Agenda – Council – April 29, 2015

Report – Executive Policy Committee – April 22, 2015

Item No. 2 Zoning Agreement Amendment – 858 Corydon Avenue (Fort Rouge-East Fort Garry Ward) File ZAA 2/2015

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2015, 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 That the Zoning Agreement Caveat 85-44664 under File DAZ 253/83 dated January 18, 1984 (By-Law No. 3852/1984) be withdrawn.

2. That the Director of Legal Services and the City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 253/83 (By-Law No. 3852/1984) 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 22, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2015, 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 14, 2015, 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 – 858 Corydon Avenue**
File ZAA 2/2015

For submission to: **Executive Policy Committee**

Prepared by: **Ms K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **April 15, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2015, 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 That the Zoning Agreement Caveat 85-44664 under File DAZ 253/83 dated January 18, 1984 (By-Law No. 3852/1984) be withdrawn.

2. That the Director of Legal Services and the City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 253/83 (By-Law No. 3852/1984) 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 for its recommendation:

1. The caveat seemed quite out-dated and the C2 zoning should be suitable for this property.

PUBLIC HEARING SUMMARY

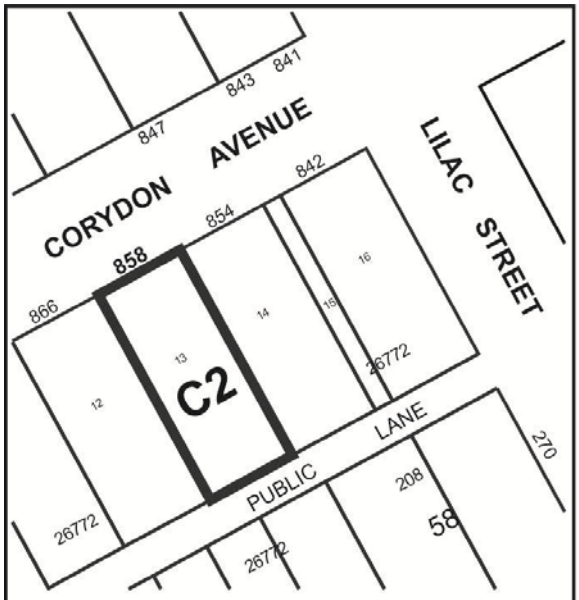
File: ZAA 2/2015

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

Public Hearing: April 14, 2015
Council Building, 510 Main Street

Applicant: LNR Development Corp. (Roy Robertson)

Subject:



APPLICANT : LNR DEVELOPMENT CORP.
FILE : ZAA2/15
PROPOSAL : To withdraw the existing Zoning Agreement Caveat No. 85-44664 of former rezoning File No. DAZ 253/1983, By-law 3852/1984. **For information, phone Mr. A. Ross, Planner, at 204-986-5235.**

Premises Affected: 858 Corydon Avenue

Exhibits Filed:

1. Application dated February 10, 2015
2. Notification of Public Hearing dated February 18, 2015
3. Manitoba Status of Title 1213130/1
4. Letter of authorization dated February 3, 2015 from Olga Borbely, 858 Corydon Avenue to Roy Robertson and James H. Saper, LNR Development Corp.
5. Surveyor's Building Location Certificate and sketch dated October 24, 1983
6. Caveat 85-44664
7. Report from the Urban Planning Division dated April 2, 2015
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Roy Robertson

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. A. Ross, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 2/2015

ADMINISTRATIVE REPORT

Title: ZAA 2/15 – 858 Corydon Avenue

Issue: For consideration at the Public Hearing for a Zoning Agreement Amendment to discharge caveat 85-44664

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat 85-44664 under File DAZ 253/83 dated January 18, 1984 (By-Law No. 3852/1984) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 253/83 (By-Law No. 3852/1984) 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 and Caveat associated with DAZ 253/83.

The Zoning Agreement prevents any use of the subject land for other than that of a dressmaker or millinery shop and restricts hours of operation.

