Agenda - Council - November 23, 2005

Report - Standing Policy Committee on Property and Development – November 1, 2005

Item No. 1 Rezoning – 259-261 Trinity Street
File DAZ 262/2004

STANDING COMMITTEE RECOMMENDATION:

On November 16, 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 262/2004 dated September 29, 2005, to a "CF" Commercial Fabrication District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That there shall be no free standing signs permitted and that there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

        ii. That no internally illuminated signage be erected on the property.

        iii. That final plans showing the location and details of building elevations, parking areas, landscaping, fencing, lighting and garbage enclosures shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

        iv. That the hours of operation be limited to 7:00 a.m. to 10:00 p.m., Monday through Friday, and 7:00 a.m. to 6:00 p.m. Saturday and Sunday.

2. That a ten percent (10%) 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.

Report - Standing Policy Committee on Property and Development – November 1, 2005

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 (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 1, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 16, 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 November 1, 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 October 11, 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 - 259/261 Trinity Street**
File DAZ 262/2004 [c/r DAV 328388/2004D]

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

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

Report date: **October 12, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 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 262/2004 dated September 29, 2005, to a "CF" Commercial Fabrication District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That there shall be no free standing signs permitted and that there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

        ii. That no internally illuminated signage be erected on the property.

        iii. That final plans showing the location and details of building elevations, parking areas, landscaping, fencing, lighting, and garbage enclosures, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits; thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

        iv. That the hours of operation be limited to 7:00 a.m. to 10:00 p.m., Monday through Friday, and 7:00 a.m. to 6:00 p.m. Saturday and Sunday.

2. That a ten percent (10%) 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 (3) readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 September 29, 2005.

PUBLIC HEARING SUMMARY

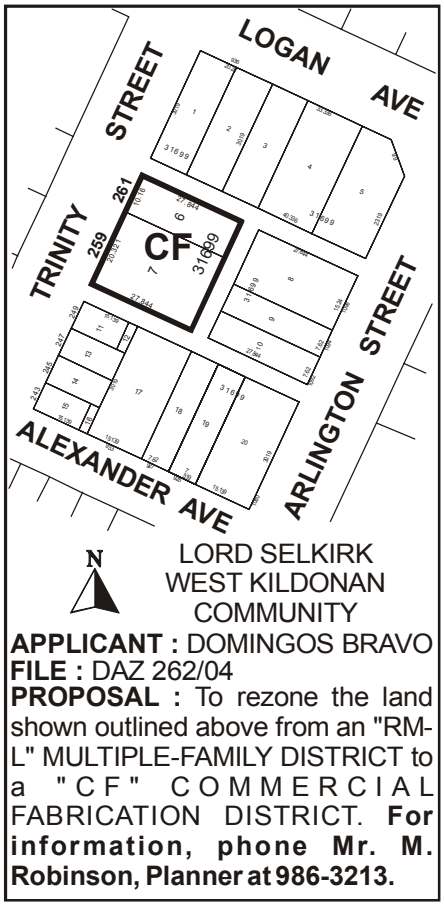
File: DAZ 262/2004 [c/r DAV 328388/2004D]

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

Public Hearing: October 11, 2005
Council Building, 510 Main Street

Applicant: Domingos Bravo

Subject:



Premises Affected: 259 / 261 Trinity Street

Exhibits Filed:
1. Application dated January 11, 2005
2. Notification of Public Hearing dated September 16, 2005
3. Manitoba Status of Titles 1684576 and 1682219

4. Surveyor's Building Location Certificates dated October 14, 2004
5. Site Plan and Garage/Warehouse Floor Plan dated October 2004
6. Report from the Manager of Planning and Land Use dated September 29, 2005
7. Inspection Report

REPRESENTATIONS:

In Support:

Domingos Bravo

In Opposition

Nil

For Information:

Nil

For the City:

Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Domingos Bravo, the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use dated September 29, 2005.

