Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 3 Zoning Agreement Amendment – 995 - 999 Corydon Avenue File ZAA 18/2004 [c/r DAZ 229/2003]

STANDING COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That proposed Zoning Agreement Caveat DAZ 229/2003 be amended by deleting Clauses 1 through 7 and replacing them with the following clauses:

   A. That the use of the property be restricted to the following uses, including accessory and secondary uses:

      i. Art/antique; sales, service
      ii. Art/crafts/hobby: instruction, supplies
      iii. Artisan, crafting of custom products
      iv. Bank, credit union, or similar financial service
      v. Barber shop, beauty salon
      vi. Bed and breakfast, accessory to a single-family dwelling
      vii. Bicycle: rental, sale, or service
      viii. Book: sales
      ix. Clothing: alteration, repair, sales
      x. Cocktail lounge
      xi. Consignment sales: clothing
      xii. Day Care Centre
      xiii. Dressmaker, furrier, tailor
      xiv. Dwelling units
      xv. Fabric, yarn sales
      xvi. Florist
      xvii. Gift store
      xviii. General merchandise, retail: subject to Conditional Use
      xix. Grocery store
      xx. Home occupation
      xxi. Jeweler, watchmaker
      xxii. Massage therapist
      xxiii. Professional office
      xxiv. Parking area: accessory
      xxv. Personal service: subject to Conditional Use

Report - Standing Policy Committee on Property and Development - November 2, 2004

xxvi. Reducing salon, health spa, steam bath, tanning salon or similar facility
xxvii. Restaurant
xxviii. Sporting goods: rental, sales, service, trophy sales
xxix. Stationery sales
xxx. Toy sales
xxxi. Retail sales not listed under 5,000 square feet

B. That third party advertising signs, pylon signs (except monument signs) and temporary signs including poster boards, banners and mobile signs be prohibited on the property and that the location of facia or awning signage be limited to south and east-facing walls.

C. That the premises be closed to the public between the hours of 12:00 a.m. and 7:00 a.m. daily.

D. That no buildings or permanent structures be located within 7.0 feet (2.134 metres) of the front (south) property line to provide for the possible future widening of Corydon Avenue.

E. That prior to the issuance of a development permit plans showing the site layout, access, parking, loading, garbage enclosure, landscaping, fencing, exterior lighting, signage and building elevations and materials be submitted for the approval of the City Centre Community Committee.

F. That prior to the issuance of a Development Permit the owner provide evidence that a caveat governing cross-access and shared parking has been registered against the titles of the subject property (Lots 3 and 4, Block 75, Plan 255), and the adjacent properties (Lots 5 to 8, Block 75, Plan 255, and Lots 9-20, Block 75, Plan 255).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to proposed Zoning Agreement DAZ 229/2003, 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.

Report - Standing Policy Committee on Property and Development - November 2, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, the Executive Policy Committee concurred in the recommendations 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 November 2, 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 October 19, 2004, the City Centre Community Committee concurred in the administrative recommendation with the following amendments, namely:

- Recommendation 1.A. add the following, namely:

  "xxxi. Retail sales not listed under 5,000 square feet"

- Recommendation 1.C.
  Delete the words "9:00 a.m." and replace with the words "7:00 a.m.",

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

RE: **Zoning Agreement Amendment - 995/999 Corydon Avenue**
File ZAA 18/2004 /2004 [c/r DAV 323255/2004D, DAZ 229/2003]]

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

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

Report date: **October 22, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2004, the City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the proposed Zoning Agreement Caveat DAZ 229/2003 be amended by deleting Clauses 1 through 7 and replacing them with the following clauses:

    A. That the use of the property be restricted to the following uses including accessory and secondary uses:

        i. Art/antique; sales, service
        ii. Art/crafts/hobby: instruction, supplies
        iii. Artisan, crafting of custom products
        iv. Bank, credit union, or similar financial service
        v. Barber shop, beauty salon
        vi. Bed and breakfast, accessory to a single-family dwelling
        vii. Bicycle: rental, sale, or service
        viii. Book: sales
        ix. Clothing: alteration, repair, sales
        x. Cocktail lounge
        xi. Consignment sales: clothing
        xii. Day Care Centre
        xiii. Dressmaker, furrier, tailor
        xiv. Dwelling units
        xv. Fabric, yarn sales
        xvi. Florist
        xvii. Gift store
        xviii. General merchandise, retail: subject to Conditional Use
        xix. Grocery store
        xx. Home occupation
        xxi. Jeweler, watchmaker
        xxii. Massage therapist

xxiii. Professional office
xxiv. Parking area: accessory
xxv. Personal service: subject to Conditional Use
xxvi. Reducing salon, health spa, steam bath, tanning salon or similar facility
xxvii. Restaurant
xxviii. Sporting goods: rental, sales, service, trophy sales
xxix. Stationery sales
xxx. Toy sales
xxxi. Retail sates not listed under 5,000 square feet

B. That third party advertising signs, pylon signs (except monument signs) and temporary signs including poster boards, banners and mobile signs be prohibited on the property and that the location of facia or awning signage be limited to south- and east-facing walls.

