Agenda – Council - July 26, 2006

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

Item No. 9 Rezoning - 1784 Logan Avenue
File DAZ 221/2006

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 Lord Selkirk-West Kildonan 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 outlined on Schedule "A" for File DAZ 221/2006 dated May 31, 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 land usage be restricted as follows:
            a. The following uses shall not be permitted on the land:
                1. Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
                2. Automobile, including motorcycle: Supplies/Parts, Sales
                3. Beer: Sales
                4. Bingo Parlour
                5. Bowling Alley
                6. Bus Station
                7. Cocktail Lounge
                8. Contractors' Establishment
                9. Exterminator
                10. Fuel: Sales kiosk
                11. Hotel, including Motel, limited to guest rooms
                12. Liquor: Sales
                13. Parking Area, non-accessory
                14. Tattoo Parlour
                15. Tire: Sales, Service

        ii. That there shall be no free standing identification signs and 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 an official opening event.

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

iii. That building height be limited to a maximum of thirty (30) feet.

iv. That Floor Area Ratio be limited to a maximum of 1.0.

2. That a ten per cent (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.

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 20, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1784 Logan Avenue**
File DAZ 221/2006 [c/r DCU 132442/2006D, DAV 132440/2006D]

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **June 26, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 20, 2006, the Lord Selkirk-West Kildonan 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 outlined on Schedule "A", for File DAZ 221/2006 dated May 31, 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 land usage be restricted as follows:

            a. The following uses shall not be permitted on the land:
                1. Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
                2. Automobile, including motorcycle: Supplies/Parts, Sales
                3. Beer: Sales
                4. Bingo Parlour
                5. Bowling Alley
                6. Bus Station
                7. Cocktail Lounge
                8. Contractors' Establishment
                9. Exterminator
                10. Fuel: Sales kiosk
                11. Hotel, including Motel, limited to guest rooms
                12. Liquor: Sales
                13. Parking Area, non-accessory
                14. Tattoo Parlour
                15. Tire: Sales, Service

ii. That there shall be no free standing identification signs and 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 an official opening event.

iii. That building height be limited to a maximum of thirty (30) feet.

iv. That Floor Area Ratio be limited to a maximum of 1.0.

2. That a ten per cent (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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated May 31, 2006.

PUBLIC HEARING SUMMARY

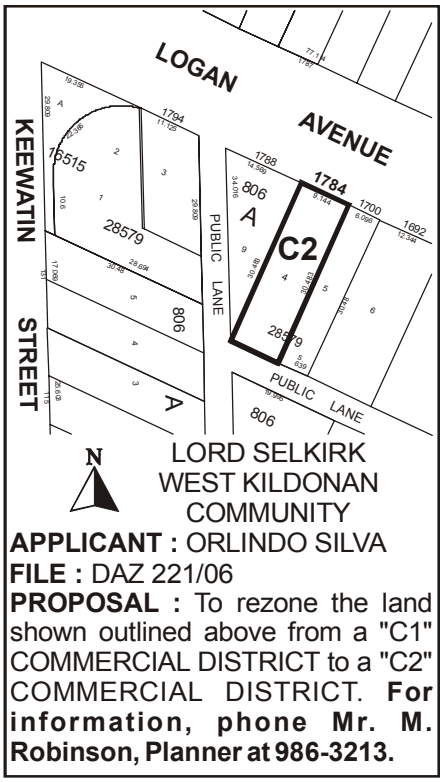
File: DAZ 221/2006 [c/r DCU 132442/2006D, DAV 132440/2006D]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan

Public Hearing: June 20, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Bingo's Pawn Shop (Orlindo Silva)

Subject:



Premises Affected: 1784 Logan Avenue

Exhibits Filed:
1. Application dated June 2, 2006
2. Notification of Public Hearing dated May 23, 2006
3. Manitoba Status of Title 1254102
4. Surveyor's Building Location Certificate and sketch dated August 18, 1976

5. Drawing of the subject property
6. Report from the Planning and Land Use Division dated May 31, 2006
7. Inspection Report

REPRESENTATIONS:

In Support:

Fatima and Orlindo Silva
Tony Simoes

In Opposition:

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Orlindo Silva appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated May 31, 2006.

