Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 24 Zoning Agreement Amendment - 971 Corydon Avenue
File ZAA 6/2004 [c/r DAZ 204/2003]

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DAZ 204/2003 (By-law No. 110/2003) be amended as follows:

    A. That Clause ii of the agreement be amended to include the following land uses:

        i. animal hospital, veterinary clinic
        ii. art/antiques
        iii. art/crafts/hobby
        iv. bakery, baked goods
        v. bank, credit union or similar financial institution
        vi. barber shop, beauty salon
        vii. book store
        viii. clothing sales, tailoring, rental, repair
        ix. depot for dry cleaning
        x. drug store
        xi. dwelling units
        xii. florist
        xiii. gift shop
        xiv. grocery, confectionary
        xv. health spa and related
        xvi. medical, dental, optical, counselling or other health or therapeutic clinic
        xvii. musical instruments sales, service, rental, music instruction
        xviii. offices
        ixx. personal services
        xx. photographic development and printing
        xxi. post office
        xxii. restaurant under 2,500 square feet

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xxiii. reducing salon, health spa, steam bath, tanning salon, or similar facility
xxiv. sporting goods
xxv. stationery sales
xxvi. toy sales
xxvii. library
xxviii. recreation centre
xxix. retail sales under 5,000 square feet

B. That the following new clause be added to the agreement, namely:

8. That the buildings on the site be restricted to two (2) stories.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 204/2003 (By-law No.110/2003) as approved in 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.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2004, the City Centre Community Committee concurred in the administrative recommendation, as amended, namely:

- Recommendation 1.A. add the following to the permitted land uses, namely:

  "xxvii. library
  xxviii. recreation centre
  xxix. retail sales under 5,000 square feet"

- Add the following new recommendation, namely:

  "1.B. That the following new clause be added to the agreement, namely:

  8. That the buildings on the site be restricted to two (2) stories",

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 971 Corydon Avenue**
File - ZAA 6/2004 [c/r DAZ 204/2003, DAV 168/2003,
DAV 112267/2004D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **May 7, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement under File DAZ 204/03 (By-law No. 110/2003) be amended as follows:

A. That Clause ii of the agreement be amended to include the following land uses:

i. animal hospital, veterinary clinic
ii. art/antiques
iii. art/crafts/hobby
iv. bakery, baked goods
v. bank, credit union or similar financial institution
vi. barber shop, beauty salon
vii. book store
viii. clothing sales, tailoring, rental, repair
ix. depot for dry cleaning
x. drug store
xi. dwelling units
xii. florist
xiii. gift shop
xiv. grocery, confectionary
xv. health spa and related
xvi. medical, dental, optical, counselling or other health or therapeutic clinic
xvii. musical instruments sales, service, rental, music instruction
xviii. offices
ixx. personal services
xx. photographic development and printing
xxi. post office
xxii. restaurant under 2,500 square feet
xxiii. reducing salon, health spa, steam bath, tanning salon, or similar facility

xxiv. sporting goods
xxv. stationery sales
xxvi. toy sales
xxvii. library
xxviii. recreation centre
xxix. retail sales under 5,000 square feet

B. That the following new clause be added, namely:

8. That the buildings on the site be restricted to two (2) stories.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 204/2003 (By-Law No.110/2003) 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.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated April 27, 2004.

2. The additional permitted land uses are appropriate for area and will generate a stronger commitment from the owner to improve services and landscaping in the area.

PUBLIC HEARING SUMMARY

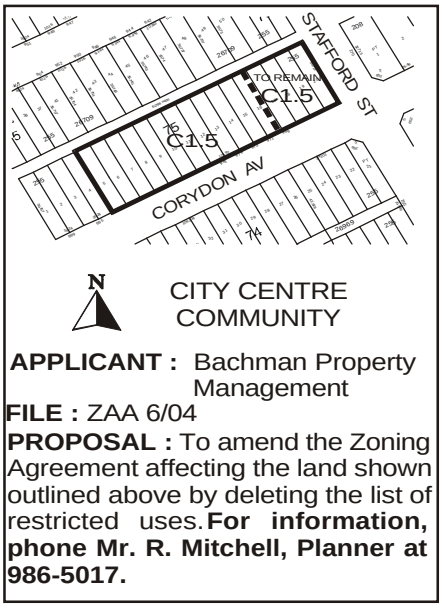
File: ZAA 6/2004 [c/r DAZ 204/2003, DAV 168/2003D, DAV 112267/2004D]

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: May 4, 2004
Council Chamber
Council Building, 510 Main Street

Applicant: Bachman Property Management Inc. (Ross Ransby)

Subject:



Premises Affected: 971 Corydon Avenue

Exhibits Filed:

1. Application dated February 20, 2004
2. Notification of Public Hearing dated XXX
3. Manitoba Status of Title(s) 1921021, 1921022
4. Surveyor's Building Location Certificate and sketch dated August 9, 2002
5. Caveat dated November 22, 1991
6. Council Decision, dated June 25, 2003, File DAZ 204/2003
7. Variance Order DAV 168/2003D
8. Plans (3 pages)

9. Report from the Manager of Planning and Land Use dated April 27, 2004
10. Inspection Report
11. Letter of authorization dated May 4, 2004, from Barry Shenkarow, Corporate Secretary, Stafford & Corydon Ltd. to Ross Ransby.

