Agenda – Council – November 16, 2011

Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 5 Zoning Agreement Amendment – 1030 Keewatin Street (Point Douglas Ward) File ZAA 10/2011

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2011, 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 87-48534 under File DAZ 256/86, (By-law No. 4587/87), be amended as follows:

   A. That Clause 2 be amended by adding the following:

      (t) Drinking Establishment expiring October 31, 2014.

   B. That Clause 3 be amended by adding the following after the words '…between the hours of 11:00 p.m. and 7:00 a.m.'

      '…, excepting the 'Drinking Establishment' use that shall remain closed from 2:00 a.m. to 7:00 a.m.'

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 256/86, (By-law No. 4587/87) 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 – Standing Policy Committee on Property and Development – November 1, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, 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 November 1, 2011, 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 11, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Amend Recommendation 1.A. by adding the words “expiring October 31, 2014” after the words “(t) Drinking Establishment”.

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

RE: **Zoning Agreement Amendment – 1030 Keewatin Street**
File ZAA 10/2011

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **October 13, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement Caveat 87-48534 under File DAZ 256/86, (By-law No. 4587/87), be amended as follows:

   A. That Clause 2 be amended by adding the following:

      (t) Drinking Establishment ***expiring October 31, 2014.***

   B. That Clause 3 be amended by adding the following after the words '…between the hours of 11:00 p.m. and 7:00 a.m.'

      '…, excepting the 'Drinking Establishment' use that shall remain closed from 2:00 a.m. to 7:00 a.m.'

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 256/86, (By-law No. 4587/87) 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.

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

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 6, 2011.

2. Providing a time limit to the added Drinking Establishment Use provides an avenue to allow for any future adjustments

PUBLIC HEARING SUMMARY

File: ZAA 10/2011

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: October 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Harrington Business Solutions (Syd Storey)

Subject:



Premises Affected: 1030 Keewatin Street

Exhibits Filed:

1. Application dated July 22, 2011
2. Notification of Public Hearing dated August 8, 2011
3. Manitoba Status of Title 1059276
4. Letter of authorization dated October 5, 2011 from Keewatin Centre Inc. to Harrington Business Solutions
5. Caveat No. 6872
6. Plans (2 pages)

7. Report from the Planning and Land Use Division dated September 6, 2011
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Syd Storey, Harrington Business Solutions

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 10/2011

ADMINISTRATIVE REPORT

Title: ZAA 10/11 – 1030 Keewatin Street

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to allow;

- a *'Drinking Establishment'* use
- closure hours from 2:00 am to 7:00 a.m. for the *'Drinking Establishment'* use

Critical Path: Lord Selkirk – West Kildonan 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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 87-48534 under File DAZ 256/86, (By-law No. 4587/87), be amended as follows:

   A. That Clause 2 be amended by adding the following:

   (t) Drinking Establishment

   B. That Clause 3 be amended by adding the following after the words *'…between the hours of 11:00 p.m. and 7:00 a.m.'*

   '…, excepting the 'Drinking Establishment' use that shall remain closed from 2:00 a.m. to 7:00 a.m.'

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 256/86, (By-law No. 4587/87) 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.

5.

REASON FOR THE REPORT

- The owners of the commercial strip mall at 1030 Keewatin Street intend to lease a unit to a private club,
- The property has a Zoning Agreement caveated on the Certificate of Title by the City of Winnipeg, two clauses of which restrict uses and hours of operation,
- The private club wishes to serve alcohol to its members with a closing time of 2:00 a.m.,
- Thus the owners have applied to amend the Zoning Agreement to allow a *'Drinking Establishment'* use with extended hours of operation.
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, a *'Drinking Establishment'* will be allowed with a closing time of 2:00 a.m.

HISTORY

DAZ 256/86

- In June 1896, Council recommended approval of the application DAZ 256/86 to rezone the 2.56 acre site, (1030 Keewatin Street) from *'R3B-One' Planned Building Group District* to *'C2' Commercial* to allow the development of a 28,000 square foot, multi-tenant commercial,
- The rezoning included a Zoning Agreement.

