Agenda – Council – February 22, 2006

Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 2 Rezoning - 619 St. Mary's Road
File DAZ 258/2005

STANDING COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel 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 258/2005 dated December 29, 2005, to a "C1" Commercial District subject to the following:

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

      i. That final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations etc. shall be submitted to and approved by the Riel Community Committee and the Director of Planning and Land Use for plan approval prior to the issuance of any building permits.

      ii. 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.

      iii. That use of the subject property be limited to a Professional Office.

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 market value of the land, if applicable.

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.

Report - Standing Policy Committee on Property and Development - January 31, 2006

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 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 - January 31, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation 1.A. be amended by adding the following as Recommendation 1.A.iii, namely:

  "1. A. iii. That use of the subject property be limited to a Professional Office."

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

RE: **Rezoning - 619 St. Mary's Road**
File DAZ 258/2005 [c/r DAV 168353/2005D]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **January 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Riel 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 258/2005 dated December 29, 2005, to a "C1" Commercial District, subject to the following:

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

      i. That final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations etc. shall be submitted to and approved by the Riel Community Committee, and the Director of Planning and Land Use for plan approval prior to the issuance of any building permits.

      ii. 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.

      iii. That use of the subject property be limited to a Professional Office.

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 market value of the land, if applicable.

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 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated December 29, 2005.

PUBLIC HEARING SUMMARY

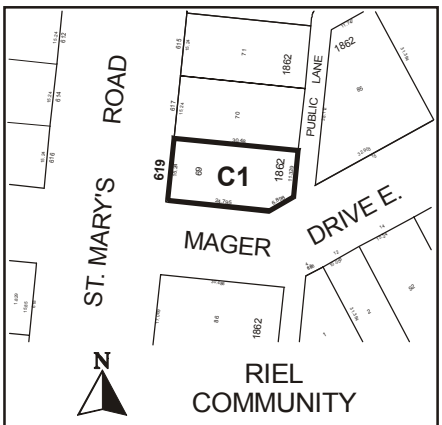
File: DAZ 259/2005 [DAV 168353/2005D]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico
Councillor Swandel

Public Hearing: January 17, 2006
Council Building, 510 Main Street

Applicant: Randall Homes (George Daterra)

Subject:



APPLICANT: RANDALL HOMES
FILE: DAZ 258/05
PROPOSAL: To rezone the land shown outlined above from an "RM-2" MULTIPLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: RANDALL HOMES
N° DE RÉFÉRENCE : DAZ 258/05
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RM-2 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C1 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 619 St. Mary's Road

Exhibits Filed:

1. Application dated December 5, 2005
2. Notification of Public Hearing dated December 14, 2005
3. Manitoba Status of Title 1704959
4. Surveyor's Building Location Certificate and sketch dated November 2, 1999
5. Letter of authorization dated November 18, 2005 from Randco Holdings Ltd. to Randall Homes
6. Report from the Manager of Planning and Land Use dated December 29, 2005
7. Inspection Report
8. Communication dated January 15, 2006, from Blaine Hadaller in opposition to the application
9. Communication dated January 16, 2006, from Carolyn Gillespie in opposition to the application
10. Communication dated January 17, 2006 from Ryan and Catherine Loreth in opposition to the application

REPRESENTATIONS:

In Support:

George Daterra, Randall Homes

In Opposition:

Colin and Carolyn Gillespie
Eric and Janet Gillies
Blaine Hadaller
Ryan and Catherine Loreth

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, George Daterra, Randall Homes, appeared in support of the application and gave a brief overview of the proposal.

Eric Gillies appeared in opposition to the application and stated that the proposed development would further exasperate an existing lack of parking in the area. Mr. Gillies further stated that the applicant should demolish the existing garage to create parking for the development. Mr. Gillies questioned what type of business was proposed for the site.

Janet Gillies appeared in opposition to the application, reiterated concerns about parking in the area and submitted three (3) communications from area residents in opposition to the application filed as Exhibits 8, 9 and 10.

