Agenda – Council – July 16, 2014

Report – Standing Policy Committee on Property and Development – July 8, 2014

Item No. 13 Zoning Agreement Amendment – 500 Academy Road (River Heights-Fort Garry Ward) File ZAA 7/2014 [c/r DCU 114407/2014D, DAV 114412/2014D]

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Zoning Agreement for the subject property (SP Lot 48 Block 10 Plan 1094 WLTO in RL 54 to 56 Parish of St. B and Lot 163 Plan 26013 WLTO in RL 54 to 56 St. B) under File DAZ 220/2011 dated April 25, 2012 be amended as follows:

    A. That Clause 3 be deleted and replaced with a new Clause 3, which states:

        i. That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-7 for File No. ZAA 7/2014 dated June 2, 2014

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DAZ 220/2011, 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 – Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, did not concur in the recommendation of the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, did not concur in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2014, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and the application for zoning agreement amendment under File ZAA 7/2014 [c/r DCU 114407/2014D, DAV 114412/2014D] be rejected, and forwarded to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 500 Academy Road**
File ZAA 7/2014

For submission to: **The Standing Policy Committee on Property and Development**

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

Report date: **June 12, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2014, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for zoning agreement amendment under File ZAA 7/2014 [c/r DCU 114407/2014D, DAV 114412/2014D] be rejected.

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

1. The caveat on the property is very serious as the intent of 1B is supposed to be a low intensive area. The intent has always been to be smaller in scale.
2. The applicant has followed the PDO and has done a very good job in fulfilling the other requirements, however I am not willing to release the caveat on the property.
3. There should be a smaller massing on that property as the intent of 1B was a small footprint.

PUBLIC HEARING SUMMARY

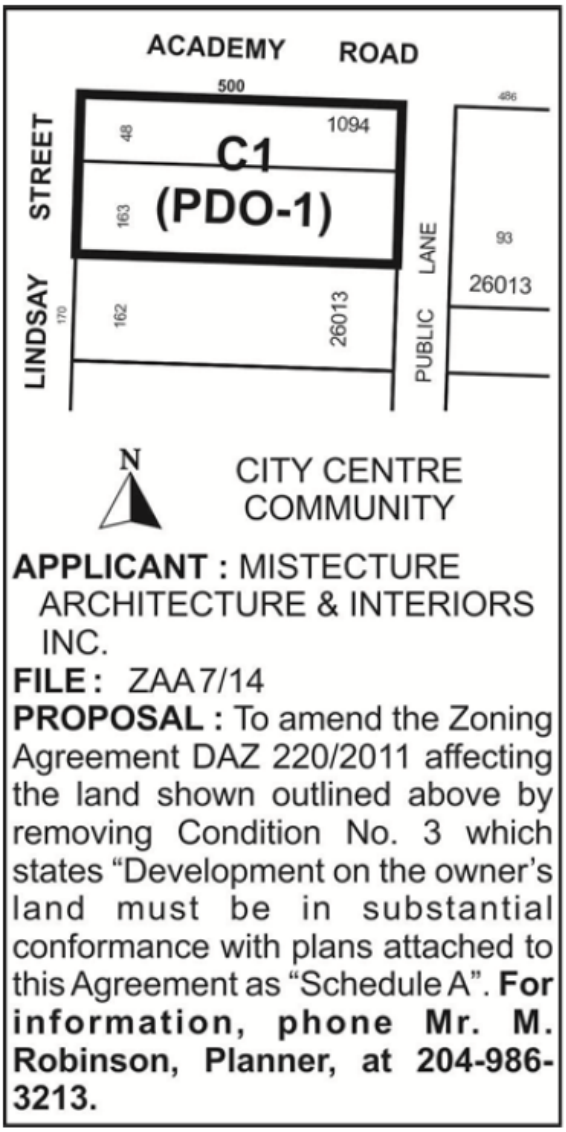
File: ZAA 7/2014

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

Public Hearing: June 10, 2014
Council Building, 510 Main Street

Applicant: Mistecture Architecture and Interiors Inc. (Hijab Mitra)