Zoning By-law 200/2006

- 1030 Keewatin Street was up zoned to *'C3' Commercial* as part of the zoning rationalization of the City's existing commercial properties bringing them into alignment with the rules and regulations of the new Zoning By-law adopted March 2008.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	*September 6, 2011*
File No.	ZAA 9/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: September 6, 2011

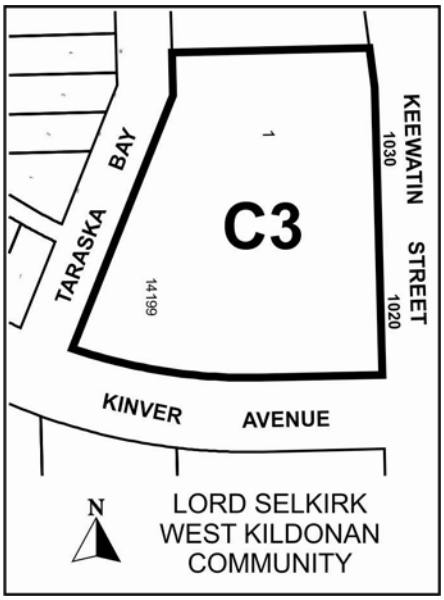
FILE: **ZAA 10/11**
RELATED FILES: DAZ 256/86

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.325

SUBJECT: For consideration at the Public Hearing to amend the Zoning Agreement related to uses by adding a *'Drinking Establishment'* use to the list of permitted uses in Clause 2 and to Clause 3 relating to hours of operation by amending closure hours to be between 2:00 a.m. and 7:00 a.m. for the *'Drinking Establishment'* use.

LOCATION: 1030 Keewatin Street

LEGAL DESCRIPTION: Lot 1 Block 29 Plan 14199



APPLICANT: Syd Storey / Harrington Business Solutions
300-360 Main Street
R3C 3Z3

OWNER: Keewatin Centre Inc.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to allow a Private Club to lease an approximately 800 square foot unit within the existing Strip Mall,
- The Private Club will be a membership only establishment for Winnipeg's Portuguese community,
- Their projected membership will be 50 persons,
- They are applying to the Manitoba Liquor Commission for a Private Club License to allow the service of alcoholic beverages,
- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.

SITE DESCRIPTION

Land Use and Zoning

The subject site is made up of two properties totalling approximately 2.45 acres. The sites are occupied by a 28,000 square foot strip mall and zoned 'C3' Commercial Corridor. The sites are located in the Tyndall Park Neighbourhood of the Point Douglas Ward.

