Agenda – Council – June 27, 2012

Report – Executive Policy Committee – June 20, 2012

Item No. 2 Zoning Agreement Amendment – 1485 Inkster Boulevard (Point Douglas Ward) File ZAA 1/2012 [c/r DAV 119260/2012D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 20, 2012, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat 2531366/1 under File DAZ 216/99 dated July 19, 1999 (By-law No. 7484/99) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 216/99 (By-law No. 7484/99) 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 – June 20, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 20, 2012, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2012, the Lord Selkirk-West Kildonan 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 - 1485 Inkster Boulevard**
File ZAA 1/2012

For submission to: **Executive Policy Committee**

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

Report date: **June 13, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2012, the Lord Selkirk-West Kildonan 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 That Zoning Agreement Caveat 2531366/1 under File DAZ 216/99 dated July 19, 1999 (By-Law No. 7484/99) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 216/99 (By-Law No. 7484/99) 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. A redevelopment proposal of this type on Inkster Boulevard and Sheppard Street with a multi-tenant mall and restaurant is a great idea, and will add market value to the neighbourhood.

2. The subject application is consistent with OurWinnipeg.

PUBLIC HEARING SUMMARY

File: ZAA 1/2012

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

Public Hearing: June 12, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Sanjiv Kaushal

Subject:



Premises Affected: 1485 Inkster Boulevard

Exhibits Filed:
1. Application dated April 19, 2012
2. Notification of Public Hearing dated April 30, 2012
3. Manitoba Status of Title 1610516/1
4. Letter of authorization dated March 23, 2012 from 3877451 Manitoba Inc. to Sanjiv Kaushal

5. Surveyor's Building Location Certificate and sketch dated March 22, 1994
6. Plans (7 pages)
7. Report from the Planning and Land Use Division dated May 30, 2012
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sandeep Kaushal
Sanjiv Kaushal
Tom Monteyne
Manohar Pathak
Munish Pathak
Santosh Pathak

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 1/2012

ADMINISTRATIVE REPORT

Title: ZAA 1/2012 – 1485 Inkster Boulevard

Issue: For consideration at the Public Hearing to remove an existing Zoning Agreement

Critical Path: Lord Selkirk / West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 2531366/1 under File DAZ 216/99 dated July 19, 1999 (By-Law No. 7484/99) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 216/99 (By-Law No. 7484/99) 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.

REASON FOR THE REPORT

- The applicant applied to remove Clause 3 of the existing Zoning Agreement restricting uses on the subject site,

- The City of Winnipeg Legal Services determined that the rest of the Zoning Agreement would not be relevant if Clause 3 was removed, therefore we are able to remove the entire agreement from the Title even though the advertisement referred to Clause 3 only,
- The applicant intends to redevelop the site with two new buildings; Building 'A' will be of a multi-tenant format with a variety of commercial / retail and personal service uses. Building 'B' is intended to be a stand Alone restaurant,
- The restriction of uses in Clause 3 would make it difficult for the owners to market the new development,
- The Zoning Agreement was created under our previous Zoning Bylaw 6400/94 that has since been replaced by Zoning By-law 200/06,
- The Urban Planning Division is comfortable with allowing the uses and use specific standards for 'M1' Manufacturing Light that are currently in our Zoning By-law 200/06.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the Zoning Agreement will be removed from the Status of Title on the subject property, 1485 Inkster Boulevard.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

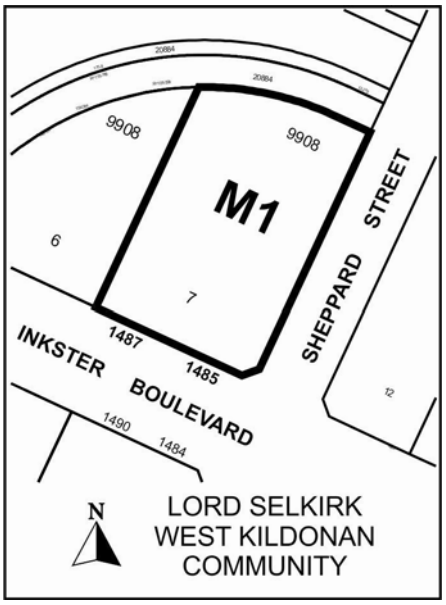
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	James Veitch
Date:	May 30, 2012
File No.	ZAA 1/2012

APPENDIX 'A'

DATE: May 30, 2012
FILE: **ZAA 1/2012**
RELATED FILES:
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.329

SUBJECT: The applicant has applied to remove Clause 3 of the existing zoning agreement that restricts all some uses on the subject site