Subject:



Premises Affected: 500 Academy Road

Exhibits Filed:

1. Application dated April 1, 2014
2. Notification of Public Hearing dated April 14, 2014
3. Manitoba Status of Title 2708744/1
4. Letter of authorization dated March 25, 2014 from Mara Silver and Shane Silver, Silver Derm Holdings Ltd. to Hijab Mitra, Mistecture Architecture and Interiors Inc.
5. Surveyor's Building Location Certificate and sketch dated August 3, 2011
6. Caveat 4305114/1
7. Drawings of subject property (5 pages)
8. Plans (7 pages)
9. Report from the Urban Planning Division dated June 4, 2014
10. Inspection Report
11. Communication dated June 10, 2014, from Joe Enright in support of the application
12. Communication dated June 10, 2014, from Gary Bachman in support of the application
13. Communication dated June 10, 2014, from Shouren Bose in support of the application
14. Communication dated June 10, 2014, from Sherry Stein in support of the application
15. Communication dated June 10, 2014, from Jeff Kerr, Academy Road BIZ, in support of the application
16. Communication dated June 10, 2014, from Jamie Knox in support of the application
17. Communication dated June 10, 2014, from Yoav Keynan in support of the application
18. Communication dated June 7, 2014, from Wilna Dehls in opposition to the application
19. Communication dated June 7, 2014, from Wilfred L. Leverton in support of the application
20. Communication dated June 6, 2014, from Wendy Hamilton in opposition to the application
21. Communication dated June 8, 2014, from Victoria Taraska, The Derm Centre, in support of the application
22. Communication dated June 10, 2014, from Uchenna Nnadi in support of the application
23. Communication dated June 8, 2014, from Tony Starkey in opposition to the application
24. Communication dated June 9, 2014, from Toby Decker in opposition to the application
25. Communication dated June 10, 2014, from Terry and Ren Lapp in opposition to the application

26. Communication dated June 10, 2014, from Tara Greenberg in support of the application
27. Communication dated June 10, 2014, from Shirley and Bryan Waller in support of the application
28. Communication dated June 6, 2014, from Shelley Chochinov in opposition to the application
29. Communication dated June 10, 2014, from Shellbea Holigroski in support of the application
30. Communication dated June 7, 2014, from Sharon Geddes in opposition to the application
31. Communication dated June 10, 2014, from Sarrah Longmuir in support of the application
32. Communication dated June 7, 2014, from Sandra Slotin in support of the application
33. Communication dated June 9, 2014, from Sam Vickar, Vickar Community Auto Group in support of the application
34. Communication dated June 10, 2014, from Ryan Litovitch in support of the application
35. Communication dated June 10, 2014, from Rose Marie Prall DArgis, Manitoba Liquor and Lotteries, in support of the application
36. Communication dated June 10, 2014, from Ron Yurman in support of the application
37. Communication dated June 9, 2014, from Ron Gall in support of the application
38. Communication dated June 9, 2014, from Roma Maconachie in opposition to the application
39. Communication dated June 10, 2014, from Richard Gall in support of the application
40. Communication dated June 10, 2014, from Patricia McInnis in support of the application
41. Communication dated June 10, 2014, from Neil Holigroski in support of the application
42. Communication dated June 10, 2014, from Michelle Floch, Royal Bank of Canada, in support of the application
43. Communication dated June 10, 2014, from Mel Coodin in support of the application
44. Communication dated June 10, 2014, from Marni Dangerfield in opposition to the application
45. Communication dated June 10, 2014, from Mark Lomow, CFP Assante Estate and Insurance Services Inc., in support of the application
46. Communication dated June 10, 2014, from Marilyn Howlett in support of the application