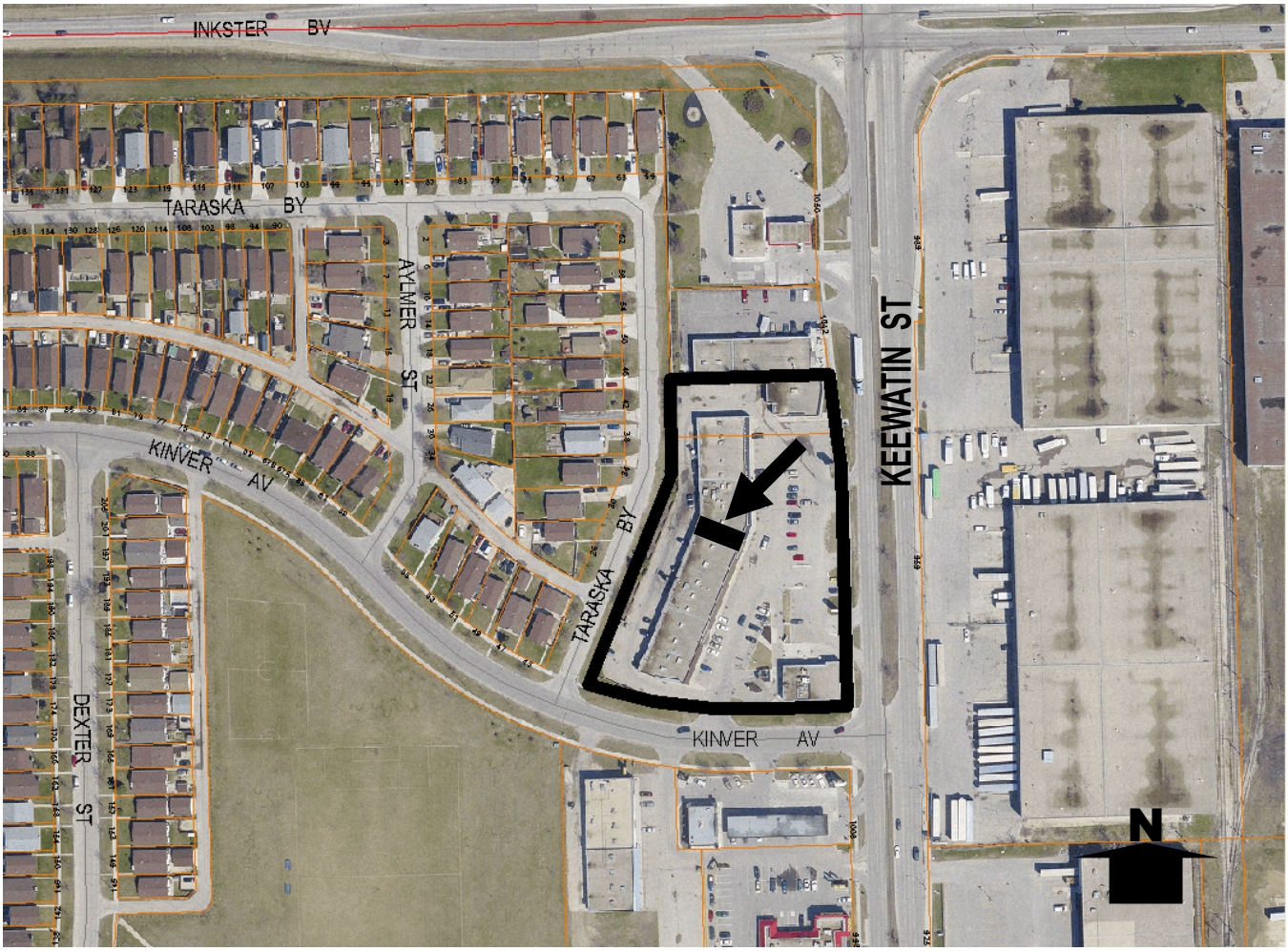


Figure 1: Subject Site with approximate location of the unit for proposed 'Drinking Establishment' (Aerial Flown 2009)