Collin Gillespie appeared in opposition to the application and reiterated concerns regarding parking. Mr. Gillespie stated that the proposal would destabilize the integrity of the unique and tiny residential area that is Mager Drive East. Mr. Gillespie further stated that he was concerned with granting the applicant an unrestricted "C-1" Commercial District zoning classification. Mr. Gillespie iterated that the owner of the property in question also owns the lot at 615 St. Mary's Road and that he was concerned that it may be the intention of the proponents to purchase the lot at 617 St. Mary's Road and consolidate the three properties. In closing, Mr. Gillespie stated that, should the application be approved, that the zoning should be limited to a lawyer's office with a maximum of two (2) people working in said office.

George Daterra returned in rebuttal. In response to a question from Councillor Steeves, Mr. Daterra stated that he would be willing to entertain the possibility of removing the existing garage to provide more parking. Discussion ensued with respect to limiting the allowable uses on the site and Mr. Daterra stated it would be acceptable to limit the use to a professional office.

Exhibit "6" referred to in File DAZ 258/2005 [c/r DAV 168353/2005D]

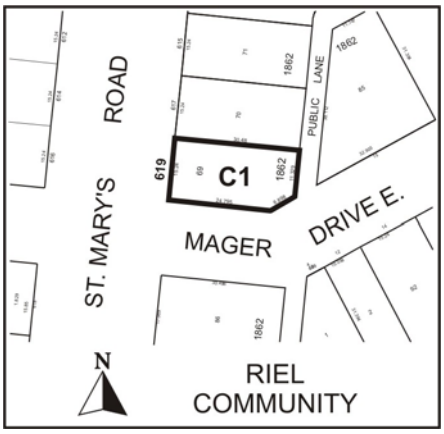
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: **December 29, 2005**
File: **DAZ 258/05**
Related Files: **DAV 05-168353/D**
Subject: **Rezone the land from "RM-2" to "C1" to allow the establishment of an office use in an existing single-family dwelling**

Location: **619 St. Mary's Road**



Applicant: **George Daterra, Randal Homes**
Owner: **Randco Holdings**

Recommendation: **Approve, with conditions**

Report Summary:

- The applicant is proposing to rezone the subject site from "RM-1" Residential District to "C1" Commercial District to establish an office use in an existing single-family dwelling
- The proposal meets Plan Winnipeg policies which allow for a variety of uses in the Neighbourhood Policy Area

Site Description

The subject property is an irregularly shaped parcel of and that is approximately **4880 square feet (1487 square metres)** and is located on the northeast corner of Mager Drive E. and St. Mary's Road. It is in the Varennes neighbourhood of the St. Boniface ward. The site is currently zoned **"RM-2" Multiple Family Residential District** and is occupied by a single-family dwelling. Adjacent and surrounding lands include a mix of single-family dwellings primarily zoned "RM-2","R1-5" as well as "C1" and "C2" Commercial District along St. Mary's Road to the south.

Surrounding Land Use and Zoning

North: Single-family dwelling zoned "RM-2" Residential District then zoned "C1" Commercial District

South: Mager Drive E. then multiple-family dwelling zoned "RM-2" Residential District

East: Rear lane then single-family dwelling zoned "RM-2" Residential District

West: St. Mary's Road then single-family dwellings zoned "RM-2" Residential District

Background

The new zoning district is required for the creation of an office use on the site. The building has most recently been used as a single-family dwelling.

Description of the Proposed Development

- The applicant proposes to rezone the subject site from "RM-2" Residential District to "C1" Commercial District for an office use. The existing building will be renovated to accommodate an office use.
- The existing detached garage will provide the minimum two parking stalls for the proposed 850 square feet of office space. Access to these two spots will be provided from the rear public lane, as is currently the case.

Analysis

Plan Winnipeg Compliance

- The proposed concept complies with Plan Winnipeg in that a commercial rezoning is allowed in Neighbourhood Policy Areas. Plan Winnipeg supports and encourages mixed-use development including commercial uses at a scale and density compatible with each other.