Exhibit "6" referred to in File DAZ 221/2006

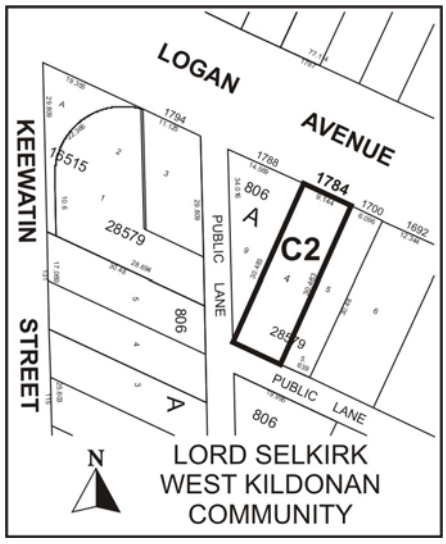
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **May 31, 2006**
File: **DAZ 221/06**
Related Files: **DCU, DAV**
Subject: **To amend By-Law No. 6400/94 by rezoning the land shown below from a "C1" Commercial District to a "C2" Commercial District.**

Location: **1784 Logan Avenue**



Applicant: **Orlindo Silva (Bingo's Pawn Shop)**
Owner: **Tony G Simoes**

Recommendation: **Approval**

Site Description
The subject property, which is currently zoned "C1" Commercial, is located on Logan Avenue, between Keewatin Street and Worth Street, in the Weston neighbourhood of the Point Douglas Ward.
North: Commercial use zoned "C1" Commercial
South: Residences zoned "R2A" Two-Family Residential
East: Residences zoned "R2A" Two-Family Residential
West: Commercial uses zoned "C1" Commercial

Background
In 1986, the City Centre-Fort Rouge Community Committee approved a use variance to allow the establishment of a new and used furniture store at the subject property

Subsequent to that, upon review of City records, it was found that the subject establishment was licensed by the City as a pawn broker despite the fact that a pawnbroker is not a permitted use in the "C1" Commercial District.

At this time, the owner is attempting to bring the businesses into conformance with By-law 6400/94 by applying for a rezoning as well as associated conditional use and variance applications. It should be noted that this matter was brought to the attention of the City by way of a verification of use letter that was received by the Zoning and Permits branch.

Description of the Proposed Development
The applicant is wishing to legally establish a pawn shop use that has existed at the subject location for some time. A pawnshop is permitted as a conditional use in the "C2" Commercial District.

Analysis
As noted above, the subject establishment has existed at this location and has been licensed by the City for some time. No complaints have been received by the City regarding this establishment, and therefore, the Planning and Land Use Division recommends that the rezoning be approved.

With that said, it should be noted that the Planning and Land Use Division sees this matter as an effort to fit in an established business that has been complying with the law to the best of their knowledge rather than an acknowledgement that the highest and best use of this property is "C2" Commercial. Therefore, in light of the fact that the adjoining commercial zoning is "C1" Commercial and that this property has a neighbourhood orientation, it is recommended that conditions be included to ensure compatibility with the adjoining residential neighbourhood.

Recommendation
The Planning and Land Use Division recommends approval for the following reasons:
- The subject establishment has existed at this location and has been licensed by the City for some time.
- No complaints have been received against the subject establishment

- The establishment will not have a substantial adverse impact on adjacent properties
- The establishment is compatible with the surrounding neighbourhood
- Conditions are being included to ensure future compatibility with the surrounding neighbourhood

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 221/06, attached hereto and dated May 31, 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 land usage be restricted as follows;
   i. The following uses shall NOT be permitted on the land:

AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory
REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
BEER: SALES
BINGO PARLOUR
BOWLING ALLEY
BUS STATION
COCKTAIL LOUNGE
CONTRACTORS' ESTABLISHMENT
EXTERMINATOR
FUEL: SALES kiosk
HOTEL, including MOTEL, limited to guest rooms
LIQUOR: SALES
PARKING AREA, non-accessory
TATTOO PARLOUR
TIRE: SALES, SERVICE

2. That, there shall be no free standing identification signs and 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 an official opening event.

