Minute No. 748
Report – Executive Policy Committee – September 14, 2022

Item No. 23 Zoning Agreement Amendment – 3651 Roblin Boulevard (Charleswood-Tuxedo-Westwood Ward) File ZAA 2/2022

COUNCIL DECISION:

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

1. That the Zoning Agreement Caveat No. 266820/1 under File DAZ 262/1978 dated December 6, 1978 (By-law No. 2431/1979), be amended as follows:

    A. That Clause 2 be amended by removing the list of all prohibited uses on the land with the exception of the following uses that shall remain prohibited:

        i. Auto/light truck/motorcycle repair and service

        ii. Auto/light truck/motorcycle, sales and rental

        iii. Auto parts and supplies, sales

        iv. Drive-in or drive through

    B. That Clauses 3 and 4 be removed

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 262/1978 (By-law 2431/1979) as approved in aforesaid Recommendation 1.

3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That, the Proper Officers of the City are hereby authorized to execute said Amending 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.

Report – Executive Policy Committee – September 14, 2022

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 September 14, 2022, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On August 29, 2022, 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.

On June 27, 2022, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on August 29, 2022 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

File: ZAA 2/2022

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

Public Hearing: August 29, 2022
June 27, 2022
Council Building, 510 Main Street

Applicant: Richard + Wintrup Planning and Development (Ryan Fox)

Subject:



APPLICANT : Richard + Wintrup Planning and Development (Ryan Fox)
FILE : ZAA 2/2022
PROPOSAL : To amend the Zoning Agreement DAZ 262/78, By-Law 2431/79, affecting the land shown outlined above by amending Clause 2. and deleting Clauses 4 and 5 for the maintenance of the existing multi-tenant commercial building. **For information, phone R. Galston, Planner at 204-986-8645.**

Premises Affected: 3651 Roblin Boulevard

For submission to: Executive Policy Committee

Prepared by: T. Pomanski, Committee Clerk
Assiniboia Community Committee

Report date: August 29, 2022

Community Committee Recommendation:

On August 29, 2022, 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. 266820/1 under File DAZ 262/1978 dated December 6, 1978 (By-law No. 2431/1979), be amended as follows:

    A. That Clause 2 be amended by removing the list of all prohibited uses on the land with the exception of the following uses that shall remain prohibited:

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3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That, the Proper Officers of the City are hereby authorized to execute said Amending 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.

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

1. The project adheres to what the Public Service is requesting in this change. The applicant has put forward a detailed application obviously showing their intent for the property and there was no opposition received through my eyes.

Exhibits Filed:

1. Application dated April 19, 2022
2. Revised application dated April 29, 2022
3. Notification of Public Hearing dated May 6, 2022
4. Manitoba Status of Title: 1414133/1
5. Letter of authorization dated March 2, 2022 from 1996887 Alberta Ltd. (Joe Sunner), to John S. Wintrup
6. Surveyor's sketch dated October 26, 1981
7. Caveat 266820
8. Variance Order, File DAV 656-79 AP-FG
9. Title Plot and aerial images
10. Report from the Urban Planning Division dated June 10, 2022
11. Inspection Report
12. Presentation titled "3651 Roblin Boulevard" dated June 27, 2022 from Ryan Fox in support of the application
13. Notice of Adjournment dated June 29, 2022
14. Communication dated August 25, 2022 from Ben McGillivary in support of the application
15. Presentation titled 3651 Roblin Boulevard from Ryan Fox in support of the application

REPRESENTATIONS:

In Support:

Ryan Fox
Corrine Dimaria
John Wintrup

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

D. Clark, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File ZAA 2/2022

ADMINISTRATIVE REPORT

Title: ZAA 2/2022 – 3651 Roblin Blvd.

Issue: For consideration at the public hearing for a Zoning Agreement Amendment to remove all causes and replace clauses 2 and 3.