Compatibility with existing neighbourhood and surrounding uses

- Other commercial uses are currently operating to the north of the subject site and appear to pose no adverse effect on the surrounding properties. This proposed rezoning and office use is compatible with the surrounding area.

Zoning

- The "C1" Commercial District is intended to provide for local commercial uses typically found within neighbourhoods. The scale and nature of the proposed development is consistent with the surrounding area.
- The existing building complies with all "C1" Commercial District bulk regulations except for an existing attached garage in the rear yard. Maintaining this accessory building requires a variance for a 4.4 foot north side yard instead of 10 feet.

Transportation and Site Access

- The existing access from the rear public lane will be maintained with no additional approaches proposed.

Recommendation

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

- The proposal is consistent with *Plan Winnipeg* (Policies 3A-01 Promote Orderly Development, 3B-04 Accommodate Commercial and Retail Development, 3B-05 Promote Commercial Densification) ;
- The proposal is compatible with the context of the surrounding area;
- Commercial development is an appropriate use at the subject location, provided that new development is of a scale that is compatible with the adjoining neighbourhood.

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 258/05**, attached hereto and dated, **December 29, 2005**, to a **"C1" Commercial District,** subject to the following:

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

        i. The final plans indicating building locations, building profile details, approaches, signage, parking area, landscaping, fencing, exterior lighting details, garbage enclosure locations etc. shall be submitted to and approved by the **Riel Community Committee**, and the **Director of Planning and Land Use** for plan approval prior to the issuance of any building permits.

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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: Angie Clark
PPD File # 5.516

Schedule "A"

