is still relevant and should be maintained, with the exception of the reduced North Side Yard in the area needed for the addition**
- **Similar applications have been approved by City Council over the years**
- **The proposed addition is compatible with the area and will not have an adverse impact on adjacent properties**

Site Description

The subject property, which is zoned "M2" Industrial, is located on Dovercourt Drive, between Scurfield Boulevard and Henlow Bay, in the West Fort Garry Industrial neighbourhood of the River Heights - Fort Garry ward.

Background

In 1983, the subject property was rezoned "M2" Industrial. A zoning agreement, requiring special setbacks, was applied to this property, as well as other industrial properties in the area. The intent was to provide the West Fort Garry Industrial Area with a higher standard of site development, similar to industrial park standards.

Since that time, our records show that at least two properties in the immediate area have had their side yard reduced from 15 feet to 5 feet.

ZAA 18-1989

In 1989, the property at the northwest corner of Scurfield Boulevard and Dovercourt Drive received approval to permit the construction of a building with a five (5) foot west side yard, instead of 14.76 feet, as required.

ZAA 3-1995

In 1995, the property at 205 Henlow Bay received approval to permit the construction of a building providing a north side yard of five (5) feet instead of fifteen (15) feet.

Description of the Proposed Development

The applicant wishes to construct a 50 foot by 52 foot addition (2600 square feet), at the northwest corner of the subject property. The addition would be setback 5 feet from the north property line, instead of the required 15 feet. In light of this, the applicant is requesting an amendment to the existing agreement.

The applicant has indicated that in order to comply with the zoning agreement, they would have to design a 40 foot by 65 foot addition, which would make for a relatively narrow, inefficient space. In addition, it would reduce the number of parking stalls which are available for the tenant and would eliminate one exterior office window in the existing structure.

They have indicated that the existing landscape strip, which consists of sod and lilac shrubs, would not be affected by the addition.

Analysis

Compatibility with existing neighbourhood and surrounding uses

The proposed addition encroaches into the required side yard in a small area, at the rear of the property and currently abuts a parking lot on the adjacent property.

For these reasons, the Division believes that the reduced side yard, for the proposed addition, will not have a negative impact on the adjacent property and is compatible with the area.

However, the Division recommends, and the applicant is in agreement, that with the exception of the area needed for the addition, that the required side yard should be maintained for the remainder of the property. In addition, the Division recommends, and the applicant is in agreement, that the existing zoning agreement should be maintained.

Public Input

The Division asked the applicant to provide a letter of support from the adjacent property owner to the north. However, the applicant later indicated that, in all probability, a letter was not forthcoming due to the neighbour not wishing to endorse the application. While the Division would prefer that the applicant have the support of the neighbour, it is not a prerequisite for recommending approval.

Other

As indicated in the Background section, two applications have been approved by City Council over the years. The proposed application is not dissimilar to the ones that have previously been approved.

Recommendation

The Planning and Land Use Division recommends that the existing zoning agreement **be amended** for the following reasons:

- **The existing zoning agreement is still relevant and should be maintained, with the exception of the reduced North Side Yard in the area needed for the addition**
- **Similar applications have been approved by City Council over the years**
- **The proposed addition is compatible with the area and will not have an adverse impact on adjacent properties**

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

Report Prepared by: Michael Robinson, AICP
PPD File # ZAA 18/2008

1. That Zoning Agreement Caveat Number 84-71662 under File DASZ 12/1983 dated November 30, 1983 (By-law 3640/84), be amended as follows:

   A. That Clause 2 be deleted and the following substituted therefore:

      The following minimum yards be provided in relation to each building constructed on the land, measured in accordance with the provisions of the relevant zoning by-law:

Front yard	*40 feet*
Rear yard	*0 feet*
South Side yard	*15 feet*
The most westerly 75 feet of the North Side yard	*5 feet*
The remainder of the North Side yard	*15 feet*
Corner Side yard	*20 feet*

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12/1983 (By-Law No. 3640/84) as approved in aforesaid Recommendation 1.

