Agenda – Council – May 19, 2010

Report – Executive Policy Committee – May 5, 2010

Item No. 1 Zoning Agreement Amendment – 3725 Roblin Boulevard (Charleswood-Tuxedo Ward) File ZAA 1/2010 [c/r DAZ 212/80]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 5, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the Zoning Agreement under File DAZ 212/80 (By-law No. 3113/81) dated December 16, 1981, be amended as follows:

   A. That Clauses 2 (a) and (b) of the Zoning Agreement be deleted and replaced with the following: "(a) veterinary clinic"

   B. That Clause 3 of the Zoning Agreement be deleted

   C. That Clause 4 of the Zoning Agreement be deleted

   D. That Clause 5 of the Zoning Agreement be deleted

   E. That Clause 7 of the Zoning Agreement be deleted

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 212/80 (By-law No. 3113/81) 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – May 5, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 5, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2010, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted the matter to the Executive Policy Committee and Council.

RE: **Zoning Agreement Amendment – 3725 Roblin Boulevard**
File ZAA 1/2010 [c/r DAZ 212/80]

For submission to: **Executive Policy Committee**

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **April 21, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2010, the Assiniboia 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 the Zoning Agreement under File DAZ 212/80 (By-Law No. 3113/81) dated December 16, 1981, be amended as follows:

    A. That Clauses 2 (a) and (b) of the Zoning Agreement be deleted and replaced with the following: "(a) veterinary clinic"

    B. That Clause 3 of the Zoning Agreement be deleted

    C. That Clause 4 of the Zoning Agreement be deleted

    D. That Clause 5 of the Zoning Agreement be deleted

    E. That Clause 7 of the Zoning Agreement be deleted

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 212/80 (By-Law No. 3113/81) 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. The proposed development makes sense from a community point of view.

2. The Ward Councillor is supportive of this.

PUBLIC HEARING SUMMARY

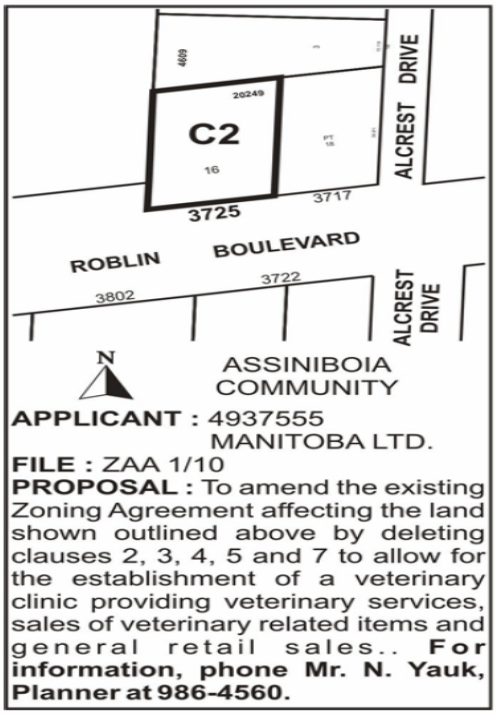
File: ZAA 1/2010 [c/r DAZ 212/80]

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding

Public Hearing: April 20, 2010
North Committee Room
Council Building, 510 Main Street

Applicant: 4937555 Manitoba Ltd.
(Ab Hague)

Subject:



Premises Affected: 3725 Roblin Boulevard

Exhibits Filed:

1. Application dated February 18, 2010
2. Notification of Public Hearing dated February 23, 2010
3. Manitoba Status of Title 2403154
4. Surveyor's Building Location Certificate and sketch dated July 6, 1976
5. Drawing of subject property

6. Zoning Agreement dated June 18, 1980
7. Report from the Planning and Land Use Division dated April 12, 2010
8. Inspection Report
9. Communication dated April 7, 2010 from the District Supervisor/Environment Officer, Contaminated Sites/Petroleum Storage, Manitoba Conservation, Environmental Operations, with respect to site status of 3725 Roblin Boulevard
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 1/2010