Exhibit "6" referred to in File DAZ 262/2004 [c/r DAV 328388/2004D]

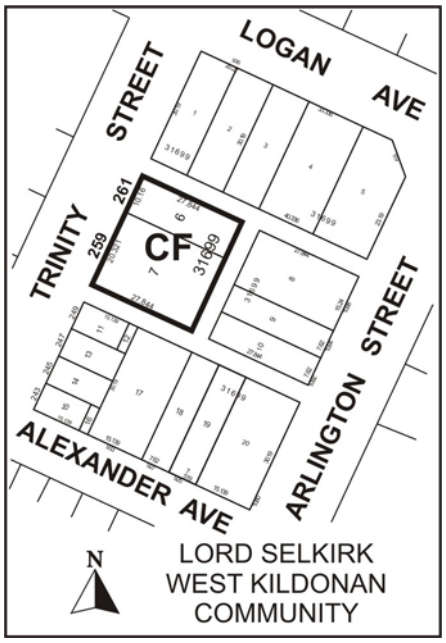
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **September 29, 2005**
File: **DAZ 262/04**
Related Files: **DAV 328388/D**
Subject: **An application to rezone land from an "RM-L" Multi-Family Residential District to a "CF" Commercial Fabrication District to permit the establishment of a contractors yard**

Location: **259/261 Trinity Avenue**



Applicant: **Domingos Bravo**
Owner: **Same**

Recommendation: **Approval with Conditions**

Report Summary:

- Proposal to rezone a site with two existing residences from an "RM-L" Multiple Family Residential District to a "CF" Commercial Fabrication District to allow for a contractors yard.
- The existing homes are in disrepair
- Proposal meets Plan Winnipeg policies which allow for a variety of variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area;
- Commercial fabrication is the highest and best use for this property

Site Description

The subject properties, which measure ± 9,100 square feet, are located on Trinity Avenue between Logan Avenue and Alexander Avenue, in the West Alexander neighborhood of the Point Douglas ward. They are zoned "RM-L" Multi-Family Residential, and are currently occupied by two single-family residences which have fallen into disrepair.

North: Commercial uses zoned "C2" Commercial
South: Residences zoned "RM-L" Multi-Family Residential
East: Residences zoned "RM-L" Multi-Family Residential and a commercial use zoned "C2" Commercial
West: Industrial uses zoned "M3" Industrial

Description of the Proposed Development

The applicant is proposing to rezone the subject property to "CF" in order to legally establish a contractors business on the subject land. The site is currently occupied by two single-family residences, which have been vacant and in disrepair for several years. The residences would be demolished in conjunction with this application.

A variance for a substandard front yard setback of 6 feet instead of 25 feet and an accessory storage area not located to the rear of a building (DAV 04-328388/D) are also being considered in association with this application.

Analysis

Plan Winnipeg Compliance
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Compatibility with existing neighbourhood and surrounding uses
The subject parcel is bounded on the north side by a commercial use, zoned "C2" and on the west side by an industrial use, zoned "M3". It is further ringed by industrially or commercially zoned on all sides, with the exception of a small pocket of homes zoned "RM-L" Multiple-Family to the immediate south and east.

Given the location, the desirability of continued residential use on the subject site from both an aesthetic and noise perspective is limited, as evidenced by the fact that the residences have remained vacant for some time. At this time, because of development patterns that have occurred in the area and because of the location of the subject parcel, it appears that the highest and best use for the subject property has shifted from residential to light industrial.

However, it is important to recognize the block is transitional and still includes several residences in the immediate area. In light of this, conditions are being recommended which will limit the impact of this use on adjacent properties.

Site Design Issues
At this time, elevations of the building and a final site plan have not been provided. In the opinion of the Planning and Land Use Division, given the existing residences on Trinity Street, it is important that the site design be compatible with the surrounding community and compliment, rather than detract from the street.

Building
The building should, at a minimum, incorporate an entrance and at least one window fronting on the street in order to avoid a bunker like appearance. The applicant has indicated that he is agreeable to this.

Fencing
The applicant is proposing to fence his property on all four sides with a 6-foot high wooden fence. The fence will provide screening of the equipment and materials that he will be storing on the yard. However, along Trinity Street, it is recommended that some slats in the fence are included to provide limited transparency for safety and aesthetic reasons. The applicant has indicated that he is agreeable to this.

Signage
Similarly, given the mixed-use nature of the block, it is recommended that conditions be included to control signage by limiting glare and the visual impact on the street.