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
D. Clark, RPP MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 266820/1 under File DAZ 262/1978 dated December 6, 1978 (By-law No. 2431/1979), be amended as follows:
    A. That Clause 2 be amended by removing the list of all prohibited uses on the land with the exception of the following uses that shall remain prohibited:
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    B. That Clauses 3 and 4 be removed
2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 262/1978 (By-law 2431/1979) as approved in aforesaid Recommendation 1.
3. That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4. That, the proper officers of the City are hereby authorized to execute said Amending 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

- Zoning Agreement Amendment applications 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 of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Winnipeg Public Service are concurred in, the subject Zoning Agreement will be amended to remove the current zoning agreement and replace it with the above recommended clauses. Clause 5, which is a condition for plan approval, will remain as part of the Zoning Agreement.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

OUR WINNIPEG 2045

Key policies applicable to the proposed development include:

OurWinnipeg Goal - City Building

1. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals. municipal infrastructure capacity.

2. Integrate resilient land use, transportation and infrastructure planning, and investments. Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and

3. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset. New and existing communities are complete when they demonstrate: universally designed environments; mixed-income

neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

6.16 Established Neighbourhoods

Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

One of the Vision Statement's in the Climate Action Plan is that:

> *Winnipeg facilitates compact development and healthy neighbourhoods that are connected through a network of active and transit-oriented mobility options. This means that the City strategically integrates climate action within both land use and transportation decision-making.*

Strategic Opportunity #4 *Facilitate Compact, Complete Development and Increase Density*

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Devin Clark, RPP MCIP
Date:	June 10, 2022
File No.	ZAA 2/2022

List of Schedules and Attachments

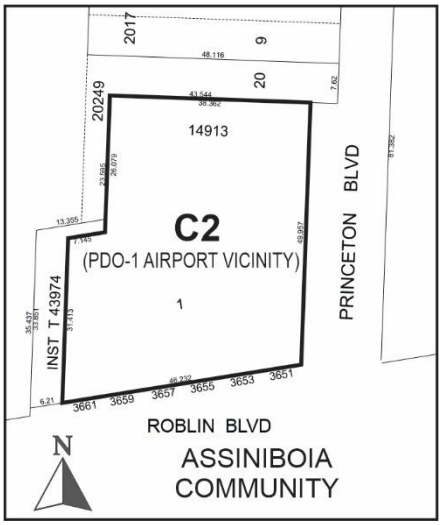
1. Appendix "A" Planning Discussion

APPENDIX 'A'

DATE: June 10, 2022
FILE: **ZAA 2/2022**
RELATED FILES:
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.630 (Vialoux)

SUBJECT: For consideration at the public hearing for a Zoning Agreement Amendment to amend clauses of the Zoning Agreement to remove a number of uses that are currently prohibited and delete other clauses.

LOCATION: 3651 Roblin Blvd.
LEGAL DESCRIPTION: LOT 1 PLAN 14913 WLTO IN RL 36 PARISH OF ST CHARLES



APPLICANT: Richard + Wintrup Planning and Development (Ryan Fox)
202-885 Notre Dame Avenue
Winnipeg, Manitoba R3E 0M4

OWNERS: 1996887 ALBERTA LTD.
40 Gobert Cres.
Winnipeg, Manitoba R2N 3Y6

RECOMMENDATION: Approval in part

HISTORY

DAZ 262/1978

Relevant Zoning Agreement Conditions associated with DAZ 262/1978 include the following:

2. The following uses are prohibited on the land:

- *a. Automobile rental establishments*
- *b. Automobile sales areas and showrooms*
- *c. Automobile supply stores and wholesale*
- *d. Automobile tire sales establishments*
- *e. Banks, or other financial institutions*
- *f. Banquet halls*
- *g. Billiard parlors*
- *h. Blueprinting and photostating establishments*
- *i. Boarding, rooming and lodging houses*
- *j. Boats – rentals, sales and showrooms, open or enclosed, storage, repair and painting, including the incidental sale of boards, boat parts and accessories, fuel sales, open or enclosed*
- *k. Bowling alleys*
- *l. Building materials – sales, enclosed*
- *m. Bus stations*
- *n. Carpentry, custom woodworking and custom furniture making shops*
- *o. Carpet cleaning establishments – carpet, rug, linoleum or other floor covering stores*
- *p. Concert hall or opera house*
- *q. Contractor's establishments – electrical, general, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating*
- *r. Drive-in establishments – banks, eating or drinking places, laundry and/or dry cleaning and theatres*
- *s. Drug stores*
- *t. Dry cleaning establishments*
- *u. Eating or drinking places*
- *v. Exterminators*
- *w. Food stores including grocery stores, meat markets, delicatessen stores, and food specialty stores*
- *x. Freezer plants and cold storage*
- *y. Funeral homes*

