Agenda – Council – July 17, 2013

Report – Executive Policy Committee – July 10, 2013

Item No. 16 Zoning Agreement Amendment – 901 Lorette Avenue (Fort Rouge-East Fort Garry Ward) File ZAA 6/2013 [c/r DAV 129229/2013D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Zoning Agreement for the subject property (SP Lot 19 Plan 28986 WLTO in RL 29 and 30 Parish of St. Boniface) under File DAZ 258/77 dated August 12, 1977 be amended as follows:

   A. That Clause 2 be deleted and replaced with a new Clause 2, which states:

      That the following uses shall not be permitted on the land:
      i. Contractor's establishment.
      ii. Restaurant
      iii. Post office/carrier depot
      iv. Protection and emergency services

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DAZ 258/77, 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.

Agenda – Council – July 17, 2013

Report – Executive Policy Committee – July 10, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 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 July 9, 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 – 901 Lorette Avenue**
File ZAA 6/2013

For submission to: **Executive Policy Committee**

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

Report date: **July 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Zoning Agreement for the subject property (SP Lot 19 Plan 28986 WLTO in RL 29 and 30 Parish of St. Boniface) under File DAZ 258/77 dated August 12, 1977 be amended as follows:

   A. That Clause 2 be deleted and replaced with a new Clause 2, which states:

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The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. There is no opposition from the community.
2. It looks like it will have minimal impact.

PUBLIC HEARING SUMMARY

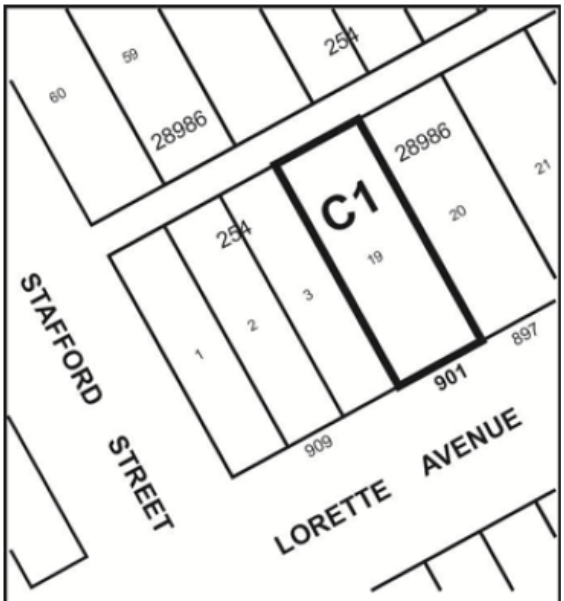
File: ZAA 6/2013

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

Public Hearing: July 9, 2013
Council Building, 510 Main Street

Applicant: Joe Grande (El:V Hair Body Nails Ltd.)

Subject:



APPLICANT : EL:V HAIR BODY NAILS LTD.

FILE : ZAA 6/13

PROPOSAL : To amend the Zoning Agreement DAZ 258/77, By-Law 1717/77 affecting the land shown outlined above by removing Clause 2, to permit the full range of uses in the "C1" Commercial District. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 901 Lorette Avenue

Exhibits Filed:

1. Application dated May 17, 2013
2. Notification of Public Hearing dated May 27, 2013
3. Manitoba Status of Title 2226018/1
4. Copy of Caveat 247280
5. Surveyor's Building Location Certificate and sketch dated November 12, 1971
6. Plans (7 pages)
7. Report from the Urban Planning Division dated July 3, 2013
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Joe Grande

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 6/2013

ADMINISTRATIVE REPORT

Title: ZAA 6/13 – 901 Lorette Avenue

Issue: For consideration at the Public Hearing to amend the Zoning Agreement by removing Clause 2, in order to permit the full range of uses in the "C1" Commercial District

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 for the subject property (SP Lot 19 Plan 28986 WLTO in RL 29 and 30 Parish of St. Boniface) under File DAZ 258/77 dated August 12, 1977 be amended as follows:

   That Clause 2 be deleted and replaced with a new Clause 2, which states:

   That the following uses shall not be permitted on the land:
   A. Contractor's establishment.
   B. Restaurant
   C. Post office/carrier depot
   D. Protection and emergency services

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DAZ 258/77, 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 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.

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:	July 3, 2013
File No.	ZAA 6/13

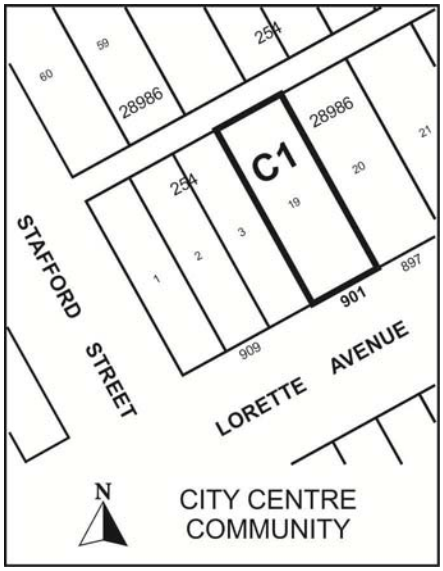
APPENDIX 'A'

DATE: July 3, 2013
FILE: ZAA 6/13
RELATED FILES: DAZ 258/77, DAV 129229/D
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.106

SUBJECT: The applicant is proposing to amend the Zoning Agreement on the property by removing Clause 2, in order to permit the full range of uses in the "C1" Commercial Disrict

LOCATION: 901 Lorette Avenue

LEGAL DESCRIPTION: Lot 19 Plan 28988 29/30 St B



APPLICANT: EL:V Hair. Body. Nails Ltd. (Joe Grande)

OWNER: Same

RECOMMENDATION: Amend Zoning Agreement

SITE DESCRIPTION:
The subject property, which is zoned "C1" Commercial District, is located on Lorette Avenue, between Stafford and Wentworth Streets, in the Earl Grey neighbourhood of the Ft. Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District

South: Commercial use zoned "C1" Commercial District

East: Residences zoned "R1-S" Residential Single-Family District

West: Commercial uses zoned "C1" Commercial District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to remove the existing zoning agreement on the property, in order to establish a dwelling unit and to expand the range of commercial uses that are permitted on the property.

