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

Item No. 5 Rezoning - 274 Talbot Avenue
File DAZ 245/2005

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 East Kildonan-Transcona Community Committee, as amended, 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 245/2005 dated September 21, 2005, to a "C2" Commercial 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 for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. The following uses shall not be permitted on the land:

         a. auction room
         b. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
         c. automobile, including motorcycle: supplies/parts, sales
         d. beer: sales
         e. bingo parlour
         f. boat: sales, service
         g. bowling alley
         h. building materials, hardware, home improvement supplies or equipment: sales
         i. bus station

j. cocktail lounge
k. exterminator
l. fuel: sales kiosk
m. hotel, including motel, limited to guest rooms
n. liquor: sales
o. parking area, non-accessory
p. tattoo parlour
q. tire: sales, service

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iv. That no illuminated signage be erected on the south or east side of the building.

v. That there be no flashing or scintillating signs.

vi. That prior to the issuance of any permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten percent (10%) requirement for land dedication based on the increase of the market value of the land be waived in this instance conditional on the Applicant providing a copy of the Charter documents to the City confirming the organization's "non-profit" status.

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.

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

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 East Kildonan-Transcona Community Committee, as amended, 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 East Kildonan-Transcona Community Committee with the following amendment, namely:

- That Recommendation 2 be deleted and the following substituted therefore:

    "2. That a ten percent (10%) requirement for land dedication based on the increase of the market value of the land be waived in this instance conditional on the Applicant providing a copy of the Charter documents to the City confirming the organization's "non-profit" status."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 4, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation 2 be deleted in its entirety and replaced with the following new recommendation, namely:

    "2. That a ten per cent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance.

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

RE: **Rezoning – 274 Talbot Avenue**
File DAZ 245/2005 [c/r DCU 146483/2005D]

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 17, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 4, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, 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 245/2005, dated September 21, 2005, to a "C2" Commercial 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 for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. The following uses shall not be permitted on the land:

            a. auction room
            b. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
            c. automobile, including motorcycle: supplies/parts, sales
            d. beer: sales
            e. bingo parlour
            f. boat: sales, service
            g. bowling alley

h. building materials, hardware, home improvement supplies or equipment: sales
i. bus station
j. cocktail lounge
k. exterminator
l. fuel: sales kiosk
m. hotel, including motel, limited to guest rooms
n. liquor: sales
o. parking area, non-accessory
p. tattoo parlour
q. tire: sales, service

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iv. That no illuminated signage be erected on the south or east side of the building;

v. That there be no flashing or scintillating signs;

vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

2. That a ten per cent (10%) requirement for land dedication based on the increase in the market value of the land be waived in this instance.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated September 21, 2005.

PUBLIC HEARING SUMMARY

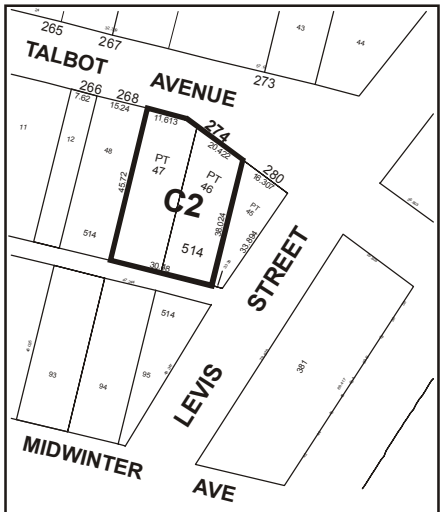
File: DAZ 245/2005 [c/r DCU 146483/2005D]

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Wyatt

Public Hearing: October 4, 2005

Applicant: Vivian Wall, Riverwood Church Community

Subject:



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : RIVERWOOD CHURCH COMMUNITY

FILE : DAZ 245/05

PROPOSAL : To rezone the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 274 Talbot Avenue

Exhibits Filed:

1. Application dated August 26, 2005
2. Notification of Public Hearing dated August 30, 2005
3. Manitoba Status of Title 1560702
4. Surveyor's Building Location Certificate and sketch dated July 11, 2005

5. Letter of authorization dated May 27, 2005 from Steve Paulson, Executive Director, Teen Challenge of Central Canada to John Courtney, Riverwood Church Community
6. Variance Order DAV 146/86
7. Plans (2 pages)
8. Report from the Manager of Planning and Land Use dated September 21, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

Jon Courtney

In Opposition

Nil

For Information:

Nil

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

John Courtney appeared in support of the application. He indicated that the building was donated by Teen Challenge and that the "Community of Hope" organization would like to develop a second hand store, drop in centre, and food bank at the subject location. He requested that the land dedication fee be waived due to the nature of the program, which is organized by the church and is not-for profit. He advised that any money saved will go towards the organization.