47. Communication dated June 10, 2014, from Lexie Yurman in support of the application
48. Communication dated June 10, 2014, from Leilani Kagan in support of the application
49. Communication dated June 9, 2014, from Lara Reimer in opposition to the application
50. Communication dated June 9, 2014, from Kori Kagan in support of the application
51. Communication dated June 10, 2014, from Kim Bresler in support of the application
52. Communication dated June 9, 2014, from Kelly Moss in opposition to the application
53. Communication dated June 10, 2014, from Kara Rosenblat in support of the application
54. Communication dated June 10, 2014, from Karla Yallits in opposition to the application
55. Communication dated June 10, 2014, from Julie Garcia in support of to the application
56. Communication dated June 10, 2014, from Joyce and Jeff Kerr, in support of the application
57. Communication dated June 10, 2014, from Joshua Mueller in support of the application
58. Communication dated June 10, 2014, from Jennifer and Ian Dimerman in support of the application
59. Communication dated June 10, 2014, from Ian Dimerman, Cambrian Credit Union, in support of the application
60. Communication dated June 10, 2014, from Haley Yurman in support of the application
61. Communication dated June 7, 2014, from Georgette Dangerfield with respect to the application
62. Communication dated June 10, 2014, from George Andrews, G.J. Andrews Food and Wine Shoppe, in opposition to the application
63. Communication dated June 8, 2014, from Gary Hamilton in opposition to the application
64. Communication dated June 10, 2014, from Elsie Greaves in support of the application
65. Communication dated June 10, 2014, from Elana Honcharuk in opposition to the application
66. Communication dated June 9, 2014, from Evan J. Roitenberg, Gindin Wolson Simmonds Roitenberg, in support of the application
67. Communication dated June 9, 2014, from Derrick McBride in opposition to the application
68. Communication dated June 10, 2014, from Deb Young and Bruce Betteridge in opposition to the application

69. Communication dated June 9, 2014, from David Gurvey, CRD Construction Ltd., in support of the application
70. Communication dated June 9, 2014, from Danna Kaplan, Milestones Therapy, in support of the application
71. Communication dated June 7, 2014, from Doug and Pat Brugger in opposition to the application
72. Communication dated June 10, 2014, from Charlotte Westdal in opposition to the application
73. Communication dated June 10, 2014, from Catherine Patterson in opposition to the application
74. Communication dated June 10, 2014, from Carla Robinson in opposition to the application
75. Communication dated June 9, 2014, from Brenlee Schacter in support of the application
76. Communication dated June 10, 2014, from Bob Freedman, Jewish Federation of Winnipeg, in support of the application
77. Communication dated June 10, 2014, from Beth Ritcher in support of the application
78. Communication dated June 6, 2014 and June 9, 2014, from Bob Tollefson in opposition to the application
79. Communication dated June 4, 2014, from Annabel Scott in opposition to the application
80. Communication dated June 10, 2014, from Anita Wortzman in support of the application
81. Communication dated June 9, 2014, from Andrea Weber Ethans in opposition to the application
82. Communication dated June 9, 2014, from Amy Samphir in support of the application
83. Communication dated June 10, 2014, from Betty L. Nesbitt in opposition to the application
84. Communication dated June 10, 2014, from Peter Chambers in opposition to the application
85. Communication dated June 10, 2014, from Kelly and Catherine Forzley in opposition to the application
86. Communication dated June 10, 2014, from Darren Boese in opposition to the application
87. Presentation in support of the application submitted by the applicant at the public hearing
88. Supporting documents in support of the application submitted by the applicant at the public hearing
89. Presentation in opposition to the application submitted by Lindsey Steek at the public hearing
90. Petition in opposition to the application purporting to contain the signatures of 257 area residents submitted by Lindsey Steek

91. Presentation in opposition to the application submitted by Barry Jansen at the public hearing
92. Audio Recording of representations

REPRESENTATIONS:

In Support:

