Agenda - Council - June 29, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 10 Rezoning - 587 - 589 Manitoba Avenue
File DAZ 212/2005

STANDING COMMITTEE RECOMMENDATION:

On June 22, 2005, 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 The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2005 dated April 26, 2005, to a "C1" Commercial District.

2. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. 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 - June 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 2005, 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 submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, 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 May 10, 2005, 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: **Rezoning - 587 - 589 Manitoba Avenue**
File DAZ 212/2005 [c/r DAV 115007/2005D]

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

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

Report date: **May 10, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On, May 10, 2005, 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 The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for file DAZ 212/05 dated, April 26, 2005, to a "C1" Commercial District.

2. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. 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 April 26, 2005.

PUBLIC HEARING SUMMARY

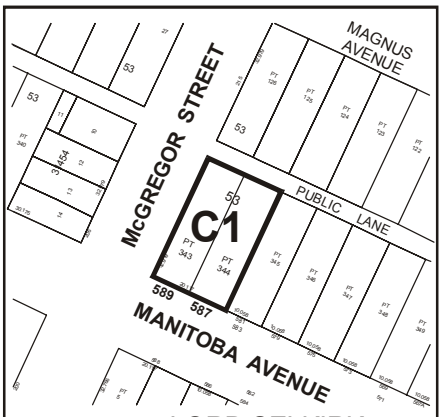
File: DAZ 212/2005[c/r DAV 115007/2005D]

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

Public Hearing: May 10, 2005
West Committee Room, Council Building

Applicant: Moon Goo Kang

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY
APPLICANT : MOON GOO KANG
FILE : DAZ 212/05
PROPOSAL : To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: 587 - 589 Manitoba Avenue

Exhibits Filed:

1. Application dated March 22, 2005
2. Notification of Public Hearing dated April 7, 2005
3. Manitoba Status of Title 1331708
4. Surveyor's Building Location Certificate and sketch dated February 26, 1976
5. Letter of authorization dated March 3, 2005, from Hyung Up and Jisook Kim to Moon Goo Kang

6. Drawing of subject property
7. Report from the Manager of Planning and Land Use dated April 26, 2005
8. Inspection Report

REPRESENTATIONS:

In Support:

Hyung up Kim

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Hyung up Kim, appeared in support of the application, on behalf of the applicant.

Exhibit "7" referred to in File DAZ 212/2005 [c/r DAV 115007/2005D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: **April 26, 2005**
File: **DAZ 212/05**
Related Files: **DAV 05-115007/D**
Subject: Application to rezone land from an "R2-T" Transitional District to a "C1" Commercial District to permit the re-establishment of a grocery store.

Location: **587-589 Manitoba Avenue**
Legal Description: **LOTS 343 AND 344 PLAN 53 WLTO (W DIV) EXC OUT OF BOTH THE NLY 8 FEET IN RL 37 AND 38 PARISH OF ST JOHN**



Applicant: **Moon Goo Kang**
Owner: **Hyung Up and Ji Sook Kim**

Recommendation: **Approval**

Site Description

The subject property is zoned "R2-T" Transitional District. The property is approximately 7,100sqft (660m2) in area, is occupied by a building with storefront commercial space on the ground floor and residential space available on both the first and second floor, and is located on the northeast corner of the Manitoba Avenue and McGregor Street intersection.

Surrounding Land Uses
North: Rear land, then an automobile service station, zoned "C1" Commercial
South: Manitoba Ave., then an apartment zoned "R2-T" Transitional.
East: Single family detached dwelling, zoned "R2-T" Transitional.
West: McGregor St., then a used car lot, zoned "R2-T" Transitional.

Existing Zoning
Under the current "R2-T" Transitional District, a retail sales commercial use in not permitted. Therefore, in order to operate a commercial business the property is required to have a commercial district designation.

Background

Until 2004, Eagles Food Store, a neighborhood conveniences store, occupied the subject property and served the surrounding neighborhood. This previous business existed on the subject property under the "R2-T" Transitional District as a non-conforming use. As the use has not been in operation for a year, a new non-conforming use cannot be permitted.

Description of the Proposed Development

The applicant, Moon Goo Kang, is proposing to rezone the subject property to a "C1" Commercial District, in order to permit the re-establishment of a grocery store. The proposed grocery store would be established within the existing building located onsite. Also, the applicant intends to live onsite in the attached residential space.

