Minutes – Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

Item No. 2 Zoning Agreement Amendment – 500 Academy Road
(River Heights-Fort Garry Ward)
File ZAA 4/2015 [c/r DCU 123507/2015D, DAV 123494/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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:

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

   A. That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-9 for File No. DAV 15-123494/D, dated May 7, 2015 and June 30, 2015.

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 – September 15, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 500 Academy Road**
File ZAA 4/2015

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

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

Report date: **July 8, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

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:

   A. That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-9 for File No. DAV 15-123494/D, dated May 7, 2015 and June 30, 2015.

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.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. The applicant has made the project smaller in scale and decreased the size by one floor.

2. The applicant has followed the PDO and has ensured glazing and articulation to ensure it fits with the neighbourhood.

3. There is an entrance on Academy to get the walkability of the neighbourhood.

PUBLIC HEARING SUMMARY

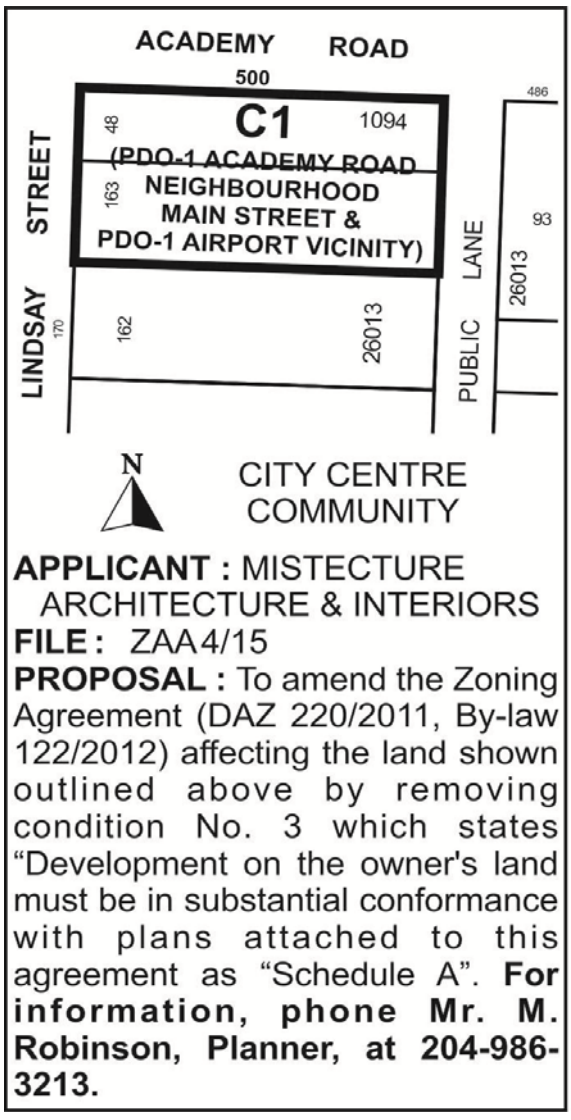
File: ZAA 4/2015

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

Public Hearing: July 7, 2015
Council Building, 510 Main Street

Applicant: Mistecture Architecture & Interiors (Hijab Mitra)

Subject:



Premises Affected: 500 Academy Road

Exhibits Filed:

1. Application dated May 7, 2015
2. Notification of Public Hearing dated May 13, 2015
3. Manitoba Status of Title 2721803/1
4. Letter of authorization dated April 23, 2015 from Mara Silver and Shane Silver, Silver Derm Holdings Inc. to Hijab Mitra, Mistecture Architecture & Interiors
5. Surveyor's Building Location Certificate and sketch dated August 3, 2011
6. Caveat 4305114/1
7. Plans (9 pages)
8. Report from the Urban Planning Division dated July 2, 2015
9. Inspection Report
10. Communication dated June 24, 2015, from Lindsey Steek in opposition to the application
11. Communication dated July 3, 2015, from John G. Young in opposition to the application
12. Communication dated July 6, 2015, from Lorraine McInnes in support of the application
13. Communication dated July 6, 2015, from Julie Garcia in support of the application
14. Communication dated July 5, 2015, from Morgan Ganetsky in support of the application
15. Communication dated July 5, 2015, from Barry Hyman in support of the application
16. Communication dated July 5, 2015, from David Greaves in support of the application
17. Communication dated July 5, 2015, from Tracy Kasner Greaves in support of the application
18. Communication dated July 5, 2015, from Ron Gall in support of the application
19. Communication dated July 4, 2015, from Jeffrey Waldman in support of the application
20. Communication dated July 4, 2015, from Mark Lomow in support of the application
21. Communication dated July 4, 2015, from Cathie Weinstein in support of the application
22. Communication dated July 4, 2015, from Carrie Shenkarow in support of the application
23. Communication dated July 4, 2015, from Jeff Kliman in support of the application
24. Communication dated July 3, 2015, from Terry Hass-Speirs and Orville Speirs in opposition to the application
25. Communication dated July 6, 2015, from Tracie Ganetsky in support of the application

