Report of the Standing Policy Committee on Property and Development dated September 10, 2002

Proposed Subdivision and Rezoning - land located at 515 to 519 St. Anne's Road
File DASZ 19/2002

18. The Standing Policy Committee on Property and Development has been advised that an application has been received from E. W. Nisby (CB Richard Ellis), 2nd Floor - 570 Portage Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands (Parcels B and C) from an "R1-20" Residential District to a "C2" Commercial District and consolidating the aforementioned parcels with Parcel A to create a larger more marketable commercial property.

Under the original Zoning Agreement (File DAZ 244/91) pertaining to Parcel A, the site was restricted to A) business or professional offices and/or accessory uses (including showrooms). Parcels B and C are restricted to single-family homes under the by-law. The owners recognize that most "C2" Commercial District uses would not appropriately fit on Parcel A because it is not large enough to accommodate adequate customer parking. At the same time, they are of the view that the current agreement is simply to restrictive to meet their needs. Their solution to the dilemma is to acquire the adjacent two lots to the south, Parcels B and C, and consolidate all three parcels into one single large holding for expanded commercial development. Through the subject application, all three parcels would be then zoned "C2" Commercial District. Given that the overall property area would by consolidation have sufficient area for a new commercial building and adequate parking, the owners suggest that the zoning agreement could and should be less restrictive as it relates to future use of the property.

On September 3, 2002, the Riel Community Committee held a public hearing to consider the subject subdivision and rezoning application. One person appeared in support of the application, and no one registered in opposition thereto.

The Community Committee recommended approval of the proposed subdivision and rezoning for the following reason:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On September 10, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Subdivision and Zoning Change Report dated September 4, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

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I. That the plan of subdivision proposed under File DASZ 19/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2002 dated August 26, 2002 for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 19/2002 dated August 26, 2002, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site, to include the following conditions:

A. That the following uses be listed as prohibited uses on the overall lands as described:

1. Animal pounds and animal training centers
2. Banquet halls
3. Auto rental and auto sales
4. Building material/home improvement sales
5. Clubs (private, licensed or non licensed)
6. Contractors establishment
7. Convenience stores
8. Funeral parlour
9. Fuel sales
10. Hotel/motel
11. Landscape/garden sales and contractors
12. Pawn shops
13. Restaurants over 2500 square feet
14. Stone and monument sales
15. Storage compounds
16. Tattoo parlour
17. Wood production manufacturer

B. That detailed final site plans showing locations of all proposed new buildings, parking areas, approaches, landscaping, fencing, be submitted to and approved by the Planning, Property and Development Department (Planning and Land

Use Division) and the Riel Community Committee prior to the issuance of any building permits.

C. That upon redevelopment of the subject site, there shall be no vehicular approach/ exit to or from the subject land from the existing rear lane.

IV. That previous Zoning Agreement File DAZ 244/91, By-law No. 5871/92, as it relates to proposed Parcel A, be withdrawn.

V. That the applicant be responsible for transferring to the City and legally opening, at no expense to the City, property required to widen the existing north/south public lane abutting proposed Parcels B and C by 2.373 metres. Said widening is required to bring the lane right of way for this section of lane to the current commercial standard of 7.25 metres as currently exists abutting Proposed Parcel A.

VI. 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 market value of the land, minus the estimated value of the 7.9 foot by 83 foot parcel being transferred to the City for lane widening purposes.

VII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VIII. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in 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.

X. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XI. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Attachment "A" referred to in Clause 18 of the Report of the Standing Policy Committee on Property and Development dated September 10, 2002