C. That the premises be closed to the public between the hours of 12:00 am. and ***~~9:00 a.m~~***. ***7:00 a.m.*** daily.

D. That no buildings or permanent structures be located within 7.0 feet (2.134 metres) of the front (south) property line to provide for the possible future widening of Corydon Avenue.

E. That prior to the issuance of a development permit, plans showing the site layout, access, parking, loading, garbage enclosure, landscaping, fencing, exterior lighting, signage, and building elevations and materials be submitted for the approval of the City Centre Community Committee.

F. That prior to the issuance of a Development Permit, the owner provide evidence that a caveat governing cross-access and shared parking has been registered against the titles of the subject property (Lots 3 and 4, Block 75, Plan 255), and the adjacent properties (Lots 5 to 8, Block 75, Plan 255, and Lots 9-20, Block 75, Plan 255).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to proposed Zoning Agreement DAZ 229/2003, 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 reasons 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 October 6, 2004.

2. There already is commercial development in the area.

3. This is a beautiful, interesting and green building.

PUBLIC HEARING SUMMARY

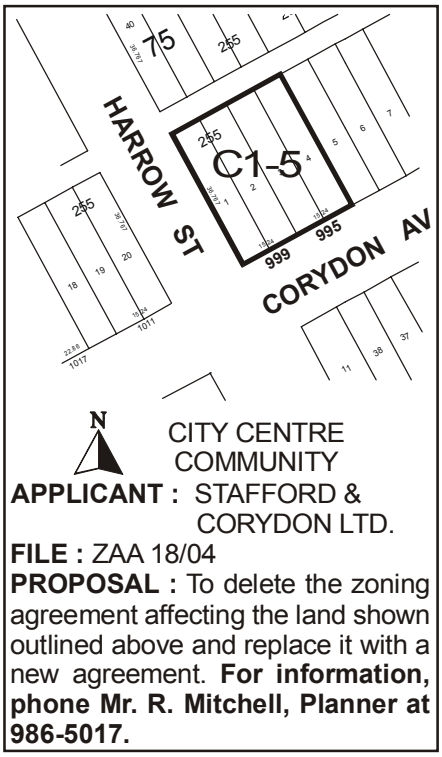
File: ZAA 18/2004 [c/r DAV 323255/2004D, DAZ 229/2003]

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

Public Hearing: October 19, 2004
Council Building, 510 Main Street

Applicant: Stafford and Corydon Ltd. (Ross Ransby)

Subject:



Premises Affected: 995/999 Corydon Avenue

Exhibits Filed:
1. Application dated August 20, 2004
2. Notification of Public Hearing dated September 14, 2004
3. Manitoba Status of Title(s) 1884840, 1912577
4. Surveyor's Building Location Certificate and sketch dated January 25, 1957 and July 5, 2002

5. Letter of authorization dated June 16, 2004 from Jack Abiusi, President, Concresco Lupus Developments Inc., to Stafford & Corydon Ltd.
6. Letter of authorization dated August 17, 2004 from Stafford & Corydon Ltd. to Bachmam Property Management Inc.
7. By-law No. 149/2003 for the enactment of File DAZ 229/2003.
8. Drawing of subject property
9. Plans (5 pages)
10. Report from the Manager of Planning and Land Use dated October 6, 2004
11. Inspection Report
12. Plans (5 pages) submitted by Ross Ransby on October 19, 2004.
13. Presentation submitted by Roy Warman, in opposition to the application, on October 19, 2004.
14. Communication dated October 19, 2004, in opposition to the application, from Leslie A. King, Dean, Faculty of Environment, University of Manitoba, submitted by Roy Warman on October 19, 2004.
15. Communication dated October 19, 2004, with respect to the application, from Michael Radcliffe, Duboff Edwards Haight & Schachter

REPRESENTATIONS:

In Support:

Robin Lee
Ross Ransby, Stafford and Corydon Ltd.
Les Stechesen, Stechesen Katz Architects

In Opposition:

Leslie A. King, Dean, Faculty of Environment, University of Manitoba
Roy and Anne Warman

For Information:

Matthew Narvey
Michael Radcliffe, Duboff Edwards Haight & Schachter

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, Ross Ransby, Stafford and Corydon Ltd., accompanied by Les Stechesen, Stechesen Katz Architects, appeared in support of the application and gave a brief overview on the development. Mr. Ransby submitted plans (5 pages) filed as Exhibit 12. In response to Committee's questions, Mr. Ransby stated that there would be parking for costumers on the adjacent lot which they already own.