ADMINISTRATIVE REPORT

ISSUE: ZAA 1/10 - 3725 Roblin BV Public Hearing

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement under File DAZ 212/80 (By-Law No. 3113/81) dated December 16, 1981, be amended as follows:

    a. That Clauses 2 (a) and (b) of the Zoning Agreement be deleted and replaced with the following: "(a) veterinary clinic"

    b. That Clause 3 of the Zoning Agreement be deleted

    c. That Clause 4 of the Zoning Agreement be deleted

    d. That Clause 5 of the Zoning Agreement be deleted

    e. That Clause 7 of the Zoning Agreement be deleted

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 212/80 (By-Law No. 3113/81) 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Noah Yauk
Date:	April 12, 2010
File No.	ZAA 1/10

APPENDIX 'A'

DATE:	April 12, 2010
FILE:	ZAA 1/10
RELATED FILES:	DAZ 212/80 (By-Law 3113/81)
COMMUNITY:	Assiniboia
NEIGHBOURHOOD #:	2.630
SUBJECT:	The applicant would like to amend the existing Zoning Agreement on the property in order to permit a veterinary clinic that will be attached to an existing veterinary clinic at 3717 Roblin by way of a breezeway. The existing zoning agreement limits development on the said lands to an automobile supply store as well as automobile laundries, service stations and gas kiosks by way of a conditional use.
LOCATION:	3725 Roblin BV
LEGAL DESCRIPTION:	Lot 16, Plan 20249
APPLICANT:	Ab Hague 3717 Roblin Winnipeg MB R3R 0E3
OWNER:	Ab Hague 4937555 Manitoba Ltd.
RECOMMENDATION:	Amend the zoning agreement

REPORT SUMMARY:

- The applicant's motivation to seek a zoning amendment is to allow a veterinary clinic on the subject site. For all intents and purposes, the application at hand is essentially the expansion of an existing veterinary clinic on the adjacent property to the east. It is noted that both properties will remain on separate titles and are therefore considered separate developments. The existing building and the proposed building will be connected by way of a breezeway.
- The subject property is zoned "C2" Commercial Community and is surrounded mainly by residential uses with some commercial and institutional uses fronting Roblin BV.
- Under Zoning By-Law 200/2006 a veterinary clinic is a permitted use in the "C2" zoning district.
- The proposed impact of a veterinary clinic is expected to be no greater than any of the uses already provided for on the site.

- The proposed development will result in additional parking spaces for the veterinary clinic. The applicant has noted that the existing parking situation at 3717 Roblin is not sufficient and that patrons often park on the adjacent residential street.
- The Planning and Land Use Division recommends amending the zoning agreement to allow the veterinary clinic, provided that the form of the development respects the established residential character of the area.

SITE DESCRIPTION

- The subject property is approximately **11,000 square feet** and is located on the north side of Roblin BV between Alcrest Drive and the Charleswood Parkway in the Vialoux neighbourhood of the Charleswood-Tuxedo Ward (see Figure 1).
- The property lies within Plan Winnipeg's Neighbourhood Policy Area
- Located on the property are two existing buildings that will be removed to make way for the proposed development. This includes a commercial building that was used as an automobile supply store and a house behind it to the north.
- While the existing veterinary clinic at 3717 Roblin BV is well maintained and sensitive to its residential surroundings, the condition of the subject property can be greatly improved. This expected to be the result of the subject application.

SURROUNDING LAND USES & ZONING

North: Large lot single family homes fronting Alcrest Drive zoned "R1-L" Residential District.

South: Large lot single family homes fronting Roblin BV zoned "R1-L" Residential District.

East: The existing Charleswood Veterinary Clinic zoned "C1" Commercial District.

West: A large area of open space to the Charleswood Parkway zoned "A" Agricultural District.



