Minute No. 411
Report – Executive Policy Committee – April 23, 2014

Item No. 2 Zoning Agreement Amendment – 1600 Buffalo Place (River Heights-Fort Garry Ward) File ZAA 2/2014 [c/r DAV 176010/2013D]

COUNCIL DECISION:

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

1. That Zoning Agreement under File DAZ 222/2000, (By-law No. 7719/2000), be amended as follows:

   A. That the words: "20 feet, south side of Buffalo Place west of Beaver Street" be deleted from Clause 3.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 222/2000, (By-law No. 7719/2000) 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 23, 2014

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 23, 2014, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2014, 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 – 1600 Buffalo Place**
File ZAA 2/2014

For submission to: **Executive Policy Committee**

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

Report date: **April 16, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2014, 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 Zoning Agreement under File DAZ 222/2000, (By-law No. 7719/2000), be amended as follows:

   A. That the words: "20 feet, south side of Buffalo Place west of Beaver Street" be deleted from Clause 3.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 222/2000, (By-law No. 7719/2000) 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. The City Centre Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 2, 2014.

PUBLIC HEARING SUMMARY

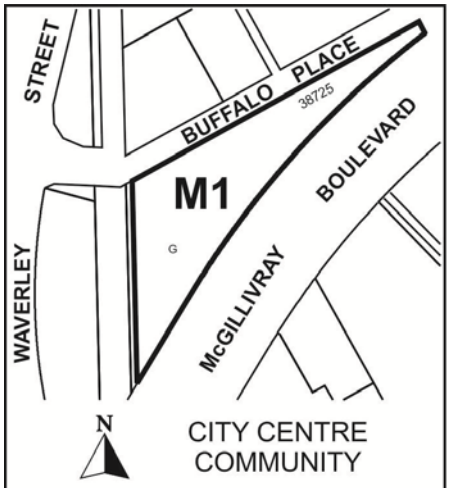
File: ZAA 2/2014

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

Public Hearing: April 15, 2014
Council Building, 510 Main Street

Applicant: Smith Carter Architects and Engineers Inc. (Tim Bondarenko)

Subject:



APPLICANT : SMITH CARTER ARCHITECTS AND ENGINEERS INCORPORATED
FILE : ZAA 2/14
PROPOSAL : To amend the Zoning Agreement DAZ 222/2000, ByLaw 7719/2000 affecting the land shown outlined above and/by amending Condition No. 3 by the removal of the 20 feet minimum yard requirement for the south side of Buffalo Place west of Beaver Street. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 1600 Buffalo Place

Exhibits Filed:

1. Application dated January 24, 2014
2. Notification of Public Hearing dated February 14, 2014
3. Manitoba Status of Title 1937959/1
4. Letter of authorization dated November 28, 2013 from Scott Stirton, CEO, Smith Carter to Tim Bondarenko
5. Surveyor's Building Location Certificate and sketch dated November 3, 2009 and revised on November 19, 2013
6. Caveat 2830736
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated April 2, 2014
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Larry Hamilton, Smith Carter Architects and Engineers Inc.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 2/2014

ADMINISTRATIVE REPORT

Title: ZAA 2/14 – 1600 Buffalo Pl

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

- Amend clause 3 by removing "20 feet, south side of Buffalo Place west of Beaver Street" as a yard requirement.

Critical Path 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	B. Thorgrimson	N/A	

RECOMMENDATIONS

1. That Zoning Agreement under File DAZ 222/2000, (By-law No. 7719/2000), be amended as follows:

   A. That the words: "20 feet, south side of Buffalo Place west of Beaver Street" be deleted from Clause 3.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 222/2000, (By-law No. 7719/2000) 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 wishes to amend the zoning agreement to allow a reduced yard for accessory parking.