26. Communication dated July 4, 2015, from Jo Dangerfield with respect to the application
27. Communication dated July 4, 2015, from Les Rykiss in support of the application
28. Communication dated July 4, 2015, from Michael Boroditsky in support of the application
29. Communication dated July 4, 2015, from Norm Silver in support of the application
30. Communication dated July 5, 2015, from Pamela Percy in support of the application
31. Communication dated July 5, 2015, from Brian and Bev Greenberg in support of the application
32. Communication dated July 5, 2015, from Emily Shane in support of the application
33. Communication dated July 6, 2015, from Judy Schnoor in support of the application
34. Communication dated July 6, 2015, from Marian Kremers in support of the application
35. Communication dated July 6, 2015, from Judi Waldman in support of the application
36. Communication dated July 6, 2015, from Danny Braunstein in support of the application
37. Communication dated July 6, 2015, from Robert and Margaret Hucal in opposition to the application
38. Communication dated July 6, 2015, from Walter Kremers in support of the application
39. Communication dated July 6, 2015, from John M. Embil in support of the application
40. Communication dated July 6, 2015, from Marli Leibl in support of the application
41. Communication dated July 6, 2015, from Jennifer Snyder in opposition to the application
42. Communication dated July 6, 2015, from Lil Guberman in support of the application
43. Communication dated July 6, 2015, from Annabel Scott in opposition to the application
44. Communication dated July 6, 2015, from Neil Baker in support of the application
45. Communication dated July 6, 2015, from Clarice Baker in support of the application
46. Communication dated July 6, 2015, from Alan Hyland in support of the application
47. Communication dated July 6, 2015, from Sharon Geddes in opposition to the application
48. Communication dated July 7, 2015, from Barry and Alison Jansen in opposition to the application

49. Communication dated July 7, 2015, from Donna Price and Gordon Price in opposition to the application
50. Communication dated July 6, 2015, from Sandra Linton in opposition to the application
51. Communication dated July 6, 2015, from Mark and Sandy Shuster in support of the application
52. Communication dated July 6, 2015, from Cecily Silbert in support of the application
53. Communication dated July 6, 2015, from Rishona Hyman in support of the application
54. Communication dated July 6, 2015, from George Andrews in opposition to the application
55. Communication dated July 6, 2015, from Penny and Sheldon Bowles in support of the application
56. Communication dated July 6, 2015, from Leanne Howlett in support of the application
57. Communication dated July 6, 2015, from Darren Boese in opposition to the application
58. Communication dated July 6, 2015, from Ravi Dookeran in support of the application
59. Communication dated July 6, 2015, from Sylvia Kogan in support of the application
60. Communication dated July 6, 2015, from Einat and Yoav Keynan in support of the application
61. Communication dated July 7, 2015, from Doug Nanton and Jane Lothian in opposition to the application
62. Communication dated July 6, 2015, from David Gurvey in support of the application
63. Communication dated July 6, 2015, from Marilyn Howlett in support of the application
64. Communication dated July 6, 2015, from Marcie Saifer in support of the application
65. Communication dated July 6, 2015, from Sharon Goldenberg in support of the application
66. Communication dated July 6, 2015, from John Crabb and Marilyn Baker in opposition to the application
67. Communication dated July 6, 2015, from Tara and Curtis Kellett in opposition to the application
68. Communication dated July 6, 2015, from Ken von Kuster in support of the application
69. Communication dated July 6, 2015, from Sheldon Gale in opposition to the application
70. Communication dated July 6, 2015, from Danna Kaplan and Dr. Joel Kaplan in support of the application
71. Communication dated July 6, 2015, from Gil Garcia in support of the application