Figure 1: Subject Site and Surrounding Land Uses *(flown 2009)*

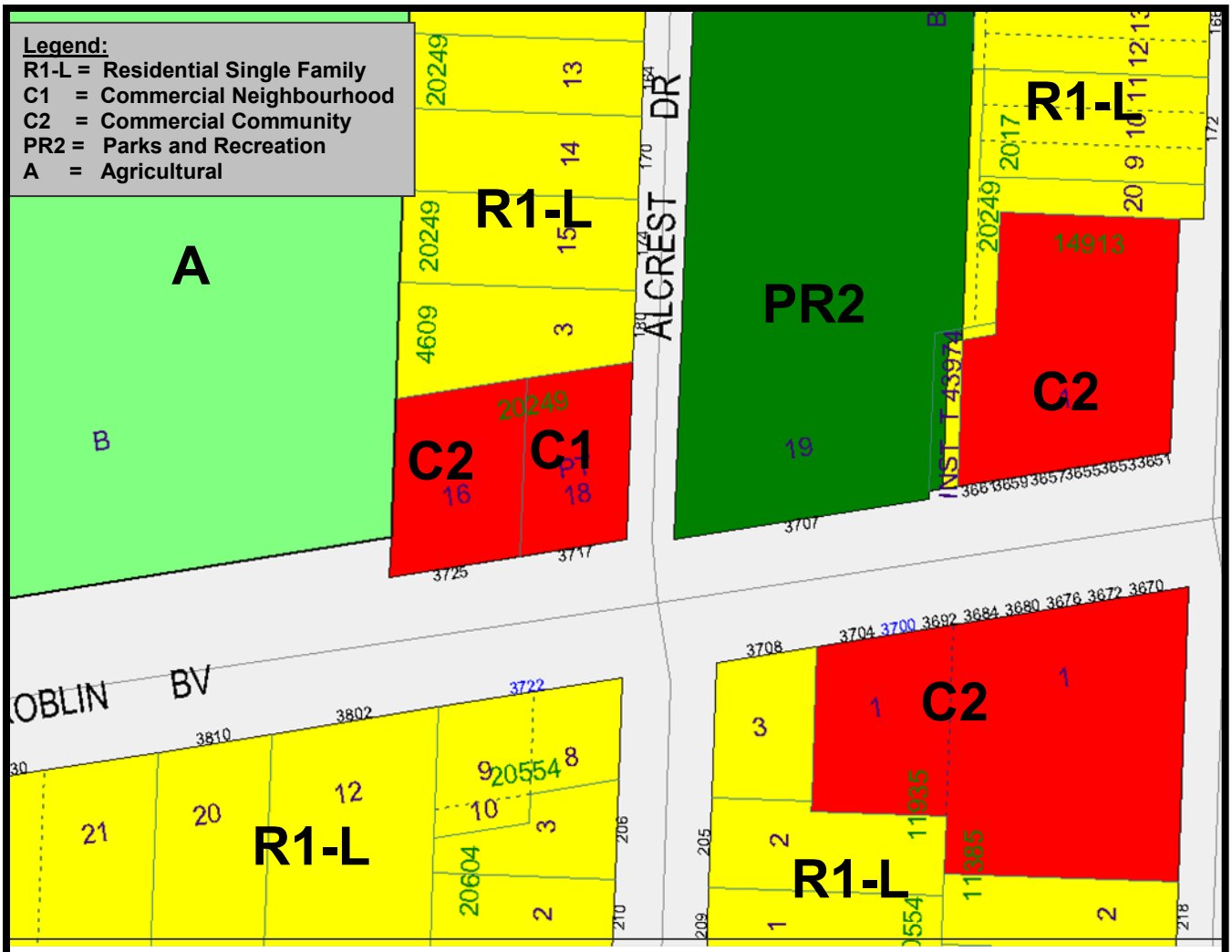


Figure 2: Zoning Map

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to expand the existing veterinary clinic to create more functional space for the business.
- Though the applicant has not finalized construction drawings for the development, the intent is to create a building addition that is consistent with the design and scale of the existing building as well as the existing neighbouring residential dwellings. Due to the expense involved in developing a detailed site plan, the applicant wishes to first seek approval, at least in principle that the development can be supported. Plan Approval can be used as a vehicle to ensure the proposed development is satisfactory to the Planning and Land Use Division and the Assiniboia Community Committee.

