Agenda – Council – December 14, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

Item No. 2 Zoning Agreement Amendment – 595 St. Anne's Road (St. Vital Ward) File ZAA 7/2016 [c/r DAV 155845/2016D]

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That Zoning Agreement Caveat #1106449 under File DAZ 264/86 dated September 14th, 1986, be discharged.

2. That Zoning Agreement Caveat #2723212 under File DAZ 221/2000 dated July 18th, 2001, be discharged.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 264/86 and DAZ 221/2000, as approved in aforesaid Recommendations 1 and 2.

4. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

B. That the existing thirty (30) foot buffer zone on the south property line is to be maintained to ensure that the trees and grass are viable and healthy. The buffer zone shall contain a minimum of thirty (30) trees, half of which are to be evergreen and half deciduous.

C. That all exterior shopping centre lot lighting is to be diffused and directed away from the neighbouring residential dwellings.

D. That the following uses shall not be permitted on the land:

i. Auction room
ii. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs
iii. Private motor vehicle related uses, including motorcycle, rentals, sales, including accessory repair, service, installation of supplies/parts
iv. Recreation and entertainment, indoor uses
v. Transit and transportation uses
vi. Recycling collection centre

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. 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, Heritage and Downtown Development – December 5, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete all recommendations, and replace with the following new recommendations:

    "1. That Zoning Agreement Caveat #1106449 under File DAZ 264/86 dated September 14th, 1986, be discharged.

    2. That Zoning Agreement Caveat #2723212 under File DAZ 221/2000 dated July 18th, 2001, be discharged.

    3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 264/86 and DAZ 221/2000, as approved in aforesaid Recommendations 1 and 2.

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Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

A. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

B. That the existing thirty (30) foot buffer zone on the south property line is to be maintained to ensure that the trees and grass are viable and healthy. The buffer zone shall contain a minimum of thirty (30) trees, half of which are to be evergreen and half deciduous.

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5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

6. 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."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Zoning Agreement Amendment – 595 St. Anne's Road**
File ZAA 7/2016

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

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **November 15, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended,*** and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

~~***1. That Zoning Agreement Caveat #1106449 under File DAZ 264/86 dated September 14th, 1986, be amended as follows:***~~

~~***A. That clause #3 under Caveat #1106449 (DAZ 264/1986) be deleted: No business premises on the land shall be open for the service of customers between the hours of 9:30 pm and 9:00 am.***~~

~~***2. That Zoning Agreement Caveat #2723212 under File DAZ 221/2000 dated July 18th, 2001, be amended as follows:***~~

~~***A. That clause #4 under Caveat #2723212 (DAZ 221/2000) be deleted: No business shall be conducted on the land except between the hours of 6:00 am and 11:00 pm daily.***~~

~~***3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 264/86 and DAZ 221/2000, as approved in aforesaid Recommendations 1 and 2.***~~

~~***4. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.***~~

~~***5. 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.***~~

1. That Zoning Agreement Caveat #1106449 under File DAZ 264/86 dated September 14th, 1986, be discharged.

2. That Zoning Agreement Caveat #2723212 under File DAZ 221/2000 dated July 18th, 2001, be discharged.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 264/86 and DAZ 221/2000, as approved in aforesaid Recommendations 1 and 2.

4. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C2" Commercial Community, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

B. That the existing thirty (30) foot buffer zone on the south property line is to be maintained to ensure that the trees and grass are viable and healthy. The buffer zone shall contain a minimum of thirty (30) trees, half of which are to be evergreen and half deciduous.

C. That all exterior shopping centre lot lighting is to be diffused and directed away from the neighbouring residential dwellings.

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iv. Recreation and entertainment, indoor uses
v. Transit and transportation uses
vi. Recycling collection centre

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. 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."

Note: ***The wording in bold and italics denotes amendments made by the Community Committee.***

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

1. This is a good project that has no visible community opposition.
2. Good work by the Planning Department to get this moving forward.
3. It is in keeping with the neighbourhood.

