Agenda – Council – April 26, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 10 Rezoning – 183 River Avenue
File DAZ 207/2006

STANDING COMMITTEE RECOMMENDATION:

On April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre 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 207/2006 dated February 14, 2006, 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 the following uses shall not be permitted:
            a. "automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts"
            b. "exterminator";
            c. "taxidermist";
            d. "wood products: manufacture from finished wood, including a cabinet shop";
        ii. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
        iii. That in the event the existing building is demolished or destroyed, the site zoning shall become "C1" Commercial District.

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.

Report - Standing Policy Committee on Property and Development - April 4, 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 (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 - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 183 River Avenue**
File DAZ 207/2006 [c/r DAV 109618/2006D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **March 3, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, the City Centre 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 207/2006, dated February 14, 2006, 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 the following uses shall not be permitted:
            a. "automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts"
            b. "exterminator";
            c. "taxidermist";
            d. "wood products: manufacture from finished wood, including a cabinet shop";
        ii. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
        iii. That in the event the existing building is demolished or destroyed, the site zoning shall become "C1" Commercial District.

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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated February 14, 2006.

PUBLIC HEARING SUMMARY

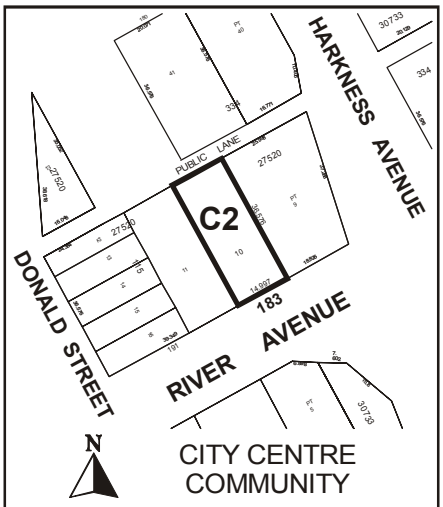
File: DAZ 207/2006 [c/r DAV 109618/2006D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: February 28, 2006
Council Building, 510 Main Street

Applicant: Passages Inc. (Roy Robertson)

Subject:



APPLICANT: MR. R. ROBERTSON
FILE : DAZ 207/06
PROPOSAL : To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT.
For information, phone Mr. M. Sandhurst, Planner at 986-5066.

Premises Affected: 183 River Avenue

Exhibits Filed:

1. Application dated January 26, 2006
2. Notification of Public Hearing dated January 30, 2006
3. Manitoba Status of Title 1418085
4. Surveyor's Building Location Certificate and sketch dated November 15, 1995R.
5. Letter of authorization dated December 2, 2005 from R. Michael Sellors to Roy Robertson

6. Plan (1 page)
7. Report from the Planning and Land Use Division dated February 14, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Roy Robertson, Passages Inc.

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Roy Robertson, Passages Inc. appeared in support of the application.

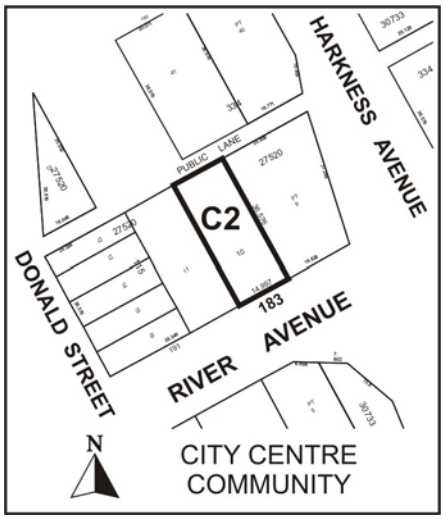
Exhibit "7" referred to in File DAZ 207/2006 [c/r DAV 109618/2006D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: February 14, 2006
File: **DAZ 207/06**
Related Files: DAV 06-109618/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-4" Multiple-Family District to a "C2" Commercial District.



Location: 183 River Avenue
Legal Description: Lot 10, Plan 27520

Applicant: Roy Robertson
Owner: Richard Sellors

Recommendation: *Approved*

Site Description

The subject site is located on the north side of River Avenue, between Donald Street and Harkness Avenue. The site is currently developed with a 2-1/2 storey office conversion (former house). The approximately 50 foot wide by 120 foot deep lot is zoned "RM-4" Multiple-Family District. Neighbouring properties are zoned either "RM-4" Multiple-Family District or "C2"

Commercial District. There are a variety of land uses in the immediate proximity, including commercial, park, multiple-family, and recreation facility.

Description of the Proposed Development
The applicant proposes to rezone the property to put it into conformity with its current (and long-standing) use and accommodate simpler re-tenanting. No expansion of the existing building or construction of additional structures is proposed. Variance file DAV 06-109618/D concerns maintenance of yards for the existing building and parking area.

Analysis
The subject site is designated "Neighbourhood" under *Plan Winnipeg*. The Mayfair neighbourhood borders Downtown Winnipeg and exhibits an urban mix of uses and built forms, although residential uses predominate. The proposed commercial rezoning is consistent with current use of the property, which has demonstrated compatibility with the neighbourhood over many years.

