Agenda – Council - July 26, 2006

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

Item No. 8 Rezoning - 407 Desautels Street
File DAZ 220/2006

STANDING COMMITTEE RECOMMENDATION:

On July 19, 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 220/2006 dated June 9, 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 only the following uses shall be permitted:

            a. Wood Products: Manufacture from finished wood, including a cabinet shop.

            b. Electrical Contractor.

        ii. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building.

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.

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

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 – July 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 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 July 4, 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 June 26, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the letter "s" be added to the word "use" in Recommendation 1. A. i.

- That the following be added as Recommendation 1. A. i. b., namely:
  b. Electrical Contractor,

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

RE: **Subdivision and Rezoning - 407 Desautels Street**
File DAZ 220/2006 [c/r DAV 132097/2006D]

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

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

Report date: **June 27, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 26, 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 220/2006 dated June 9, 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:

        iii. That only the following use***s*** shall be permitted:

            a. Wood Products: Manufacture from finished wood, including a cabinet shop;

            b. Electrical Contractor

        iv. That all commercial operations, with the exception of accessory parking and loading, shall be conducted entirely within the principal building.

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.

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 Planning and Land Use Division dated June 9, 2006.

PUBLIC HEARING SUMMARY

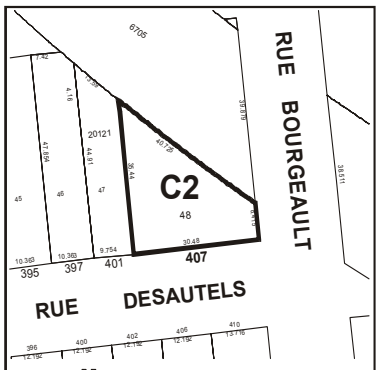
File: DAZ 220/2006 [c/r DAV 132097/2006D]

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

Public Hearing: June 26, 2006
Council Building, 510 Main Street

Applicant: Louis Desrosiers

Subject:



RIEL COMMUNITY

APPLICANT: LOUIS DESROSIERS
FILE: DAZ 220/06
PROPOSAL: To rezone the land shown outlined above from an "R2-T" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LOUIS DESROSIERS
N° DE RÉFÉRENCE : DAZ 220/06
PROJET : Modifier le zonage du bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2-T (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 407 Desautels Street

Exhibits Filed:

1. Application dated May 23, 2006
2. Notification of Public Hearing dated May 29, 2006
3. Manitoba Status of Title 1772424
4. Letter of Intent from Louis Desrosiers
5. Surveyor's Building Location Certificate and sketch dated February 14, 1965
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated June 9, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Louis Desrosiers
Jeff Mitchell

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Louis Desrosiers, appeared in support of the application and provided an overview of the proposal.

Jeff Mitchell appeared in support of the application.

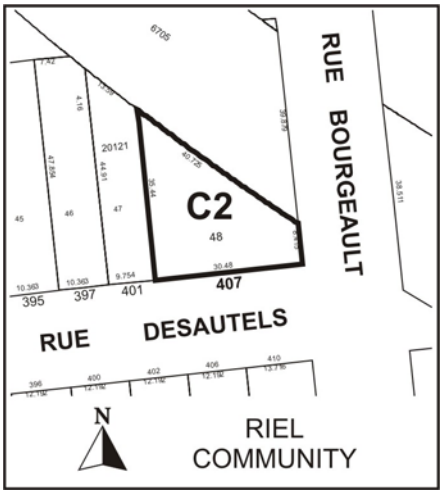
Exhibit "7" referred to in File DAZ 220/2006 [c/r DAV 132097/2006D]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **June 9, 2006**
File: **DAZ 220/06**
Related Files: **DAV 06-132097/D**
Subject: **Rezone from "R2-T" Residential District to "C2" Commercial District to establish a wood products manufacture use**
Location: **407 Desautels Street**



Applicant: **Louis Desrosiers**
Owner: **Louis Desrosiers**

Recommendation: **Approve, with conditions**

Report Summary:

- The applicant is proposing to rezone the subject property from "R2T" Residential District to "C2" Commercial District.
- The applicant is also applying for a use variance (DAV 06-132097/D) to permit the establishment of a wood products manufacture use in the current "R2-T" District.
- The Planning and Land Use Division is recommending approval, with conditions of this rezoning application.

Site Description

The subject property is currently zoned multiple-family residential, is approximately 6750 square feet and is located at the corner of Desautels Street and Bourgeault Street in the Central St. Boniface neighbourhood of the St. Boniface ward. The site is zoned "R2-T" Residential District. Adjacent properties include single-family dwellings to the west and south and green space and industrial uses to the east and north.