PUBLIC HEARING SUMMARY

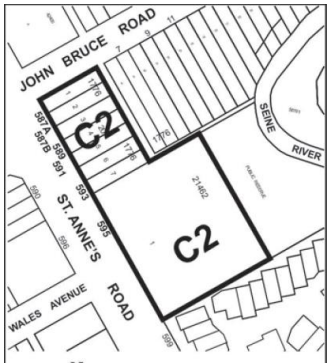
File: ZAA 7/2016

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Mayes

Public Hearing: November 15, 2016
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates

Subject:



RIEL COMMUNITY

APPLICANT : RICHARD WINTRUP & ASSOCIATES
FILE: ZAA 7/16
PROPOSAL: To amend the Zoning Agreement DAZ 264/1986, Caveat No. 110644 & ZAA 18/1988, Caveat No. 2723212 affecting the land shown outlined above by deleting Condition No. 3 "No business premises on the land shall be open for the service of customers between the hours of 9:30 p.m. and 9:00 a.m." and Condition No. 4 "No business shall be conducted on the land except between the hours of 6:00 a.m. to 11:00 p.m. daily." to allow for the establishment of a call centre use. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**

DEMANDEUR : RICHARD WINTRUP & ASSOCIATES
N° DE RÉFÉRENCE : MCZ 7/16
PROJET : Modification de la convention de zonage établie par la DAZ 264/1986, opposition no 110644, et la MCZ 18/1988, opposition no 2723212, visant le bien-fonds indiqué ci-dessus par la suppression de la disposition no 3 selon laquelle aucun local commercial sur le terrain ne doit être ouvert à la clientèle entre 21 h 30 et 9 heures, et la disposition no 4 selon laquelle aucun local commercial sur le terrain ne doit être ouvert, sauf entre 6 et 23 heures quotidiennement, afin de permettre l'établissement d'un centre d'appels. **Pour plus de renseignements, veuillez communiquer avec Mme. E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 595 St. Anne's Road

Exhibits Filed:

1. Application dated August 31, 2016
2. Notification of Public Hearing dated September 15, 2016
3. Manitoba Status of Titles 2094201/1, 2094205/1, 2094202/1, 2094203/1
4. Letter of authorization dated July 28, 2016 from 5115001 Manitoba Ltd. to Richard Wintrup & Associates
5. Caveats 1106449, 1215353, 2723212
6. Drawings of Subject Lands
7. Report from the Urban Planning Division dated November 8, 2016
8. Inspection Report
9. Presentation dated November 15, 2016, submitted by Denisa Gavan-Koop at the public hearing, in support of the application

REPRESENTATIONS:

In Support:

Don Friesen
Denisa Gavan-Koop
Michelle Richard
John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 7/2016

ADMINISTRATIVE REPORT

Title: ZAA 7/16 – 595 St. Anne's Rd.

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to permit extended hours of business operation.

Critical Path: Riel 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
Simi Jerez	B. Smith	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat #1106449 under File DAZ 264/86 dated September 14th,1986, be amended as follows:

   A. That clause #3 under Caveat #1106449 (DAZ 264/1986) be deleted:

   No business premises on the land shall be open for the service of customers between the hours of 9:30 pm and 9:00 am.

2. That Zoning Agreement Caveat #2723212 under File DAZ 221/2000 dated July 18th, 2001, be amended as follows:

   A. That clause #4 under Caveat #2723212 (DAZ 221/2000) be deleted:

   No business shall be conducted on the land except between the hours of 6:00 am and 11:00 pm daily.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 264/86 and DAZ 221/2000, as approved in aforesaid Recommendations 1 and 2.
4. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
5. 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 establish a call centre as part of a community health service centre at 595 St. Anne's Road.
- The applicant is applying to amend zoning agreement DAZ 264/86 to extend business hours in order to accommodate the call centre 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 restriction on business hours for the site will be eliminated and the call centre will be able to operate 24 hours a day.

HISTORY

DAZ 264/1986

- DAZ 264/1986 rezoned the subject property to C1.
- The related Zoning Agreement (ZAA 18/88) used Caveat #1106449 to implement conditions related to prohibited uses, business and delivery hours, signage, plan approval, site maintenance, fencing, landscaping, physical and noise buffering, location of waste, and lighting.

DAZ 221/2000

- DAZ 221/2000 rezoned the subject property from C1 to C2, allowing for an increased range of commercial uses.
- The related Zoning Agreement used Caveat #2723212 to implement conditions related to prohibited uses, business and delivery hours, signage, plan approval, site maintenance, fencing, landscaping, physical and noise buffering, waste disposal, lighting, and parking for the "Dance Studio".

