Minute No. 445
Report – Executive Policy Committee – July 13, 2016

Item No. 3 **Zoning Agreement Amendment – 1735 Corydon Avenue (River Heights – Fort Garry Ward) File ZAA 5/2016**

COUNCIL DECISION:

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

1. That the Zoning Agreement for the subject property under File DASZ 53/2006 dated April 25, 2007 be amended by deleting Clause 4 (ix).

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 53/2006, 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 – July 13, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2016, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, 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 – 1735 Corydon Avenue**
File ZAA 5/2016

For submission to: **Executive Policy Committee**

Prepared by: **Kate McMillan, Committee Clerk**
City Centre Community Committee

Report date: **July 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2016, 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:

1. That the Zoning Agreement for the subject property under File DASZ 53/2006 dated April 25, 2007 be amended by deleting Clause 4 (ix).

2. That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 53/2006, 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. It has been used for this purpose with no complaints from the neighbourhood so far and it’s compatible with building and the area.

PUBLIC HEARING SUMMARY

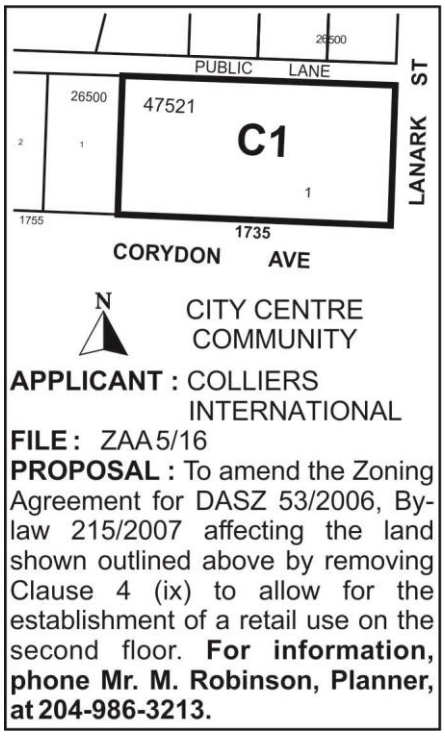
File: ZAA 5/2016

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

Public Hearing: July 5, 2016
Council Building, 510 Main Street

Applicant: Colliers International (Sheri Griffiths)

Subject:



Premises Affected: 1735 Corydon Avenue

Exhibits Filed:
1. Application dated May 20, 2016
2. Notification of Public Hearing dated May 24, 2016
3. Manitoba Status of Title 2307543/1
4. Letter of authorization dated May 14, 2016 from Allan Malbranck and Anita Malbranck to Colliers International

5. Letter of authorization dated May 17, 2016 from Allan Malbranck and Anita Malbranck, 2892007 Manitoba Ltd. to Sheri Griffiths, Colliers International
6. Caveat 3634207
7. Plans (3 pages)
8. Report from the Urban Planning Division dated June 28, 2016
9. Inspection Report
10. Recording of Representations

REPRESENTATIONS:

In Support:
Sheri Griffiths
Anita Malbranck
Allan Malbranck

In Opposition
Nil

For Information:
Nil

For the City:
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit " 8 " referred to in File ZAA 5/2016

ADMINISTRATIVE REPORT

Title: ZAA 5/16 – 1735 Corydon Avenue

Issue: Zoning Agreement Amendment application to delete Clause 4 (ix) of caveat # 3634207 to include a retail use(s) on the second floor.

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	Division Head	CFO	CAO
Michael Robinson, MCIP	Braden Smith, MCIP	N/A	

RECOMMENDATIONS

1) That the Zoning Agreement for the subject property under File DASZ 53/2006 dated April 25, 2007 be amended by deleting Clause 4 (ix).

2) That the Director of Legal Services and City Solicitor be requested to amend the subject Zoning Agreement to DASZ 53/2006, 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, MCIP
Date:	June 28, 2016
File No.	ZAA 5/2016

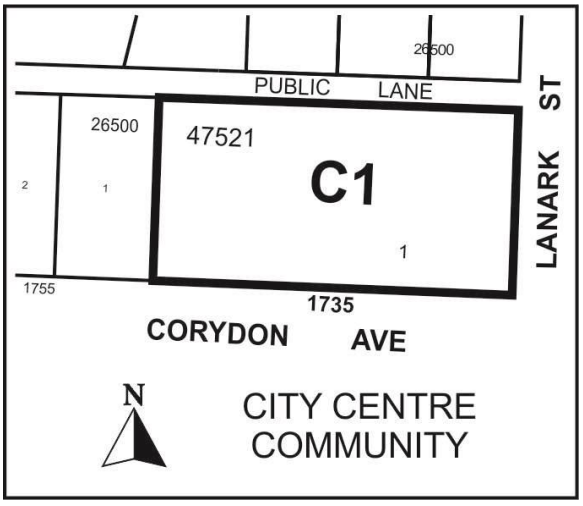
APPENDIX 'A'

DATE: June 28, 2016
FILE: ZAA 5/2016
RELATED FILES: DASZ 53/2006
COMMUNITY: City Centre
NEIGHBOURHOOD #: 1.626

SUBJECT: The applicant is proposing to amend the Zoning Agreement on the property by deleting Clause 4 (ix), in order to permit a retail use on the second floor

LOCATION: 1735 Corydon Avenue

LEGAL DESCRIPTION: Lot 1 Plan 47521 58 St. B



APPLICANT: Colliers International / Sheri Griffiths

OWNER: 2892007 Manitoba Ltd.

RECOMMENDATION: Amend Zoning Agreement

SITE DESCRIPTION:
The subject property is located at the northwest corner of Corydon Avenue and Lanark Street, in the Sir John Franklin neighbourhood of the River Heights – Fort Garry ward.

The site is Mature Communities under the Complete Communities Direction Strategy. The property is zoned "C1" Commercial District.

SURROUNDING LAND USE AND ZONING

North: Residences zoned "R1-M" Residential Single-Family District
South: Residences zoned "RMF-S" Residential Multi-Family District
East: Commercial use zoned "C1" Commercial District
West: Residences zoned "RMF-S" Residential Multi-Family District

HISTORY

DASZ 53/2006 – The subject property was rezoned from an "R1-4A" Residential Single-Family District to a "C1.5" Commercial District in order to construct a 2 storey commercial building. At the time of approval, a Zoning Agreement was included as a condition of approval.

The Zoning Agreement included several clauses – one of which was that the second floor shall be restricted to office (including medical, dental, optical, counseling or health and therapeutic clinic) uses only. This condition was recommended by the Winnipeg Public Service to limit the intensity of commercial activity on the site.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to remove clause 4 (ix) from the zoning agreement in order to have a retail use on the second floor.

ANALYSIS AND ISSUES

In reality, the subject property has had a retail use on the second floor from 2010 until recently. This occurred due to the City issuing an occupancy permit in error.

Given the nature of the commercial uses in this building, its location on a busy mixed use corridor, and the ample amount of parking available on site, having commercial uses other than office uses on the second floor is compatible with the area and will not have an adverse impact on adjacent properties.

For this reason, it is recommended that the agreement be amended.

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

Report Prepared by: Michael Robinson, MCIP
PPD File # ZAA 5/2016



Figure 1: Aerial Photo (Flown in 2014)