Minute No. 105
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 19 Rezoning - 880 Lagimodiere Boulevard
File DAZ 242/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 242/2006 dated November 29, 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 final plans showing the location and details of parking areas, building profiles and fencing shall be submitted to the Planning, Property and Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits, and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That a two (2) metre high solid wood fence be erected and maintained along the most westerly sixty-five (65) feet of the north property line.

      iii. That land usage be restricted as follows:

      The following uses shall be permitted on the land:
      a. offices;
      b. accessory parking;
      c. some parts storage in the existing 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.

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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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, 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 December 5, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 880 Lagimodiere Boulevard**
File DAZ 242/2006 [c/r DAV 158797/2006D]

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

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

Report date: **December 7, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 242/2006 dated November 29, 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 final plans showing the location and details of parking areas, building profiles, and fencing shall be submitted to the Planning, Property and Development Department and Riel Community Committee for approval prior to the issuing of any development or building permits; and thereafter that the property be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That a two (2) metre high solid wood fence be erected and maintained along the most westerly sixty-five (65) feet of the north property line.

        iii. That land usage be restricted as follows:

        The following uses shall be permitted on the land:
        a. offices;
        d. accessory parking;
        e. some parts storage in the existing 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.

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 November 29, 2006.

PUBLIC HEARING SUMMARY

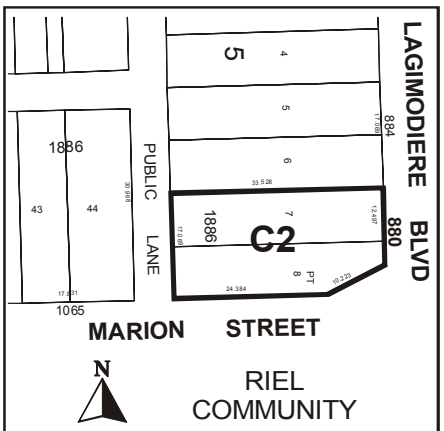
File: DAZ 242/2006 [c/r DAV 158797/2006D]

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

Public Hearing: December 5, 2006
Council Building, 510 Main Street

Applicant: Renée Sicotte

Subject:



APPLICANT : R. SICOTTE
FILE: DAZ 242/06
PROPOSAL: To rezone the land shown outlined above from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : R. SICOTTE
N° DE RÉFÉRENCE : DAZ 242/06
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R2 (SECTEUR RÉSIDENTIEL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 880 Lagimodiere Boulevard

Exhibits Filed:

1. Application dated November 3, 2006
2. Notification of Public Hearing dated 8, 2006
3. Manitoba Status of Title 1917422
4. Letter of authorization dated October 12, 2006 from Grant and Renée Sicotte
5. Surveyor's Building Location Certificate and sketch dated August 28, 2006
6. Aerial Photograph dated October 5, 2006
7. Plan
8. Site Plans (2 pages)
9. Report from the Planning and Land Use Division dated November 29, 2006
10. Inspection Report

REPRESENTATIONS:

In Support:

Renée and Grant Sicotte

In Opposition

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

No verbal representation was made at the public hearing.

Exhibit "9" referred to in File DAZ 242/2006 [c/r DAV 158797/2006D]

Winnipeg

Planning, Property and Development Department Report

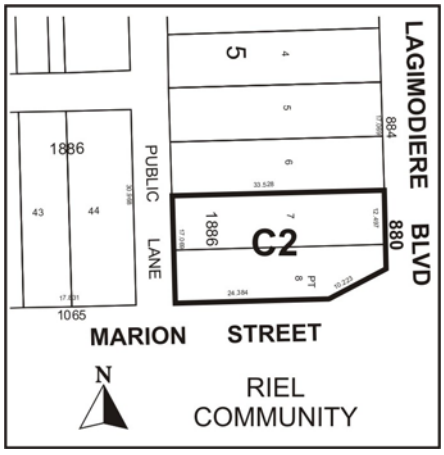
To the Riel Community Committee

Date: November 29/2006
File: DAZ 242/06
Related Files: DAV 158797/D

Subject : To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to an "C2" Commercial District.

Location: 880 Lagimodiere Boulevard

Legal Description: Lots 7/8 , Block 5, Plan 1886



Applicant: Renee Sicotte

Owner: A.J. & R.N. Sicotte

Recommendation: *Approved*

3330

Site Description:
The subject property is approximately 5610 sq. ft. in overall area and is situated at the N.W. corner of Marion Street and Lagimodiere Boulevard. The land is zoned "R2" Residential and is occupied with a 640 sq. ft. dwelling. There is also a garage located at the rear of the property with access off an existing lane.

