Agenda – Council – September 27, 2006

Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 18 Rezoning - 310 Provencher Boulevard
File DAZ 226/2006

STANDING COMMITTEE RECOMMENDATION:

On September 21, 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 226/2006 dated July 11, 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 use of the subject property shall be restricted to a massage therapy business, with offices and accessory uses.

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.

Report - Standing Policy Committee on Property and Development – September 5, 2006

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 – September 5, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 5, 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 July 18, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 310 Provencher Boulevard**
File DAZ 226/2006 [c/r DAV 136121/2006D]

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

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

Report date: **July 18, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the Riel 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 226/2006 dated July 11, 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 use of the subject property shall be restricted to a massage therapy business, with offices and accessory uses.

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 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 July 11, 2006.

PUBLIC HEARING SUMMARY

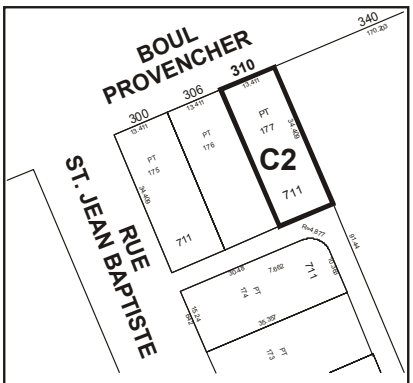
File: DAZ 226/2006 [c/r DAV 136121/2006D]

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

Public Hearing: July 18, 2006
Council Building, 510 Main Street

Applicant: Nancy Marsiglia

Subject:



RIEL
COMMUNITY

APPLICANT: MS N. MARSIGLIA
FILE: DAZ 226/06
PROPOSAL: To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: Madame N. MARSIGLIA
DE RÉFÉRENCE : DAZ 226/06
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 310 Provencher Boulevard

Exhibits Filed:

1. Application dated June 14, 2006
2. Notification of Public Hearing dated June 15, 2006
3. Manitoba Status of Title 2062169
4. Letter of authorization dated June 8, 2006 from G. Massimo Marsiglia to A. Nancy Vova Marsiglia
5. Surveyor's Building Location Certificate and sketch dated September 7, 2004
6. Zoning Development Information
7. Drawings of subject property
8. Report from the Planning and Land Use Division dated July 11, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

Alain Beaudette
Nancy Bova-Marsiglia
Henry and Lynne Mager

In Opposition

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Nancy Bova-Marsiglia, appeared in support of the application.

Exhibit "8" referred to in File DAZ 226/2006 [c/r DAV 136121/2006D]

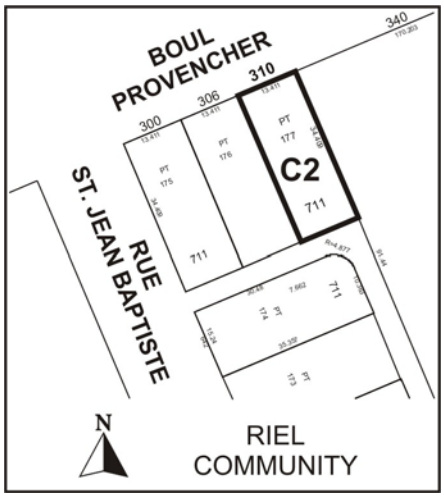
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: July 11/ 2006
File: DAZ 226/06
Related Files: DAV 06 136121D
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: 310 Provencher Boulevard
Legal Description: Lot 177, Plan 711



Applicant: Nancy Bova Marsiglia
Owner: same as above

Recommendation: *Approve with conditions*

Site Description



The current two story building is situated on a 44' wide by 112' deep lot adjacent to the Cultural Centre. It ,along with the two adjoining lots to the west and the Cultural Center property to the east are zoned "RM-4" Multiple Family. Homes to the south along St. Jean Baptiste are a mix of single and two family dwellings zoned " R2-T "Residential. To the west along Provencher Blvd is a community center and park area zoned " PR-1" Parks and Recreation. To the north is a mix once again of single family and two family housing with the occasional tri-plex. Under Plan Winnipeg Policy, the area is within a Neighbourhood Policy Area which allows for commercial development.