In addition, a variance application (DAV 05-115007/D) to permit a 4.5ft (1.37m) front yard instead of 20ft (6.10m) is also being considered in association with this application.

Analysis

Plan Winnipeg Compliance:

The subject property falls within a designated Neighborhood Policy Area under *Plan Winnipeg 2020 Vision*, which allows for a variety of residential, commercial, institutional, and mixed uses. Therefore, the proposed rezoning is in conformance with *Plan Winnipeg 2020 Vision*.

Compatibility with existing neighborhood and surrounding uses:

The character of the area, predominantly zoned "R2-T" Transitional District, is residential in nature. The location of the subject property is on the edge of a single-family residential neighborhood, adjacent to McGregor Street a significant transportation corridor. There are few commercial retail opportunities that serve the residents who live within the surrounding neighborhood. Limited commercial services (bank, pubs, small retail, and offices) are located two blocks to the south, and the nearest grocery store (Safeway) is located eight (8) blocks north of the subject property on McGregor Street. Until 2004, Eagles Food Store, a neighborhood conveniences store, occupied the subject property and served the surrounding neighborhood. This previous business existed on the subject property under the "R2-T" Transitional District as a non-conforming use. As the use has not been in operation for a year, a new non-conforming use cannot be permitted. As such, in order to re-establish this former use a rezoning is necessary.

The proposed zoning is "C1" Commercial District, which is intended to provide for local commercial uses typically found within neighborhoods. It is anticipated that the proposed convenience grocery will be similar to the previous store, and will serve the surrounding residential neighborhood. It is also anticipated that patrons of the proposed business will travel to the store primarily by walking, cycling, or utilizing other non-automobile dependant modes of transportation. However, for those patrons who chose to travel by automobile, four (4) parking spaces are provided at the rear of the building, and parking is permitted on the street along Manitoba Ave.

The Public Works Department has reviewed the application and has no objection to the proposed rezoning. See memo attached.

Considering the above-mentioned, it is the opinion of the Planning Property and Development Department that the proposed rezoning to "C1" is compatible with the surrounding area, is an appropriate use for the subject property, and therefore should be granted approval.

Recommendation

The Planning and Land Use Division recommend ***approval*** for the following reasons:

- The proposed rezoning is compliant with *Plan Winnipeg 2020 Vision* and its policies;
- The proposed rezoning is compatible with the surrounding neighborhood and uses; and

- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 212/05, attached hereto and dated, April 26, 2005, to a "C1" Commercial District.

II. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

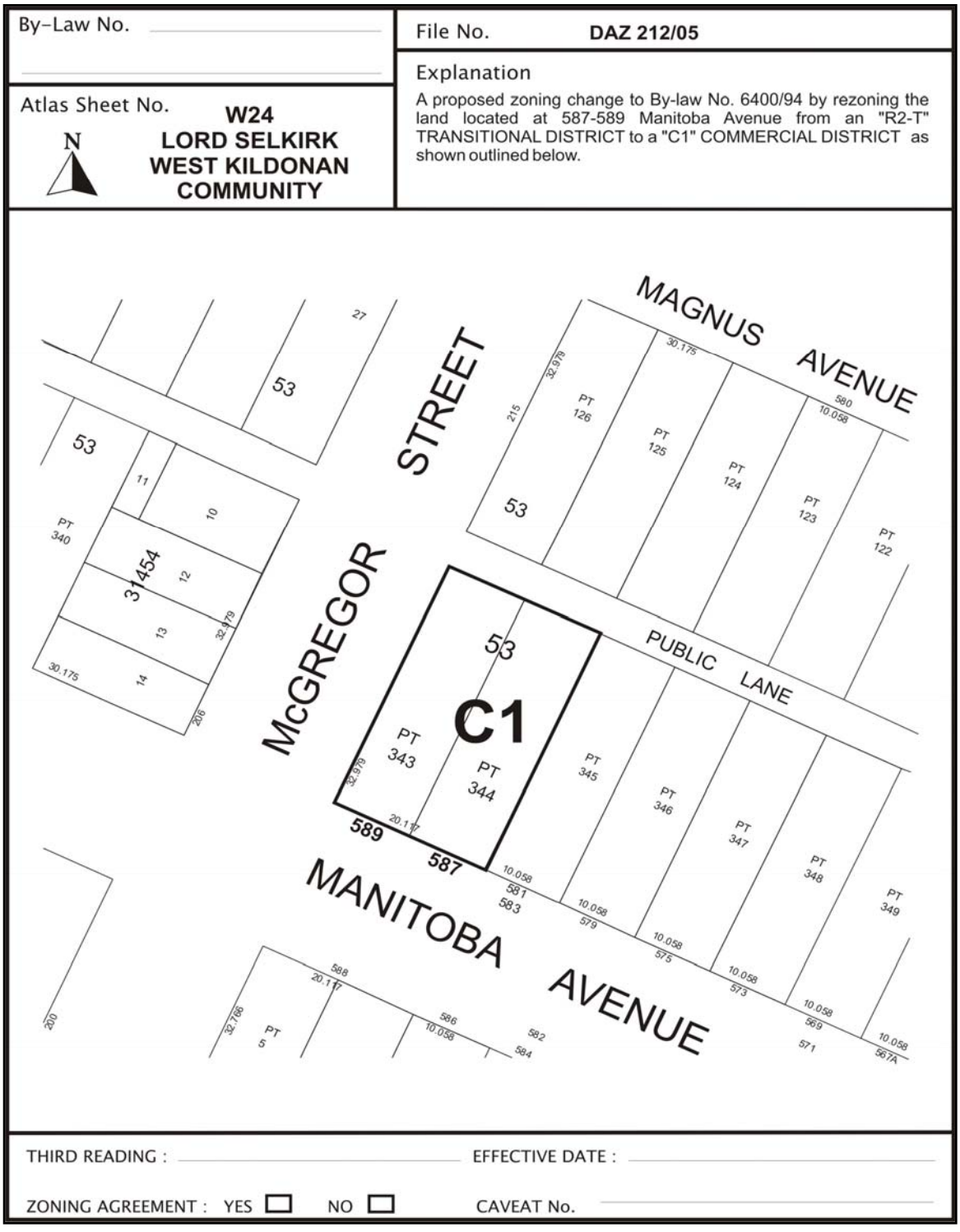
IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Derek Eno
PPD File # (3.302)