72. Communication dated July 6, 2015, from L&L Feinstein in support of the application
73. Communication dated July 6, 2015, from Steve Hooper in opposition to the application
74. Communication dated July 6, 2015, from Myra and Arnold Frieman in support of the application
75. Communication dated July 6, 2015, from Brian Scharfstein and Pamela Cipryk in support of the application
76. Communication dated July 7, 2015, from Lynn Avison in support of the application
77. Communication dated July 7, 2015, from Shelley Chochinov in opposition to the application
78. Communication dated July 7, 2015, from Jason Olin in support of the application
79. Communication dated July 7, 2015, from Faye Wankling in support of the application
80. Communication dated July 7, 2015, from Jan Cawson in support of the application
81. Communication dated July 7, 2015, from Ashley Leibl in support of the application
82. Communication dated July 7, 2015, from Andrea Martens in opposition to the application
83. Communication dated July 7, 2015, from Ashley Leibl on behalf of Nona Leibl in support of the application
84. Communication dated July 7, 2015, from Arman Jimenez in opposition to the application
85. Communication dated July 7, 2015, from Joy Jimenez in opposition to the application
86. Communication dated July 7, 2015, from Al Greenberg in support of the application
87. Communication dated July 7, 2015, from Donna Donald and Motria Koltek in opposition to the application
88. Communication dated July 7, 2015, from Rick Riess and Jean Carter in opposition to the application
89. Communication dated July 7, 2015, from Warren Hooper in opposition to the application
90. Communication dated July 7, 2015, from Jeff A. Edwards in opposition to the application
91. Communication dated July 7, 2015, from Eytan and Simone Shalev in support of the application
92. Communication dated July 7, 2015, from Pat Allenby in opposition to the application
93. Communication dated July 7, 2015, from Susan and Myron Turner in support of the application
94. Communication dated July 7, 2015, from Lynn Bendinger and Wolfgang Hackenbroch in opposition to the application

95. Communication dated July 7, 2015, from Shannon Golding in support of the application
96. Communication dated July 7, 2015, from Marianne Mattheos in support of the application
97. Communication dated July 7, 2015, from Allan Baker in opposition to the application
98. Communication dated July 7, 2015, from Deanna Moss in opposition to the application
99. Communication dated July 7, 2015, from Lesley Sisler in opposition to the application
100. Communication dated July 7, 2015, from Aliza Millo in opposition to the application
101. Communication dated July 7, 2015, from Derek Oliver in opposition to the application
102. Communication dated July 7, 2015, from Eric Reimer in opposition to the application
103. Communication dated July 7, 2015, from David Azuelos in opposition to the application
104. Communication dated July 7, 2015, from Nancy Cipryk in opposition to the application
105. Communication dated July 7, 2015, from Pat and Ted Szyda in opposition to the application
106. Communication dated July 7, 2015, from Amalia Rosenthal-Cristante and Loris Cristante in opposition to the application
107. Communication dated July 7, 2015, from Carolyn Boyes in opposition to the application
108. Communication dated July 7, 2015, from Alecs Chochinov in support of the application
109. Communication dated July 7, 2015, from Marlene Enns in opposition to the application
110. Communication dated July 7, 2015, from Gerry Lomow in opposition to the application
111. Presentation in support of the application submitted by the applicant at the public hearing
112. Supporting documents in support of the application submitted by the applicant at the public hearing
113. Presentation in opposition to the application submitted by Lindsey Steek at the public hearing
114. Petition in opposition to the application purporting to contain the signatures of 188 area residents submitted by Lindsey Steek
115. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:

Jason Bonneteau
Danny Braunstein
Bruce Caplan
Jennifer Dimerman
Carla Divinsky
John Embil
Arnold Frieman
Myra Frieman
Daniel Friedman
Julie Garcia
Laurence Gorensten
Tracy Kasner Greaves
Alan Greenberg
Brian Greenberg
Bev Greenberg
Marilyn Howlett
Leanne Howlett
Hartley Hyman
Einat Paz Keynan
Yoav Keynan
Dale Kornelsen
Walter Kremers
Marian Kremers
Peter Leipsic
Karen Leipsic
Lorraine McInnes
Hijab Mitra, Mistecture Architecture & Interiors
Jason Olin
Les Rykiss
Kayla Saarinen
Daniel Samphir
Elana Sasley
Carrie Shenkarow
Sandra Hirchak-Shuster
Mark Shuster
Heather Silver
Mara Silver
Michael Silver
Norm Silver
Rita Silver
Shane Silver
Garth Steek