Shane Silver, Silver Derm Holdings
Hijab Mitra, Mistecture Architecture and Interiors Inc.
C.L. Chappell
Ron Silver
Walter Bloch
Susana Leistner Bloch
Heather Berkowits
Les Slotin
Edy Chang
Jerry Butler
Joe Enright
Bryan D. Klein
Yoav Keynan
Gail Jacobs
Helga Mardirosian
Mara Silver
Victor Tomassetti
Wendy Lagrou
Matthew Nicolas
Daniel Friedman
Bobby Goldberg
Les Rykiss
Matthew Narvey
Anita Reith
Lorraine McInnes
Marilyn Howlett
Jacqueline East
Richard Moraltz
Einat Paz-Keynan
Geoff Slotin
Pamela Percy
Rita Silver
Charles Morris
Alan Greenberg
Danny Braunstein
Ron Yurman
Daniel Samphir
A. Mardirosian

Ken Campbell
Jordan Hochman
Murray Waldman
Ariel Karabelnicoff
Victoria Taraska
Uchenna Nnadi
Tara Greenberg
Shirley & Bryan Waller
Sherry Stein
Shellbea Holigroski
Sarrah Longmuir
Sandra Slotin
Sam Vickar
Ryan Litovitch
Wilfred L. Leverton.
RoseMarie PrallDArgis
Ron Yurman
Ron Gall
Richard Gall
Patricia McInnis
Neil Holigroski
Michelle Floch
Mel Coodin
Mark Lomow
Lexie Yurman
Leilani Kagan
Kori Kagan
Kim Bresler
Kara Rosenblat
Julie Garcia
Joyce and Jeff Kerr
Jennifer and Ian Dimerman
Jamie Knox
Haley Yurman
Evan J. Roitenberg
David Gurvey
Danna Kaplan
Brenlee Schacter
Bob Freedman
Beth Ritcher
Anita Wortzman
Amy Samphir
Elsie Greaves
Joshua Mueller
Gary Bachman
Shouren Bose

In Opposition:

Gail Robison
Barry Jansen and Alison Jansen
Dolores and Roy Kratsch
Evelyn Forget
Richard Lobdell
Alan Marshall
Mindy Moss
Judith Perrin
Lindsey Steek
Eric Reimer
Alex and Zyna Boyes
Cynthia Gyles
Janice Perkins
Gary Hamilton
R. Tollefson
Margaret Tollefson
Roberta McDonald
Bromley Basford
Garth Steek
Ruth Rennie
Wendy Hamilton
Toby Decker
Terry and Ren Lapp
Rochelle (Shelley) Chochinov
Sharon Geddes
Roma Maconachie
Peter Chambers
Marni Dangerfield
Lara N. Reimer
Kelly Moss
Kelly and Catherine Forzley
Karla Yallits
Jeff Kerr
Georgette Dangerfield
George Andrews
Elana Honcharuk
Derrick McBride
Deb Young and Bruce Betteridge
Darren Boese
Doug and Pat Brugger
Charlotte Westdal

Catherine Patterson
Carla Robinson
Betty L. Nesbitt
Bob Tollefson
Annabel Scott
Andrea Weber Ethans
Wilna Dehls
Tony Starkey

For Information:

Nil

For the City:

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

Exhibit "9" referred to in File ZAA 7/2014

ADMINISTRATIVE REPORT

Title: ZAA 7/14 – 500 Academy Road

Issue: For consideration at the Public Hearing to amend the Zoning Agreement by removing Clause 3, which states "Development on the owner's land must be in substantial conformance with plans attached to this agreement as "Schedule A". in order to permit a redevelopment of the site

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 48 Block 10 Plan 1094 WLTO in RL 54 to 56 Parish of St. B and Lot 163 Plan 26013 WLTO in RL 54 to 56 St. B) under File DAZ 220/2011 dated April 25, 2012 be amended as follows:

That Clause 3 be deleted and replaced with a new Clause 3, which states:

That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-7 for File No. ZAA 7/2014 dated June 2, 2014

2) That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DAZ 220/2011, 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:	June 4, 2014
File No.	ZAA 7/2014

