**Agenda – Council – March 26, 2014**

**Report – Executive Policy Committee – March 12, 2014**

**Item No. 4 Zoning Agreement Amendment – 3 Winfield Way (St. James – Brooklands Ward) File ZAA 14/2013**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2014, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That the Zoning Agreement under File DASZ 10/77 dated September 20, 1977 (By-law No. 2000/78), be amended for the subject property (Lot 1 Plan 39688 NW 1411 2E) to permit an interior side yard of zero (0) feet instead of 10 feet, (3.048 metres).

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/77 (By-law No. 2000/1978), dated September 20, 1977 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 – March 26, 2014**

**Report – Executive Policy Committee – March 12, 2014**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2014, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 4, 2014, the Assiniboia 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 – 3 Winfield Way**
**(St. James – Brooklands Ward)**
**File ZAA 14/2013**

**For submission to:** **Executive Policy Committee**

**Prepared by:** **Destiny Watt, Committee Clerk**
**Assiniboia Community Committee**

**Report date:** **March 5, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 4, 2014, the Assiniboia 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 under File DASZ 10/77 dated September 20, 1977 (By-law No. 2000/78), be amended for the subject property (Lot 1 Plan 39688 NW 1411 2E) to permit an interior side yard of zero (0) feet instead of 10 feet, (3.048 metres).

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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 reason(s) for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 16, 2014.

2. There are no existing issues and will have no adverse effect on the neighbours.

**PUBLIC HEARING SUMMARY**

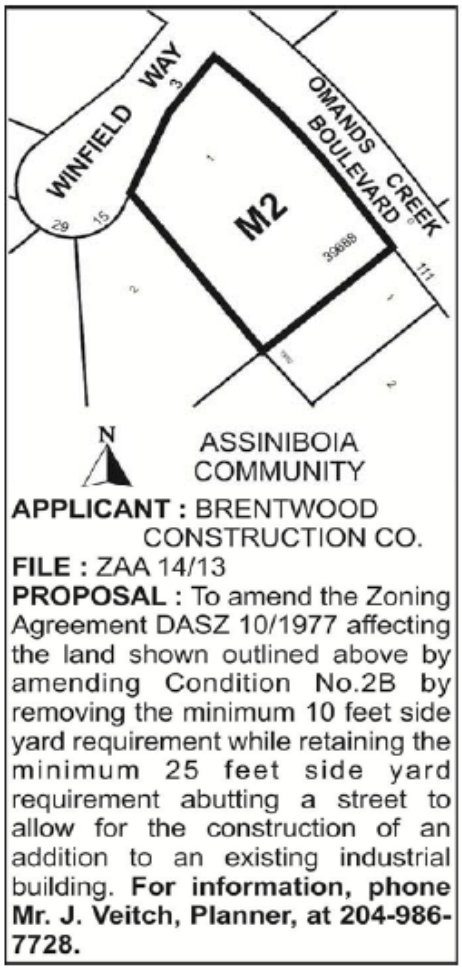
File: ZAA 14/2013

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding
Councillor Havixbeck

Public Hearing: March 4, 2014
Council Building, 510 Main Street

Applicant: Brentwood Construction Co.
(Kent Walters)

Subject:




Premises Affected: 3 Winfield Way

Exhibits Filed:

1. Application dated December 23, 2013
2. Notification of Public Hearing dated January 31, 2014
3. Manitoba Status of Title 2600301/1
4a. Letter of authorization dated June 20, 2012 from Trent Knight, President, 6425438 Manitoba Ltd. to Kent Walters
4b. Letter of authorization dated December 16, 2013 from Trent Knight to Kent Walters, Brentwood Construction Company
5. Surveyor's Building Location Certificate and sketch dated October 15, 2007
6. Zoning Agreement for DASZ 10/1977 dated September 20, 1977 together with Zoning Agreement Amendments dated April 1, 1981 and November 17, 1999
7. Caveat 2625771
8. Plan (1 page)
9. Report from the Urban Planning Division dated January 16, 2014
10. Inspection Report
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Kent Walters, Brentwood Construction Co.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Property and Development Department

Exhibit "9" referred to in File ZAA 14/2013

# ADMINISTRATIVE REPORT

**Title:** ZAA 14/2013 – 3 Winfield Way

**Issue:** For consideration at the Public Hearing to amend the Zoning Agreement by amending Clause 2B, in order to permit an interior side yard of 3.68 feet on the subject site, (Lot 1 Plan 39688 NW 1411 2E).