Harold Stone
Saul Targownik
Freya Targownik
Myron Turner
Susan Turner
Rochelle Van De Velde
Larry Vickar
Tova Vickar
Murray Waldman
Edward Winters
Ryan Zarychanski
Morgan Ganetsky
Barry Hyman
David Greaves
Ron Gall
Jeffrey Waldman
Mark Lomow
Cathie Weinstein
Jeff Kliman
Tracie Ganetsky
Michael Boroditsky
Pamela Percy
Emily Shane
Judy Schnoor
Judi Waldman
Marli Leibl
Lil Guberman
Neil Baker
Clarice Baker
Alan Hyland
Sandy Shuster
Cecily Silbert
Rishona Hyman
Penny Bowles
Sheldon Bowles
Ravi Dookeran
Sylvia Kogan
David Gurvey
Marcie Saifer
Sharon Goldenberg
Ken von Kuster
Danna Kaplan
Joel Kaplan
Gil Garcia
Lloyd Feinstein
Lillian Feinstein

Brian Scharfstein
Pamela Cipryk
Lynn Avison
Faye Wankling
Jan Cawson
Ashley Leibl
Nona Leibl
Eytan Shalev
Simone Shalev
Shannon Golding
Marianne Mattheos
Alecs Chochinov

In Opposition:

Pat Allenby
Bromley Basford
Shelley Chochinov
Ryann Doucette
Margaret Egan
Gary Hamilton
Rita Hildahl
Dolores Kratsch
Roy Kratsch
Bob Krul
Ronald J. Linton
Sandra J. Linton
Deanna Moss
Kelly Moss
Mindy Moss
John D. Perrin
Judith Perrin
Gerry Price
Richard Riess
Lindsey Steek
Edward Ross Yarnell
Shelagh Yarnell
Michael Zachman
John G. Young
Terry Hass-Speirs
Orville Speirs
Robert Hucal
Margaret Hucal
Jennifer Snyder
Annabel Scott

Sharon Geddes
Barry Jansen
Alison Jansen
Donna Price
Gordon Price
George Andrews
Darren Boese
Doug Nanton
Jane Lothian
John Crabb
Marilyn Baker
Tara Kellett
Curtis Kellett
Sheldon Gale
Steve Hooper
Andrea Martens
Arman Jimenez
Joy Jimenez
Donna Donald
Motria Koltek
Rick Riess
Jean Carter
Warren Hooper
Jeff Edwards
Lynn Bendinger
Wolfgang Hackenbroch
Allan Baker
Lesley Sisler
Aliza Millo
Derek Oliver
Eric Reimer
David Azuelos
Nancy Cipryk
Pat Szyda
Ted Szyda
Amalia Rosenthal-Cristante
Loris Cristante
Carolyn Boyes
Marlene Enns
Gerry Lomow

For Information:

Judith Littleford
Anita Wortzman

Jo Dangerfield

For the City:

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

Exhibit "8" referred to in File ZAA 4/2015

ADMINISTRATIVE REPORT

Title: ZAA 4/15 – 500 Academy Road

Issue: Zoning Agreement Amendment to remove 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:

   a) That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-9 for File No. DAV 15-123494/D, dated May 7, 2015 and June 30, 2015

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:	July 2, 2015
File No.	ZAA 4/2015

APPENDIX 'A'

DATE: July 2, 2015
FILE: ZAA 4/15
RELATED FILES: DAV 15-123494/D, DCU 15-123507/D
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

HISTORY
In 2014, the applicant applied for a Zoning Agreement Amendment (ZAA 7/2014) at the subject location, which was rejected by City Centre Community Committee.

The proposal at that time was for a two storey building (with basement), with a medical clinic on the first floor and in the basement, and professional offices on the second floor.

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 one storey, with a basement. The total square footage of the building, including the basement, is 6,628 sq. ft.

The proposed use of the building is a medical clinic.

Parking
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
OurWinnipeg 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 16 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 3,314 sq. ft. The overall lot area is 7,200 sq ft. This equate to a floor area ratio of .46, less than half of the maximum which is permitted in "C1".