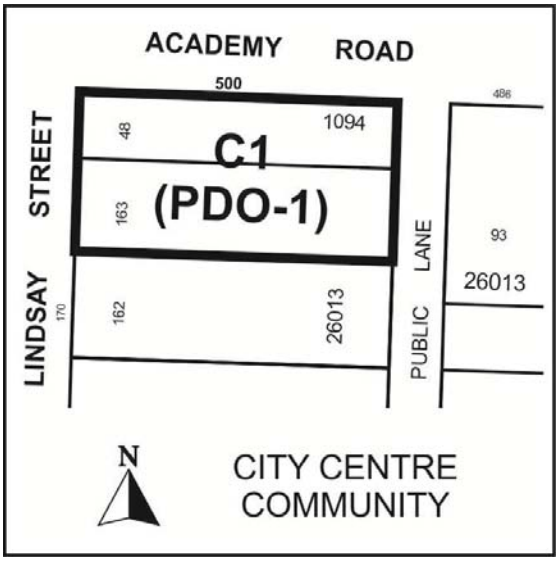
APPENDIX 'A'

DATE: June 4, 2014
FILE: ZAA 7/14
RELATED FILES: DAV 14-114412/D, DCU 14-114407/D, DASSF 532/14
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.620

SUBJECT: The applicant is proposing to amend the Zoning Agreement on the property by removing Clause 3, in order to permit a redevelopment of the site.

LOCATION: 500 Academy Road

LEGAL DESCRIPTION: SP Lot 48 Block 10 Plan 1094 WLTO in RL 54 to 56 Parish of St. B and Lot 163 Plan 26013 WLTO in RL 54 to 56 St. B



APPLICANT: Mistecture Architecture and Interiors Inc.

OWNER: Silver Derm Holdings Inc.

RECOMMENDATION: Amend Zoning Agreement

SITE DESCRIPTION:
The subject property, which is zoned "C1" Commercial District PDO-1 Academy Road Neighbourhood Main Street, is located at the northeast corner of Lindsay Street and Academy Road, in the north River Heights neighbourhood of the River Heights – Fort Garry ward.

North: Academy Road

South: Residences zoned "R1-M" Residential Single-Family District

East: Commercial uses zoned "C2" Commercial District

West: Residences zoned "R1-M" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to remove the existing zoning agreement on the property, in order to redevelop the site with a new commercial building.

The proposed building is two storeys, with a basement.

The proposed use of the building is a medical clinic on the first floor/basement and an office on the second floor.

The applicant is proposing 5 parking stalls at the rear of the property.

Reason for application:
Currently, Clause 3 of the zoning agreement of the property reads as follows:

Development on the owner's land must be in substantial conformance with plans attached to this agreement as "Schedule A".

This clause refers to the previous plans for the site, which reflected an intention to maintain the existing house and grounds in their current condition.

Given that they wish to alter the site, this condition must be removed in order to proceed with a new development on the site.

ANALYSIS AND ISSUES
A. Context
There is a small retail cluster present immediately adjacent to the subject property. More specifically, frontage properties on the south side of Academy Road, immediately east of the subject property are commercial for approximately 1.5 blocks. Properties include an interior decorator, a small retail establishment, an insurance office, and an engineering firm. Immediately across the street are a church and a small retail establishment.

B. Policies
*O*urWinnipeg and Complete Communities Direction Strategy
Neighbourhood Mixed Use Corridor
Academy Road has the characteristics of a neighbourhood mixed use corridor. Neighbourhood mixed use corridors are local collector streets that accommodate retail and mixed use forms in small clusters with low to medium density housing located between the clusters. In order to accommodate the city's anticipated increase in residential, commercial, and employment densities, portions of neighbourhood mixed use corridors will experience moderate growth and change, including the introduction of new commercial development, when contextually suitable and required by market demand.

While commercial development is not appropriate at all locations along neighbourhood mixed use corridors, Complete Communities supports a cluster approach, whereby multi-block sections of corridors, which already have existing commercial development patterns, key intersections, and/or other property influences are encouraged to intensify.

By accommodating commercial development on a corridor, adjacent to an existing commercial development node, the location of the proposed rezoning complies with the intent of Complete Communities.