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 subject Zoning Agreement will be withdrawn.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Andrew Ross, MCP, MCIP
Date:	April 2, 2015
File No.	ZAA 2/15

APPENDIX 'A'

DATE:	April 2, 2015
FILE:	ZAA 2/15
RELATED FILES:	DAZ 253/83 (By-Law No. 3852/1984)
COMMUNITY:	City Centre
NEIGHBOURHOOD	1.106
SUBJECT:	For consideration at the Public Hearing to repeal in its entirety the Zoning Agreement and Caveat associated with DAZ 253/83
LOCATION:	858 Corydon Avenue
LEGAL DESCRIPTION:	Lot 13 Plan 26772 33/4 St. B.



APPLICANT:	Roy Robertson LNR Development Corp c/o Roy Robertson 159 B Lilac Street WPG, MB R3M 2S1
Owner:	Olga Borbely 21 Pine Bluff Road WPG, MB R2J 2N6
RECOMMENDATION:	Approval

SITE DESCRIPTION:

The subject property is located on the south side of Corydon Avenue between Wentworth and Lilac Streets in the Earl Grey neighbourhood of the Fort Rouge - East Fort Garry ward.

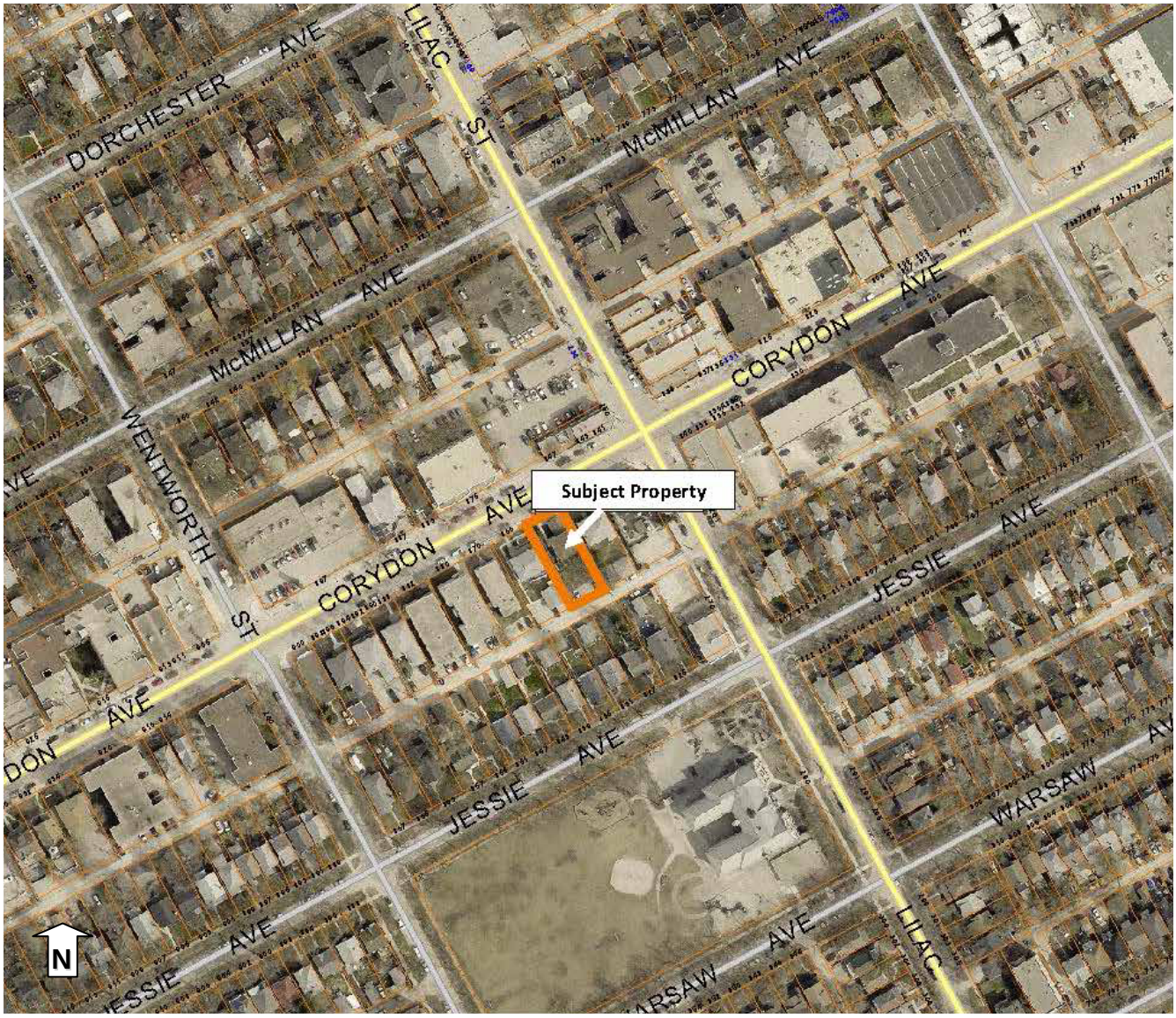


Figure 1: Location of the subject property and surrounding area (2014)

North: Commercial Uses (zoned "C2" Commercial Community District).
South: Single family dwellings (zoned "R1-S" – Residential Single Family – Small).
East: Two-Family dwelling (zoned "C2" Commercial Community District).
West: Residential/ Commercial Mixed Use (zoned "C2" Commercial Community District).