Councillor Wyatt indicated that based on the organization's record, he will be requesting that favourable consideration be given to waiving the land dedication fee inasmuch as the organization is non-profit and the fee could take away from programs offered.

Exhibit "8" referred to in File DAZ 245/2005 [c/r DCU146483/2005D]

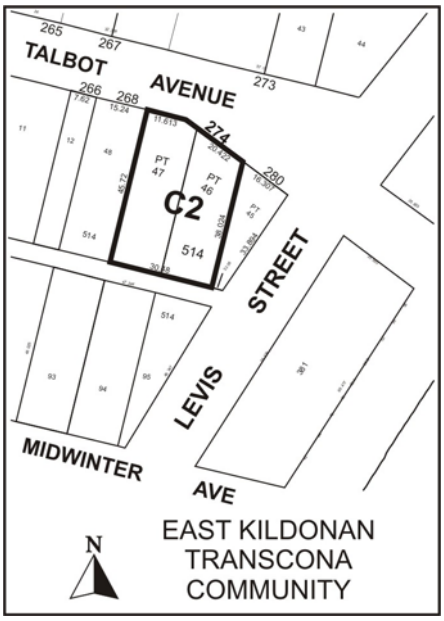
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **September 21, 2005**
File: **DAZ 245/05**
Related Files: **DCU 05-146483/C**
Subject: **Rezone the land to allow a second hand store, drop in centre and food bank.**

Location: **274 Talbot Avenue**



Applicant: **Riverwood Church Community (Vivian Wall)**
Owner: **Teen Challenge Central Canada**

Recommendation: **Approve with Conditions.**

Report Summary:

- Riverwood Church Community intends to use the building as their Community of Hope Ministry Centre.
- The center will include a community drop-in centre; a food bank operating in conjunction with Winnipeg Harvest, and a second hand clothing / small house wares store.
- The proposed uses are not permitted in the "R2-T" Residential District and are 'conditional' in the "C2" Commercial District.
- Commercial and similar types of uses have occupied the building at 274 Talbot since at least 1968.

Site Description

The subject property is approximately **14,241 square feet** located on the south side of Talbot Avenue between Stadacona St and Brazier St in the Chalmers neighbourhood of the Elmwood – East Kildonan Ward. The site is zoned **"R2-T" Residential District** and is occupied by a one story, 2,400 square foot stucco building. Adjacent lands include single family dwellings to the west and a church to the east zoned "R2-T". Surrounding uses include single and multiple family dwellings to the west and north.

Background

The building was converted to a funeral parlour in 1968 under DAV 33/1968. A non-conforming auto body shop was in the building when it was purchased to be used as a funeral parlour. The building was expanded in 1969 for an addition to the funeral parlour. A church replaced the funeral parlour in 1986 under DAV 146/86 to permit the conversion of an existing non-conforming commercial building into a church. More recently Teen Challenge Canada used the building to facilitate a program with youths rehabilitating office furniture (desks, chairs, etc).

Description of the Proposed Development

Riverwood Church Community intends to use the building as their Community of Hope Ministry Centre. The center will include a community drop-in centre; a food bank operating in conjunction with Winnipeg Harvest, and a second hand clothing / small house wares store.

Plans submitted indicate the existing building will be used and the site will not be altered. Access will continue to be from Talbot Avenue with parking on the west side of the building.

Analysis

PLAN WINNIPEG
The proposed concept in consistent with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R2-T" Transitional District** is intended to accommodate single and two family development and, where appropriate, limited multiple family development in lower-density transitional neighbourhoods.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market.

LAND USE BY-LAW ISSUES
The applicant is required to make application for a conditional use for the proposed second-hand store and food bank/drop in centre (**DCU05-146483D**). A second hand store and food bank is not permitted in the "R2-T" Residential District.

