Minute No. 375
Report – Executive Policy Committee – June 8, 2016

Item No. 1 Zoning Agreement Amendment – 803 Stella Avenue (Point Douglas Ward) File ZAA 9/2015

COUNCIL DECISION:

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

1. That the Zoning Agreement under File DAZ 263/1988 dated January 4, 1989 (By-law No. 5091/1989), be amended for the subject property (Lot 24 Block 64 Plan 331 35 WST J) to permit the following uses: personal service, office and retail sales on the subject site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/1988 (By-law No. 5091/1989), dated January 4, 1989 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 – June 8, 2016

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 June 8, 2016, 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 May 17, 2016, 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.

On April 19, 2016, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on May 17, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

On March 22, 2016, the Lord Selkirk-West Kildonan Committee adjourned the public hearing to its meeting on April 19, 2016 at 5:00 p.m. in the Council Building at 510 Main Street, and requested the Winnipeg Public Service provide further information as it relates to the Arlington Bridge and its potential impact on the subject application.

RE: **Zoning Agreement Amendment – 803 Stella Avenue**
File ZAA 9/2015

For submission to: **Executive Policy Committee**

Prepared by: **Ms I. Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 18, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2016, 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 under File DAZ 263/1988 dated January 4, 1989 (By-law No. 5091/1989), be amended for the subject property (Lot 24 Block 64 Plan 331 35 WST J) to permit the following uses: personal service, office and retail sales on the subject site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/1988 (By-law No. 5091/1989), dated January 4, 1989 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 reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Urban Planning Division dated March 3, 2016.

2. The proposal will help to revitalize the block on Stella Avenue.

PUBLIC HEARING SUMMARY

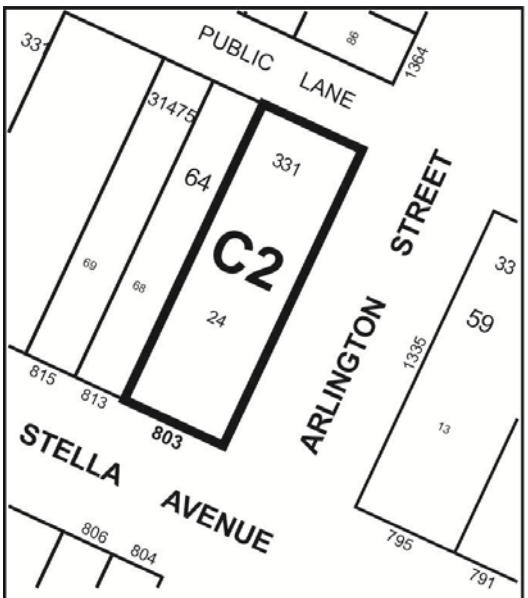
File: ZAA 9/2015

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

Public Hearing: May 17, 2016
April 19, 2016
March 22, 2016
Council Building, 510 Main Street

Applicant: Unicorn Enterprises (Oscar Surla)

Subject:



Premises Affected: 803 Stella Avenue

Exhibits Filed:

1. Application dated January 5, 2016
2. Notification of Public Hearing dated January 18, 2016
3. Manitoba Status of Title 2727643/1
4. Caveat 1131203
5. Plans (2 pages)
6. Report from the Urban Planning Division dated March 3, 2016
7. Inspection Report
8. Recording of Representations of public hearing held on March 22, 2016
9. Notice of Adjournment dated March 24, 2016
10. Notice of Adjournment dated April 22, 2016
11. Recording of Representations of public hearing held on May 17, 2016

REPRESENTATIONS:

In Support:

Oscar Surla, Unicorn Enterprises
Renato Rosario

In Opposition

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department
Mr. S. Suderman, Transportation Facilities Planning Engineer, Public Works Department

Exhibit "6" referred to in File ZAA 9/2015

ADMINISTRATIVE REPORT

Title: ZAA 9/2015 – 803 Stella Avenue

Issue: For consideration at the public hearing to amend the Zoning Agreement by amending Clause 2, in order to permit the following uses: personal service, office and retail sales on the subject site.

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
Femi Ojo	B. Smith	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement under File DAZ 263/1988 dated January 4, 1989 (By-law No. 5091/1989), be amended for the subject property (Lot 24 Block 64 Plan 331 35 WST J) to permit the following uses: personal service, office and retail sales on the subject site.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/1988 (By-law No. 5091/1989), dated January 4, 1989 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 include the following type of uses on site; personal services, office and retail sales.

- The existing zoning agreement on the land does not permit the uses listed above. As such, a zoning agreement amendment is required.
- 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 will be amended to permit the following uses; personal service, an office and retail sales on site.