z. Hotels

aa. Laundries

bb. Liquor stores

cc. Motels

dd. Motorcycle and autoboggan repair shops, sales and showrooms, open or enclosed

ee. Moving or storage offices

ff. Multiple-family dwellings

gg. Parking lots and parking structures

hh. Pet shops

ii. Photographic – camera and photographic supply stores, developing or printing establishments

jj. Physical culture establishments

kk. Printing - custom

ll. Rinks (all forms)

mm. Sign painting shops

nn. Theatres and cinemas

oo. Trampoline centres

pp. Truck rental establishments

qq. Truck sales areas and showrooms

3. *The maximum height of any building constructed or placed on the land shall be two and one half (2 ½) storeys or thirty (30) feet, whichever is the lesser*
4. *No incinerators shall be constructed, placed or operated on the land*
5. *No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until plans including the location and design of the proposed buildings and structures, exterior materials and elevations thereof, accessory parking areas and the location and design of landscaping and fencing are submitted to and approved by the Commissioner of Environment of the City and by the Assiniboine Park-Fort Garry Community Committee and thereafter identified by that Commissioner's signature under the designation "Schedule "A" to Zoning Agreement DAZ 262/78" and no building or structure shall be erected or located on the land except in accordance with that Schedule "A" to this agreement*

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the north side of Roblin Blvd. in the Vialoux Neighbourhood of the Charleswood, Tuxedo, Westwood ward.

- The subject property site has a total land area of approximately 24,545 square feet.
- Per *OurWinnipeg 2045*, the subject site is located in the Established Neighbourhoods - Recent Communities Policy Area in the *Complete Communities Direction Strategy* 2.0 Urban Structure Map.
- The subject property is currently zoned “C2” Commercial Community