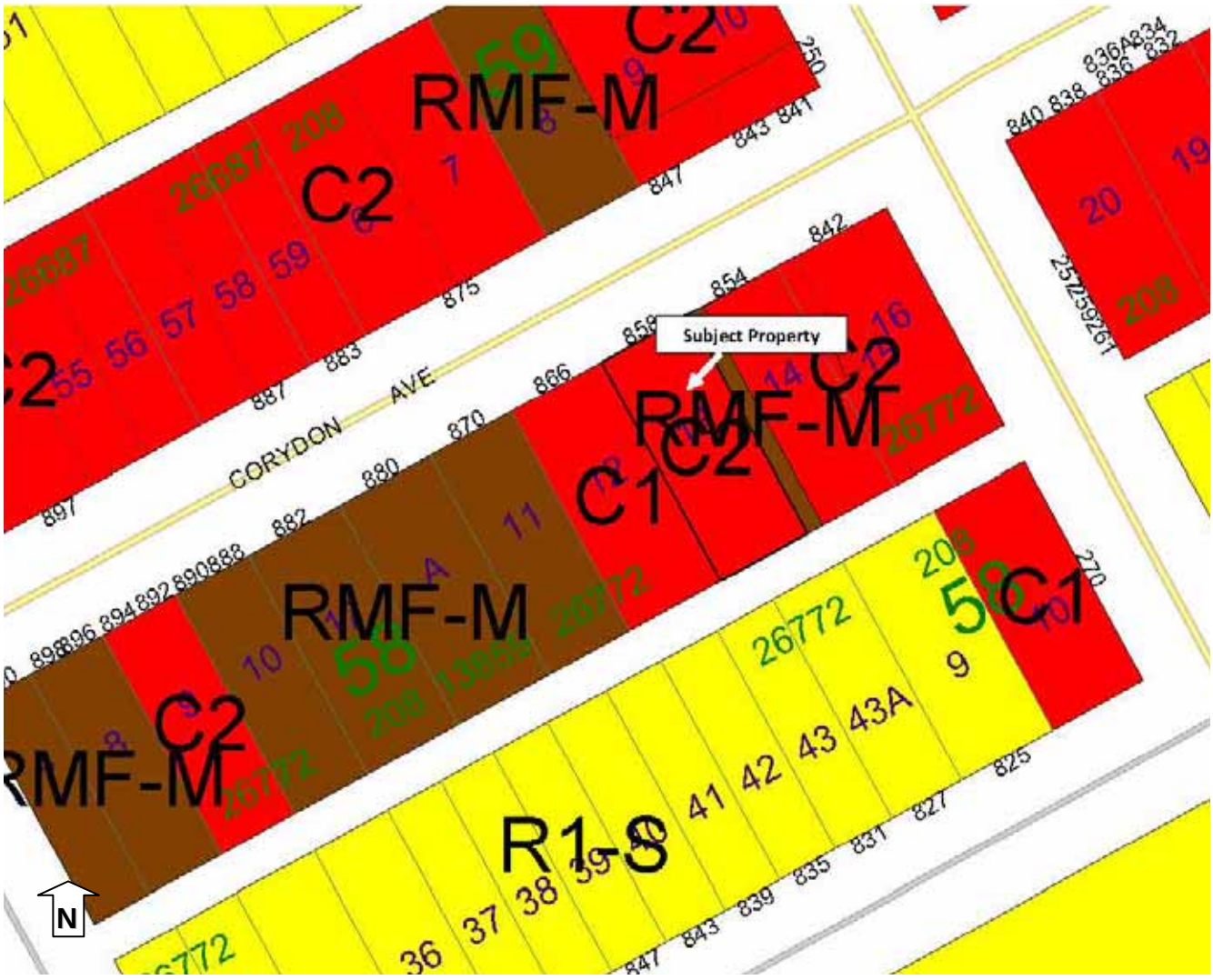


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to repeal in its entirety the Zoning Agreement and Caveat associated with DAZ 253/83
- The Zoning Agreement prevents any use of the subject land for other than that of a dressmaker or millinery shop and restricts operation to between 8:00 am and 6:00 pm Monday to Saturday and prohibits operation on Sundays.
- The Zoning Agreement also requires a front yard setback of 7 feet.
- Repeal of the Zoning Agreement will allow the property access to the C2 uses that are listed in the Winnipeg Zoning By-Law.
- Although a specific commercial use has not yet been identified for the property, the land owner has indicated that the prohibition against all uses other than dressmaker or millinery is too restrictive and poses undue hardship toward seeking a suitable tenant or operator for the building or site.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

As per the *Complete Communities Direction Strategy*, Corydon Avenue is a Community Mixed Use Corridor. Key policies of *Complete Communities* that apply to Community Mixed Use Corridors are:

- Promote the enhancement of existing and the establishment of new Community Mixed Use Corridors.
- Promote small-scale, fine-grained development that is responsive to the surrounding community context.

The *Complete Communities Direction Strategy* envisions a potential wide range of suitable commercial or mixed uses for this property.

Corydon-Osborne Area Plan

Policies of the Low-rise Mixed Use policy area of the *Corydon-Osborne Area Plan* apply to this location. Policies relevant to this proposed development include:

- Development under the Low-rise Mixed Use policy area must have frontage on Grosvenor, Stafford, Lilac or Corydon.

- This area should be promoted as a low-rise mixed use development with a minimum building height of 2 storeys and a maximum building height of 4 storeys.

- The ground floor should be retail or office. Upper floors should be residential, office or home-based businesses as appropriate.