REPRESENTATIONS:

In Support:

Ross Ransby, Bachman Property Management Inc.

In Opposition:

Nil

For Information:

Jack Abiusi
Fred Hartmann
Roy and Anne Warman

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Mr. Ross Ransby, Bachman Property Management Inc., appeared in support of application and gave a brief overview on the application. Mr. Ransby stated that he was supportive of the administrative recommendation but would like to have library, recreation centre and retail uses included as permitted land uses.

Councillor Steek asked for clarification that this application was to have the original agreement's permitted land uses expanded.

The Senior Planner stated that the intention was to work within the guidelines of agreement

Mr. Fred Hartman appeared for information. Mr. Hartman inquired as to the type of structure that was being built and the hours of operation it would have.

The Senior Planner advised that it would be a one-storey building and that the hours of operation included in agreement stated they would have to be closed between 12:00 a.m. and 7:00 a.m.

Mr. Roy Warman appeared for information. Mr. Warman stated he too had concerns as to the type of structure and hours operation. He further stated that he would like to see landscaping done to dress up neighbourhood.

Mr. Jack Abiusi appeared for information. Mr. Abiusi stated concerns with what the building would look like and its setback and requested to see plans. Mr. Abiusi inquired as to whether the intent was to have restaurant with a drive-thru.

The Senior Planner stated that the zoning agreement allowed a restaurant under a certain number of feet. He stated that a drive-thru would require a public hearing. He further stated that he had a site plan he could share.

Exhibit “10” referred to in File ZAA 6/2004 [c/r DAZ 204/2003, DAV 168/2003D, **DAV 112267/2004D]**

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. ZAA 6/04 April 27, 2004
Our c/f CP 500 (.601)

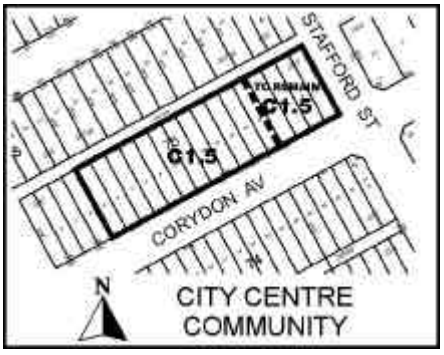
Josie Marques, Community Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
971 Corydon, northwest corner at Stafford
City Centre Community
File No. ZAA 6/04

An application has been received from Ross Ransby, Bachman Property Management Inc, to amend the Zoning Agreement affecting the property shown below to allow for a wider range of uses listed under the “C1.5” Commercial District.

RELATED FILES: DAV 112267D/04



SITE DESCRIPTION:

Site Area: 46,800 square feet; approx. 120' along Stafford by 390' along Corydon

Existing Land Use and Zoning: Commercial building (drug store and medical clinic) and accessory parking lot zoned "C1.5".

Surrounding Land Use and Zoning:

North: Across public lane, houses zoned "R1-4A" Single-Family, Airport Area Residential District.
South: Across Corydon, St. Ignatius Catholic Church and school zoned "R1-3.5A".
East: Across Stafford, vacant commercial site zoned "C1.5".
West: West to Harrow, two houses converted to commercial use zoned "C1.5".

DEVELOPMENT DESCRIPTION:

The site is developed with a 11,227 square foot, one-storey commercial building redeveloped for a PharmaPlus drug store and future medical clinic under file DAZ 204/03. The Zoning Agreement approved by Council under DAZ 204/03 has not been registered, and restricts land use to a "drug store" and "medical clinic". If the current application is approved, that agreement will be amended to reflect the proposed additional development and to include a wider range of land uses that are considered to be compatible with the site location and the surrounding residential neighbourhood.

The current proposal is to construct a one-storey, 4,000 square foot commercial building at the northwest corner of the site. The plans submitted show 2 rental units. The overall development would retain parking for 74 cars, including 19 to the east of the drug store, and 55 to the west of the drug store in the vicinity of the proposed commercial building. The site is currently provided with four approaches, one off Stafford and three off Corydon. The subject proposal does not involve alterations to existing approaches. The public lane along the north limit of the site would remain inaccessible from the site for vehicles.

The building is located on the west property line, against property zoned "C1.5". The building is set 4 feet off the public lane to the rear. The development proposes standard parking lot landscaping including ornamental fencing and shrub beds.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division supports the proposed additional development of the subject site. The Zoning Agreement, as amended, will ensure appropriate land usage and site development standards. The adjacent properties to the west were rezoned to "C1.5" under DAZ 229/03 with a similar range of permitted land uses, with the notable exception of a restaurant under 2,500 square feet. The site could accommodate a 2,000 square foot restaurant without a parking variance.