Academy Road Planned Development Overlay (PDO-1)
The subject property is located in Area 1A, which is the Shops and Service Sub Area. Within this area, commercial development may be permitted. (see Appendix 'C' for map)

C. Amendment

Reason for condition #3

From the perspective of the Winnipeg Public Service, the condition which required the site to be developed in substantial conformance with the previous plans was not intended to freeze the property in time, so that no redevelopment could ever occur.

It was intended to ensure that if there was a redevelopment proposal in the future, that a public process would be triggered and that the community would have a venue to provide input into the new plans and elected officials would have a formal process for decision making.

Proposed development

The proposed development complies with the Academy Road PDO. It meets the maximum FAR (floor area ratio) in the "C1" District and the proposed design is residentially styled and in keeping with the character of the neighbourhood.

PDO

The proposed development is consistent with the Academy Road PDO-1.

Height (Policy 4.8a)
The proposed height is 25 feet to the mid-point of the pitched roof. Consequently, the design complies with Policy 4.8 (a), where a setback is required if the height exceeds 25 feet.

Yard Requirements (Policy 4.8b)
The building is setback 2 feet from Academy Road. This meets the intent of the PDO, which requires a maximum setback of 10 feet.

Parking and Loading (Policy 4.9)
All parking and loading must occur at the rear or side of buildings. The proposed parking is located at the rear.

Entryway design (Policy 4.11a)
The main public entrance faces Academy Road and is directly accessible from the public sidewalk

Building transparency (Policy 4.11b)
30% of the façade is transparent and at least half of this is less than 4 feet above street level.

Façade articulation (Policy 4.11c)
The façade includes significant articulation including wall plane projections and recesses in conformance with the PDO.

Roof articulation (Policy 4.11d)
The roofline contains significant variation in conformance with the PDO.

Floor Area Ratio

Floor area ratio (FAR) is a measure of lot coverage and building bulk. It is calculated by measuring the total square footage of the building and dividing by the square footage of the lot. In the "C1" District, the maximum FAR is 1.0.

The proposed square footage above grade is 6,457 sq ft. The overall lot area is 7,200 sq ft. This equate to a floor area ratio of .896.

It is in keeping with the size of building that is permitted in the C1 District.

Setbacks
The proposed setbacks are as follows:

Academy Road: 2 feet
The Academy Road PDO requires new buildings to be built up to the street[1]

Lindsay Street: 16 feet-36 feet
The building transitions from a 16 foot setback close to Academy Road to a 36 foot setback at the south property line. This setback transition is consistent with other commercial properties in River Heights that abut residential properties.

South side yard: 10 feet
The building provides a 10 foot setback from the south property line. The current building is 3.35 feet from the south property line.

Rear yard: 27' 7"
The building provides a 27' 7" setback from the back lane. The Winnipeg Zoning By-law requires a setback of 25 feet for residential and commercial buildings. The current house is setback approximately 30 feet to the building wall and 19 feet to the deck.

Compared to the current building, the new building maintains similar or increased setbacks in locations that abut the adjacent residential property to the south. The reduced setbacks are in areas that are further away and have little or no impact on the residential property to the south.

Landscaping
A number of mature trees have to be removed from the property in order to accommodate the proposed building. The trees are an important feature of the site and it is a loss to see them removed. The applicant is planting a few new coniferous trees on site and has indicated that they are also willing to pay for an equal number of trees that are being removed to be planted elsewhere in the neighbourhood.

RECOMMENDATION

1) That the Zoning Agreement for the subject property (SP Lot 48 Block 10 Plan 1094 WLTO in RL 54 to 56 Parish of St. B and Lot 163 Plan 26013 WLTO in RL 54 to 56 St. B) under File DAZ 220/2011 dated April 25, 2012 be amended as follows:

   That Clause 3 be deleted and replaced with a new Clause 3, which states:

   That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-7 for File No. ZAA 7/2014 dated June 2, 2014

2) That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DAZ 220/2011, as approved in aforesaid Recommendation 1.