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

Description of the Proposed Development

The subject site currently has two units. Unit 1 was recently home to an electrical motor repair shop, which operated at the subject site for approximately 22 years. This use was terminated two years ago. The applicant has received an offer to purchase the site by someone wishing to establish a wood products manufacture use to be operated in Unit 1.

An electrical contractor use is currently operating in Unit 2 of the building and will remain in Unit 2.

Establishment of the proposed use in the current "R2T" Residential District requires a use variance until the proposed rezoning to "C2" Commercial District is complete.

Analysis
The subject site is designated Neighbourhood Policy Area under *Plan Winnipeg 2020*. The subject site is bordered to the east by an industrial area and areas to the west and south are predominately residential areas. The proposed commercial rezoning is consistent with current use of the property, which has demonstrated compatibility with the neighbourhood over many years. However, over time, this area is expected to become more residential in character and as such, the Planning and Land Use Division recommends limiting the commercial uses on the site to the proposed use.

Planning & Land Use Division recommends the proposed rezoning to "C2" Commercial District be approved, subject to use and operational restrictions, provided the existing building remains.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:
- A commercial use has been operating at the subject site for a number of years without substantial adverse effects;
- The use is limited to the proposed use and any change would require a zoning agreement amendment.

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 220/06, attached hereto and dated June 9, 2006, to an "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 only the following use shall be permitted:
   a) 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.

III. 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.

IV. 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.

V. 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.

VI. 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.

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

VIII. 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 # DAZ 220/06

Schedule "A"