Description of the Proposed Development

The applicant is proposing to convert the approximately 880 sq.ft. main floor of the existing building into a reception area , vestibule and kitchen space. The second floor will have office space and several massage therapy rooms. Parking will be at the rear and there is provision for three parking stalls. It is anticipated that most people with appointments will , in fact, park along

Provencher Blvd. at the front of the building. An application for a variance for a gravel parking area at the rear of the building accompanies the subject rezoning. Procedurally a use variance has also been made, which , if approved, would allow the applicant to establish the proposed business in advance of the rezoning being approved by City Council.

Analysis

The Planning, Property & Development Department supports the proposed rezoning to allow for limited commercial development of the site. The property is one of only three remaining residential properties along this stretch of the Provencher frontage and a relatively small office business,with fairly regular hours of operation , is unlikely to adversely affect the two adjoining property owners. Restricting the use of the site to specifically offices and a massage therapy operation will negate the possibility of businesses such as contractors establishments, unlicensed clubs or appliance repair shops establishing as of right. Those aforementioned uses, in addition to numerous other potentially contentious uses are permitted outright under a 'C2' zoning, unless specifically restricted. It should be noted that because of the anticipated length of time it will take to process a rezoning application through City Council, a use variance accompanies this application to expedite the process.

Recommendation

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

- The proposed office and massage therapy use is small in scale and will only be operating during fairly regular business hours. It is typical of small scale businesses operating along busy thoroughfares in small pockets of remaining housing. It should not have any adverse effect on adjoining properties.

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 226/06, attached hereto and dated July 11, 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 use of the subject property shall be restricted to a massage therapy business, with offices and accessory uses

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: Kevin Lalor
PPD File # DAZ 226/06

Schedule "A"

By-Law No. _____

File No. **DAZ 226/06**

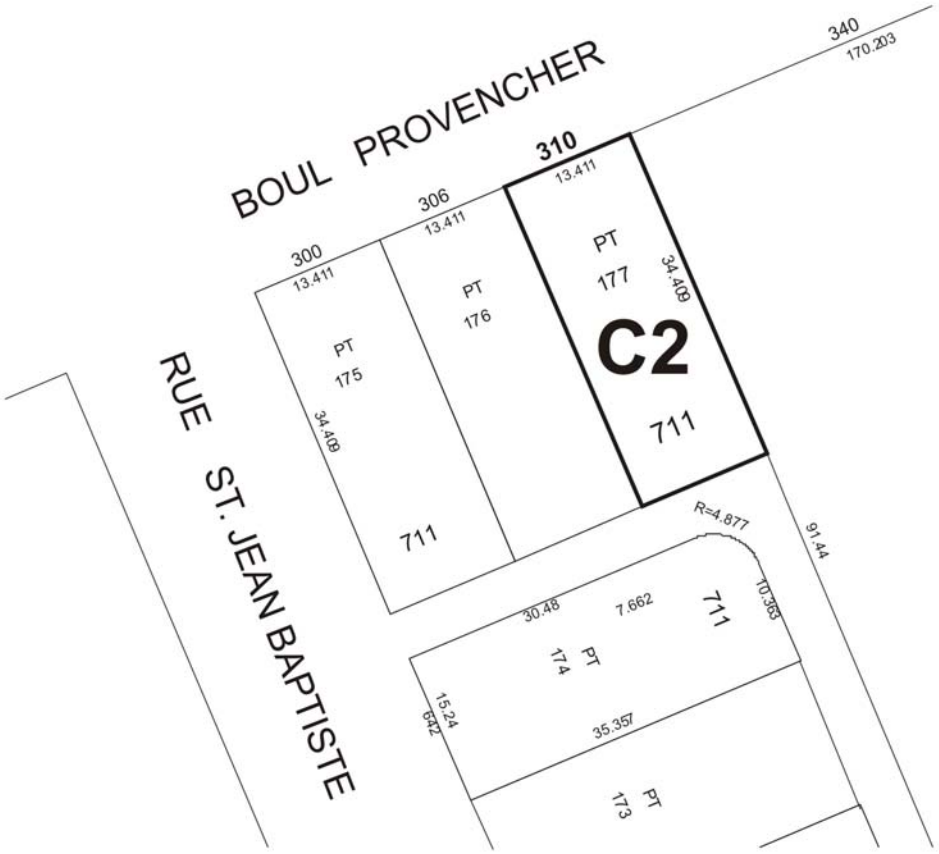
Atlas Sheet No.

N

Z26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 310 Provencher Boulevard from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to Riel Community Committee for file # DAZ 226/06 dated , July11 /2006.