[1] The PDO sets a maximum building setback of 10 feet for properties with a front yard on Academy Road

3) That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

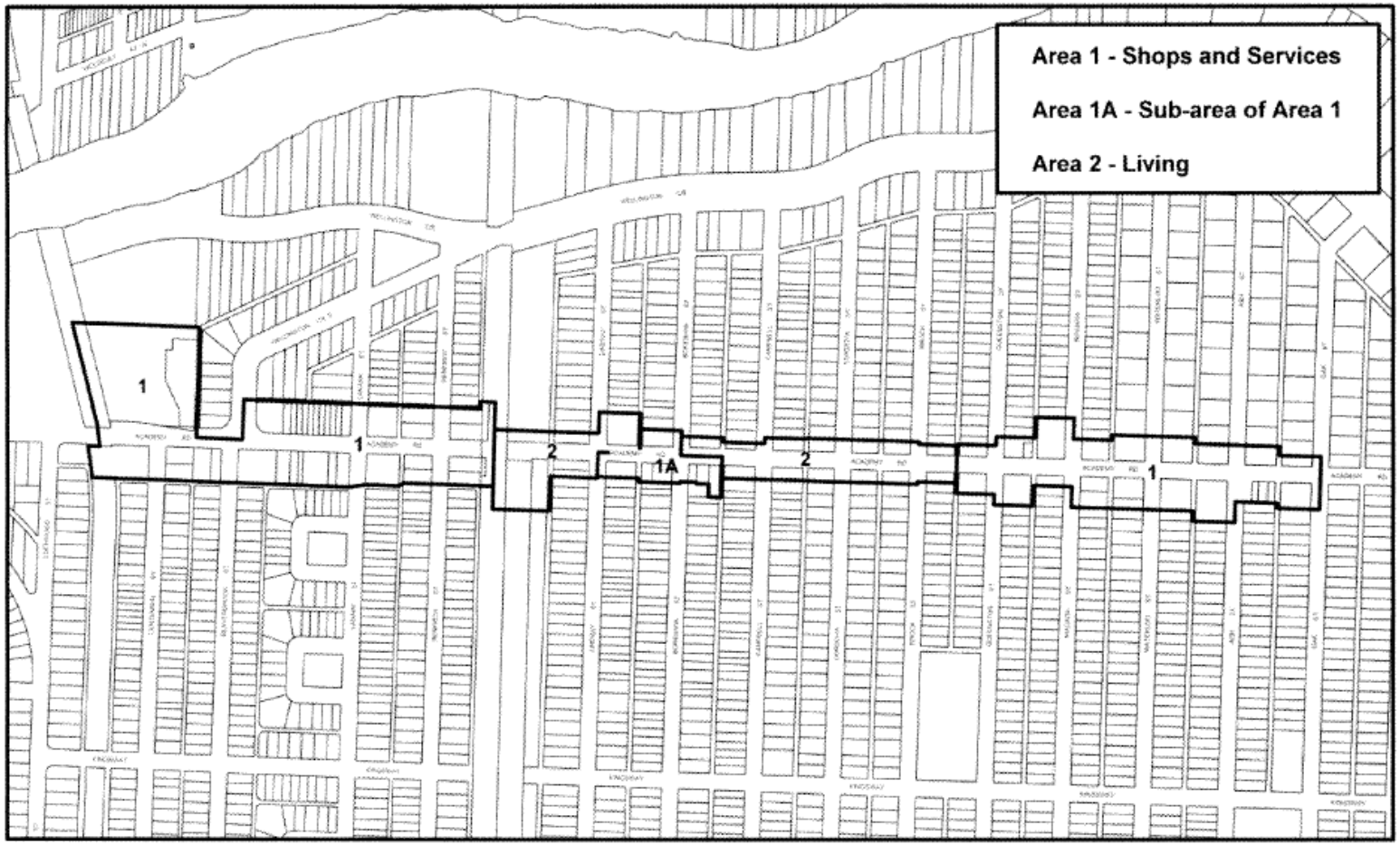
4) That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # ZAA 7/14



Figure 1: Aerial Photo (Flown in 2012)



Map 1: Academy Road Principal Overlay Map