Agenda - Council – December 10, 2014

Report - Executive Policy Committee – November 28, 2014

Item No. 3 Zoning Agreement Amendment – 2020 and 2030 Corydon Avenue (Charleswood – Tuxedo Ward)
File ZAA 13/2014

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 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 Caveats 85-55062 and 1111651 under File DAZ 268/84 dated January 23, 1985 (By-law 3982/85) and ZAA 14/88 dated September 14, 1988 (By-law 3982/85) be withdrawn and replaced with a new Zoning Agreement as follows:

    A. That, the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That the land be restricted as follows:

        i. That the following shall not be permitted as a principal use on the land:
            a. Drive-in or drive-through
            b. Auto/light truck/motorcycle repair and service
            c. Auto/light truck/motorcycle, sales and rental

    C. That the maximum height of any building shall be no greater than thirty-five (35) feet.

    D. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 268/84 dated January 23, 1985 and ZAA 14/88 dated September 14, 1988 (By-law3982/85) as approved in aforesaid Recommendation 1.

Report - Executive Policy Committee – November 28, 2014

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 – November 28, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 2014, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 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 - 2020 and 2030 Corydon Avenue**
File ZAA 13/2014

For submission to: **Executive Policy Committee**

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

Report date: **November 18, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 17, 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 Caveats 85-55062 and 1111651 under File DAZ 268/84 dated January 23, 1985 (By-law 3982/85) and ZAA 14/88 dated September 14, 1988 (By-law 3982/85) be withdrawn and replaced with a new Zoning Agreement as follows:

    A. That, the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

    B. That the land be restricted as follows:

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            c. Auto/light truck/motorcycle, sales and rental

    C. That the maximum height of any building shall be no greater than thirty-five (35) feet.

    D. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 268/84 dated January 23, 1985 and ZAA 14/88 dated September 14, 1988 (By-law3982/85) 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 Assiniboia Community Committee provided the following supporting reason 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 November 13, 2014.

PUBLIC HEARING SUMMARY

File: ZAA 13/2014

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson
Councillor Morantz

Public Hearing: November 17, 2014
Council Building, 510 Main Street

Applicant: 3375811 Canada Inc.

Subject:



Premises Affected: 2020 and 2030 Corydon Avenue

Exhibits Filed:

1. Application dated September 8, 2014
2. Notification of Public Hearing dated October 6, 2014
3. Manitoba Status of Title 1536915/1
4. Letter of authorization dated September 3, 2014 from 3375811 Canada Inc. to The City of Winnipeg, Planning, Property and Development Department
5. Amendment to Zoning Agreement
6. Caveat 1111651
7. Plans (2 pages)
8. Report from the Urban Planning Division dated November 13, 2014
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Michelle Constant and David Konitz
Jonah Levine

In Opposition

Nil

For Information:

Nil

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 13/2014

ADMINISTRATIVE REPORT

Title: ZAA 13/2014 – 2020 Corydon Avenue

Issue: For consideration at the public hearing to repeal the zoning agreement under files DAZ 268/84 and ZAA 14/88 and create a new zoning agreement.

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 Caveats 85-55062 and 1111651 under File DAZ 268/84 dated January 23, 1985 (By-law 3982/85) and ZAA 14/88 dated September 14, 1988 (By-law 3982/85) be withdrawn and replaced with a new Zoning Agreement as follows:

   A. That, the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

   B. That the land be restricted as follows:

      i. That the following shall not be permitted as a principal use on the land:

      a) Drive-in or drive-through
      b) Auto/light truck/motorcycle repair and service
      c) Auto/light truck/motorcycle, sales and rental

   C. That the maximum height of any building shall be no greater than thirty-five (35) feet.

   D. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 268/84 dated January 23, 1985 and ZAA 14/88 dated September 14, 1988 (By-law3982/85) 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 repeal in its entirety the Zoning Agreement associated with DAZ 268/84 and the Zoning Agreement Amendment, ZAA 14/88 and replace it with a less restrictive Zoning Agreement.
- The existing zoning agreement prevents a number of specific uses and restricts the hours of operation on the site. The initial reason for exploring the Zoning Agreement Amendment was to relax the hours of operation on the land that would allow a dance studio to operate earlier than 7:30 a.m. on Monday through Saturday and earlier than 1:00 p.m. on Sunday.
- 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 under DAZ 268/84 and ZAA 14/88 will be withdrawn and a new Zoning Agreement will be applied to the subject site at 2020 Corydon Ave.

HISTORY

DAZ 268/1984

- The subject property was rezoned from an "R2" Residential Two-Family District to a "C2" General Commercial District.
- A Zoning Agreement caveat was placed on the land in conjunction with that rezoning which:
    - Restricts commercial uses in terms of size and hours of operation;
    - Places a restriction on the maximum height of building on site and;

- Prohibits mobile advertising signs and temporary signs on the subject site.
- Requires plan approval.

ZAA 14/1988

- A Zoning Agreement Amendment application under file ZAA 14/88 was made to make the following changes:
    - Deleting the floor area restriction on gift shop
    - Add a clothing store as a permitted use
    - Increased the square foot coverage of uses per building with extended hours of operation from 7:30am to 10:00pm Monday through Saturday and from 1pm to 5pm, Sunday.