HISTORY

DAZ 263/1988

- The subject property went through a rezoning under file DAZ 363/1988, and changes to By-law 4450/86 by rezoning from an "R2-T" Two-Family Transitional District to a "C2-S" Suburban Commercial District for the commercial development of a grocery store and a self-service laundry.
- A zoning agreement caveat was placed on the land in conjunction with that rezoning. Relevant clauses restricting the land under the zoning agreement is (clause 2) states the following:
    - The land and any building or structure thereon shall not be used for, and no building or structure shall be erected, placed, altered or enlarged on the land for any use except;
        - Grocery store
        - Self-service laundry
        - a single-family residence accessory to such a use
        - structures accessory to any of those three (3) uses

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, MCIP
Date:	March 3, 2016
File No.	ZAA 9/2015

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

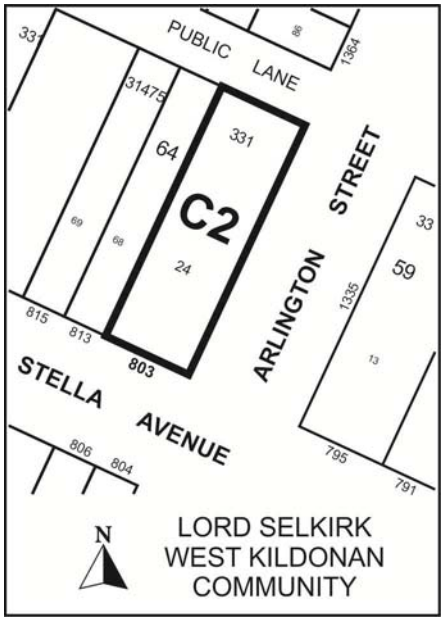
DATE: March 3, 2016

FILE: **ZAA 9/2015**
RELATED FILES: DAZ 263/1988 (ZBL 5091/1989)

COMMUNITY: Lord Selkirk-West Kildonan
NEIGHBOURHOOD #: 3.301

SUBJECT: For consideration at the public hearing to amend the Zoning Agreement by amending Clause 2, in order to permit the following uses: personal service, office and retail sales on the subject site.

LOCATION: Northwest corner of Stella Avenue and Arlington Street.
LEGAL DESCRIPTION: Lot 24 Block 64 Plan 331 35 WST J



APPLICANT: UNICORN ENTERPRISES – Oscar Surla
2427 BURROWS AVENUE, WINNIPEG, MB.
R2R 2E6

OWNER: Same as Above

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the northwest corner of Stella Avenue and Arlington Street in the Dufferin neighbourhood of the Point Douglas Ward.
- The property is 7,366 sq. ft. in size. The property is zoned “C2” Commercial Community.
- The site is located in the Areas of Stability-Mature Community policy designation under the Complete Communities Direction Strategy.



Figure 1: Air photo of the subject property and surrounding area (2012)

SURROUNDING ZONING & USES (See Figure 2)

North: Backlane, then residences zoned “R2” Residential Two-Family.

South: Stella Avenue, then then residences zoned “R2” Residential Two-Family.

East: Arlington Street, then then residences zoned “R2” Residential Two-Family.

West: Residences zoned “R2” Residential Two-Family.

