Minute No. 101
Report – Executive Policy Committee – January 15, 2019

Item No. 2 **Zoning Agreement Amendment – 1390 Grant Avenue (River Heights – Fort Garry Ward) File ZAA 6/2018**

COUNCIL DECISION:

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

1. That Zoning Agreement Caveats 3971726/1 under File DASZ 15/2005 dated May 18, 2005, be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements to DASZ 15/2005 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 – January 15, 2019

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 January 15, 2019, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 11, 2018, 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 – 1390 Grant Avenue**
File ZAA 6/2018

For submission to: **Executive Policy Committee**

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

Report date: **December 12, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 11, 2018, 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 Committee:

1. That Zoning Agreement Caveats 3971726/1 under File DASZ 15/2005 dated May 18, 2005 be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements to DASZ 15/2005 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. This amendment is minor in nature and is reflective of the expropriation that was required for the Waverley turning lanes as part of the Waverley underpass project.

2. There is actually no development pending, just to put that on record for anybody who's seeing this and is interested in that factor.

PUBLIC HEARING SUMMARY

File: ZAA 6/2018

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

Public Hearing: December 11, 2018
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Brendan Salakoh)

Subject:



Premises Affected: 1390 Grant Avenue

Exhibits Filed:

1. Application dated October 2, 2018
2. Notification of Public Hearing dated October 10, 2018
3. Manitoba Status of Title 2865569/1
4. Letter of authorization dated August 22, 2018 from Rise of Oriental Sun Ltd. to Landmark Planning and Design
5. Caveats 3141696 and 3971726
6. Plan (1 page)
7. Report from the Urban Planning Division dated December 4, 2018
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Brendan Salakoh

In Opposition

Nil

For Information:

Nil

For the City:

D. Harris, Planner, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 6/2018

ADMINISTRATIVE REPORT

Title: ZAA 6/18 – 1390 Grant Ave.

Issue: For consideration at the Public Hearing for a Zoning Agreement Amendment to discharge caveats 3971726/1 to allow revised points of access to the subject property following expropriation for a road widening.

Critical Path: City Centre Community Committee as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith, RPP	N/A	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveats 3971726/1 under File DASZ 15/2005 dated May 18, 2005 be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements to DASZ 15/2005 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 repeal in its entirety the caveats associated with Files DASZ 15/2015
- Removal of caveats on a Land Title requires a Zoning Agreement Amendment application.
- Approval of a Zoning Agreement Amendment application 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 subject Zoning Agreement will be amended and the caveat will be withdrawn.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Dylan Harris, MCP
Date:	December 4, 2018
File No.	ZAA 6/18

APPENDIX 'A'

DATE:	December 3, 2018
FILE:	**ZAA 6/18**
RELATED FILES:	DASZ 15/2005
COMMUNITY:	City Centre
NEIGHBOURHOOD	1.628 South River Heights
SUBJECT:	For consideration at the Public Hearing to repeal caveat 3971726/1 associated with Files DASZ 15/2005
LOCATION:	1390 Grant Ave.
LEGAL DESCRIPTION:	LOT 1 PLAN 50365 exc. Waverley St. Plan 60015 in RL 46 and 47 Parish of St. Boniface.



APPLICANT:	Landmark Planning and Design Inc. (Brendan Salakoh) 298 Waterfront Dr. WPG, MB R3B 0G5
Owner:	Rise Oriental Sun Ltd. 6188 Wilson Burnaby, BC V5H 0A5
RECOMMENDATION:	Approval

SITE DESCRIPTION:

- The subject property is located on the south west corner of Grant Ave. and Waverley St. in the South River Heights Neighbourhood of the River Heights – Fort Garry ward.
- The site is located in a Mature Community as designated in the *Complete Communities Direction Strategy.*
- The property is zoned “C2” Commercial Community and is 20 719 sq. ft. in area.
- The site is currently vacant.



Figure 1: Location of the subject property and surrounding area (2018)

North: Grant Ave. then commercial uses zoned “C1” Commercial Neighbourhood district.