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:	November 13, 2014
File No.	ZAA 13/2014

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: November 13, 2014

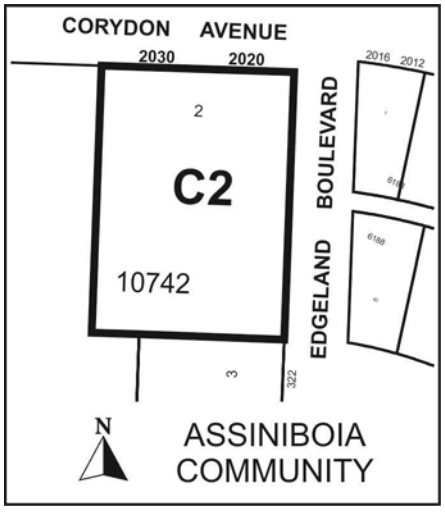
FILE: **ZAA 13/2014**
RELATED FILES: ZAA 14/88 (c/r DAZ 268/84)

COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.619

SUBJECT: For consideration at the public hearing to repeal the Zoning Agreement and amendments under DAZ 268/84 and ZAA 14/88 and create a new zoning agreement to allow more permitted uses under the C2 zoning district.

LOCATION: 2020 Corydon Avenue

LEGAL DESCRIPTION: LOT 2 PLAN 10742 5/8 ST C



APPLICANT: David M. Konitz
200-260 St Mary Avenue, Winnipeg, MB R3C OM6

OWNER: Same as above

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the southwest corner of Corydon Avenue and Edgeland Boulevard in the Tuxedo neighbourhood of the Charleswood Ward.
- The property is 1.3 acres in size. Existing on the subject property is a neighbourhood shopping centre.
- The site is within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned "C2" Commercial Neighborhood.



Figure 1: Air photo of the subject property and surrounding area (2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Corydon Blvd, then Tuxedo Shopping Centre zoned "C4" Commercial Regional.

South: Residential uses zoned "R1-L" Residential Single-Family – Large.

East: Across Edgeland Blvd. are two-family residential homes zoned "R2".

West: A personal care home zoned "RMF-S" Residential Multi-Family – Small.



Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to repeal in its entirety the Zoning Agreement associated with DAZ 268/84 and the Zoning Agreement Amendment, ZAA 14/88 which restricts “C2” uses and hours of operation.
- The proposed Zoning Agreement Amendment is to allow more permitted uses in line with the current Zoning By-law regulations for the “C2” Zoning district and longer hours of operation.
- The current hours of operation on the site are limited to 7:30 a.m. to 10:00 p.m., Monday to Saturday, and from 1:00 p.m. to 5:00 p.m., on Sunday. The applicant is proposing to remove the limitations to the hours of operation, and anticipates hours of operation for a dance studio that will be between 6:00 a.m. to 10:00 p.m., Monday to Saturday, and from 9:00 a.m. to 5:00 p.m. on Sunday.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.

ZONING (BY-LAW 200/2006)

- **"C2" Community Commercial District** is intended to accommodate more intensive commercial sites that do not have a local or neighborhood orientation. The district is intended to include attractive commercial, institutional, recreational and service facilities needed to support the surrounding neighborhoods and the broader community.
    - **"C2"** districts are generally located along collector streets, at arterial/collector intersections.

LAND USE BY-LAW

Amendment to Zoning Agreement DAZ 268/84 and ZAA 14/88

- The amendment will pertain to the subject lot, (Lot 2 Plan 10742 5/8 ST C) only.
- The applicant is proposing to repeal in its entirety the Zoning Agreement under DAZ 268/84 and the Zoning Agreement Amendment, ZAA 14/88 which restricts "C2" uses that are allowed under the current by-law 200/2006.
- The existing Zoning Agreement restricts the uses and hours of operation on the site. These restrictions are preventing the subject site from repurposing tenant space in the building for other permitted uses in the "C2" district under the current zoning by-law.
- While the existing Zoning Agreement and Zoning Agreement Amendment will be repealed, a new Zoning Agreement has been added that will limit the subject site with regard to certain auto uses, restrict the maximum height of buildings allowed on the land and restrict any mobile signage on the land.
- A plan approval condition, which was attached to the original rezoning application, will be maintained as well.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The existing Zoning Agreement and Zoning Agreement Amendment were written under Zoning By-Law 1800, and prohibited several uses from the "C2" zoning district.

- The Public Service believes that the existing Zoning Agreement and the Zoning Agreement Amendment injuriously affect the subject site as it limits opportunities for a variety of tenants and hours of operation that are compatible with the surrounding area. The proposed amendment will lead to an efficient use of under-utilized spaces which is in line with the *Complete Communities Direction Strategy* and complies with the current Winnipeg Zoning By-Law 200/2006.
- Since buildings in the C2 zoning districts are allowed up to a maximum height of 49 feet, the 35 feet height cap is to ensure that future buildings are compatible with the area, with particular respect to the single family residential dwellings located to the south of the subject site.
- The restriction of signage, drive-through establishments and auto-repair/sales centres is to ensure that proposed future uses, as mentioned, which could cause adverse effect on adjoining properties, are not allowed.

REASONS FOR RECOMMENDATION

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

- The proposed amendment is in line with the Complete Communities Direction Strategy for Mature Communities.
- The Urban Planning Division does not anticipate that the proposed Zoning Agreement Amendment will cause any adverse effect on adjoining properties.
- The proposed Zoning Agreement Amendment will relieve the applicant of the injurious effect imposed on the property under the existing Zoning Agreement.

RECOMMENDATION

1) That the Zoning Agreement Caveats 85-55062 and 1111651 under File DAZ 268/84 dated January 23, 1985 (By-law 3982/85) and ZAA 14/88 dated September 14, 1988 (By-law 3982/85) be withdrawn and replaced with a new Zoning Agreement as follows:

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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: Femi Ojo
PPD File # ZAA 13/2014