<u>Recommendation</u>

The Planning and Land Use Division recommend approval for the following reasons:
- The existing homes are in disrepair and the desirability for residential use in this area is very limited
- Commercial fabrication is the highest and best use for this property

- Proposal meets Plan Winnipeg policies which allow for a variety of variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.
- 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 262/04, attached hereto and dated September 29, 2005, to a "CF" Commercial Fabrication District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. That, there shall be no free standing signs permitted and that there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

2. That no internally illuminated signage be erected on the property.

3. That final plans showing the location and details of **building elevations**, **parking areas**, **landscaping, fencing, lighting, and garbage enclosures,** shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits; thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

4. That the hours of operation be limited to 7:00 am to 10:00 pm, Monday through Friday and 7:00 am to 6:00 pm Saturday and Sunday.

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 (3) readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. 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: Michael Robinson, AICP
PPD File # 3.105

Schedule "A"

By-Law No. _____

File No. **DAZ 262/04**

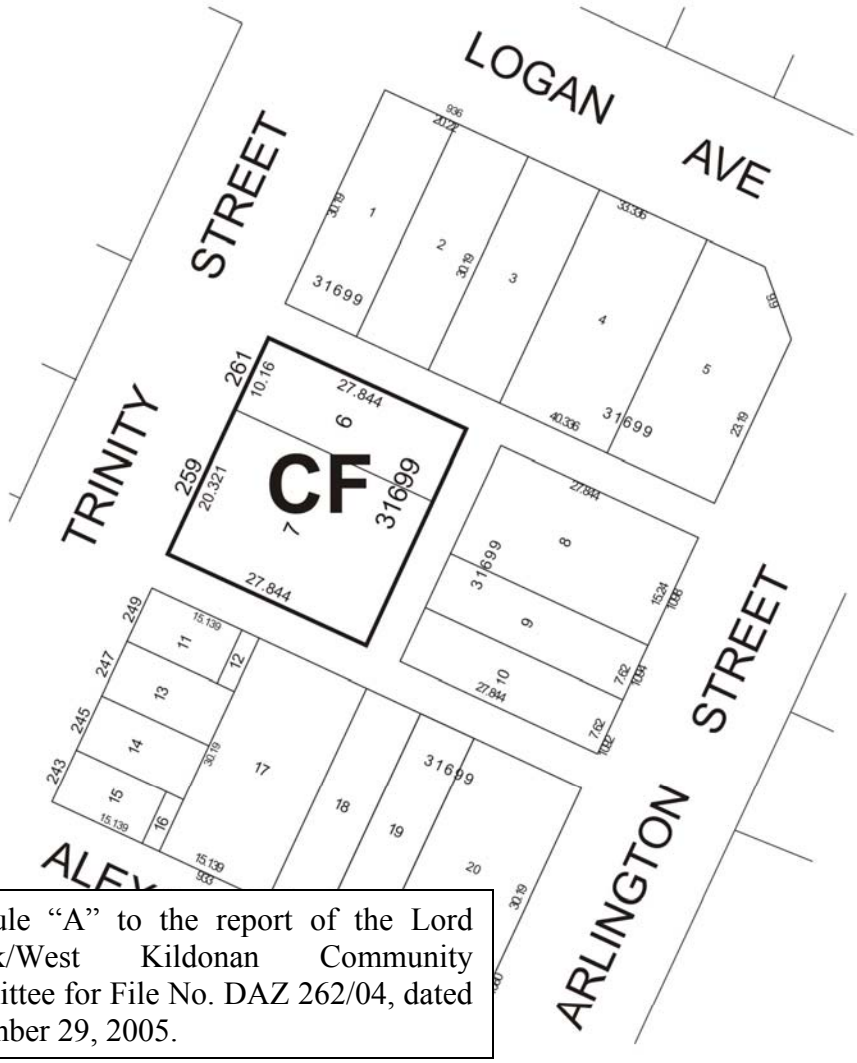
Atlas Sheet No. **X23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 259/261 Trinity Street from an "RM-L" MULTIPLE-FAMILY DISTRICT to a "CF" COMMERCIAL FABRICATION DISTRICT as shown outlined below.



Schedule "A" to the report of the Lord Selkirk/West Kildonan Community Committee for File No. DAZ 262/04, dated September 29, 2005.

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2002)