The Senior Planner stated that the administrative recommendation required two amendments, one, adding retail sales not listed under 5000 square feet to the list of permitted uses, and changing the closing hours from 12:00 a.m. to 7:00 a.m.

Roy Warman appeared in opposition to the application. Mr. Warman stated concerns with the development not being appropriate for the area, the height of the development and parking. Mr. Warman submitted supporting documentation filed as Exhibit 13.

The Senior Planner stated that the agreement requests a caveat to ensure the cross use of the parking between the proposed building and the adjacent pharmacy.

In rebuttal, Mr. Ransby stated the used of shared parking and that the zoning permitted the height of the building.

Exhibit "10" referred to in File ZAA 18/2004 [c/r DAV 323255/2004D, DAZ 229/2003]

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

File No. ZAA 18/04 October 6, 2004
Our c/f CP 500 (.601)

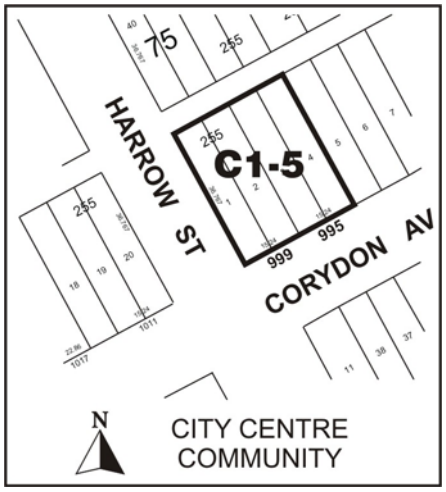
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
995/999 Corydon, northeast corner of Corydon and Harrow
City Centre Community
File No. ZAA 18/04

An application has been received from Stafford and Corydon Ltd. (Ross Ransby), to delete the Zoning Agreement affecting the property shown below and replacing it with a new agreement.

RELATED FILES: DAV 04-323255D



SITE DESCRIPTION:

Site Area: 2 properties combined to provide 100.28 feet of frontage on Corydon and 120.6 feet of flankage on Harrow; 12,094 square feet approx.

Existing Land Use and Zoning:

- 995 Corydon: vacated 2-storey stucco commercial building (converted house) and garage zoned "C1-5". Previously, the building contained a clock repair business, a clothing store, and a travel agency.
- 999 Corydon: vacated 1-storey stucco commercial building (converted house) zoned "C1.5". Previously, the building contained a massage therapy business and an aesthetician.

Surrounding Land Use and Zoning:

North: Single-Family housing fronting McMillan, zoned "R1-4A".
South: across Corydon, St. Ignatius Catholic Church and school, zoned "R1-3.5A".
East: PharmaPlus drug store and parking lot zoned "C1.5".
West: across Harrow, 3-storey apartment building zoned "RM-3A".

DEVELOPMENT DESCRIPTION:

The application is to replace the Zoning Agreement affecting the subject lands with a new Zoning Agreement that would allow for the demolition of the existing converted houses and the construction of a 3-storey commercial building. The buildings' principal tenant would be a financial services firm occupying the 2nd and 3rd floor offices. Conceptual plans show the building abutting the property limits of the site on the west and north sides, and partially extending onto the adjacent PharmaPlus (plaza stairs and parking ramp) on the east side. The building is set back 7 feet from Corydon to allow for possible future street widening.

The building is 45 feet high to the parapet, and the plans show a 25 foot-high decorative tower above the main entry at the southwest corner of the building. The main floor is accessed from a raised plaza that wraps around the south side and southeast corner of the building, with steps down to the Corydon sidewalk at the southwest and southeast corners of the site. The entry to the 2nd and 3rd floor offices (vestibule, stairwell, elevator) would be located off the plaza at the Harrow/Corydon intersection.

The main floor would contain about 6,709 square feet of leasable space including 4,209 square feet of retail space and a 2,500 square foot restaurant, both opening directly onto the plaza. The second floor of the building has a gross floor area of 7,120 square feet, opening onto a landscaped terrace built atop a portion of the first floor roof. The third floor has a gross floor area of 5,162 square feet, also opening onto a roof terrace. The stairwells, washrooms and mechanical rooms are located along the west wall of the building. The garbage enclosure is located on the east side of the building, accessed from the PharmaPlus parking lot.