**Critical Path:** Assiniboine 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 10/77 dated September 20, 1977 (By-law No. 2000/78), be amended for the subject property (Lot 1 Plan 39688 NW 1411 2E) to permit an interior side yard of zero (0) feet instead of 10 feet, (3.048 metres).

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/77 (By-law No. 2000/1978), dated September 20, 1977 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 is proposing to develop a truck shelter addition to an existing industrial building with a southwest side yard of 3.68 feet.
- The existing zoning agreement on the land restricts the minimum side yard to 10 feet except where a side lot line abuts a street in which case the minimum side yard along that line shall be 25 feet.

- The applicant is requesting a side yard of 3.68 feet instead of 10 feet. As such, a zoning agreement amendment is required.
- 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 Urban Planning Division are concurred in, the Zoning Agreement will be amended to permit a south west side yard setback of zero (0) feet instead of 10 feet.

## HISTORY

***DASZ 10/1977***

- The subject property went through a subdivision approval process under file DASZ 10/77, and a proposed zoning changes to By-law 16502 by rezoning from an "A" Agricultural district to an "M2" Light Industrial district and a "PR" Park and Recreational district.
- A zoning agreement caveat was placed on the land in conjunction with that rezoning. Relevant clauses restricting the land under the zoning agreement is clause 2 (b) which states that:
    - Each building site within the land shall have minimum side yards of ten (10) feet except where a side lot line abuts a street in which case the minimum side yard along that lot line shall be twenty-five (25) feet.

**ZAA 10/1999**

- There was a zoning amendment application under file ZAA 10/99. The original zoning agreement attached with rezoning under file DASZ 10/77 was amended by adding clause 2 (c) which states that:
    - Notwithstanding subclause 2 (b) herein, that an aboveground tunnel structure, and the use thereof, be permitted for the purpose of connecting a one-storey metal-sided industrial building on property 1 to the rear of proposed warehouse on property 2, said tunnel structure and warehouse to be constructed in accordance with plans submitted, showing the design and layout of the site, including the approximate location and size of both structures, and attached hereto and marked as Schedule "A" to Zoning Agreement Amendment ZAA 10/99

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Femi Ojo |
| Date: | January 16, 2014 |
| File No. | ZAA 14/2013 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion

**APPENDIX 'A'**

**DATE:** January 14, 2014

**FILE:** **ZAA 14/2013**
**RELATED FILES:** DASZ 10/77 (c/r ZAA 10/99

**COMMUNITY:** Assiniboine
**NEIGHBOURHOOD #:** 2.225

**SUBJECT:** For consideration at the Public Hearing to amend clause 2 (b) of the zoning agreement as it applies to Lot 1 Plan 39688 NW 1411 2E to allow the construction of an addition within the required 10 foot south west side yard.

**LOCATION:** South side of WINFIELD WAY west of Omands Creek Blvd.
**LEGAL DESCRIPTION:** LOT 1 PLAN 39688 NW 1411 2E




**APPLICANT:** Trent Knight (Brentwood Construction Company)
WINNIPEG, MB.

**OWNER:** 6425438 MANITOBA LTD.
Unit B – 1865 Burrows Ave
WINNIPEG MB R2X 2V9

**RECOMMENDATION:** Approval

**SITE DESCRIPTION**

- The subject property is located on the southeast side of Winfield Way in the Omands Creek Industrial neighbourhood of the St. James - Brooklands Ward.
- The property is 1.7 acres in size. On the land is an existing one storey metal-sided industrial building.
- The site is located in a General Manufacturing district under the *Complete Communities Direction Strategy* and is zoned "M2" General Manufacturing.