Recommendation

The Planning and Land-Use Division supports the rezoning application. The application will reflect an existing on-ground condition of a commercial building that has housed commercial type uses for the last +35 years. The rezoning will legally allow commercial uses to occupy the building.

The Division is further recommending that the type of uses permitted on the land should be restricted to ensure future commercial uses continue to be compatible with the surrounding residential dwellings. These uses are generally considered to be intensive commercial users with associated sounds, smells and/or visual impacts that would be detrimental to the adjacent residents.

Signage is a particular concern considering the close proximity of the residential dwellings directly to the north and east. It would not be appropriate to have signage on the east side of the building since it may cause a negative impact on the neighbours. Flashing signage and signs in excess of the allowable amount would also prove detrimental to the adjacent residents.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file **DAZ /05**, attached hereto and dated, **September 21, 2005**, to a "**C2**" **Commercial 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 for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

ii. The following uses shall NOT be permitted on the land:

a. AUCTION ROOM
b. AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
c. AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
d. BEER: SALES
e. BINGO PARLOUR
f. BOAT: SALES, SERVICE
g. BOWLING ALLEY
h. BUILDING MATERIALS, HARDWARE, HOME IMPROVEMENT SUPPLIES or EQUIPMENT: SALES
i. BUS STATION
j. COCKTAIL LOUNGE
k. EXTERMINATOR
l. FUEL: SALES kiosk
m. HOTEL, including MOTEL, limited to guest rooms
n. LIQUOR: SALES
o. PARKING AREA, non-accessory
p. TATTOO PARLOUR
q. TIRE: SALES, SERVICE

iii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iv. That no illuminated signage be erected on the south or east side of the building.

v. That there be no flashing or scintillating signs.

vi. That, prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

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.

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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.

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

Report Prepared by: John S. Wintrup
PPD File # 4.401

Schedule "A"