The plans show underground parking for 27 cars, with ramp access at the northeast corner of the site off the drug store parking lot. The proposed development requires 58 stalls under the by-law based on 1 stall per 100 square feet of restaurant area, 250 square feet of retail space, and 750 square feet of office space. This leaves a shortfall of 31 stalls (part 4 of the related variance). Currently, the drug store site provides surface parking for about 83 stalls. The drug store requires 46 stalls under the by-law, leaving 37 stalls for joint use with the proposed development. If this application is approved as recommended, the owner will be required to enter into an agreement involving the drug store site governing cross-access and parking.

The related variance application would permit the following:

1. Rear yard of 0 feet instead of the required 25 feet.
2. Lot coverage of 76.4% instead of 60%.
3. No direct access from a public street or lane to the underground parking.
4. Twenty-seven (27) parking spaces instead of 58 spaces.
5. No loading space.
6. A tower with a height of 25' instead of the permitted 10'.

The administration is recommending approval of Parts 2-6 of the variance. Part 1 is recommended for approval at 5 feet instead of 25 feet. The variance application may have to be laid over to the November 16th meeting of the Committee as the parking shortfall may increase due to building alterations necessary to accommodate the required 7-foot Corydon widening.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is prepared to support the current application to amend the Zoning Agreement. Previous planning decisions by the administration and approval bodies have paved the way for the current redevelopment. The houses on the subject properties were converted to office use by zoning variance in the 1980's. Under file DAZ 229/03, the properties were rezoned from residential to commercial "C1.5" land use subject to a Zoning Agreement that placed restrictions on land use, signage, parking, hours of operation and building setbacks. The Zoning Agreement was devised with the understanding that the houses were to remain in use as commercial buildings for the time being, but that the site would likely be redeveloped in future. The restrictions were applied so that, at such time as the houses were demolished, the development would be subjected to another public hearing before the City Centre Community Committee to amend the Zoning Agreement. Therefore, the current Zoning Agreement was not intended as a benchmark for future development, but a means of ensuring administrative and public input into the development proposal currently before the Committee.

The Division is of the opinion that the proposed development would be an attractive addition to Corydon Avenue. It would provide a signature building to serve as anchor for the westerly limit of the Corydon Village commercial strip. With adequate parking, the proposed office, restaurant and retail land uses are compatible with the neighbourhood. The Zoning Agreement will ensure that sufficient surface parking is available to both the office building and the drug store. The site

layout avoids lane access, thereby addressing a major concern for adjacent residents. The terraced building design reduces its visual impact from Corydon, bringing it more into scale with neighbouring developments including the apartment buildings, church and drug store. And appropriate landscaping along the west and north sides of the building will help to screen the building and reduce its visual impact from Harrow and the back lane. The applicant is proposing that, with City approval, the Harrow Boulevard be landscaped to compliment the building. The Plan Approval clause in the Zoning Agreement will ensure that, if approved, the site is landscaped and developed and the building constructed in accordance with plans submitted.

RECOMMENDATION:

I. That the proposed Zoning Agreement Caveat DAZ 229/03 be amended by deleting clauses 1 through 7 and replacing them with the following clauses:

A. That the use of the property be restricted to the following uses including accessory and secondary uses:

i. Art/antique; sales, service
ii. Art/crafts/hobby: instruction, supplies
iii. Artisan, crafting of custom products
iv. Bank, credit union, or similar financial service
v. Barber shop, beauty salon
vi. Bed and breakfast, accessory to a single-family dwelling
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B. That third party advertising signs, pylon signs (except monument signs) and temporary signs including poster boards, banners and mobile signs be prohibited on the property and that the location of facia or awning signage be limited to south- and east-facing walls.

C. That the premises be closed to the public between the hours of 12 midnight and 9:00 a.m. daily.

D. That no buildings or permanent structures be located within 7.0 feet (2.134m) of the front (south) property line to provide for the possible future widening of Corydon Avenue.

E. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, loading, garbage enclosure, landscaping, fencing, exterior lighting, signage, and building elevations and materials be submitted for the approval of the City Centre Community Committee.

F. That, prior to the issuance of a Development Permit, the owner provide evidence that a caveat governing cross-access and shared parking has been registered against the titles of the subject property (Lots 3 and 4, Block 75, Plan 255), and the adjacent properties (Lots 5 to 8, Block 75, Plan 255, and Lots 9-20, Block 75, Plan 255).

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to proposed Zoning Agreement DAZ 229/03, 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



Figure 1: Air photo of area.