Schedule "A"



Schedule "A" to the report to the Lord Selkirk West Kildonan Community Committee for file Number DAZ 212/05 dated April 26, 2005.

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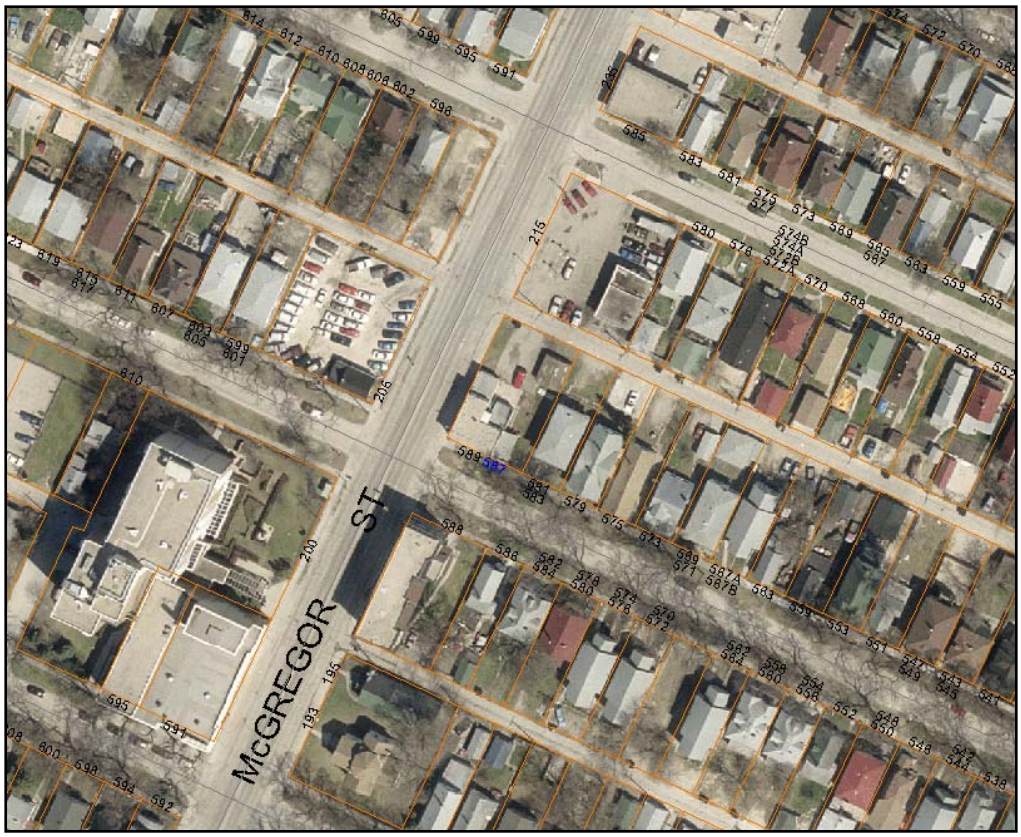