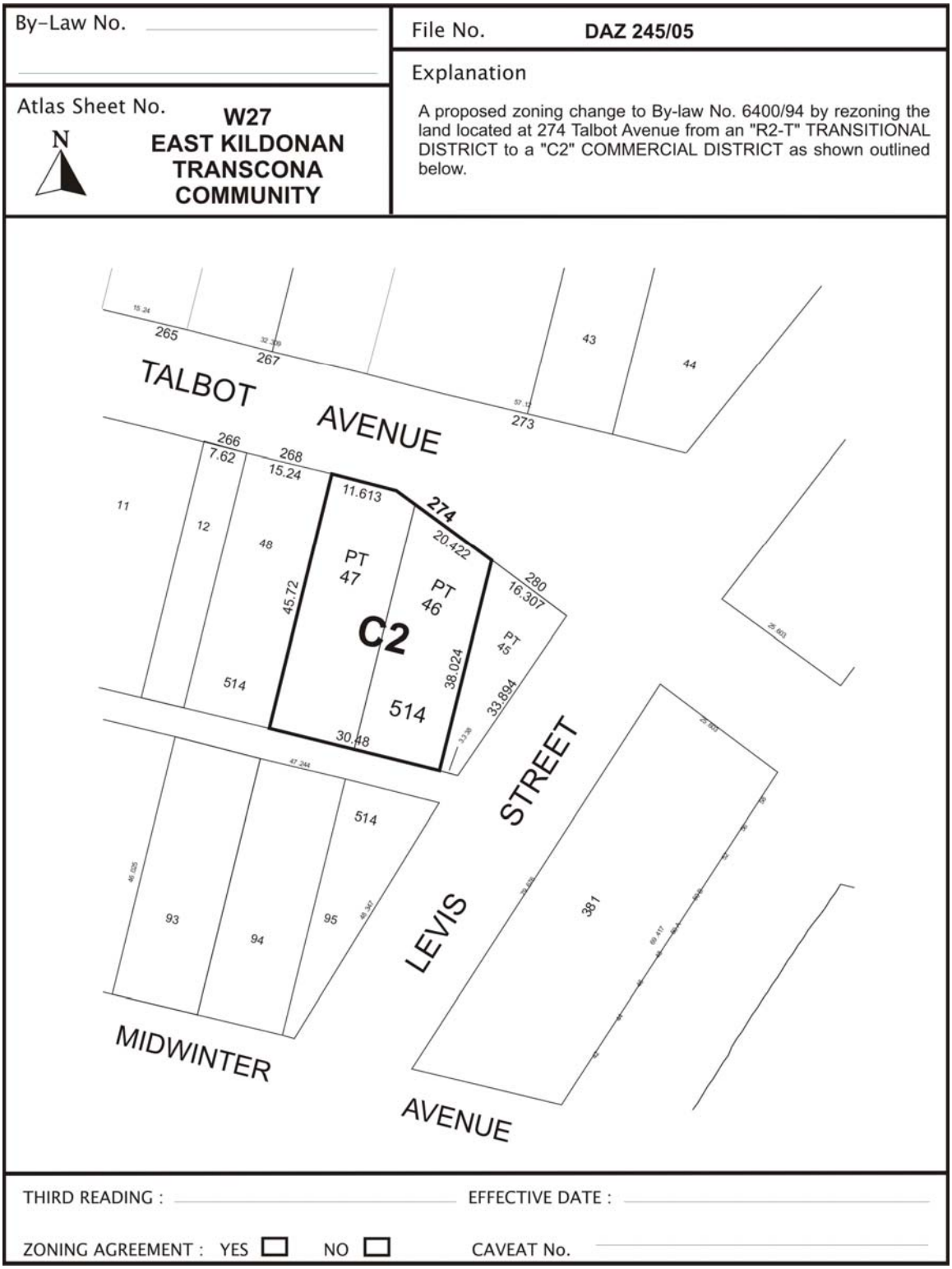

Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DAZ 245/05, dated September 21, 2005.

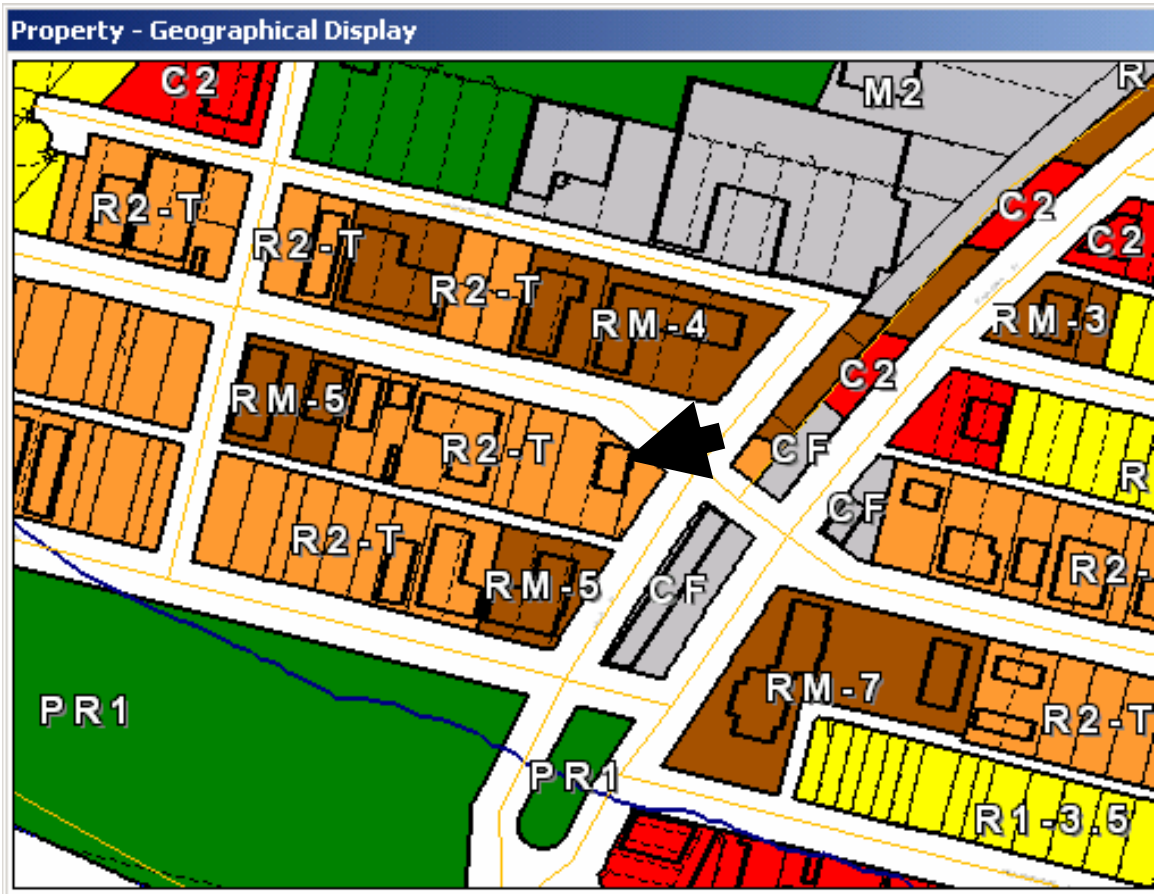

Figure 2: Existing Zoning for subject property and Surrounding Area.