South: Single family residential uses zoned “R1-M” Residential Single Family Medium district.

East: Waverley St. then commercial uses zoned “C1” Commercial Neighbourhood district and two family uses zoned “R1-M” Residential Single Family Medium district.

West: Single family residential uses zoned “R1-M” Residential Single Family Medium district

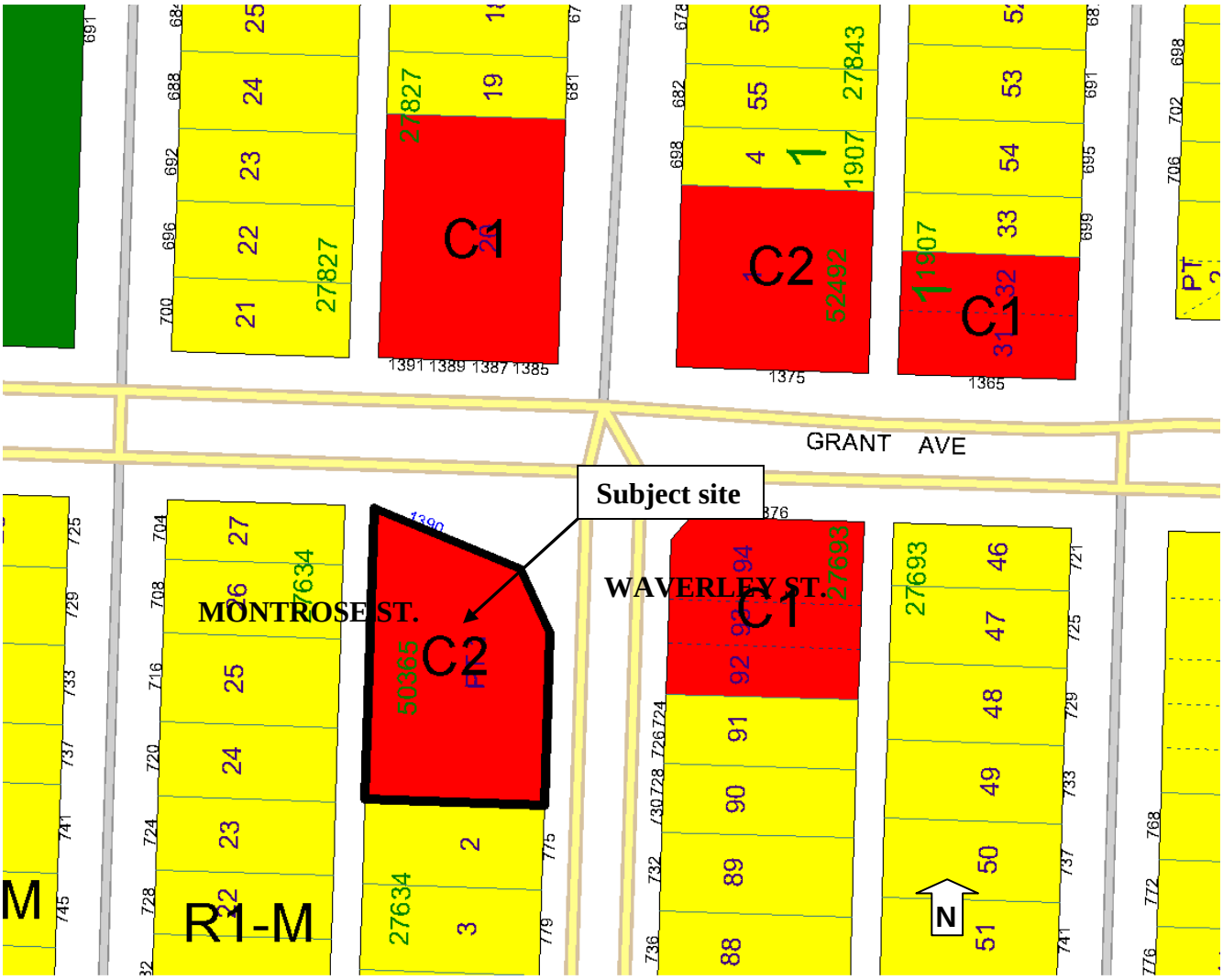


Figure 2: Zoning of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- On June 7, 2005 the City Centre Community Committee approved a subdivision and rezoning application (DASZ 15/2005) at 1390 Grant Ave, rezoning the subject site into the “C1.5” district (now “C2” under by-law 200/2006).