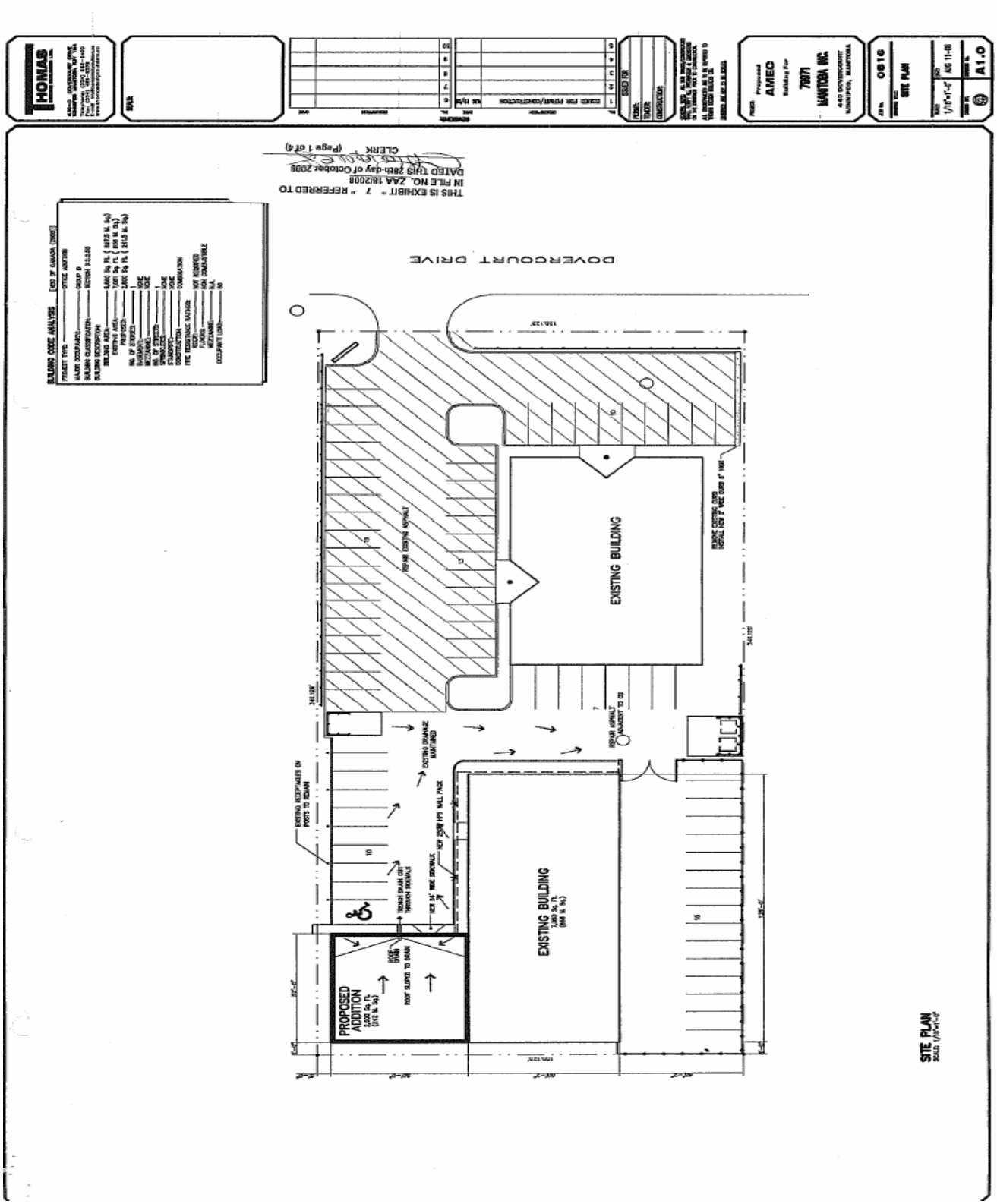
3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

