Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 22 Zoning Agreement Amendment - 145 Powers Street
File ZAA 7/2002 (c/r DAZ 74/73)

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 228072 under File DAZ 74/73 dated November 7, 1973, (By-law No. 509/73) be discharged.

2. That the City Solicitor/Manager of Legal Services be requested to discharge Zoning Agreement DAZ 74/73 (By-law No. 509/73) dated November 7, 1993, as approved in Recommendation 1 above.

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

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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, 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 the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, 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 - 145 Powers Street**
File ZAA 7/2002

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

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

Report date: **July 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, 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 Caveat No. 228072 under File DAZ 74/73 dated November 7, 1973, (By-law No. 509/73) be discharged.

2. That the City Solicitor/Manager of Legal Services be requested to discharge Zoning Agreement DAZ 74/73 (By-law No. 509/73) dated November 7, 1993, as approved in recommendation 1 above.

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

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 June 29, 2004.

PUBLIC HEARING SUMMARY

File: ZAA 7/2002

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

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Applicant: T.M. Mobile Inc. (Brock Enderton)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : MANITOBA HOUSING & RENEWAL CORP.
FILE : ZAA 7/02
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to add to the list of permitted uses a non-accessory antennae (cellular communications antennae). **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 145 Powers Street

Exhibits Filed:

1. Application dated July 8, 2002
2. Notification of Public Hearing dated June 8, 2004
3. Site Location Plans (comprising 7 pages)
4. Report from the Manager of Planning and Land Use dated June 29, 2004
5. Inspection Report

REPRESENTATIONS:

In Support:

Brock Enderton, on behalf of Manitoba Housing and Renewal Corporation
Michael Burrows

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Brock Enderton, appearing on behalf of Manitoba Housing and Renewal Corporation, in support of the application, indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use.

Exhibit "4" referred to in File ZAA 7/2002

In reply please refer to / Référence à rappeler :

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

File No. ZAA 07/02
June 29th, 2004
Our c/f CP 300 (.302)

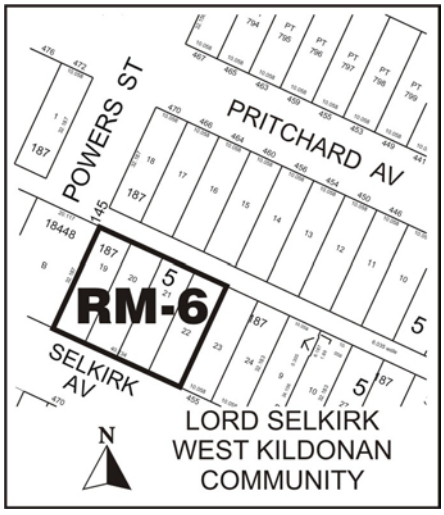
Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

ZONING AGREEMENT AMENDMENT
145 Powers Street
Lord Selkirk – West Kildonan Community
File No. ZAA 7/02

An application has been received from the Manitoba Housing & Renewal Corporation to amend the Zoning Agreement affecting the property at 145 Powers Street, which will allow permitted land uses in a 'RM-6' Multiple Family Residential District.

RELATED FILES: DAZ 74/73; Zoning By-Law 509/73



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The subject property is currently zoned 'RM-6' Multiple Family Residential, and a portion of the site is occupied by an existing multi-storey residential building. The property is restricted in terms of land use to senior's housing via a zoning agreement, and is approximately 13,000 square feet (0.3 acres) in size.

Surrounding Land Use and Zoning:

North: A public lane, then detached residential (R2-T)
South: Selkirk Avenue, then attached & detached commercial buildings (C1.5)
East: Attached & detached commercial and residential buildings (C1.5)
West: An open space, then attached & detached commercial buildings (C1.5)

DEVELOPMENT DESCRIPTION:

The applicant, Manitoba Housing & Renewal Corporation, has requested that the current zoning agreement be amended to allow all uses permitted in a 'RM-6' Multiple Family Residential District, as defined by City of Winnipeg By-Law 6400/94. At present, the use of the property is restricted to seniors housing by the existing zoning agreement.

This application was originally filed in 2002 as a zoning agreement amendment to add non-accessory antennae (cellular communications antennae) as a permitted use; however, the applicant requested that the application be placed on hold owing to public opposition to another non-accessory antennae proposed in the area. The applicant still wishes to construct the antennae on the top of the existing building, and has proposed to co-locate the antennae on the existing penthouse structure. A small equipment shelter is also proposed to be located on the roof of the building as part of the antennae apparatus.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed zoning agreement amendment is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed zoning agreement amendment. Given the low intensity nature non-residential uses permitted in a 'RM-6' Multiple Family Residential District by City of Winnipeg By-Law 6400/94, such as offices, day care, and limited ground floor retail, the potential for negative impacts on surrounding properties is low. Moreover, permitting non-accessory antennae on-site will encourage the collocation of cellular

antennae on existing vertical structures, and not on new cell towers, which is consistent with the City of Winnipeg's policies regarding cellular antennae.

Given that the existing zoning agreement deals solely with restricting the use of the land to seniors housing, the Planning & Land Use Division recommends that the zoning agreement be discharged, and that land use on this property by governed by City of Winnipeg By-Law 6400/94.

RECOMMENDATION:

I. That Zoning Agreement Caveat No. 228072 under file no. DAZ 74/73, dated November 7, 1973 (By-Law # 509/73) be discharged.

II. That the City Solicitor be requested to discharge Zoning Agreement DAZ 74/73 (By-Law # 509/73), dated November 7, 1993, as approved in aforesaid Clause I.

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

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

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Per: David Marsh AICP, Planner III
986-5549