West: To the immediate west across the rear lane are "M2" Industrially zoned lands occupied by a mix of businesses. The closest is the applicants business, Marion Auto Body and Glass.
North: To the north is a small residential community often referred to as the Holden neighbourhood which is zoned "R2" Residential in the midst of a largely heavy industrial area.
East: To the east is Lagimodiere Boulevard and a large "M2" Industrial area.
South: South of Marion Street are the Maple Leaf meat packing operations zoned "M3" Industrial.



Description of the Proposed Development

The applicants are proposing to convert the existing one story building into office space for their adjoining business, Marion Auto Body and Glass immediately to the west of the rear lane. The existing garage will be removed to provide additional parking space and new fences will be

constructed and maintained along the southern and northern property lines. The main floor will house reception, some parts storage and office space for at least two people. The change in zoning automatically necessitates accompanying variance applications for substandard front and side yards and an additional variance is being made to permit a gravel surfaced parking area instead of hard surfacing.

Analysis

Plan Winnipeg Compliance**:**
The subject parcel falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

The Planning, Property and Development Division supports the rezoning of the subject property for restricted commercial development, specifically office use in conjunction with an adjoining business (Marion Auto Body & Glass). It is the view of this Branch that commercial development of the subject corner, in a limited capacity, is a more appropriate utilization of the land than residential development. However, out of consideration for the adjacent residential property owners immediately to the north, it is suggested that the use of the land be limited to office space as requested by the applicants. It is also recommended a 2 metre high solid wood fence be constructed along the most westerly 65' of the north property line to help buffer the adjacent resident from the proposed parking area which may be used for storing some snow removal equipment.

Recommendation

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

- The proposed use will not have a substantial adverse impact on adjacent properties
- Provided that the suggested fencing for screening purposes is installed, the development will be compatible with the area
- The proposed development in compliant with Plan Winnipeg and its policies
- Conditions are being recommended which will limit the impact of commercial zoning on adjacent residential 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 242/06, attached hereto and dated November 29, 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 final plans showing the location and details of **parking areas**, **building profiles, and fencing** shall be submitted to the Planning, Property & Development Division and Riel Community Committee for approval prior to the issuing of any development or building permits; and thereafter that the property be maintained to the satisfaction of the Riel Community Committee

2. That a two (2) metre high solid wood fence be erected and maintained along the most westerly 65' of the north properly line.

3. That land usage be restricted as follows:

The following uses shall be permitted on the land:
a. offices
b. accessory parking
c. some parts storage in the existing building

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 242/06

By-Law No. _____

File No. **DAZ 242/06**

Atlas Sheet No.

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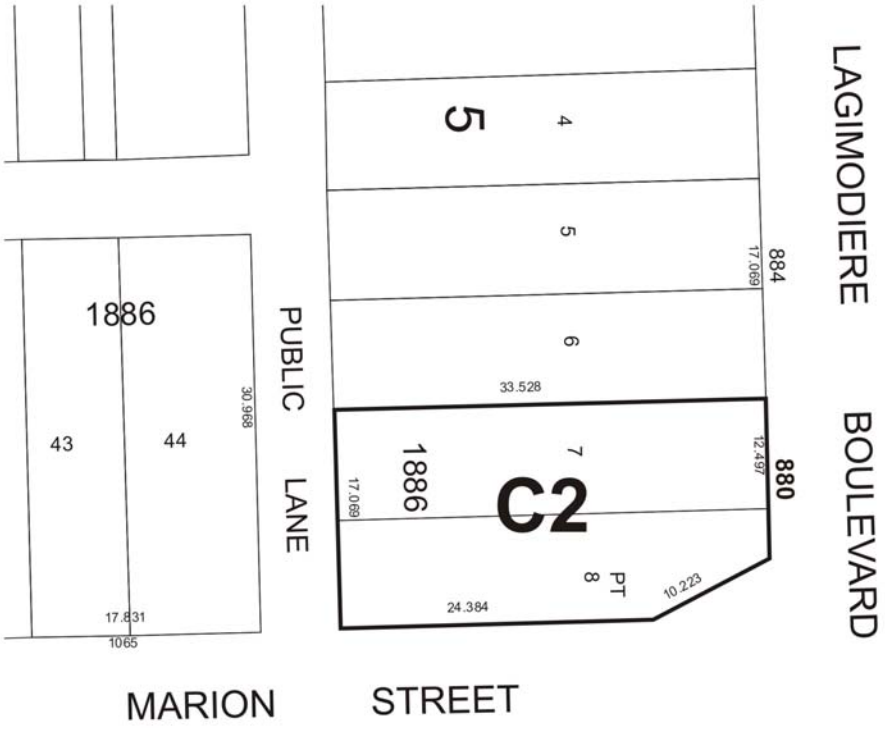
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 880 Lagimodiere Boulevard from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 242/2006, Riel Community Committee, dated November 29/2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____