Minute No. 558
Report – Executive Policy Committee – October 8, 2019

Item No. 3 **Zoning Agreement Amendment – 201 Scurfield Boulevard (Waverley West Ward)**
File ZAA 4/2019

COUNCIL DECISION:

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

1. That the Zoning Agreement Caveat No. 86-111645/1 under File DASZ 52/1985 dated March 19, 1986 (By-law 4359/1986), be amended as follows:

   A. That Clauses 2(i) and 2(ii) be deleted;

   B. That the following new clauses be added:

      i. For the portions of the land zoned "C2," the following uses shall not be permitted:

         a. Landscaping or garden supplies;
         b. Supermarket;
         c. Drive-in or drive-through;
         d. Auto/light truck/motorcycle, repair and service;
         e. Auto/light truck/motorcycle, sales and rental;
         f. Auto and supply supplies;
         g. Carwash;
         h. Fuel sales;
         i. Towing and storage facility;
         j. Mini-warehouse of self-storage;
         k. Warehousing;
         l. Wholesaling;
         m. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs;
         n. Outside display and sales;
         o. Outside storage.

      ii. Residential multi-family uses shall be limited to the "RMF-S" dimensional standards.

Report – Executive Policy Committee – October 8, 2019

COUNCIL DECISION (continued):

iii. Any medical clinic use shall be limited to a maximum gross floor area of 10,000 square feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 52/1985 (By-law 4359/1986) 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 – October 8, 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 October 8, 2019, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2019, the Assiniboia 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.

PUBLIC HEARING SUMMARY

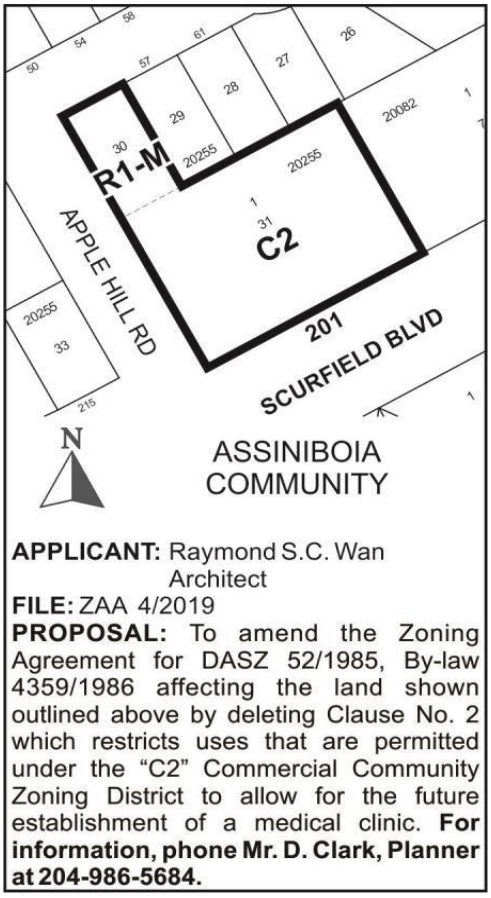
File: ZAA 4/2019

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: September 11, 2019
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan Architect
(Raymond Wan)

Subject:



APPLICANT: Raymond S.C. Wan Architect
FILE: ZAA 4/2019
PROPOSAL: To amend the Zoning Agreement for DASZ 52/1985, By-law 4359/1986 affecting the land shown outlined above by deleting Clause No. 2 which restricts uses that are permitted under the "C2" Commercial Community Zoning District to allow for the future establishment of a medical clinic. **For information, phone Mr. D. Clark, Planner at 204-986-5684.**

Premises Affected: 201 Scurfield Boulevard

For submission to: Executive Policy Committee
Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: September 17, 2019

Community Committee Recommendation:

On September 11, 2019, the Assiniboia 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 Caveat No. 86-111645/1 under File DASZ 52/1985 dated March 19, 1986 (By-law 4359/1986), be amended as follows:

    A. That Clauses 2(i) and 2(ii) be deleted;

    B. That the following new clauses be added:

        i. For the portions of the land zoned "C2," the following uses shall not be permitted:

            a. Landscaping or garden supplies;
            b. Supermarket;
            c. Drive-in or drive-through;
            d. Auto/light truck/motorcycle, repair and service;
            e. Auto/light truck/motorcycle, sales and rental;
            f. Auto and supply supplies;
            g. Carwash;
            h. Fuel sales;
            i. Towing and storage facility;
            j. Mini-warehouse of self-storage;
            k. Warehousing;
            l. Wholesaling;
            m. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs;
            n. Outside display and sales;
            o. Outside storage.

        ii. Residential multi-family uses shall be limited to the "RMF-S" dimensional standards.

iii. Any medical clinic use shall be limited to a maximum gross floor area of 10,000 square feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 52/1985 (By-law 4359/1986) 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. I support the Department's recommendations.