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Simi Jerez
Date:	November 8, 2016
File No.	ZAA 7/2016

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE:	November 8th, 2016
FILE:	ZAA 4/16
RELATED FILES:	DAZ 264/86, DAV 16-155845\D
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.556
SUBJECT:	For consideration at the Public Hearing to amend zoning agreement DAZ 264/86 to extend business hours in order to accommodate the proposed call centre operation.
LOCATION:	595 St. Anne's Road
LEGAL DESCRIPTION:	LOT 1/7 BLOCK 20 PLAN 1776 51/52 ST V LOT 1 PLAN 21462 53 ST V
APPLICANT:	John Wintrup 29 Benson BLVD Oak Bluff , Manitoba R4G 0A2
OWNER:	14964 121A AVE NW 202 EDMONTON , Alberta T5V 1A3
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is located on the southeast corner of St. Anne's Road and John Bruce Road, in the Meadowood neighbourhood of the St. Vital ward.
- The site is +/-1.9 acres (approximately 85,813 sq.ft.) in area, irregular in shape, and contains a defunct Canada Post postal depot, adjacent to a one-level community shopping center.
- The site is falls under the Areas of Stability – Recent Communities policy area under *the Complete Communities Direction Strategy*. The property is zoned C2.
- The applicant is also applying for a use variance (see associated DAV 16-155845\D) for a temporary change of use for a period (not to exceed five years) to permit the establishment of a call centre.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: John Bruce Road, then a welding business and strip of single family homes zoned R1-M.

South: 24 townhouse style condominium units, then 100 Manitoba Housing townhome units, then single family homes along the Seine River zoned R1-M.

East: City of Winnipeg owned public reserve, then the Seine River and public reserve, then the Royalwood neighbourhood.

West: St. Anne's Road (an arterial route), commercial uses (Krevco Pools and Seine River Physiotherapy), then one and two-family uses zoned R2, then single family uses zoned R1-M.