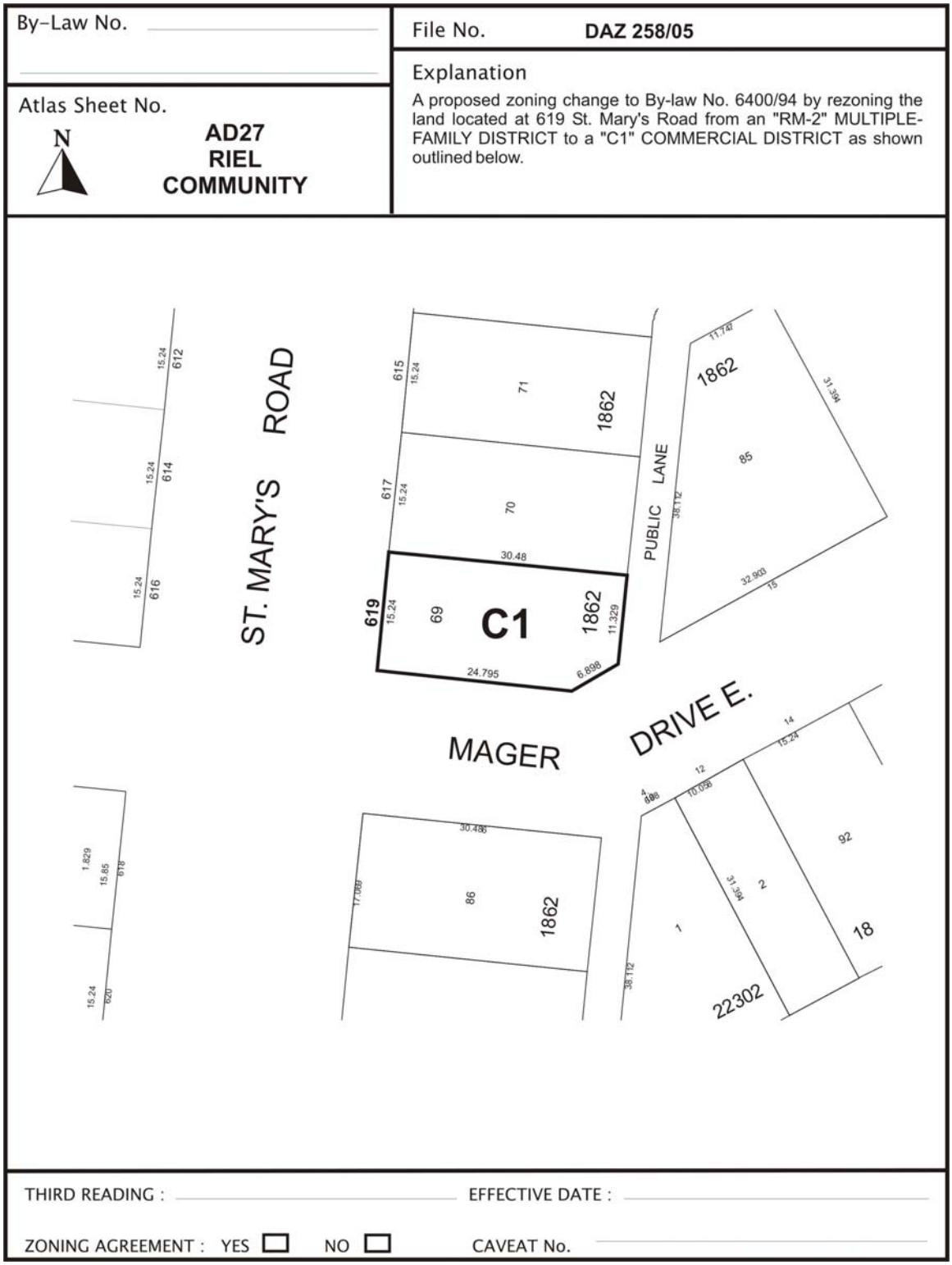


Figure 1: Schedule "A" to the report to the Riel Community Committee for File No. DAZ 258/05, dated December 29, 2005.

