Minute No. 322
Report – Executive Policy Committee – April 3, 2013

Item No. 4 **Zoning Agreement Amendment – 500 Dovercourt Drive (River Heights-Fort Garry Ward) File ZAA 11/2012**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of zoning agreement amendment under File ZAA 11/2012 dated November 30, 1983, be amended for the subject property (Lot 5 Plan 21382 WLTO in OTM Lot 23 Parish of St. Vital) to permit an interior side yard setback of 6 feet (1.83 metres) instead of 15 feet (4.57 metres).

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 12/83 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 – April 3, 2013

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 3, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 12, 2013, 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 – 500 Dovercourt Drive**
File ZAA 11/2012

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **March 13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 12, 2013, 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 the plan of zoning agreement amendment under File ZAA 11/2012 dated November 30, 1983, be amended for the subject property (Lot 5 Plan 21382 WLTO in OTM Lot 23 Parish of St. Vital) to permit an interior side yard setback of 6 feet (1.83 metres) instead of 15 feet (4.57 metres).

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 12/83 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. This is a great community place.
2. The community is growing.
3. The owners have been great neighbours.

PUBLIC HEARING SUMMARY

File: ZAA 11/2012

Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi

Public Hearing: March 12, 2013
West Committee Room
Council Building, 510 Main Street

Applicant: Panjabi Canadians Society of Winnipeg Inc. (Nishan Warraich)

Subject:



Premises Affected: 500 Dovercourt Drive

Exhibits Filed:

1. Application dated December 13, 2012
2. Notification of Public Hearing dated December 21, 2012
3. Manitoba Status of Title 2487872/1
4. Copy of Caveat 84-71662
5. Copy of Zoning Agreement dated November 30, 1983
6. Surveyor's Building Location Certificate and sketch dated June 12, 2012
7. Plans (1 page)
8. Report from the Urban Planning Division dated March 6, 2013
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Rachhpal Singh Bhathal
Jaideep Singh Johar
Malkiat Kamboz
Jai Inder Sandhu
Amarjeet Warraich
Linda Young

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File ZAA 11/2012

ADMINISTRATIVE REPORT

Title: ZAA 11/12 – 500 Dovercourt Drive

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to provide a minimum side yard of 6 feet instead of 15 feet.

Critical Path: City Centre 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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1) That the Zoning Agreement under File DASZ 12/83 dated November 30, 1983 be amended for the subject property (Lot 5 Plan 21382 WLTO in OTM Lot 23 Parish of St. Vital) to permit an interior side yard setback of 6 feet (1.83 metres) instead of 15 feet (4.57 metres).

2) That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 12/83 as approved in aforesaid Recommendation 1.

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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 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 Urban Planning Division are concurred in, the Zoning Agreement will be amended to permit a south side yard setback of 6 feet instead of 15 feet.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Robinson, AICP, MCIP
Date:	March 6, 2013
File No.	ZAA 11/12

APPENDIX 'A'

DATE: March 6, 2013
FILE: ZAA 11/12
RELATED FILES: DASZ 12/83
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.661

SUBJECT: The applicant is proposing to amend the Zoning Agreement on the property in order to allow for the maintenance of non-conforming, existing patio built within the rear yard setback requirements.

LOCATION: 500 Dovercourt Drive

LEGAL DESCRIPTION: Lot 5 Plan 21382 WLTO in OTM Lot 23 Parish of St. Vital



APPLICANT: Nishan Warraich (Punjabi Canadians Society of Winnipeg Inc.)

OWNER: Same

RECOMMENDATION: Amend Zoning Agreement

SITE DESCRIPTION
The subject property, which is zoned "M2" Manufacturing District, is located on the southwest corner of Dovercourt Drive and Scurfield Boulevard, in the West Fort Garry Industrial Park neighbourhood of the River Heights – Fort Garry ward.

North: Light industrial/office uses zoned “M1” Manufacturing District

South: Light industrial/office uses zoned “M2” Manufacturing District

East: Light industrial/office uses zoned “M2” Manufacturing District

West: Light industrial/office uses zoned “M2” Manufacturing District

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is intending to expand their existing place of worship, by adding an addition to the southwest corner of the building. The addition would have an interior side yard setback of 6 feet.

Currently, there is a zoning agreement, which was caveated on the property in April 1984 which requires a 15 foot interior side yard setback.

The Winnipeg Zoning By-law, notwithstanding the zoning agreement, does not require any setback for interior side yards in the “M2” Manufacturing District.

ANALYSIS AND ISSUES

The intent of the zoning agreement was to ensure that the West Fort Garry Industrial Park was developed according to industrial park standards of the day, which include generous setbacks, open space, and landscaping.

The proposed amendment does not conflict with the overall intent, as the proposed addition is for a relatively small portion of the site, as the rear of the property. Furthermore, the proposed amendment has the support of the adjoining property owner to the west, who would be the most affected by the change.

For these reasons, it is recommended that the amendment be approved.

RECOMMENDATION

1) That the Zoning Agreement under File DASZ 12/83 dated November 30, 1983 be amended for the subject property (Lot 5 Plan 21382 WLTO in OTM Lot 23 Parish of St. Vital) to permit an interior side yard setback of 6 feet (1.83 metres) instead of 15 feet (4.57 metres).

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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.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # ZAA 11/12



Figure 1: Aerial Photo (Flown in 2012)