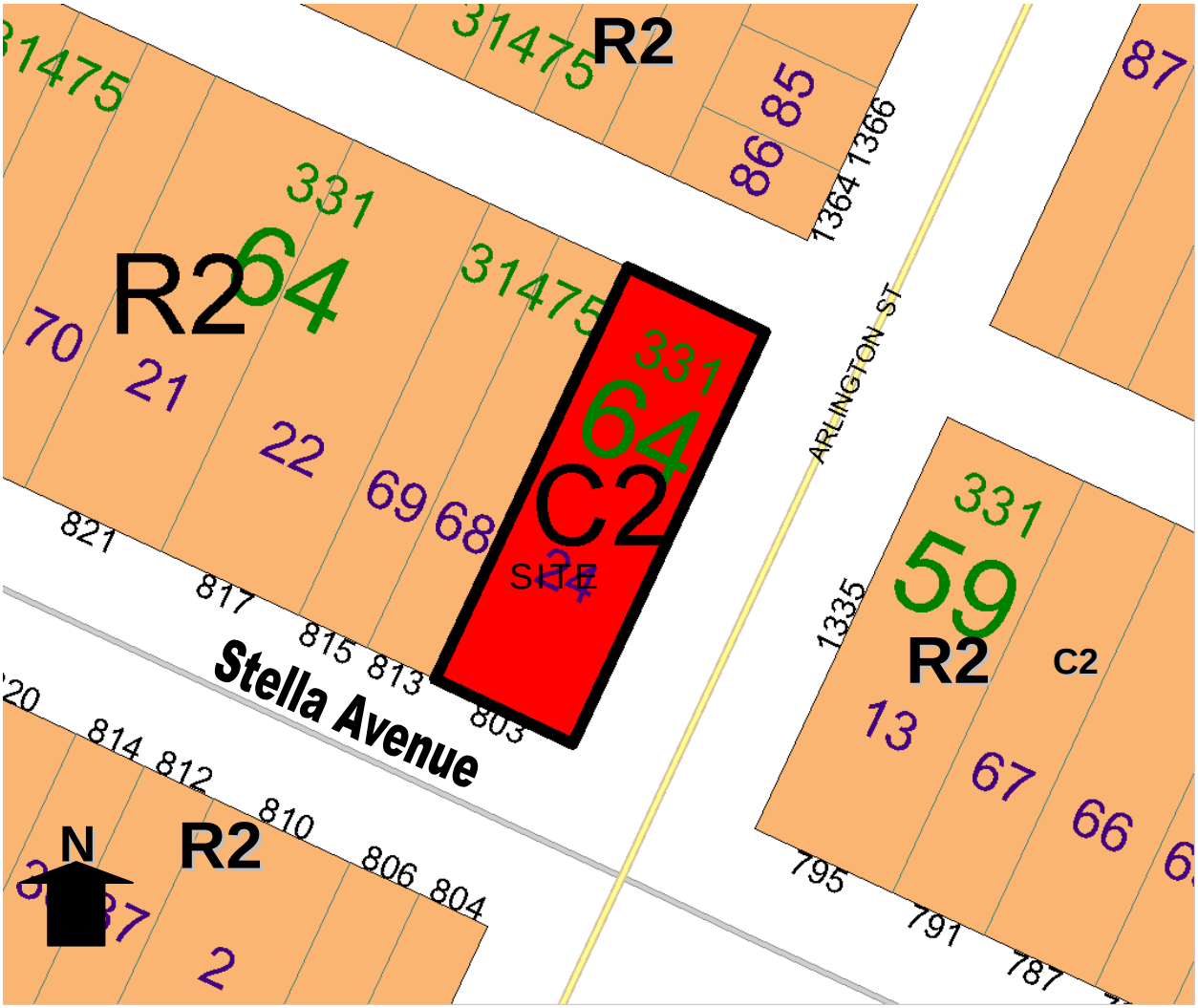


Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to include the following type of uses on site; beauty hair salon, office and retail sales.
- Currently, the existing Zoning Agreement restrict uses on the property to just four (4) Uses;
    - Grocery store
    - Self-service laundry
    - a single-family residence accessory to such a use
    - structures accessory to any of those three (3) uses

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. Key policies guiding development within Areas of Stability include:
    - Support a mix of commercial services and employment uses that serve local community.
    - Encourage intensification to occur at centres and along corridors

ZONING (BY-LAW 200/2006)

"C2" General Manufacturing District

- The C2 zoning 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.

Amendment to Zoning Agreement DAZ 263/1988

- The existing zoning agreement (clause 2) is too restrictive, and is preventing an optimal utilization of subject property which is rightly zoned for commercial purposes.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject property falls within the *Areas of Stability* in the *Complete Communities Direction Strategy*. *Areas of Stability* are planned to support a mix of commercial services and employment uses that serve local community.
- The proposal to establish uses such as personal services, office and retail sales is in concert with the *Complete Communities* objectives to support intensification of centres and corridors.
- The subject site is a corner lot with appropriate zoning category to accommodate the proposed uses. Being on a community mixed use corridor, the proposed uses will serve the wider community.
- The Urban Planning Division is supportive of the Zoning Agreement Amendment as it will not cause any adverse effect on adjoining properties.

IMPLICATION OF ARLINGTON BRIDGE REDEVELOPMENT

- The Public Works department has identified a potential need for the widening of Arlington Street in conjunction with the potential replacement of the Arlington Bridge on or near its current alignment. Public Works advises this would result in the need to acquire all or part of the property. This would impact the existing building which currently has a zero setback to Arlington Street. The applicant has been advised of this situation and wishes to proceed with the subject application.

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 Area of Stability-Mature Community.
- The proposal is in concert with the current zoning of the property. Also, the fact that the subject land is corner lot is advantageous.
- While an office is permitted out rightly in a “C2” zoning district, personal services and retail sales are permitted with use specific standards.
- The Urban Planning Division does not foresee an adverse effect on surrounding properties.

RECOMMENDATION

1. That the Zoning Agreement under File DAZ 263/1988 dated January 4, 1989 (By-law No. 50911889), be amended for the subject property (Lot 24 Block 64 Plan 331 35 WST J) to allow such uses as proposed.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/1988 (By-law No. 5091/1989), dated January 4, 1989 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: Femi Ojo, MCIP
PPD File # ZAA 9/2015