In order to add a dwelling unit, the applicant is proposing a one-storey addition to the structure.

Reason for application:
Currently, Clause 2 of the zoning agreement of the property reads as follows:

The land and any building or structure thereon shall not be used for and no building or structure shall be erected, altered, or enlarged on the land for any use except:

a) a beauty parlour or barber shop
b) business or professional offices

ANALYSIS AND ISSUES
The proposal to add a dwelling unit to this structure is compatible with the neighbourhood and will not have an adverse impact on any adjacent properties.

The request to expand the range of commercial uses available on the site is also reasonable, given the extremely restrictive zoning agreement that current allows only two uses on the property. The Public Service recommends approval with an amended list of prohibited uses, which is less restrictive than the current agreement.

RECOMMENDATION

1) That the Zoning Agreement for the subject property (SP Lot 19 Plan 28986 WLTO in RL 29 and 30 Parish of St. Boniface) under File DAZ 258/77 dated August 12, 1977 be amended as follows:

   That Clause 2 be deleted and replaced with a new Clause 2, which states:

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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 6/13

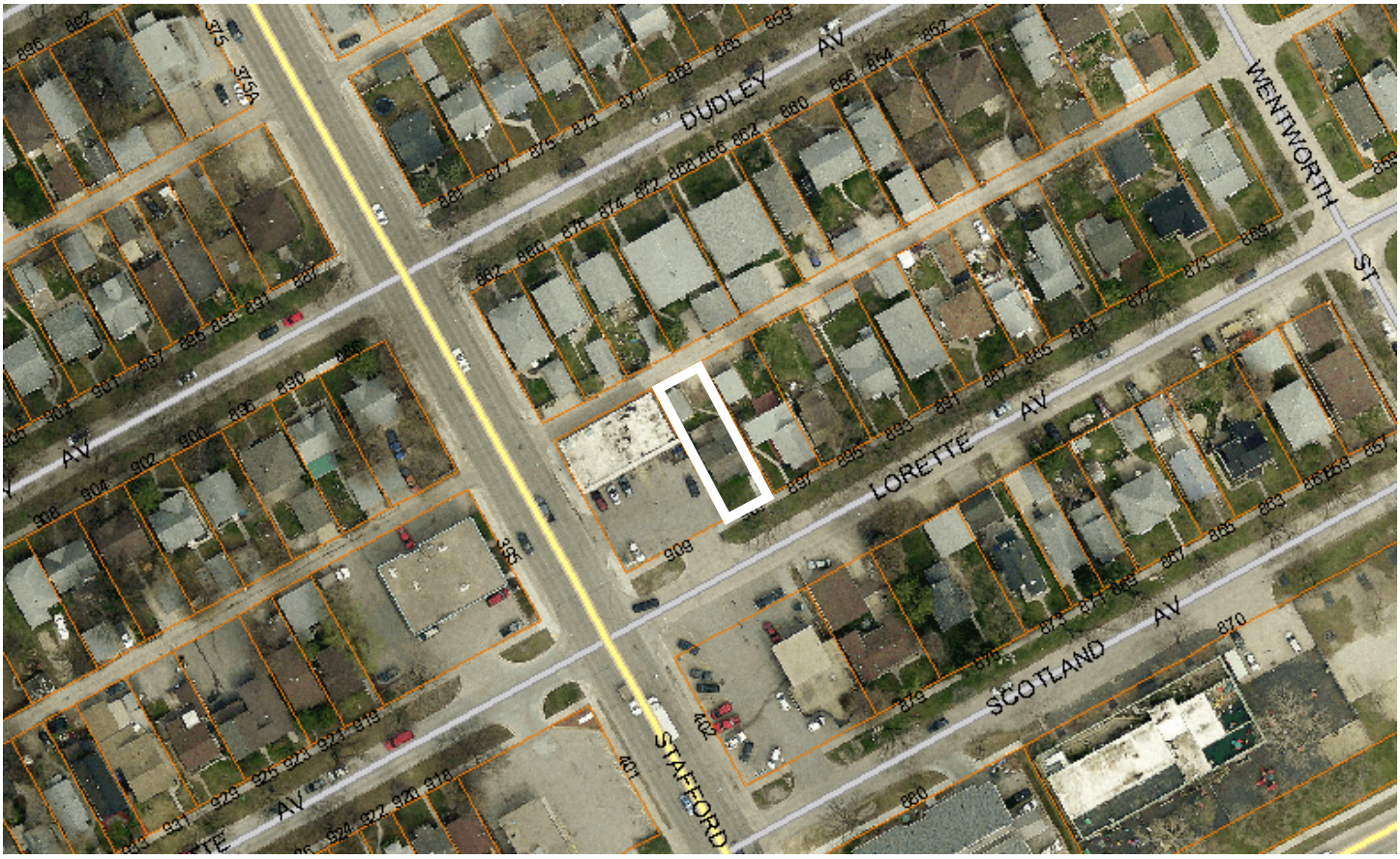

Figure 1: Aerial Photo (Flown in 2012)