- The approval was subject to a zoning agreement which stipulated the location of allowable approaches to access the property (see Appendix A).

- Zoning agreements are registered on a title in the form of a caveat.
- Condition 3.A of the zoning agreement in DASZ 15/2005 said

  *"That access to the proposed lot will be restricted to those approaches as illustrated on Sketch Plan No. PR96-2, that being the widened public lane approach off of Grant Avenue and a single right in/out approach off of Waverly Steet (*See Appendix A).
- As part of the Waverley St. underpass reconstruction project, modification to the intersection of Grant Ave. and Waverley St. was required.
- A portion of property at 1390 Grant Ave. was expropriated to accommodate a new turn lane configuration at east bound Grant Ave. and south bound Waverley St.
- The expropriation has made locating the approach on Waverley St. as outlined in the DASZ 15/2005 unfeasible.
- The City of Winnipeg Real Estate Division instructed the applicant to undertake a Zoning Agreement Amendment (ZAA) application to remove the caveat which stipulated the location of a private approach on Waverley St.
- This amendment to remove the existing caveat will enable the applicant to apply for a new private approach on Waverley St. that is reflective of the new road alignment of Grant Ave and Waverley St.
- The City of Winnipeg has indicated they will cover all associated costs of the ZAA and private approach applications given the applications have been necessitated by an expropriation.
- The applicant has agreed to undertake the subject ZAA and private approach applications.

ANALYSIS AND ISSUES

Complete Communities Direction Strategy

- The subject property fronts onto Grant Ave.
- Grant Ave. fits the characteristics of a Community Mixed-Use Corridor as described in the *Complete Communities Direction Strategy.*
- Community Mixed Use Corridors:
    - Act as a main street to one or more neighbourhoods.
    - Are within an area that is supported by an intensity of people and jobs to support local retail and commercial services.
    - Contain multi-block sections where development is oriented to the street and existing development patterns are conducive to supporting higher density, mixed use pedestrian environments.
    - Are well served by frequent transit service and direct routes to nearby Regional Mixed Use Centres.
- The future development of the currently vacant lot at 1390 Grant Ave. in a fashion consistent with its established “C2” Zoning Rights will further activate Grant Ave, contributing to the vision for Grant Ave. as a Community Mixed Use Corridor as described in the *Complete Communities Direction Strategy.*

Winnipeg Zoning By-Law 200/06

- All regulations governing the use of land zoned “C2” Commercial Community; set out in the Winnipeg Zoning By-Law apply to future redevelopment of this property.

SUMMARY

- As stated above, the subject property was successfully rezoned in 2005 subject to a zoning agreement that outlined the acceptable location of a private approach.
- This zoning agreement is registered on the Title of 1390 Grant Ave. as caveat 3971726/1.
- As a result of an expropriation, to enable a new road alignment at the intersection of Grant Ave. and Waverly St., the mandated location of the approach is no longer feasible.
- In accordance with advice from the City of Winnipeg Real Estate Division, the applicant is willing to undertake a Zoning Agreement Amendment to remove caveat 3971726/1.
- If approved, this application will allow the applicant to apply for a new private approach, thereby rendering their land developable in a fashion consistent with their established “C2” Commercial Community district zoning rights.
- The removal of the subject caveat will render the original zoning agreement non-existent. The Urban Planning Division is supportive of this action.

RECOMMENDATIONS

1.) That Zoning Agreement Caveat 3971726/1.1 under File DASZ 15/2005 dated July 27, 2005 be withdrawn.

2.) That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreement to DAZ 15/2005 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: Dylan Harris, MCP
PPD File # ZAA 6/18

Appendix A: Original sketch outlining approach location in DASZ 15/2005.