- The property has a Zoning Agreement caveated on the Certificate of Title by the City of Winnipeg, of which one of the clauses requires a minimum 20 foot yard along Buffalo Place.
- The Public Service recommends approval of removing this requirement from the zoning agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

- *If the recommendations of the Planning and Land Use Division are concurred in, the subject clause will be deleted.*

HISTORY

- *The subject lands are zoned "M1" Manufacturing (Light) District as per DASZ 222/2000.*
- *Associated with the above DASZ is a Zoning Agreement caveated on the title (# 2830736/1).*
- *Key functions of the zoning agreement include limiting the types of uses that can be accommodated on the subject site and maintaining minimum yard setbacks.*

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	April 2, 2014
File No.	ZAA 2/14

APPENDIX 'A'

DATE:	April 2, 2014
FILE:	**ZAA 2/14**
RELATED FILES:	DAV 13-176010D, 14-111716 000 00 ZR
COMMUNITY:	City Centre
NEIGHBOURHOOD #:	1.652 (Buffalo)
SUBJECT:	For consideration at the Public Hearing to remove part of a clause in the Zoning Agreement pertaining to a yard setback.
LOCATION:	1600 Buffalo Place
LEGAL DESCRIPTION:	Parcel G, Plan 38725
APPLICANT:	Smith Carter Architects and Engineers Inc. / Tim Bondarenko 1600 Buffalo Place Wpg., MB R3T 6B8
OWNER:	Smith Carter Architects and Engineers Inc.
RECOMMENDATION:	**Approval**

REPORT SUMMARY

- The applicant is looking to remove a yard requirement from the zoning agreement to allow a reduced front yard to an accessory parking area.
- The Urban Planning Division recommends the application be approved.
- The layout of the parking area is consistent with other properties located on Buffalo Place.
- The unique shape of the property makes it difficult to comply with the minimum yard setback of the zoning agreement.
- The parking area is not visible from the street as it is screened with landscaping.

SITE DESCRIPTION

Land Use and Zoning

- The subject site, which is zoned "M1" Manufacturing (Light) District is located on the south side of Buffalo Place between Waverley Street and Otter Street in the Buffalo neighbourhood of the River Heights – Fort Garry ward.