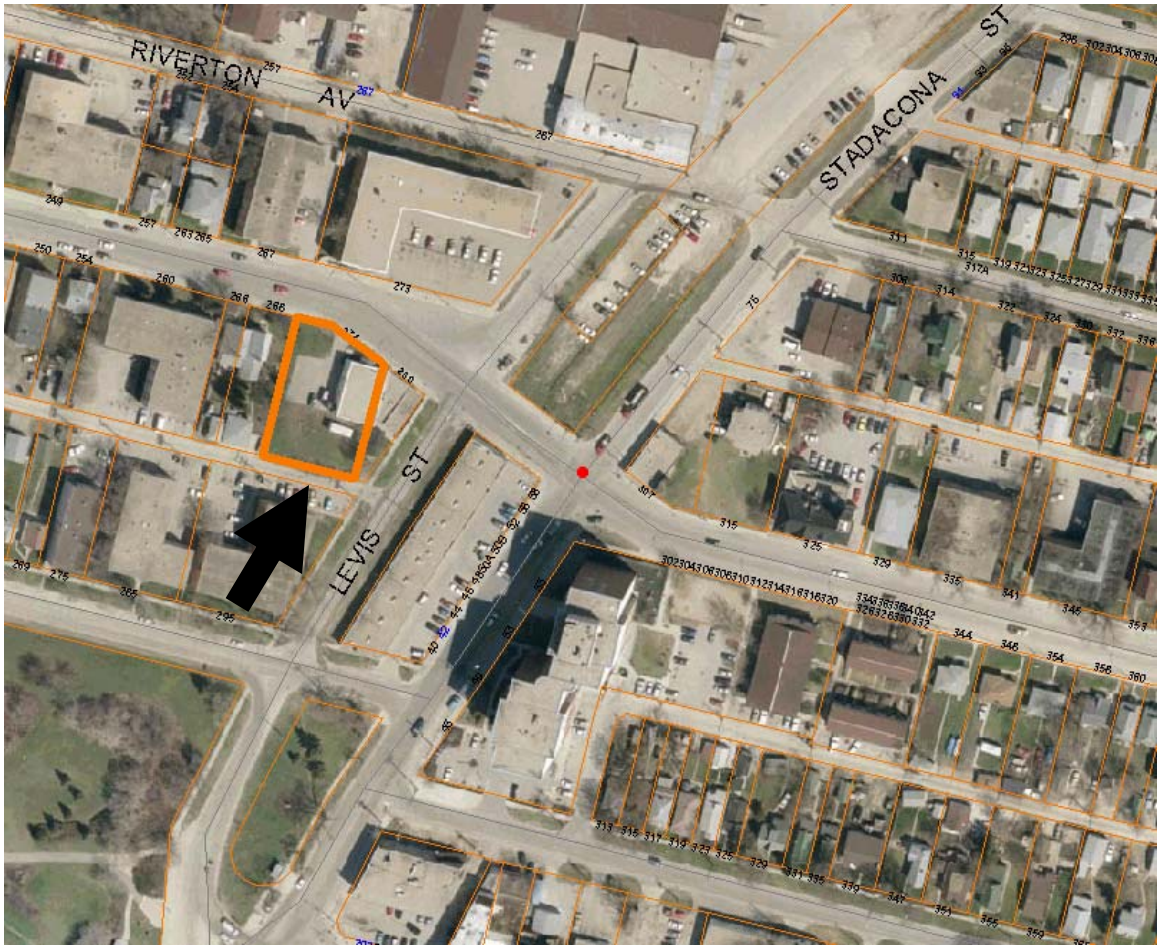

Figure 3: Existing Land-Uses for subject property and Surrounding Area.