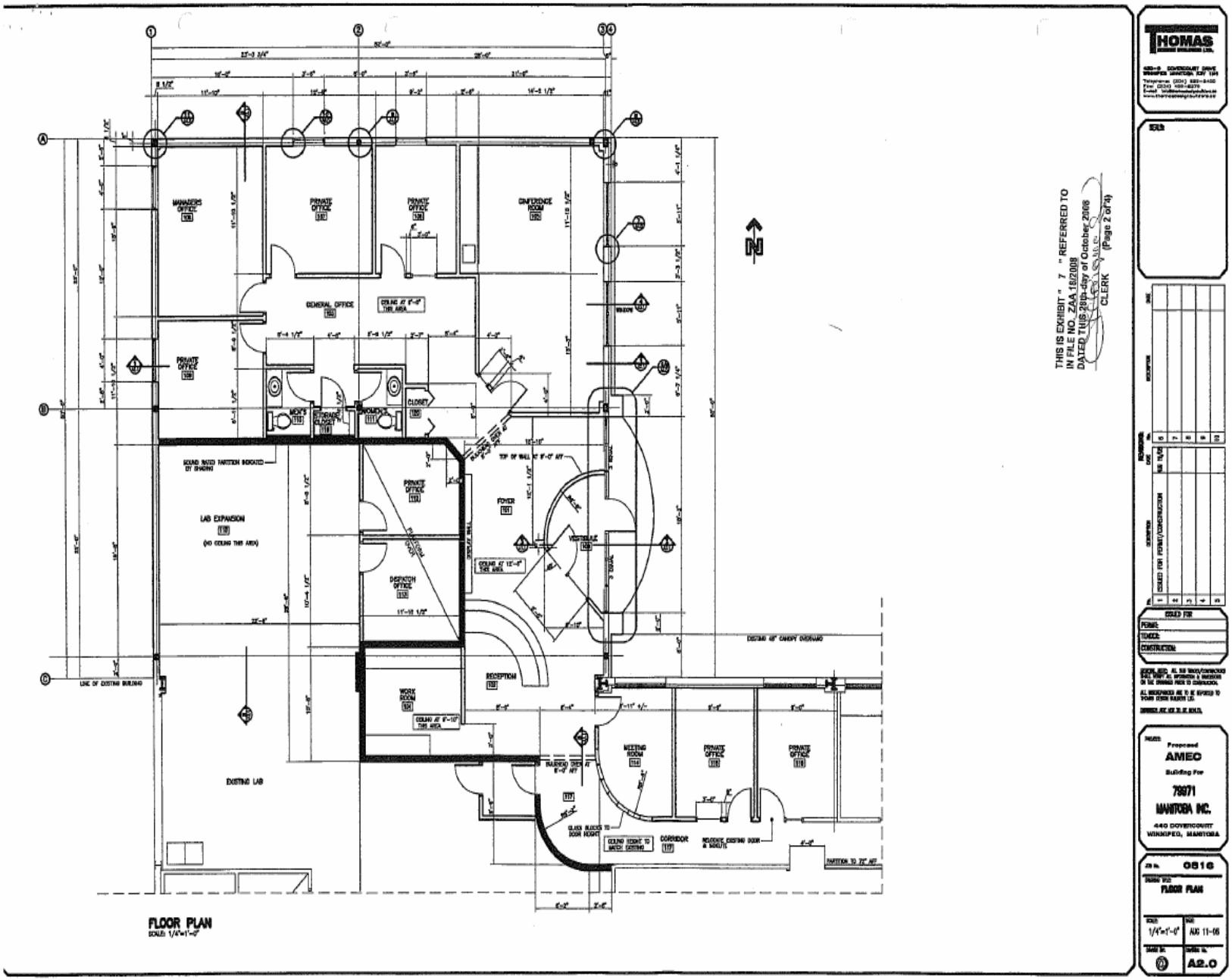
4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.