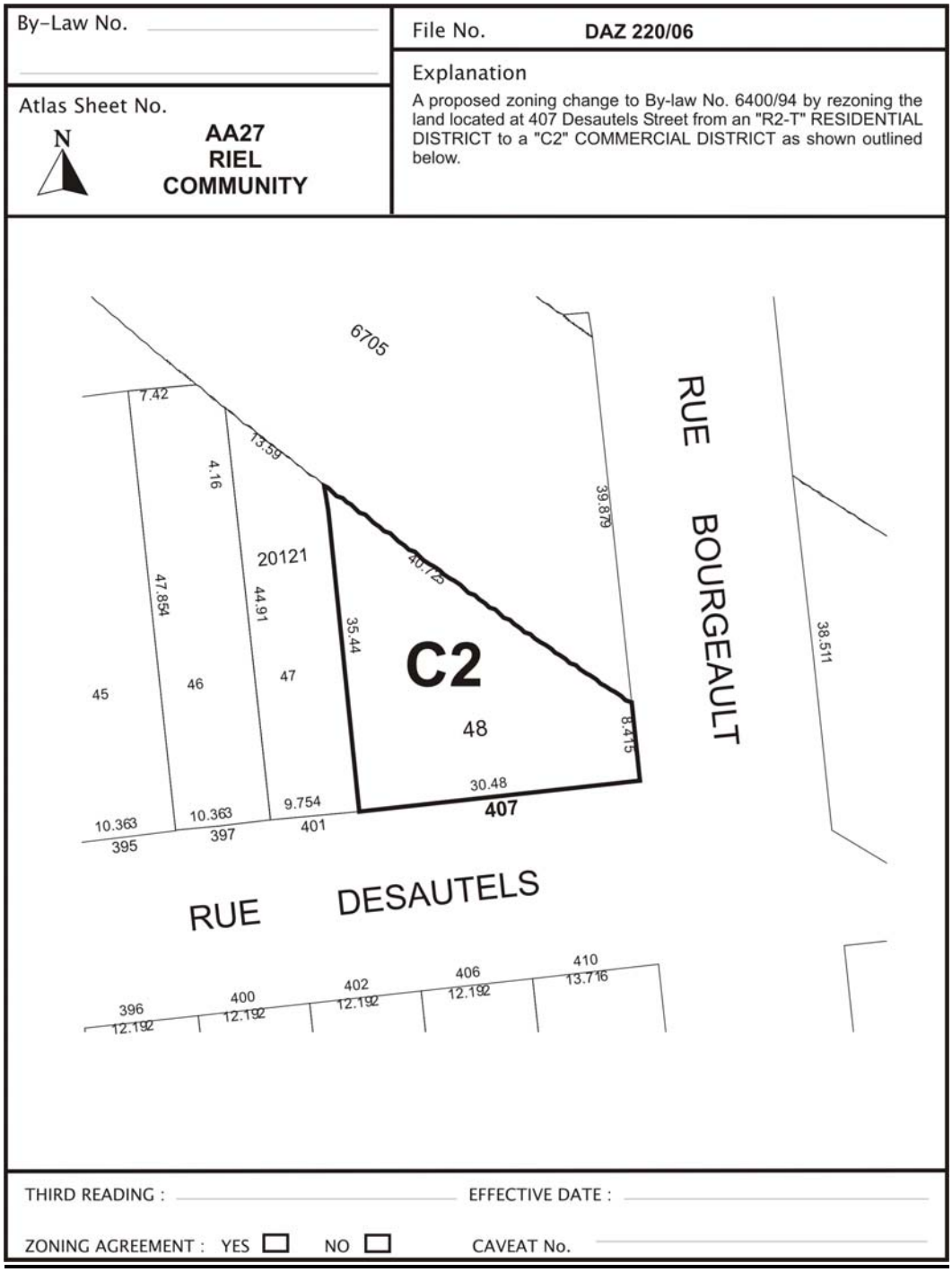


Figure 2: Schedule "A" to the report to the Riel Community Committee for File No. DAZ 220/2006, dated June 9, 2006.

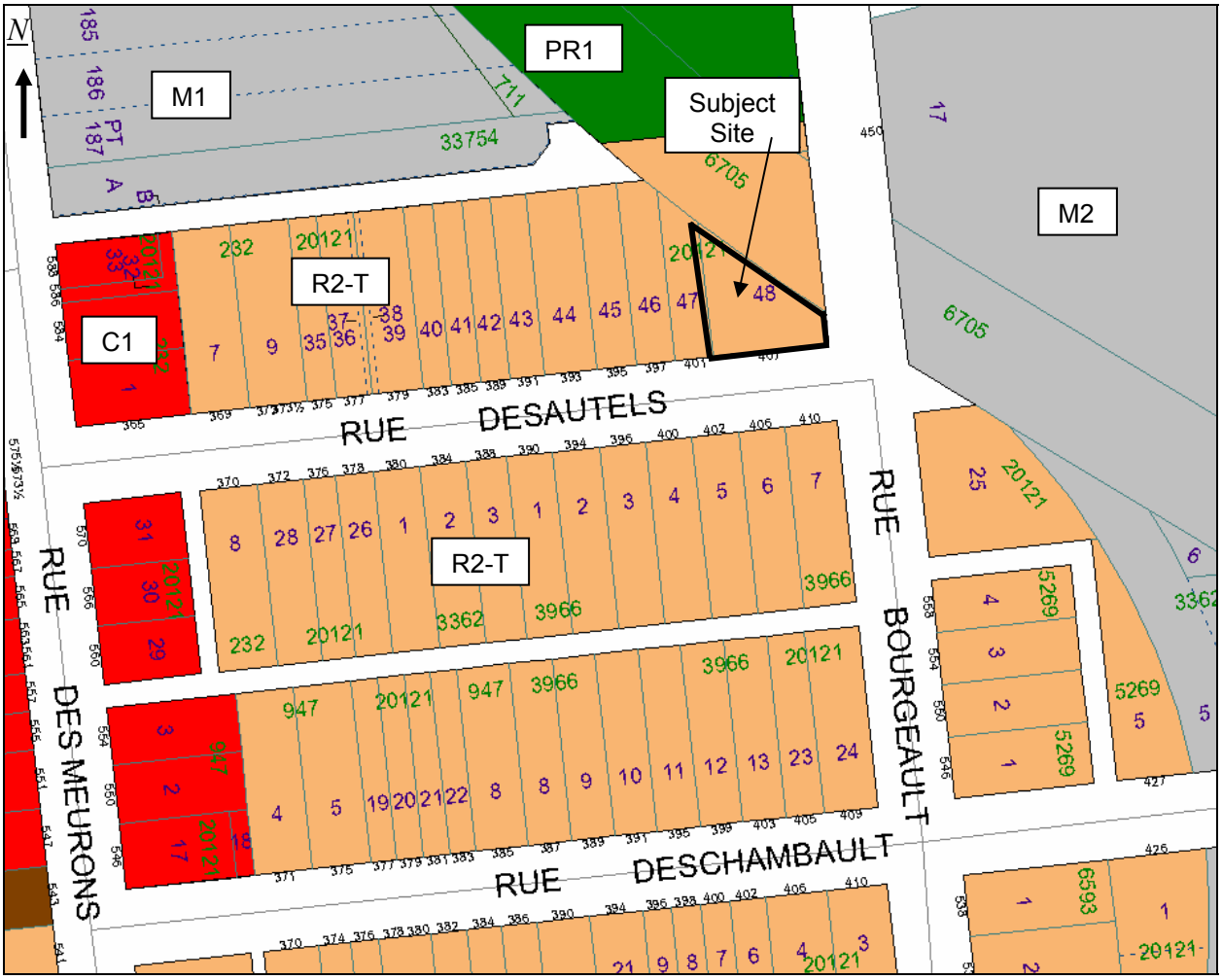


Figure 1: Existing Zoning for subject property and Surrounding Area.