Consequently, it easily complies with the size limitations 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:

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

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

a) That the development on the owner's land must be in substantial conformance with plans attached to this agreement and identified as Sheets 1-9 for File No. DAV 15-123494/D, dated May 7, 2015 and June 30, 2015

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.

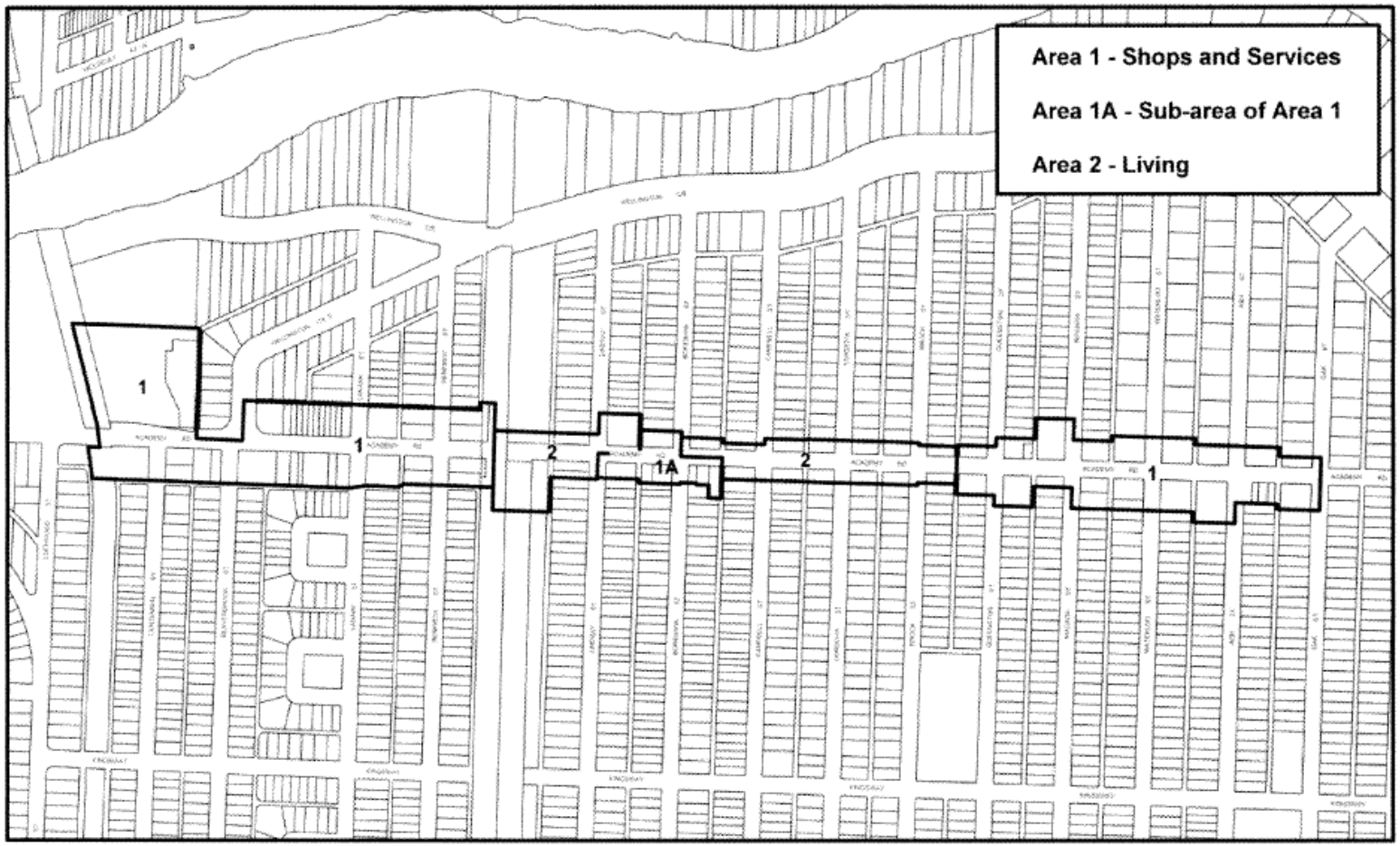
4) That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # ZAA 4/15



Figure 1: Aerial Photo (Flown in 2012)



Map 1: Academy Road Principal Overlay Map