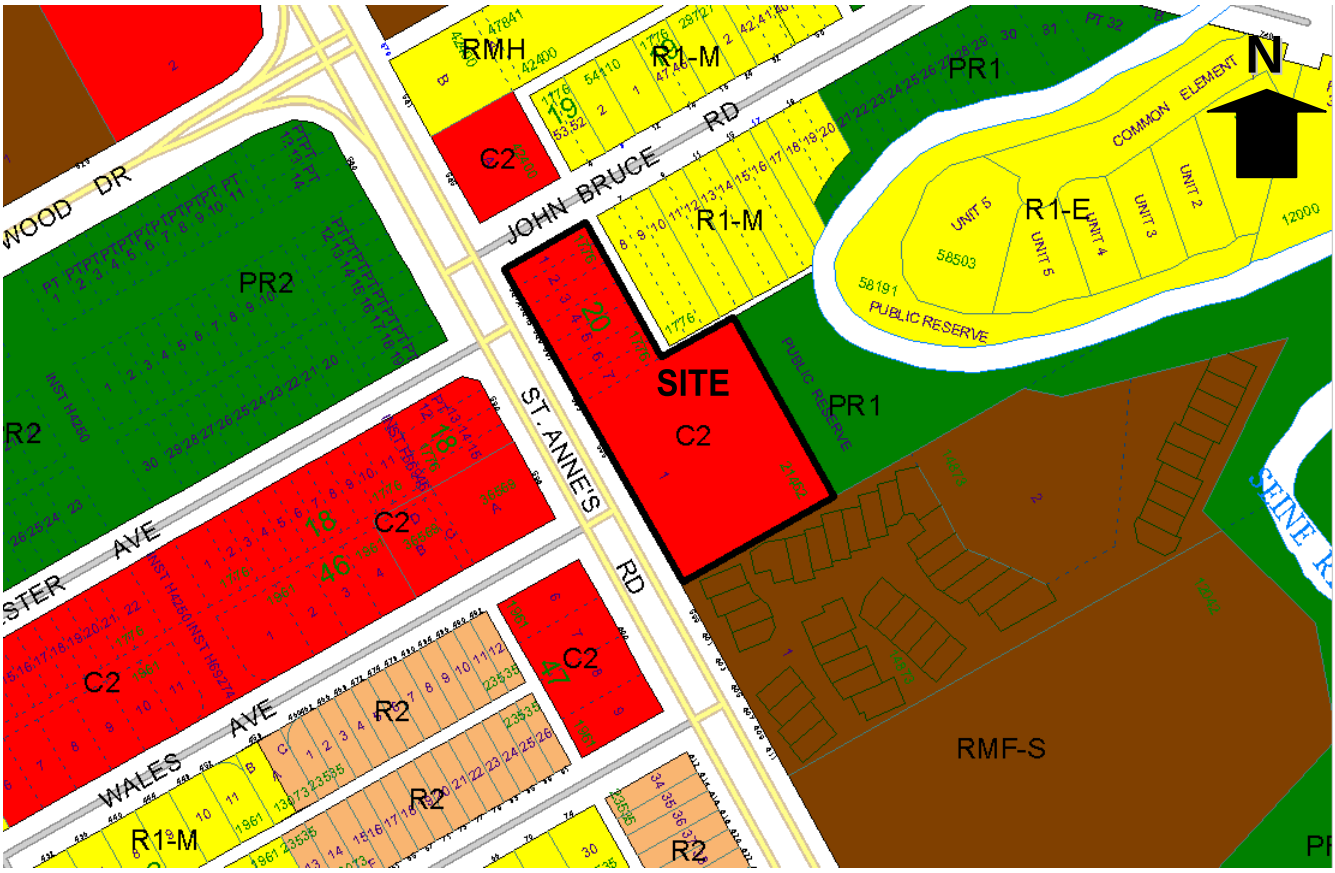


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to convert a 1-storey 10,926 sq. ft. building at 595 St. Anne's Road formerly used as a Canada Post postal depot to a Health Support Center. Services include a health care coordination call center, office space for employment services and skill training, and a foot care clinic.
- Access to the site will be from an existing access on St. Anne's Road.
- There is a public sidewalk on the west side of the property, adjacent to St. Anne's Road.
- The applicant is looking for a use variance for a temporary change of use for a period (not to exceed five years) to permit the establishment of a call centre.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The subject property is classified as an “Area of Stability – Recent Community” in *Complete Communities’* Urban Structure map.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The Commercial Community (C2) zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community.
- C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- Call centres are defined in the zoning by law as a building or a portion of a building in which workers provide support services to offsite customers primarily via telephone interactions. Services to customers are not typically available on a walk-in or over-the-counter basis. Call centres are distinct from “office” uses on the bases of multiple-shift operations (typically 24-hour, seven days a week) and floor space configurations that typically involve dense staff concentrations in comparatively smaller work areas.
- The “C2” Commercial Community District does not permit call centres as principle use or an accessory use. Consequently, a use variance is required to accommodate this use on the property without a rezoning (see associated DAV 16-155845/D). Call centres are permitted in the “C3” Commercial Corridor, “C4” Commercial Regional and “CMU” Commercial Mixed Use zones.
- The Winnipeg Public Service has initiated a Zoning By-law amendment process which includes making call centres a permitted use within the C2 zoning district.

LAND USE BY-LAW

Zoning Agreement DAZ 264/86

- Zoning Agreement Caveat #1106449, clause #3 states:

  No business premises on the land shall be open for the service of customers between the hours of 9:30 pm and 9:00 am.

Zoning Agreement DAZ 221/00

- Zoning Agreement Caveat #2723212, clause #4 states:

  No business shall be conducted on the land except between the hours of 6:00 am to 11:00 pm daily.
- The applicant is proposing to establish a 24 hour call centre to coordinate local home care services.

ZONING AGREEMENT ANALYSIS

- The restriction on business hours incorporated into the zoning agreement was intended to protect nearby residents from noise generated by traffic in the parking lot at 595 St. Anne’s Road. However, the change in permitted hours of operation for a call centre use will likely not create conflict as the number of overnight staff is small and that the site is situated on an arterial route.

- The subject property is classified as an “Area of Stability – Recent Community” in *Complete Communities’* Urban Structure map. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
  - Support a mix of commercial services and employment uses that serve the local community.
  - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
  - Accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
  - Encourage intensification to occur at centres and along corridors.
- Recent Communities can accommodate some infill development in order to increase housing choice, increase options for ‘aging in place’, and to maximize the use of existing infrastructure.

PUBLIC INPUT

- The applicant has held an open house with the neighbours regarding the proposed development. Some of the concerns mentioned during the Open House included excessive vehicle and foot traffic and harsh lighting. The applicant states that there will be a small number of staff on site and no harsh lighting, and that their client has expressed a commitment to building strong relationships in the community and being a good neighbour.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reason:

- The Winnipeg Public Service has initiated a change to the Zoning By-law to permit a call centre use within the C2 zoning district; and
- The change in permitted hours of operation for a call centre use will likely have little impact on the surrounding neighbourhood given that this is a busy commercial corridor and the small amount of overnight staff.

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

Report Prepared By: Simi Jerez
PPD File # ZAA 7/16