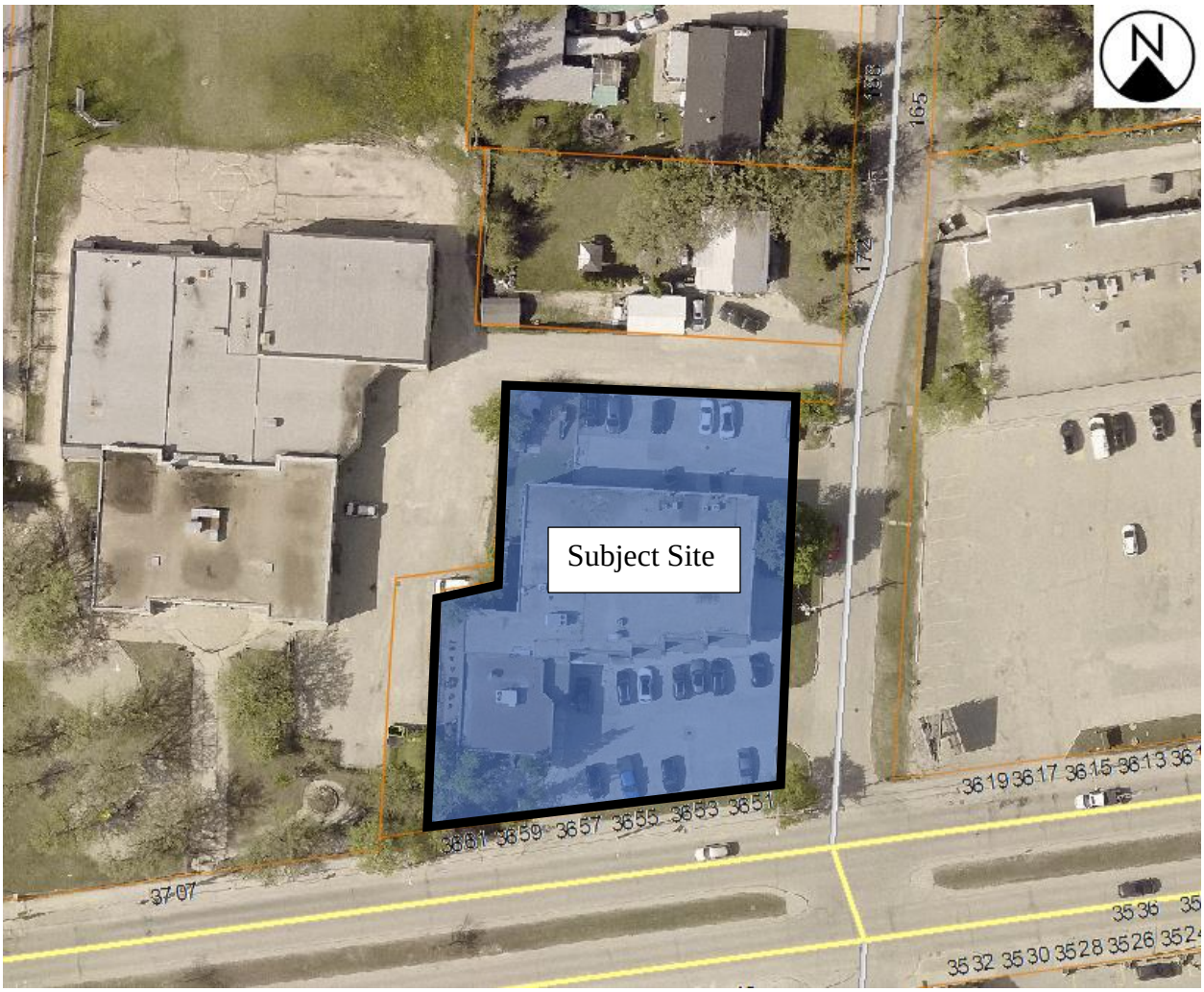


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Car dealerships zoned “M2” General Manufacturing.

South: Bishop Grandin Boulevard.

East: Waverley Street then car dealerships zoned “M2” General Manufacturing.

West: Car dealerships zoned “M2” General Manufacturing.



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- According to the applicant, there are no plans or pending development or redevelopment proposed for the site. Rather, the owners seek to discharge the caveat to enhance the marketing of the building spaces.

COLLABORATION AND PUBLIC CONSULTATION

- The applicant contacted the Urban Planning Division prior to making an application to amend the Zoning Agreement.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

OurWinnipeg 2045

Relevant policies applicable to the proposed development include the following:

Goal - City Building

1. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals. municipal infrastructure capacity.

2. Integrate resilient land use, transportation and infrastructure planning, and investments. Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and

3. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset. New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

6.16 Established Neighbourhoods

Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

Complete Communities 2.0

Relevant policies applicable to the proposed development include the following:

Goal 2
2.0 Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.

Building setbacks

2.2 Encourage the location of commercial or mixed-use buildings at or near the front and corner side property lines to create a pedestrian orientation. Use setbacks to reinforce the public realm through landscaping and pedestrian amenities, such as entryways, patios, benches, and bicycle parking.

Building design

2.4 Encourage the use of high-quality, energy efficient, and durable exterior building façade materials.

2.5 Encourage a variety of architectural styles.

2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the visual aesthetics of the street and neighbourhood.

Pedestrian orientation

2.8 Buildings with commercial uses should be designed to support pedestrian activity by providing building elements that increase visual interest which may include, but are not limited to, the following:

a. Direct pedestrian access to main building entrances from the street;
b. Transparent storefront displays;
c. Human scaled signage; and
d. Decorative lighting, awnings, benches and other pedestrian oriented amenities.

2.10 Discourage building designs that orient the back of the building to the street.

Parking and loading

2.17 Locate commercial, mixed-use, or multiple family residential parking underground or behind buildings in order to create a more pedestrian-oriented built form. Active uses should be located at grade when these buildings face public streets.

2.18 Strongly discourage locating surface parking lots between streets and building fronts.

2.19 Where motor vehicle parking must be accessed from a front street, it should be effectively screened or incorporated into the building in a manner that positively contributes to the attractiveness of the streetscape.

2.20 Where loading areas require access from a street, they should be discreet and incorporated into the building in a manner that contributes to the attractiveness of the streetscape.