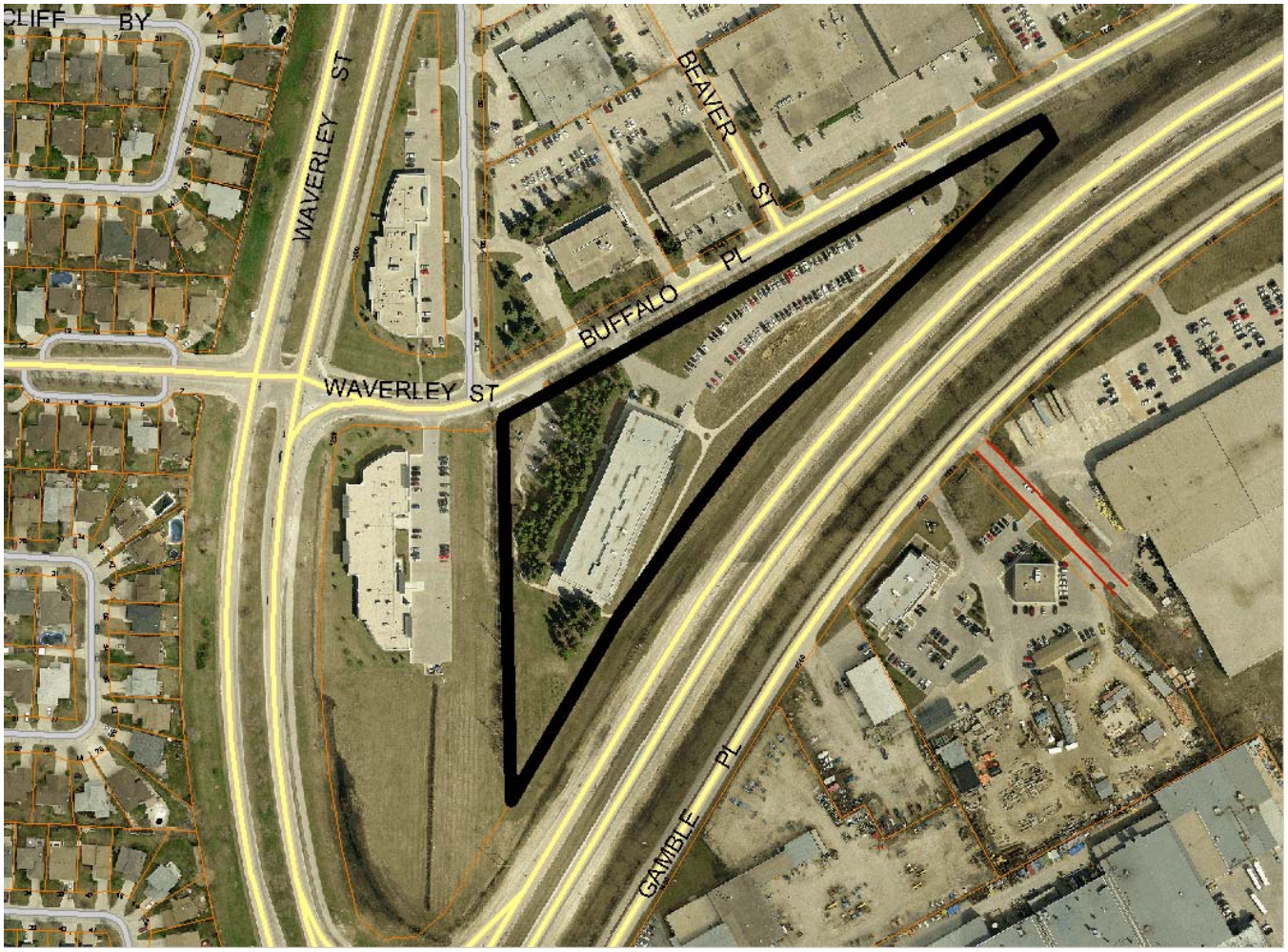


Figure 1: Subject Site and Surrounding Land Uses (flown 2012)

DESCRIPTION OF PROPOSED DEVELOPMENT

- Through this application, the applicant is looking to remove a yard requirement from the zoning agreement to allow a reduced front yard to an accessory parking area.
- If the applicant is successful in removing the yard requirement they will also need to obtain a variance to reduce the minimum front yard setback for properties zoned "M1" under by-law 200/2006 (this is the subject of associated File # DAV 13-176010). The applicant also requires that the plans be approved by the City Centre Community Committee as per the zoning agreement associated with DAZ 222/2000.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

- Under the *Complete Communities Direction Strategy* the proposed development is within the Employment Lands / General Manufacturing Policy Area. Key relevant policies guiding development within 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
- Allow for the development and retention of a broad range of employment lands and a variety of parcel sizes. Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.

The proposed development will invigorate an existing industrial property by accommodating more employees on site.

ZONING AGREEMENT

The subject property contains a zoning agreement that was created when the property was rezoned to"M1" in 2000. The zoning agreement contains a number of clauses including minimum yard setbacks, of which the applicant is attempting to amend. Specifically Clause 3 of the zoning agreement requires minimum yard setbacks including:

"20 feet, south side of Buffalo Place west of Beaver Street"

It is the above wording the applicant is requesting to have deleted from the zoning agreement.

DISCUSSION

The analysis set forth here is essentially the same as described in the variance application whereby the application is being supported on the basis of unique site characteristics. Specifically the shape of the site makes it difficult to satisfy the yard requirements of the by-law. The shape of the site can be described as triangular whereby the property tapers, becoming narrower moving eastward. The subject property flanks Buffalo Place to the north and Gamble Place to the south. These roads become closer to each other moving east. The effect is so drastic that the west property line of the subject site is approximately 635 feet in length and the east property line is 40 feet in length. Since the building is located on the western end of the site, the parking area is impacted by the decreasing lot depth moving west. The location of the parking area also provides for the maintenance of existing pathways that meander though the subject site.

RECOMMENDATION

The Urban Planning Division recommends the application be approved because:

- The proposed front yard setback will not impact neighbouring properties.
- The development of the parking area is consistent with other properties on Buffalo Place.
- The unique shape of the property, which narrows moving eastward, presents a significant challenge to designing the site in a manner that meets the minimum setback established in the zoning agreement and the zoning by-law.
- The subject parking area will accommodate the intensification of an already existing office building within an area designated for employment lands.
- The subject site, including parking area is well landscaped and as a result the parking area is not visible to traffic travelling along Buffalo Place.

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

Report Prepared By: Noah Yauk
PPD File # ZAA 2/14