RECOMMENDATION:

I. That the Zoning Agreement under DAZ 204/03 (By-Law #110/03) be amended as follows:

a. That Clause ii of the agreement be amended to include the following land uses:

- animal hospital, veterinary clinic
- art/antiques
- art/crafts/hobby
- bakery, baked goods
- bank, credit union or similar financial institution
- barber shop, beauty salon
- book store
- clothing sales, tailoring, rental, repair
- depot for dry cleaning
- drug store
- dwelling units
- florist
- gift shop
- grocery, confectionary
- health spa and related
- medical, dental, optical, counselling or other health or therapeutic clinic
- musical instruments sales, service, rental, music instruction
- offices
- personal services
- photographic development and printing
- post office
- restaurant under 2,500 square feet
- reducing salon, health spa, steam bath, tanning salon, or similar facility
- sporting goods
- stationery sales
- toy sales

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 204/03 (By-Law #110/03) 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: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

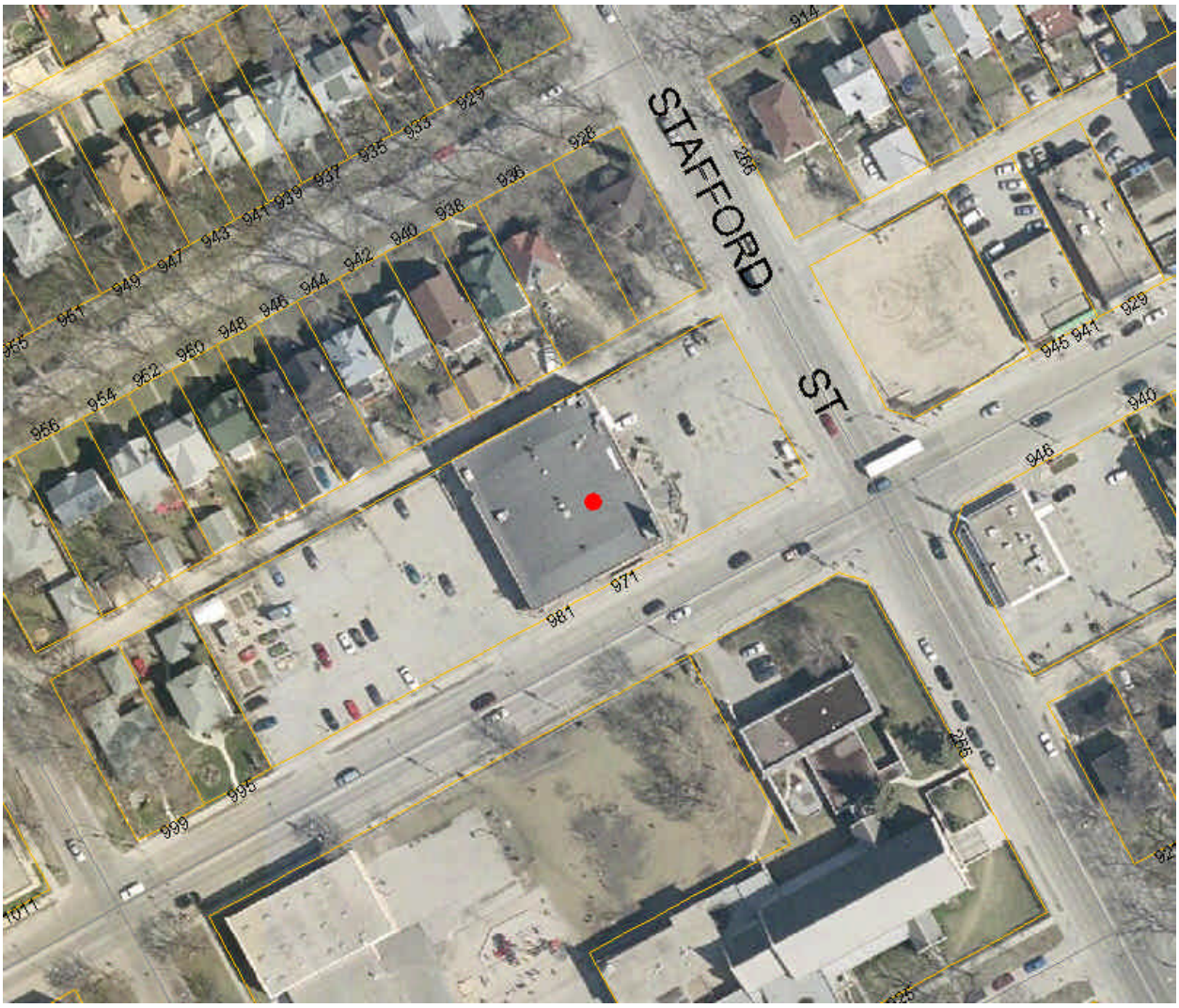


Figure 1: Air Photo of Site