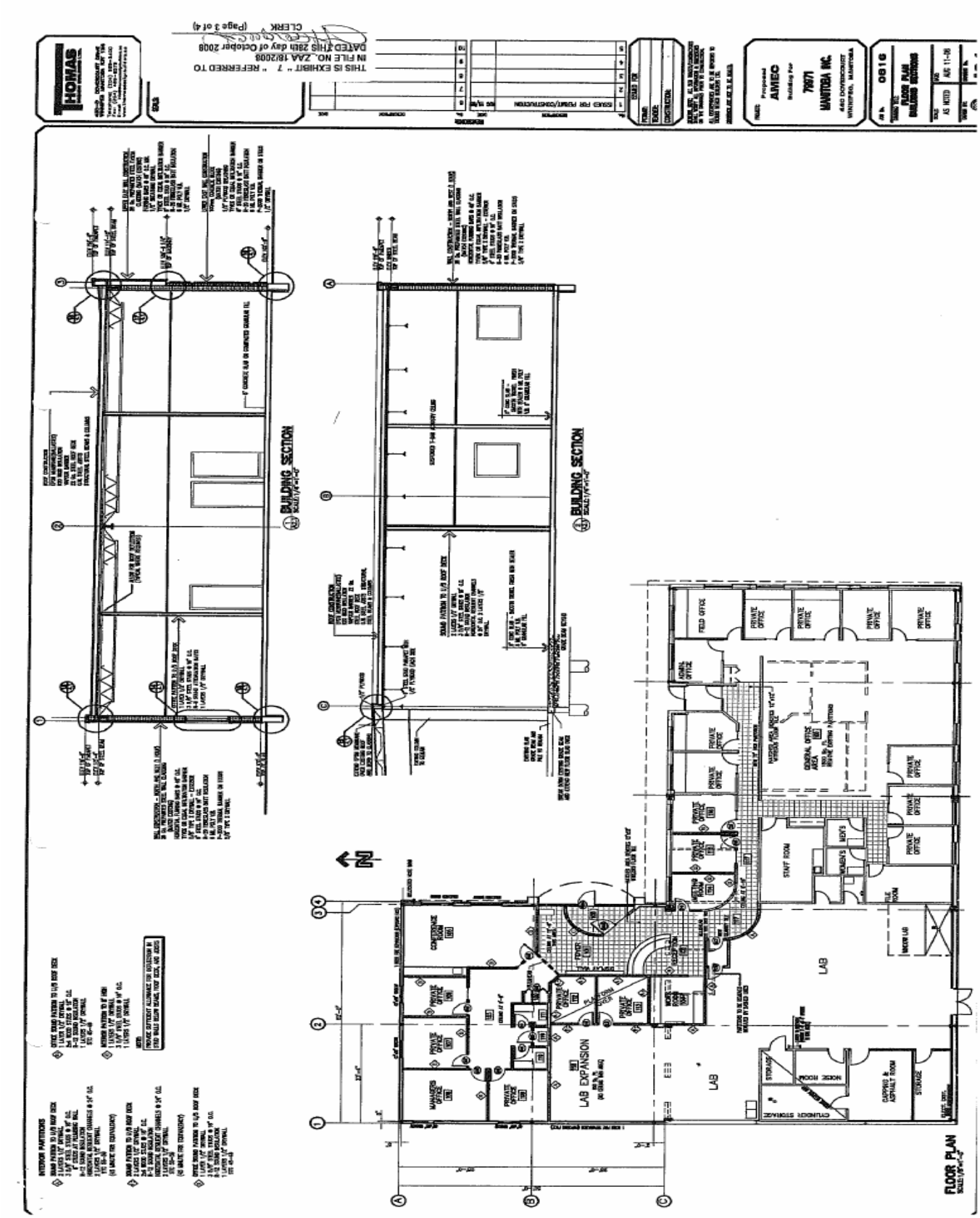
Figure 1: Aerial Photo (Flown in 2005)