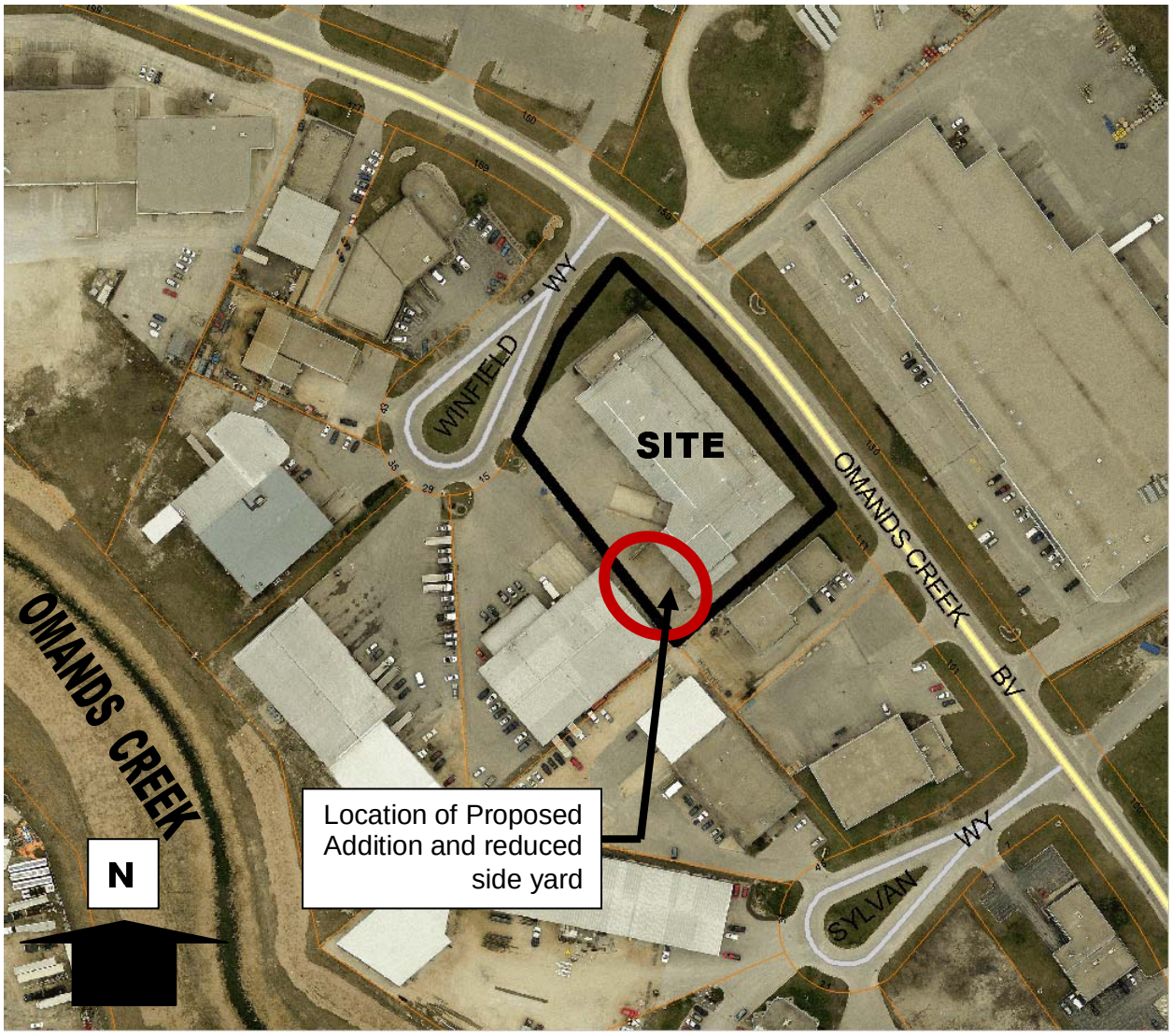



**Figure 1: Air photo of the subject property and surrounding area (2012)**

**SURROUNDING ZONING & USES (See Figure 2)**

**North:** Omands Creek Blvd, then land uses zoned "M2" General Manufacturing.

**South:** Land uses zoned "M2" General Manufacturing.

**East:** Land uses zoned "M2" General Manufacturing

**West:** Winfield Way, then land uses zoned “M2” General Manufacturing.

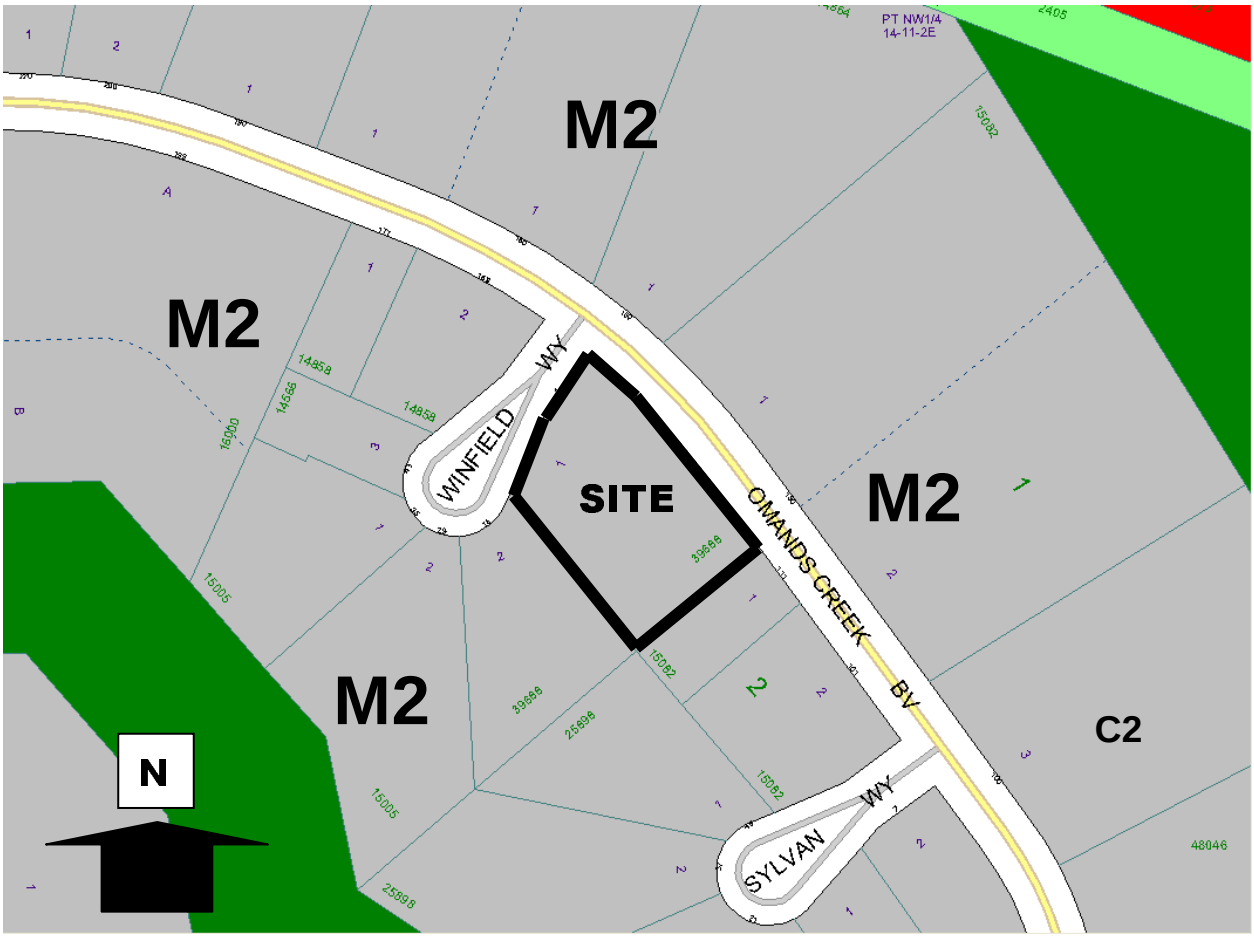



**Figure 2: Zoning of the subject property and surrounding area**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to develop a truck shelter addition to an existing industrial building with a southwest side yard of 3.68 feet.
- The proposed truck shelter will sit on an angle providing a wider 8 foot side yard at the south eastern end.
- The existing zoning agreement on the land restricts the minimum side yard to 10 feet except where a side lot line abuts a street in which case the minimum side yard along that line shall be 25 feet.
- The applicant is requesting a side yard of 3.68 feet instead of 10 feet. As such, a zoning agreement amendment is required, (see Figure 3 below)
- The Winnipeg Zoning By-law, notwithstanding the zoning agreement, does not require any setback for interior side yards in the “M2” Manufacturing District.