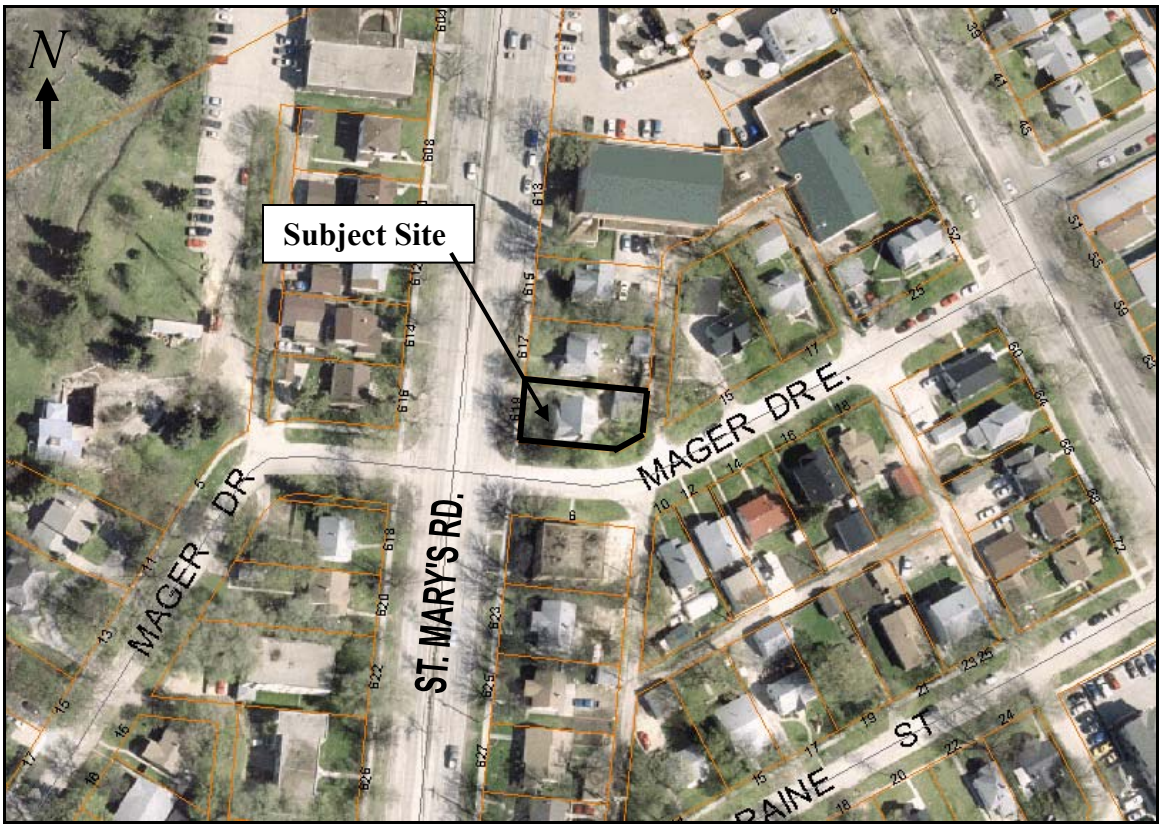


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

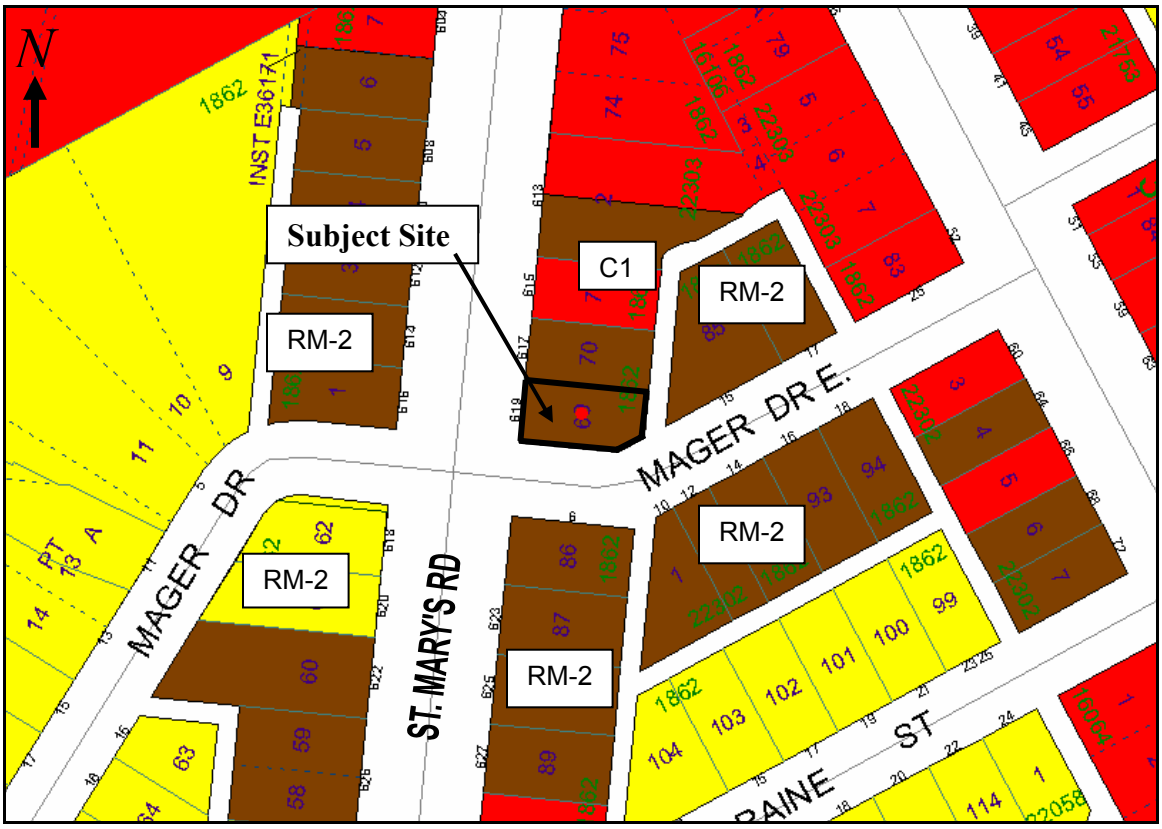


Figure 3: Existing Zoning for subject property and Surrounding Area.