**Minute No. 363**
**Report – Executive Policy Committee – May 6, 2015**

**Item No. 2 Zoning Agreement Amendment – 188 Isabel Street (Point Douglas Ward) File ZAA 3/2015**

COUNCIL DECISION:

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

1. That the Zoning Agreement Caveat 238693/1 under File DAZ 321/75 dated April 6, 1976 (By-law 1252/76) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 321/75 (By-Law No. 1252/76) 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 – May 6, 2015**

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 6, 2015, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2015, the Lord Selkirk-West Kildonan 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 - 188 Isabel Street**
**File ZAA 3/2015**

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

**Prepared by:** **Inga Skundberg, Committee Clerk**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **April 24, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2015, the Lord Selkirk-West Kildonan 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 That the Zoning Agreement Caveat 238693/1 under File DAZ 321/75 dated April 6, 1976 (By-law 1252/76) be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 321/75 (By-Law No. 1252/76) 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The subject application is a mute point as the conditions of the agreement date back to 1975 and are no longer relevant to the site.

## PUBLIC HEARING SUMMARY

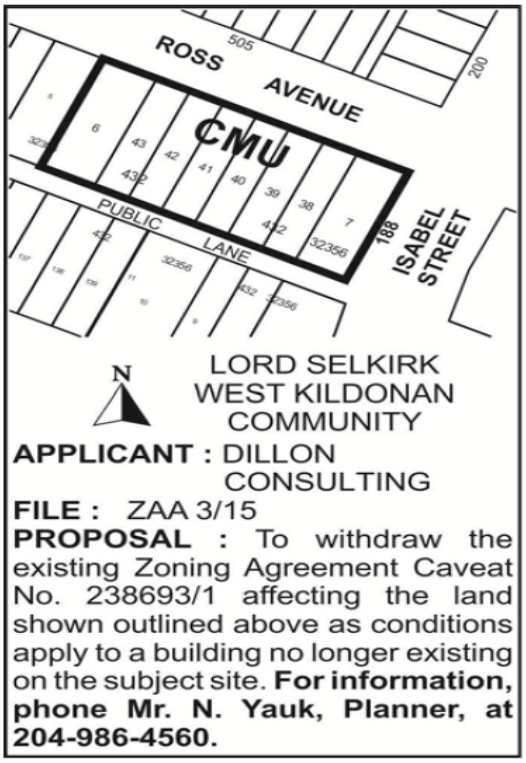
File: ZAA 3/2015

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: April 21, 2015
Council Building, 510 Main Street

Applicant: Dillon Consulting Limited (Brendan Salakoh)

Subject:




Premises Affected: 188 Isabel Street

Exhibits Filed:

1. Application dated February 17, 2015
2. Notification of Public Hearing dated March 20, 2015
3. Manitoba Status of Titles 2677026/1, 2677027/1, 2677029/1, 2677030/1 and 2677031/1
4. Letter of authorization dated August 13, 2013 from TDL Group Corporation to Dillon Consulting Limited
5. Caveat 238693/1
6. Plans (2 pages)
7. Report from the Urban Planning Division dated March 12, 2015
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

David Marsh, Dillon Consulting Limited
Brendan Salakoh, Dillon Consulting Limited

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Acting Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 3/2015

# ADMINISTRATIVE REPORT

**Title:** ZAA 3/2015 – 188 Isabel St

**Issue:** For consideration at the public hearing to repeal the zoning agreement under file DAZ 321/75.

**Critical Path:** Lord Selkirk/ West Kildonan 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 Caveat 238693/1 under File DAZ 321/75 dated April 6, 1976 (By-law 1252/76) be withdrawn.

2) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 321/75 (By-Law No. 1252/76) 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 321/75.
- 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 231/75 will be discharged.

## HISTORY

The subject zoning agreement dates back to a rezoning in 1975 (DAZ 321/75). The conditions of the zoning agreement are specific to an expansion of a grocery store and parking area that no longer exist on the subject site.

Through a Conditional Use approval granted by the Appeals Committee in 2012 the subject site contains a Tim Horton's restaurant with a drive thru.

In 2006 the subject lands were rezoned to "CMU" Commercial Mixed Use District as a City of Winnipeg initiated rezoning as an implementation action of the West Alexander and Centennial Neighbourhood Plan.

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Noah Yauk |
| Date: | March 12, 2015 |
| File No. | ZAA 3/2015 |

**List of Schedules and Attachments**

1. Appendix A – Planning Discussion

## APPENDIX 'A'

**DATE:** March 12, 2015

**FILE:** **ZAA 3/2015**

**COMMUNITY:** Lord Selkirk/ West Kildonan Community
**NEIGHBOURHOOD #:** 3.102 (Centennial)

**SUBJECT:** For consideration at the public hearing to repeal the Zoning Agreement under DAZ 321/75.

**LOCATION:** 188 Isabel St

**LEGAL DESCRIPTION:** LOTS 38 – 43 PLAN 432 WLTO IN RL 9 PARISH OF ST JOHN & SP LOT 6 PLAN 32356 WLTO IN RL 8 AND 9 PARISH OF ST JOHN




**APPLICANT:** Dillon Consulting (Brendan Salakoh)
1558 Wilson Place
Winnipeg, MB R3T OY4

**OWNER:** TDL Group Corp.
874 Sinclair Road
Oakville, Ont L6K 2Y1

**RECOMMENDATION:** Approval

**SITE DESCRIPTION**
The subject property, which is zoned "CMU" Commercial Mixed Use District, is located on the south west corner of Isabel Street and Ross Avenue, in the Centennial neighbourhood of the Point Douglas Ward.

**North:** Ross Avenue, then a community centre (the Freighthouse) zoned "PR2" Parks and Recreation District.
**South:** A public lane, then multi-family development zoned "RMF-S" Residential Multi-Family District as well as vacant property zoned "CMU" Commercial Mixed Use District.
**East:** Isabel Street, then a commercial strip mall zoned "CMU" Commercial Mixed Use District.
**West:** A vacant property approved for multi-family development zoned "RMF-S" Residential Multi- Family District.




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

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to repeal in its entirety the Zoning Agreement associated with DAZ 321/75 which applies to a building no longer in existence on the subject site.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities Policy Area.

WEST ALEXANDER & CENTENNIAL NEIGHBOURHOOD PLAN

The subject lands are regulated by the Secondary Plan. Future development is governed by the policies of the secondary plan. The lands are located within a Commercial Mixed Use Policy Area. As per a plan implementation action, the subject lands along with many other lands in the area were rezoned to a "CMU" Commercial Mixed Use Policy Area of the plan to better align the zoning of the property with plan policies.

DCU 12-180073C

Conditional Use approval for the Tim Horton's development was granted by the Appeals Committee of Council. A conditional of approval was that plans be submitted to and approved by the LSWK Community Committee prior to the issuance of permits. This clause also applies to any future development on the subject lands. It is noted that the subject development was approved by the LSWK Community Committee.

As per the above Conditional Use application and the policies of the Secondary Plan there are sufficient regulations in place to guide future development on the subject site. The existing zoning agreement is no longer relevant to the development that exists on the subject site. Though the agreement has no relevance the applicant wishes to remove the caveat so as to clear the property title.The Urban Planning Division has no objections thereto.

## RECOMMENDATION

1) That the Zoning Agreement Caveat 238693/1 under File DAZ 321/75 dated April 6, 1976 (by-law (By-law 1252/76) be withdrawn.

2) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 321/75 (By-Law No. 1252/76) 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: Noah Yauk
PPD File # ZAA 3/15