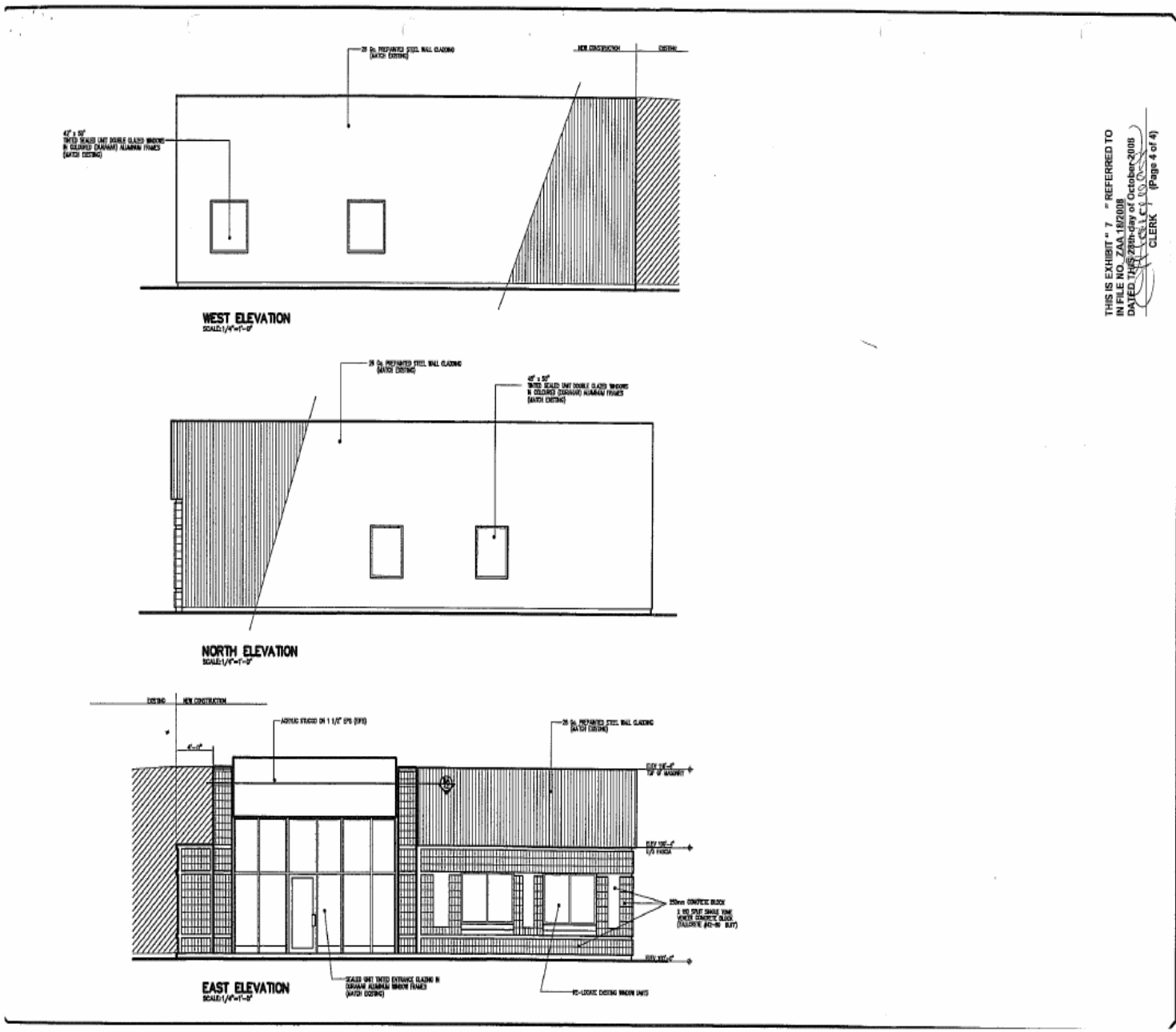
Exhibit "7" referred to in File ZAA 18/2008





FLOOR PLAN
SCALE: 1/4"=1'-0"


THIS IS EXHIBIT " 7 " REFERRED TO
IN FILE NO. ZAA 18/2008
DATED THIS 28th day of October 2008
CLERK
(Page 3 of 4)
HOMAS
Proposed
AMEC
Building For
79971
MANITOBA INC.
4400 DOVERCOURT
WINNIPEG, MANITOBA
0816
FLOOR PLAN
BUILDING SECTIONS
AS NOTED
AUG 11-08
BUILDING SECTION
BUILDING SECTION
LAB EXPANSION
LAB
LAB
STAFF ROOM
FIELD OFFICE
PRIVATE OFFICE
CONFERENCE ROOM
MANAGERS OFFICE
STORAGE
NOISE ROOM
CYLINDER STORAGE
CAPPING & ASPHALT ROOM
FLOOR PLAN



THIS IS EXHIBIT " 7 " REFERRED TO
IN FILE NO. ZAA 18/2008
DATED THIS 28th day of October 2008
CLERK (Page 4 of 4)

THOMAS

SEALS:

REVISIONS

No.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT/CONSTRUCTION	AUG 11/08
2		
3		
4		
5		
6		
7		
8		
9		
10		

ISSUED FOR
PERMIT:
TENDER:
CONSTRUCTION:

GENERAL NOTE: ALL SUB TRADES/CONTRACTORS SHALL VERIFY ALL INFORMATION & DIMENSIONS ON THE DRAWINGS PRIOR TO CONSTRUCTION.

ALL DISCREPANCIES ARE TO BE REPORTED TO THOMAS DESIGN BUILDERS LTD.

DRAWINGS ARE NOT TO BE SCALED.

PROJECT:
Proposed
AMEC
Building For
79971
MANITOBA INC.
440 DOVERCOURT
WINNIPEG, MANITOBA

JOB No. 0816

DRAWING TITLE: ELEVATIONS

SCALE: 1/4"=1'-0"
DATE: AUG 11-08
DRAWN BY:
DRAWING No. A3.0