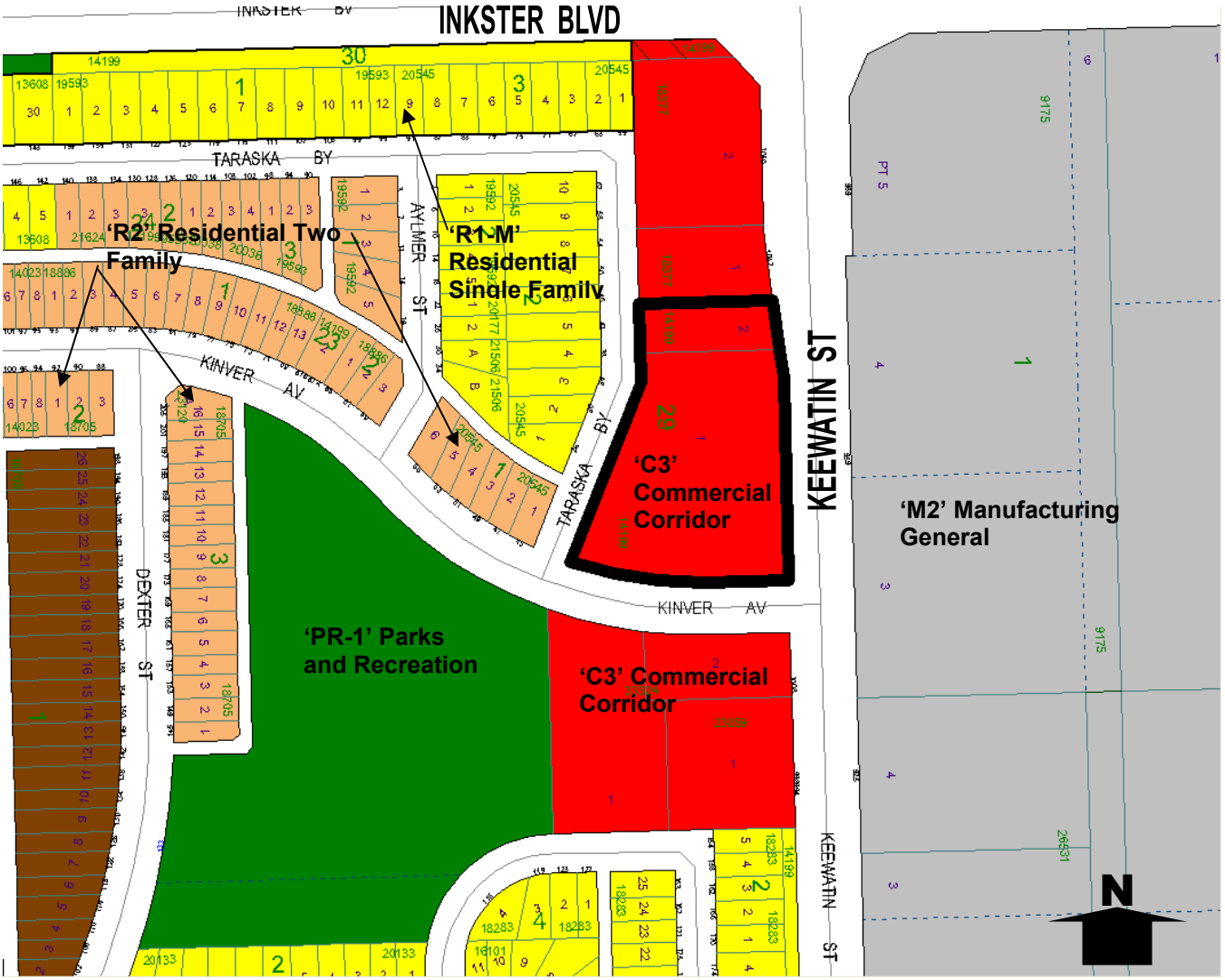


Figure 2: Subject Site with surrounding zoning

SURROUNDING LAND USES & ZONING (See Figure 2)

North: 'C3' Commercial Corridor
South: Kinver Avenue then 'C3' Commercial Corridor
East: Keewatin Street then 'M2' Manufacturing
West: Taraska Bay then 'R2' Two-family and 'R1-M' Single-family

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- A Private Club is looking to lease an approximately 800 square foot unit within the existing 28,000 square foot Strip Mall,
- The unit is located at approximately the centre of the strip mall, (See Figure 1 above) with the entrance facing east towards the parking area and Keewatin Street,
- The Private Club will be a membership only establishment for Winnipeg's Portuguese community, with a projected membership will be 50 persons,
- The Manitoba Liquor Commission must approve a license for a Private Club License to allow the service of alcoholic beverages,

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* Keewatin Street is categorized as a Community Mixed Use Corridor falling within the Areas of Stability – Recent Communities policy area. The Complete Community Strategy states; *'Community Mixed Use Corridors act as 'Main Streets' for one or more neighbourhoods providing a strong social function.'*

- A key policy guiding the development of Recent Communities in Areas of Stability includes:
    - *'…intense and diverse development will be encouraged in Centres and Corridors.'*

ZONING

"C3" Commercial Corridor District

- The *'Drinking Establishment'* use is listed as Permitted in the 'C3' Commercial Corridor district.

LAND USE BY-LAW

Zoning Agreement DAZ 256/86

- Clause 2 of the zoning agreement for DAZ 256/86 lists 18 permitted uses for the subject site, *'Drinking Establishment'* is not included,
- Clause 3 of the zoning agreement for DAZ 256/86 restricts the hours of operation for businesses on the site to between 7:00 a.m. and 10:00 p.m.,
- Clause 4 of the zoning agreement for DAZ 256/86 allows restaurants to be open until 2:00 a.m.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is zoned *'C3' Commercial Corridor 'Drinking Establishment'* use permitted in 'C3',
- The proposed unit location will face Keewatin Street and the adjacent Manufacturing District,
- The Private Club that will have approximately 50 members and must adhere to the MLCC rules and regulations for Private Club licensing,
- The MLCC rules and regulations allow Private Clubs to serve liquor between the hours of 9:00 a.m. and 2:00 a.m.

RECOMMENDATION

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

- *'Drinking Establishment'* is a permitted use in the *'C3' Commercial Corridor* zone,
- The establishment of a *'Drinking Establishment'* in this location should not pose any adverse effects to the surrounding context,
- The commercial building and associated units are oriented in the opposite direction in addition to being physically separated from the residential area to the west of the subject site,
- There is an existing restaurant on the subject site that is permitted to serve liquor and remain open until 2:00 a.m. that to the best of our knowledge, has not caused any issues with the adjacent neighbourhood.

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

Report Prepared By: James Veitch
PPD File # ZAA 10/11