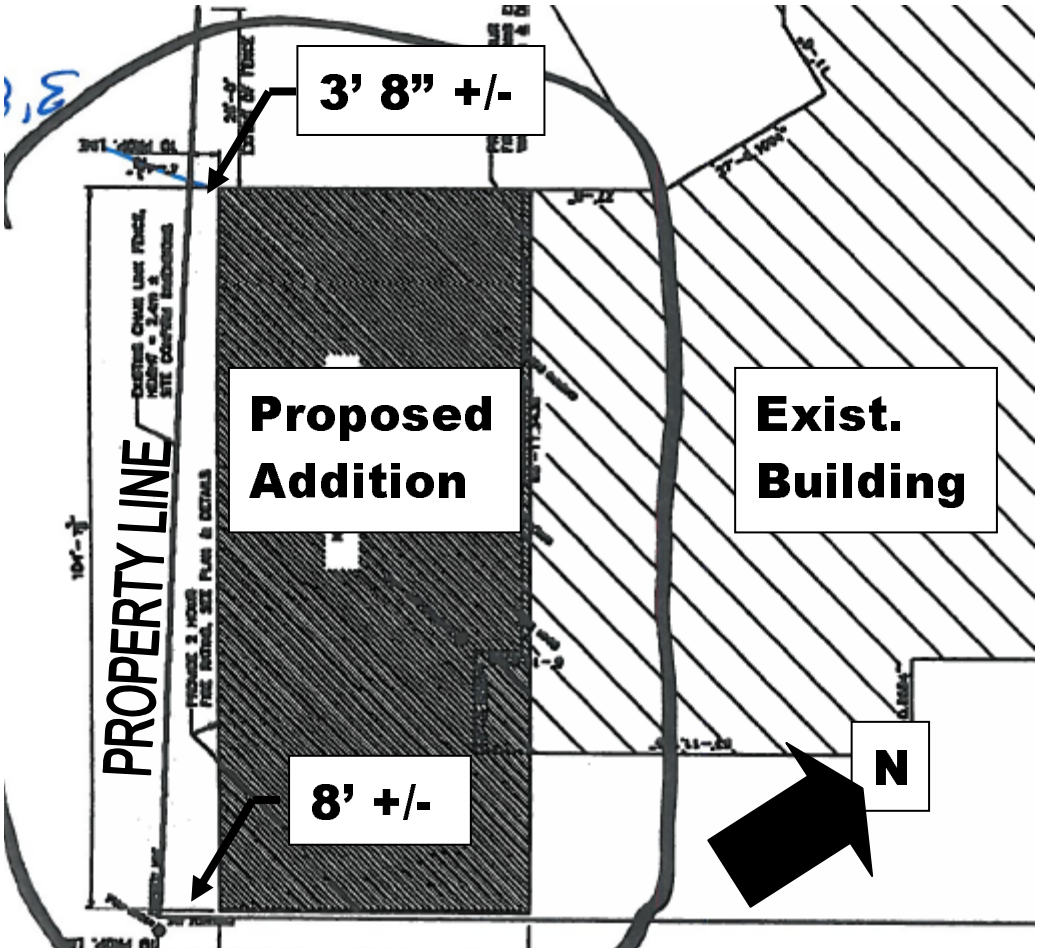



**Figure 3: Location and Setbacks of Proposed Addition**

## ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development falls under employment lands policy area. Key relevant policies guiding development in employment lands include:
    - Consider options to encourage development of under-utilized parcel and obsolete sites.
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.

ZONING (BY-LAW 200/2006)

*“M2” General Manufacturing District*

- The M2 zoning district is intended to accommodate light manufacturing, processing, service, storage. Wholesale, and distribution operations, with some limited outside operations and storage.

LAND USE BY-LAW

*Amendment to Zoning Agreement DASZ 10/77*

- The amendment will pertain to the subject lot, (Lot 1 Plan 39688 NW 1411 2E) only.
- The applicant is proposing to develop a truck shelter addition to an existing industrial building with a southwest side yard of 3.68 feet.
- The existing zoning agreement on the land restricts the minimum side yard to 10 feet except where a side lot line abuts a street in which case the minimum side yard along that line shall be 25 feet.
- The applicant is requesting a side yard of 3.68 feet instead of 10 feet. As such, a zoning agreement amendment is required.
- The Winnipeg Zoning By-law, notwithstanding the zoning agreement, does not require any setback for interior side yards in the “M2” Manufacturing District.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed shelter addition will be located in an existing asphalted area,
- The applicant’s proposal is consistent with the existing form, context and character in the area.
- The proposed development is an efficient use of under-utilized land which is in line with the *Complete Communities Direction Strategy.*
- The adjacent site to the southwest, sharing the side property line in question currently uses their side yard for the storage of pallets, small containers, etc., (see Figure 4 below)



**Figure 4: Photo of Effected Side yard**

## REASONS FOR RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed 3.68 feet side yard at the west point of the addition widening to 8 feet at the eastern point is beyond the zero foot side yard requirement for the 'M2' zone as per Winnipeg Zoning By-Law 200/2006.
- The proposed amendment is for the south west side yard of the subject site only, the 25 foot side yard requirement adjacent to Omands Creek Boulevard will remain in force.
- The proposed side yard will not have any effect on the adjoining manufacturing properties.
- The proposed amendment is in line with the Complete Communities Direction Strategy for employment lands.

## RECOMMENDATION

1. That the Zoning Agreement under File DASZ 10/77 dated September 20, 1977 (By-law No. 2000/78), be amended for the subject property (Lot 1 Plan 39688 NW 1411 2E) to permit an interior side yard of zero (0) feet instead of 10 feet, (3.048 metres).

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This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo
PPD File # ZAA 14/2013