Planning & Land Use Division recommends the proposed rezoning to "C2" Commercial District be approved, subject to a few use and operational restrictions, provided the existing building remains. A further recommended restriction is that, should the existing building be demolished or destroyed, the site zoning will become the less intensive "C1" Commercial District.

Recommendation

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

- Commercial zoning will rationalize current and long-standing use of this property;
- "C2" zoning will assist with the ongoing viability of the existing building by providing for a broader mix of land use and more straightforward retenanting;
- Use, site development restrictions, and "C1" zoning (should the existing building be demolished or destroyed) will balance the scale and scope of commercial operations with the current neighbourhood context.

<u>Recommended Conditions of Approval</u>

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 207/06, attached hereto and dated February 14, 2006, 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:

1. That the following uses shall not be permitted:
   a) "Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts"

b) "Exterminator";
c) "Taxidermist";
d) "Wood Products: Manufacture from finished wood, including a cabinet shop".

2. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building;
3. That, in the event the existing building is demolished or destroyed, the site zoning shall become "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 (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: M. Sandhurst
PPD File # DAZ 207/06

Schedule "A"

By-Law No. _____

File No. **DAZ 207/06**

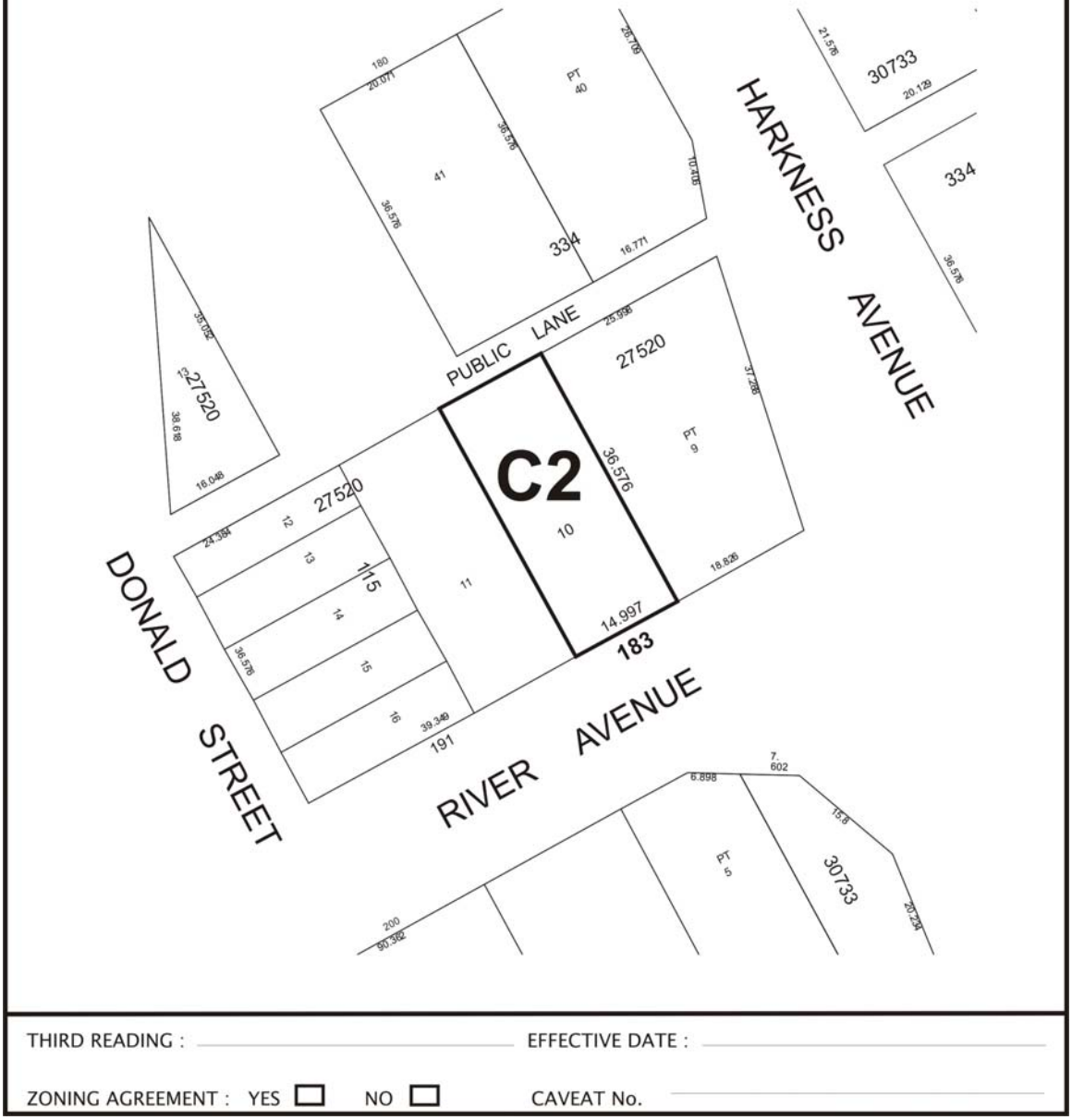
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 183 River Avenue from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AA25
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 207/06 dated February 14, 2006.