ANALYSIS

PLAN WINNIPEG COMPLIANCE

- The proposed rezoning complies with *Plan Winnipeg 2020.*

ZONING (BY-LAW 200/2006)

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
    - As already stated, veterinary clinics are permitted in the "C2" Commercial District of Zoning By-Law 200/2006.

ZONING AGREEMENT (BY-LAW 3113/81) EFFECT OF PROPOSED CHANGES

The proposed zoning agreement amendments relate to the fact the original agreement was tailored to specific auto service related uses and the rules around those uses. For example, clauses 2,3,4 and 5 relate to the hours and location of specified auto uses and would therefore be rendered irrelevant in the context of the proposed veterinary use. Part 7 relates specifically to fencing requirements and façade improvements to an existing building. The clause asks that an ornamental fence be provided along the east property line (between the subject site and the existing veterinary clinic that the applicant wants to expand. It is assumed that the intent of this condition was to protect 3717 Roblin from potential effects of the auto-related uses. Since the two sites would operate under the same use, this property line would no longer require such protection. Clause 7 also requires an ornamental fence along the north property line, a chain link fence along the west property line and that the portions of the building fronting Roblin and facing east are clad with ornamental brick. Since the building being referenced would be removed, the clause may lose its relevancy. It is further noted that the details of the fencing and building design can be handled through the existing clause 6 of the zoning agreement, which calls for plan approval (a clause not being challenged in the proposed amendments).

RATIONALE FOR NOT CONSOLIDATING 3717 AND 3725 ROBLIN BV

In an application such as this, intended to be an expansion to an existing veterinary clinic, the applicant would normally be advised to consolidate the 2 properties into one through a short-from subdivision process. The property owner, however, does not wish to combine the properties for the reason that 3725 Roblin contains oil contamination from previous land uses. The effect of coupling the properties through a subdivision would be to devalue the property known as 3717 Roblin BV. According to the applicant, the reality of a contaminated property makes it difficult to obtain financing. Spreading this over the whole development would affect the mortgage on the existing veterinary clinic.

REGULATION AND SITE CONTAMINATION

The applicant is aware of Provincial regulations that govern contaminated properties and has been in contact with Manitoba Conservation. The applicant, therefore, is knowledgeable about any responsibilities, obligations and risks associated with developing the subject property. During the writing of this report Manitoba Conservation has indicated that a letter addressed to the City of Winnipeg Planning Dept. and the property owner is forthcoming (sent April 7, 2010) which outlines the expectations of the property owner as related to the future development of the site. It is noted, however, that any comments provided by Manitoba Conservation may be limited in the absence of a detailed site plan. In light of this, the property owner will be expected to consult with Manitoba Conservation when more detailed site development plans come to fruition.

RECOMMENDATION

1) That the Zoning Agreement under File DAZ 212/80 (By-Law No. 3113/81) dated December 16, 1981, be amended as follows:

    a. That Clauses 2 (a) and (b) of the Zoning Agreement be deleted and replaced with the following: “(a) veterinary clinic”

    b. That Clause 3 of the Zoning Agreement be deleted

    c. That Clause 4 of the Zoning Agreement be deleted

    d. That Clause 5 of the Zoning Agreement be deleted

    e. That Clause 7 of the Zoning Agreement be deleted

2) That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 212/80 (By-Law No. 3113/81) 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: Noah Yauk
PPD File # ZAA 1/10