LOCATION: 1485 Inkster Boulevard



APPLICANT: Sanjiv Kaushal
72 Belton Street
Winnipeg, MB

OWNER: 3877451 Manitoba Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant applied to remove Clause 3 of the existing Zoning Agreement restricting the uses on the subject site,

- The City of Winnipeg Legal Services determined that the rest of the Zoning Agreement would not be relevant if Clause 3 was removed, therefore we are able to remove the entire agreement from the Title even though the advertisement referred to Clause 3 only,
- The applicant intends to redevelop the site with two new buildings; Building 'A' will be of a multi-tenant format with a variety of commercial / retail and personal service uses. Building 'B' is intended to be a stand Alone restaurant,
- The Zoning Agreement was created under our previous Zoning Bylaw 6400/94 that has since been replaced by Zoning By-law 200/06,
- The restriction of uses in Clause 3 would make it difficult for the owners to market the new development,
- The Urban Planning Division is comfortable with allowing the uses and use specific standards for 'M1' Manufacturing Light that are currently in our Zoning By-law 200/06.

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 1.4 acres of land is zoned 'M1' Manufacturing Light and occupied by an auto parts retail establishment. The site is located in the General Manufacturing policy area of the *Complete Communities Direction Strategy* as well as within the Inkster Industrial Neighbourhood of the Point Douglas Ward.



Figure 1: Subject Site 1485 Inkster Boulevard

Surrounding Land Use and Zoning
North: 'M2' Manufacturing General then back lane and 'R2' Residential Two-family
South: Inkster Boulevard then 'M2' Manufacturing General
East: Sheppard Street then 'M2' Manufacturing General
West: 'M2' Manufacturing General

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The owners wish to demolish the existing building and establish two new buildings on the site; Building 'A' and Building 'B'. Building 'A' is intended to be an 'L' shaped multi-tenant construction of approximately 16,720 square feet for a variety of retail and personal service uses. Building 'B' will be located up front on the site at the south east corner. This 3,040 square foot 'landmark' standalone building is intended to be a restaurant.

ANALYSIS AND ISSUES
OURWINNIPEG

- The City of Winnipeg's new Development Plan, *OurWinnipeg* emphasizes the City's and Council's commitment to all of our citizen's and their needs.
- Directions and strategies under *OurWinnipeg* that are relevant to this application include:

  01 A City that Works

  01-1b KEY DIRECTIONS FOR THE ENTIRE CITY – Key Directions for providing Options to Accommodate Growth (page 31)

  - Ensure Winnipeg's Employment Lands provide for a wide range of market opportunities, accommodating new investment and economic development while contributing an abundance of job opportunities for our citizens.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the site is located within the General Manufacturing designation. The discussion points under Our New Approach to Employment Lands outlines the City's vision;
  - *'Facilitates a broader range of uses within Employment Lands, providing flexibility, adaptability and responsiveness to the market place.'* (page 92)
- In terms of allowing mix of uses within General Manufacturing, the use chart in the *Complete Communities Direction Strategy* highlights the mix of uses to be **'Limited'** allowing 'Associated & Supportive Retail' as well as 'Supportive Personal Service',

Figure 2: Employment Lands Use Chart (page 93 *Complete Communities)*

- Key Directions and Policies guiding development within the General Manufacturing designation under the Complete Communities Direction Strategy include:
  - **Direction 3** – All Employment Lands - Maximize the Economic Development Potential of Existing and Future Employment Lands
    - *Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.*
  - **Direction 1** – Manufacturing Specific – Provide Ongoing Stewardship of Employment Areas

- *Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.*

The intent of the redevelopment of the subject site is to establish a new mixed use development that will cater to the existing businesses and their workforce with the surrounding employment area. The Letter of Intent submitted with the application suggests that the uses within the multi-tenant Building 'A' will likely include a variety of commercial and professional services of various sizes. The standalone building - Building 'B' is envisioned as a restaurant.

The proposed development will not be of a size that would be conducive to large scale 'destination' uses. The modest size of the proposed commercial / retail units as well as the strategic site location at the corner of the higher volume streets of Inkster Boulevard and Sheppard Street will attract the local traffic generated by the surrounding industrial area as well as the adjacent Maples neighbourhood.

ZONING

"M1" Manufacturing Light District

- The 'M1' district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.

RECOMMENDATION

If the existing Zoning Agreement was to be removed, the proposed redevelopment of the subject site would be regulated by the provisions of the "M1" Manufacturing Light zoning district. With this in mind, the Urban Planning Division is supportive of the applicant's request to remove Clause 3 of the Zoning Agreement and hence the entire agreement based on the City of Winnipeg's Legal Services interpretation.

- There are no concerns with allowing all of the permitted and conditional land uses listed under the 'M1' Manufacturing Light zoning district at the subject site.

This Report Submitted by: James Veitch
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # ZAA 1/2012