Site design

2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development has a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.

ZONING

- **The current zoning of the subject property is "C2" Commercial Community**
- Dimensional standards prescribed under Zoning By-law 200/2006 for the C2 zoning district are as follows:
  - Minimum front yard – 0 feet
  - Minimum rear yard – 25 feet
  - Minimum interior side yard – 0 feet
  - Minimum corner side yard – 15 feet
  - Maximum height of building – 49 feet
  - Maximum floor area ratio – 3.0

AMENDMENT TO ZONING AGREEMENT

Prohibited Uses

- The applicant intends to remove the clause in the Zoning Agreement with respect to prohibited uses. These uses are identified within the History section of this report.
- Removal of the majority of the prohibited uses from the Zoning Agreement is deemed to be acceptable as many of the uses listed are considered appropriate for a building located on a neighbourhood commercial corridor, such as pet shops, banks, or dry-cleaning businesses.
- Many uses contained within this list are no longer explicitly described within the current Zoning By-law, and some of the uses are either unlikely to establish here, such as a bowling alley or theatre, due to the size of the site, or are no longer permitted or conditional uses allowed in the C2 zoning district, such as a sign painting shop, which would be more in line with an industrial zoning use.
- The Urban Planning Division is generally supportive of allowing the market demand to guide uses that are permitted under the current Zoning By-law to establish here.
- The Urban Planning Division believes that some of the uses permitted within the C2 zoning district could be considered incompatible with the objectives and policies previously described in *Complete Communities 2.0.*
- As such, the Urban Planning Division is recommending that the following uses should remain prohibited on the land, as they are typically more auto oriented in nature, with displays contained in the front yard and buildings set further back
    - Auto/light truck/motorcycle repair and service
    - Auto/light truck/motorcycle, sales and rental
    - Auto parts and supplies, sales
    - Drive-in or drive through
- The Urban Planning Division recognizes that the above uses, with the exception of drive-in or drive through, could potentially operate within a building that is still pedestrian oriented, though less likely than uses, such as a restaurant.

Building Height

- The Urban Planning Division is supportive of removing Clause 3, which limits the maximum height of any building to two and one-half storeys or thirty feet, which ever is the lesser.
- The maximum building height for buildings in the “C2” district is 49 feet. Rear yard setbacks required in the “C2” district are 25 feet. The subject site immediately abuts a private vehicle approach that is approximately 25 feet wide. This would provide for an approximate 50-foot setback between the south property line of the single-family dwelling to the north, and the northern most portion of the building face on the subject site.

- The Urban Planning Division believes that a 50-foot setback to a potential 49-foot-tall building would be acceptable and would not have an adverse impact on the single-family dwellings to the north, nor the uses to the east or west.

Incinerator Use

- The Urban Planning Division is supportive of removing Clause 4, which restricts incinerators from being established on site. Incinerators are currently only permitted within the Agricultural zoning district and the "M3" Heavy Manufacturing zoning district. As such, this clause is not necessary as the "C2" zoning on the subject site would not permit an incinerator under the present Zoning By-law.

Plan Approval

- The Urban Planning Division is recommending that the condition for plan approval remain caveated on title. This gives the City the opportunity to review the site in the future, should redevelopment of the site be proposed. In particular, it allows the City to consider how a redevelopment aligns with several of the aforementioned policies in this report from Complete Communities 2.0, with respect to pedestrian orientation, urban design, etc.

RECOMMENDATION

The Urban Planning Division recommends **approval in part** for the reasons discussed above.

If the recommendation of the Public Service is concurred with:

- The list of uses that are prohibited will be removed and replaced with the four restricted uses identified as recommendation number 1 in this report.
- The clause that limits building height will be removed and the maximum height permitted would be allowed up to 49 feet per the current Zoning By-law dimensional standards of the C2 zoning district.
- The clause that restricts incinerators will be removed as incinerator uses are not permitted within the "C2" zoning district.
- The clause for plan approval will be maintained.

This Report Submitted by: Devin Clark, RPP MCIP
Planning, Property and Development Department
Urban Planning Division

PPD File #: ZAA 2/2022