3. That building height be limited to a maximum of 30 feet

4. That Floor Area Ratio be limited to a maximum of 1.0.

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: Michael Robinson, AICP
PPD File # DAZ 221/06

Schedule "A"

Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for file # DAZ 221/06 dated May 31, 2006.

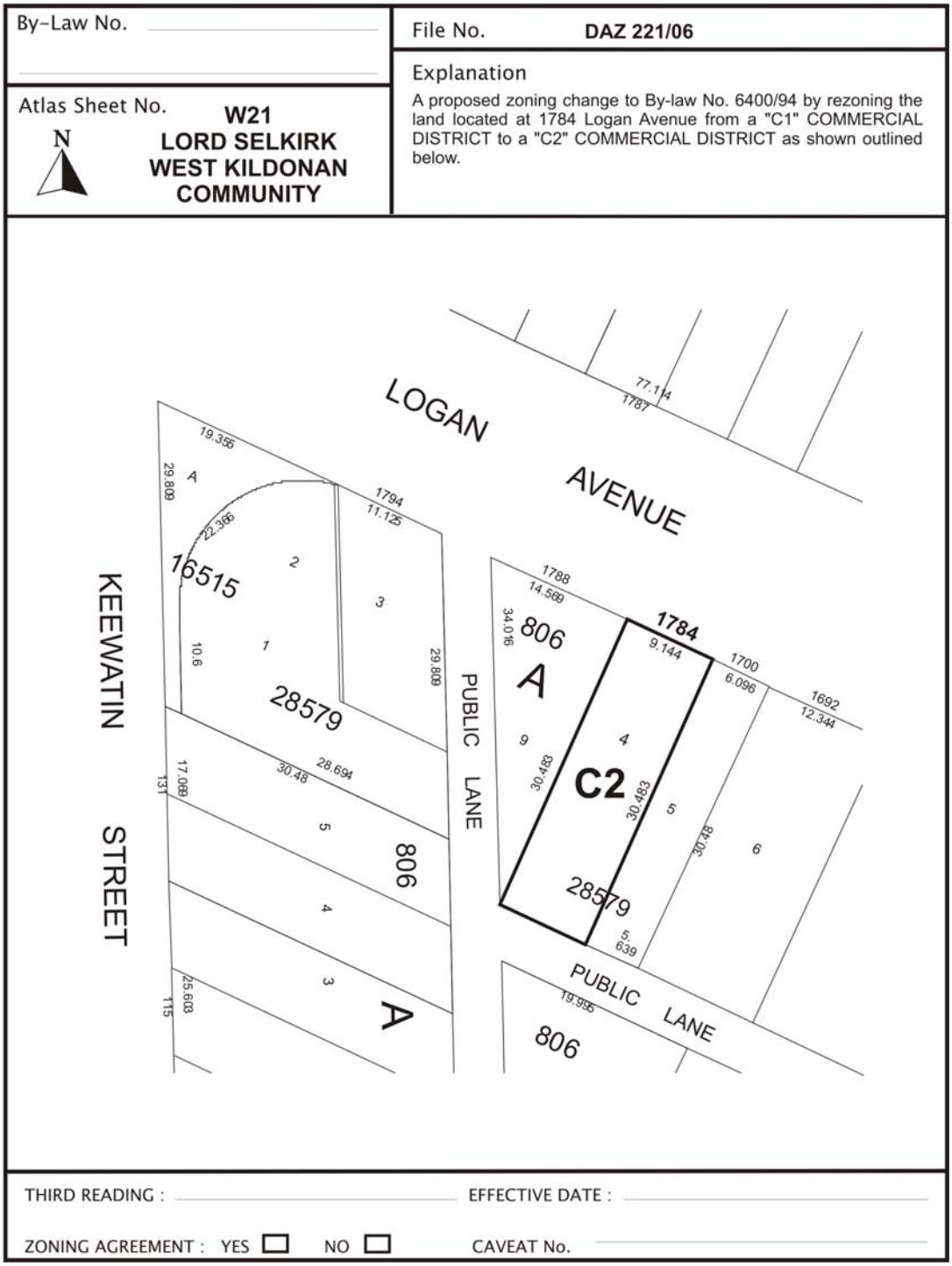




Figure 1: Aerial Photo (Flown in 2005)