Figure 1: Air Photo

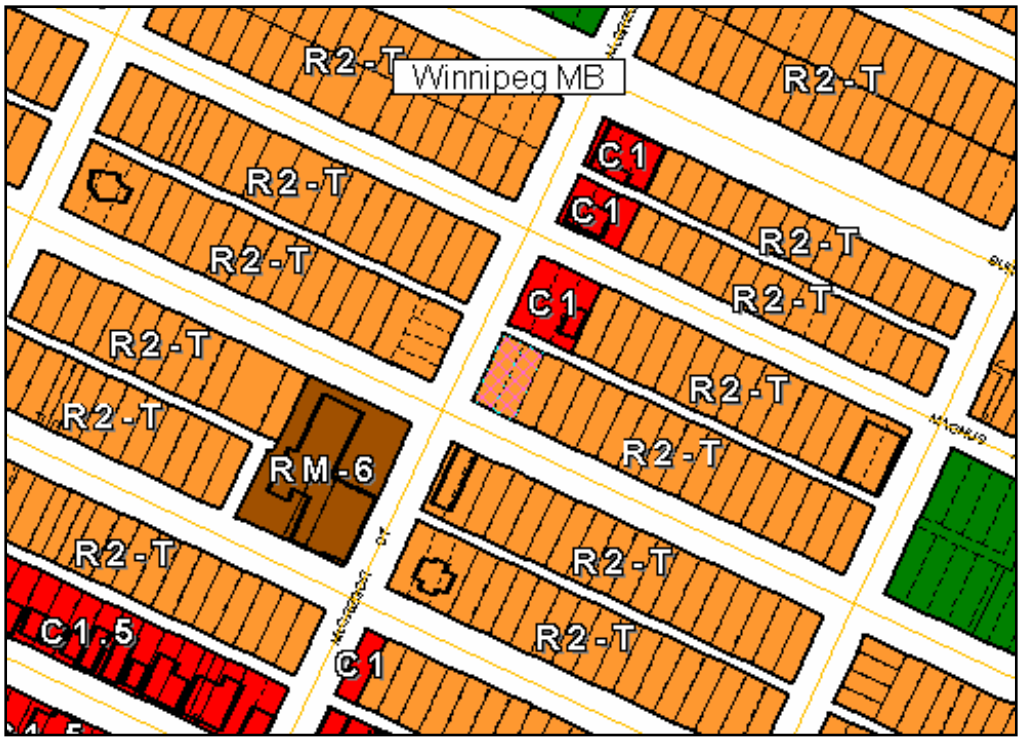


Figure 2: Zoning Map



Figure 3: Photo of Property (View North)

Public Works Department
Transportation Division
100 Main Street
Winnipeg, Manitoba
R3C 1A4
(Fax: 986-7020)

Winnipeg

INTER-OFFICE MEMORANDUM

TO:	E. AXELROD, SUBDIVISION OFFICER DEVELOPMENT AND INSPECTIONS DIVISION PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT Main Floor – 65 Garry Street	FROM:	R. J. HARTMANN, P. ENG. TRAFFIC ASSESSMENT ENGINEER TRANSPORTATION DIVISION PUBLIC WORKS DEPARTMENT 3rd Floor – 100 Main Street
FILE NO.	L/D		
REF:	H:\WORD DOCUMENTS\DAZ1205.DOC	DATE:	2005 04 08

RE: Your File No. DAZ 212/05 – Proposed Rezoning of Land Located on the Northeast Corner of McGregor Street and Manitoba Avenue, From an "R2-T" Transitional District to a "C1" Commercial District – 589/587 Manitoba Avenue

The Public Works Department has reviewed the above-referenced rezoning proposal and has no objections thereto.

/rjh

Attach.

cc: D. Marsh, Planner
A. Zielonko, P. Eng., Development Projects Engineer
E. L. Carriere, P. Eng., Land Development Engineer

CITY OF WINNIPEG
RECEIVED
APR 12 2005
PLANNING AND
LAND USE DIVISION