The proposed removal of the Zoning Agreement would be in alignment with the Low-rise Mixed Use policies of the Corydon-Osborne Area Plan which, like Complete Communities, allow for a wide range of small-scale commercial or mixed uses in this location.

Zoning

Uses and hours

As part of a rezoning in 1983, the Zoning Agreement was caveated on title preventing any uses other than dressmaking or millinery on the land. The Agreement also restricts operation to between 8:00 am and 6:00 pm Monday to Saturday and prohibits operation on Sundays, and requires a front yard setback of 7 feet.

The required operating hours may be suitable for a dressmaking shop but they are too restrictive to be applied wholesale on this property which may support other small-scale commercial and/or mixed uses in the future.

Setback

The Zoning Agreement contains a front yard setback requirement of 7 feet. The *Corydon-Osborne Area Plan* envisions Corydon Avenue to be an urban, pedestrian-friendly street. A blanket minimum 7-foot front setback may not appropriately express the intent of the Plan. Setbacks instead are best

considered case-by-case with Plan policies in mind. The Public Works Department was consulted and identified no objections with the removal of the setback requirement.

SUMMARY

Both *Complete Communities* and the *Corydon-Osborne Area Plan* identify the need for small-scale, fine-grained commercial development on this part of Corydon Avenue. The Urban Planning Division is confident that these two policy documents provide a sufficient basis for appropriate, contextually-sensitive future planning and design decisions regarding this property. The Urban Planning Division recommends that the Zoning Agreement and Caveat be withdrawn.

RECOMMENDATION

1) That the Zoning Agreement Caveat 85-44664 under File DAZ 253/83 dated January 18, 1984 (By-Law No. 3852/1984) be withdrawn.

2) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 253/83 (By-Law No. 3852/1984) 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.

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

Report Prepared By: Andrew Ross
PPD File # ZAA 2/15