Sketch Plan No. PR96-2

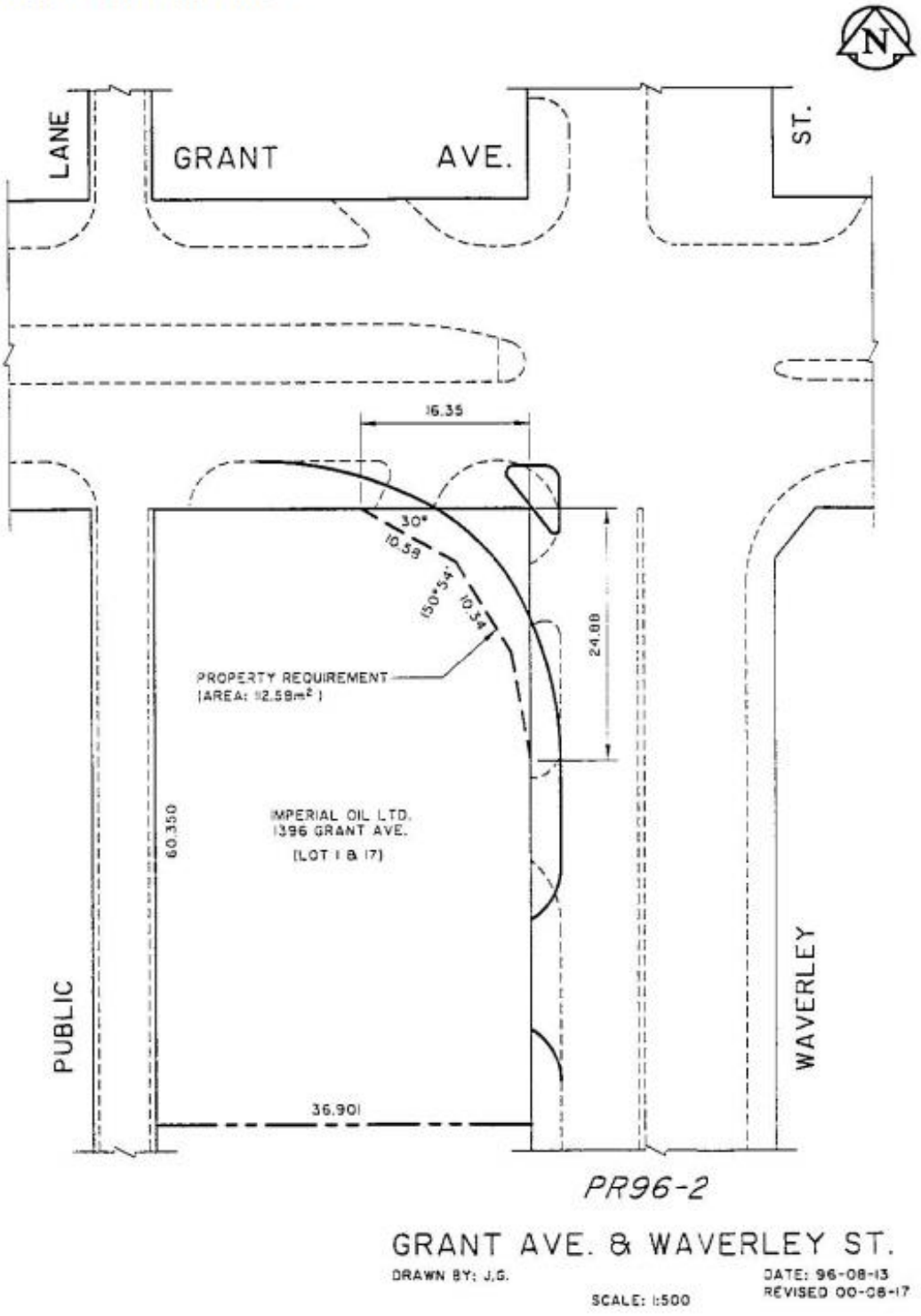


Exhibit “6” referred to in File ZAA 6/2018