Exhibits Filed:

1. Application dated June 25, 2019
2. Notification of Public Hearing dated July 9, 2019
3. Manitoba Status of Title 1256133/1
4. Letter of authorization dated June 18, 2019 from Whyte Ridge Baptist Church Inc. to Raymond S.C. Wan, Architect and Thompson Dorfman Sweatman LLP
5. Zoning Agreement between The City of Winnipeg, and Whyte Ridge Residential, Developments Ltd.,
6. Variance Order for File DAV 369/87
7. Report from the Urban Planning Division dated September 3 2019
8. Inspection Report
9. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:

David Barton
Paul Cheung
Michelle Constant
Geoffrey Young
Ray Wan, Raymond S.C. Wan Architect
Ken Yee

In Opposition:

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
F. Ojo, Urban Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 4/2019

ADMINISTRATIVE REPORT

Title: ZAA 4/19 – 201 Scurfield Boulevard

Issue: For consideration at the public hearing to repeal a condition of the existing zoning agreement for DASZ 52/1985 (By-law 4359/86) that will accommodate a medical clinic use within an existing building.

Critical Path: Assiniboia 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
M. Pittet, Acting	N/A	N/A	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 86-111645/1 under File DASZ 52/1985 dated March 19, 1986 (By-law 4359/1986), be amended as follows:
   - A. That Clauses 2(i) and 2(ii) be deleted;
   - B. That the following new clauses be added:
     - i. For the portions of the land zoned "C2," the following uses shall not be permitted:
       - a. Landscaping or garden supplies;
       - b. Supermarket;
       - c. Drive-in or drive-through;
       - d. Auto/light truck/motorcycle, repair and service;
       - e. Auto/light truck/motorcycle, sales and rental;
       - f. Auto and supply supplies;

g. Carwash;

h. Fuel sales;

i. Towing and storage facility;

j. Mini-warehouse of self-storage;

k. Warehousing;

l. Wholesaling;

m. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs;

n. Outside display and sales;

o. Outside storage.

ii. Residential multi-family uses shall be limited to the "RMF-S" dimensional standards

iii. Any medical clinic use shall be limited to a maximum gross floor area of 10,000 square feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 52/1985 (By-law 4359/1986) 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 wishes to withdraw one of the conditions in the current zoning agreement in order to establish a medical clinic with a gross floor area greater than 1,500 square feet on the subject property. The current zoning agreement limits the subject property, zoned "C2" – Commercial Community, to uses permitted under the "C1" Neighbourhood Commercial district.
- Zoning Agreement Amendments require 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 at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the Zoning Agreement conditions 2 (i) and 2 (ii) will be deleted and replaced.

CONSULTATION

N/A

HISTORY

DASZ 52/85 (B/L 4359/86)

In 1986, the subject property was rezoned to the "C2" zoning district subject to entering into a Zoning Agreement which regulated future development as follows:

1. The Owner's land affected by this agreement and hereinafter referred to as "the land" is described as follows:

   Lot 31, in Block 1, which lot is shown on a plan of survey… [etc.]

2. The "C2" 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:
   i. Those uses listed as "C1" local Commercial District uses in Table VIII-I Commercial Use Table of Zoning By-Law 1800 of the City of Winnipeg as it may be amended or replaced from time to time.
   ii. Bank or other financial institution.
3. No building or structure shall be erected or located on the land and no building permit issued for construction on the "C2" land unless and until plans including the location and design of the proposed buildings and structures, exterior materials and elevations thereof, accessory parking and loading areas, the location and design of landscaping, fencing and garbage enclosures, all signs and methods of access and egrees to and from the land are submitted to and approved by the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Environment of the City and thereafter identified by the signature of that Commissioner under the designation "Schedule 'A' to Zoning Agreement DASZ 52/85" and no buildings, structures or works shall be constructed or placed on the land except in accordance with that Schedule "A" to this agreement.
4. Under a Development Agreement affecting the land the Owner is required to construct a uniform fence six (6) feet in height within and along the rear lot line of lots 19 to 25, in Block 1 of the "R1-4" lands backing onto Route 90 (Kenaston Boulevard) and the Owner and its respective successors in title shall maintain, repair or restore that portion of the fence on each lot in good condition and at all times to the satisfaction of the said Commissioner of Environment in order that the owners of those lots shall continue to enjoy the uniform condition and appearance of that fence.
5. It is understood and agreed that no application shall be made for approval of any private approaches for motor vehicles connecting any of lots 19 to 25 in Block 1 directly to

Route 90 (Kenaston Boulevard), or connecting either of lots 1, in Block 1 or 2 in Block 2 to Columbia Drive.

