Minute No. 36
Report - Standing Policy Committee on Property and Development - October 28, 2003

Item No. 4 Zoning Agreement Amendment - 365 William Avenue
File ZAA 10/2003 [c/r DAZ 263/89]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Zoning Agreement DAZ 263/89 (Zoning By-law No. 5791/91) be amended by:

   A. Deleting Clause No. 2 and replacing it with the following:

      "The permitted uses of the site are restricted to accessory and non-accessory parking areas only".

   B. Deleting Clauses No. 3 through No. 5 in their entirety.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/89 (Zoning By-law No. 5791/91).

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services 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 - October 28, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 19, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 14, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Zoning Agreement Amendment - 365 William Avenue - File ZAA 10/2003 [c/r DAV 329534/2003D]

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

Prepared by: **Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**

Report date: **October 20, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement DAZ 263/89 (Zoning By-Law No. 5791/91), be amended by amending Clause No. 2 to read " The permitted uses of the site are restricted to accessory and non-accessory parking areas only", and striking Clauses No. 3 through No. 5.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/89 (Zoning By-Law No. 5791/91), 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 City Solicitor/Manager of Legal Services 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 Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated October 6, 2003.

PUBLIC HEARING SUMMARY

File: ZAA 10/2003 [c/r DAV 329534/2003D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: October 14, 2003
Community Committee Chamber
1760 Main Street

Applicant: Pre-Con Builders (Rob Lee)

Subject:



LORD SELKIRK WEST KILDONAN COMMUNITY
APPLICANT : PRE-CON BUILDERS
FILE : ZAA 10/03
PROPOSAL : To amend the Zoning Agreement affecting the lands shown outlined above by deleting conditions 2 to 5 and replacing them with a clause allowing for the expansion of a non-accessory parking lot. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: 365 William Avenue

Exhibits Filed: 1. Application dated September 19, 2003

2. Notification of Public Hearing to Applicant dated September 19, 2003
3. Manitoba Status of Title 1896638
4. Letter of authorization dated July 29, 2003 from Bachman Property Management Inc. to Pre-Con Builders
5. Zoning Agreement DAZ 263/89 dated March 7, 1990
6. Site and fencing plans comprising three (3) pages
7. Report from the Manager of Planning and Land Use dated October 6, 2003
8. Inspection Report

REPRESENTATIONS:

In Support:

Ross Ransby, on behalf of Pre-Con Builders

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Ross Ransby, appearing on behalf of the applicant, indicated concurrence in the recommendations outlined in the report from the Manager of Planning and Land Use dated October 6, 2003.

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. ZAA 10/03 (c/r DAV 03-329534D) October 6th, 2003
Our c/f CP 300 (.102)

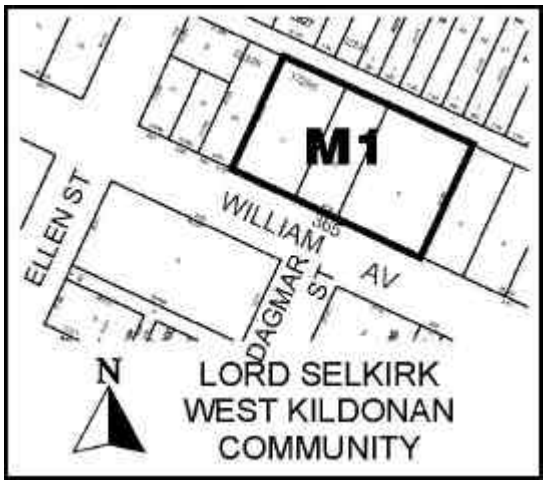
Ms. Diane Timmins, Community Clerk
Lord Selkirk-West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

ZONING AGREEMENT AMENDMENT
365 William Avenue
Lord Selkirk - West Kildonan Community
File No. ZAA 10/03

An application has been received from Pre-Con Builders, on behalf of Marvin Investments Inc., to amend the Zoning Agreement by deleting Clauses No. 2 through No. 5, to permit the construction and expansion of a non-accessory parking lot.

RELATED FILES: DAZ 263/89 (Zoning By-Law No. 5791/91); DAV 03-329534D



SITE DESCRIPTION:

Existing Land Use and Zoning:

The site is currently vacant and under development as a non-accessory parking lot. The property is zoned M1 Industrial, which permits non-accessory parking lots. The overall site area is approximately 28,600 square feet (0.66 acres).

Surrounding Land Use and Zoning:

North: An alley, then detached and attached residential buildings (R2).
South: William Ave., then various surface parking lots, industrial buildings, and civic office (M1).
East: A surface parking lot, then industrial / commercial retail buildings (M1).
West: Detached residential buildings (R2), then Ellen St.

DEVELOPMENT DESCRIPTION:

The applicant is in the process of developing the site as a non-accessory parking lot, which is a permitted use in a M1 Industrial zoning designation. In order to maximize the site, the applicant has proposed to amend Zoning Agreement DAZ 263/89 (Zoning By-Law No. 5791/91) by deleting Clauses No. 2 through No. 5. Clause No. 2 prohibits the storage of goods, materials, equipment, or vehicles (except vehicles belonging to employees) within forty (40) feet of the western property boundary. Clause No. 3 requires that all portions of the site utilized for outside storage be enclosed by a fence of a design approved by the Commissioner of Planning and Community Services. Clause No. 4 prohibits the construction of buildings or issuance of building permits for development of the site without Schedule "A" approval, and the signature of the Commissioner of Planning and Community Services. Clause No. 5 requires that all fencing and landscaping shown on the Schedule "A" plans to be completed within six (6) months of the issuance of a building permit. In addition to the proposed amendments, the applicant has also applied for variances to the mandated front yard and side yard setback requirements (see related file DAV 03-329534D). If the proposed amendments and variances are granted, the applicant would be permitted to develop the entire site as a non-accessory parking lot, with the exception of an eight (8) foot landscape strip along William Avenue.

ADMINISTRATIVE COMMENTS:

While the Planning & Land Use Division has some concerns in regards to the associated variance application (see related file DAV 03-329534D), in general there is no opposition to the proposed amendments to the zoning agreement. Clauses No. 4 and No. 5 relate to approval processes for site improvements that may no longer be appropriate. Clauses No. 2 and No. 3 relate to buffering and screening outdoor storage and materials from public view and the existing residential properties to the west. These provisions would no longer be appropriate if the

property's sole use was as a non-accessory parking lot; however, the use of the site could revert to a more impactive industrial use in the future. In light of these considerations, the Planning & Land Use Division recommends that the clauses be removed, and replaced with a clause restricting the use of the site to "accessory and non-accessory parking" only.

RECOMMENDATION:

I. That Zoning Agreement DAZ 263/89 (Zoning By-Law No. 5791/91), be amended by amending Clause No. 2 to read " The permitted uses of the site are restricted to accessory and non-accessory parking areas only", and striking Clauses No. 3 through No. 5.

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 263/89 (Zoning By-Law No. 5791/91), as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: David Marsh, AICP
Planner
(Lord Selkirk-West Kildonan Community)
986-5549