6. Nothing in this agreement shall restrict or affect the powers of the City to amend, repeal or vary the Zoning By-law or Town Planning Scheme applicable to the land or to enact a zoning by-law rezoning the land and it is understood by the Owner that the execution of this agreement by the City cannot operate to effect any variance to the zoning by-law or Town Planning Scheme or approve any conditional use or operate to relieve against compliance with any other by-law or regulation of the City.
7. Any reference in this agreement to lot width or minimum lot width shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines, or fifty (50) feet from the front lot line, whichever is the lesser and the terms “side lot lines”, “lot depth”, “front lot line”, “front yards”, “side yards” and “rear yards” shall have the meanings as defined by the applicable zoning by-law except to any extent modified by this agreement.
8. If a provision of this agreement conflicts with a provision of any variance or conditional use order now existing or made in future the most restrictive provision shall apply.
9. This agreement shall run with the land and shall bind the Owner, his/her/its successors and assigns, provided that if the City does not enact the amending by-law restricted in this agreement, this agreement shall become void and the City shall withdraw any caveat registered on the basis therof.

DAV 369/1987

On May 8, 1987, the Assiniboine Park – Fort Garry Community Committee concurred in the recommendation of the Winnipeg Public Service and approved both a variance application pertaining to the subject site to permit no east corner side yard or west side yard to the accessory parking area, subject to the following conditions:

1. That a four (4) foot wood fence be erected in the north front yard and west side yard and a 20 foot landscaped buffer in the front yard be maintained on the north;
2. That final plans showing fencing and landscaping details be subject to the approval of the Director of Environmental Planning.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	September 3, 2019
File No.	ZAA 4/19

List of Schedules and Attachments

1. Appendix ‘A’ – Planning Discussion

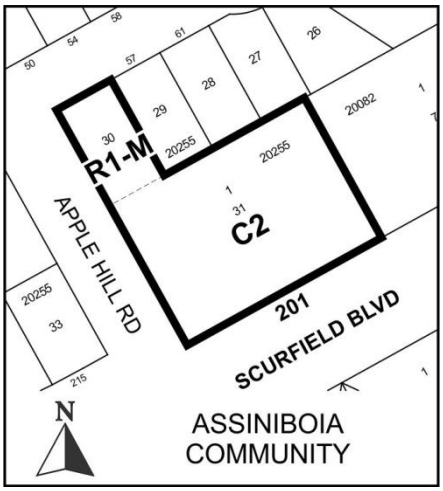
APPENDIX 'A'

DATE: September 3, 2019
FILE: **ZAA 4/19**
RELATED FILES: DASZ 52/1985 (B/L 4359/1986); DAV 369/1987
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.647 (Whyte Ridge)

SUBJECT: The applicant is proposing to repeal condition 2 (1) and 2 (ii) of the existing zoning agreement for DASZ 52/85 (By-law 4359/86) with a new agreement that will accommodate the reuse of a former church building for a medical clinic and daycare.

LOCATION: 201 Scurfield Boulevard

LEGAL DESCRIPTION: LOT 30/31 BLOCK 1 PLAN 20255 23 & 29 ST V OTM



APPLICANT: Raymond S.C. Wan Architect (Ray Wan)
50 Willow Avenue
Winnipeg, MB R3N 0G8

OWNER: Whyte Ridge Baptist Church Inc.
201 Scurfield Boulevard
Winnipeg, MB R3Y 1A5

RECOMMENDATION: Approval to repeal and replace the zoning agreement under file DASZ 52/1985 (By-law 4359/86) with the new recommended condition.

SITE DESCRIPTION

- The subject property is located at the northeast corner of Scurfield Boulevard and Apple Hill Road, in the Whyte Ridge Neighborhood of the Waverley West Ward.
- The subject site is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*.
- The property is currently split zoned, with a front portion facing Scurfield Boulevard zoned “C2” – Commercial Community, and a smaller portion adjacent to Apple Hill Road zoned “R1-M” – Residential Single-Family (Medium).
- The subject property has a total lot area of 40,223 square feet. A one-storey 8,268 square foot church building constructed in 1988 is currently located on the site. The existing building is located entirely within the portion of the property zoned “C2” – Commercial Community.
- The main floor of the subject building is currently vacant. The basement is currently occupied by a day care centre, Whyte Ridge Child Care.
- Vehicular access to the subject property is taken from a private approach from Scurfield Boulevard, and a second approach from Apple Hill Road.