Agenda - Council - January 24, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 20 Rezoning – 672 and 672½ Arlington Street
File DAZ 243/2006

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 243/2006 dated December 5, 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 uses be restricted to:

         a. all "C1" permitted and conditional uses.
         b. parking area.

      ii. That final plans showing the location and details of landscaping, fencing, parking area and signage be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

      iii. That the non-accessory parking area be used by employees of 819 Sargent Avenue only, with signage installed and maintained to this effect.

      iv. That the site be developed with a minimum twenty (20) foot deep landscaped front yard between the parking area and the Arlington Street right-of-way.

      v. That the lightproof fences along the north and south property lines be a minimum four (4) feet in height from the required front yard to the rear property line.

Report - Standing Policy Committee on Property and Development - January 9, 2007

vi. That vehicular access to and egress from the site be via the public lane only.

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.

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, 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 December 12, 2006, the City Centre Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 672 and 672 ½ Arlington Street**
File DAZ 243/2006 [c/r DAV 159649/2006D]

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

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

Report date: **December 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 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 243/06, dated December 5, 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 uses be restricted to:

a. all "C1" permitted and conditional uses;
b. parking area;

ii. That final plans, showing the location and details of landscaping, fencing, parking area, and signage, be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development;

iii. That the non-accessory parking area be used by employees of 819 Sargent Avenue only, with signage installed and maintained to this effect;

iv. That the site be developed with a minimum twenty (20)-foot deep landscaped front yard, between the parking area and the Arlington Street right-of-way;

v. That the lightproof fences along the north and south property lines be a minimum four (4)-feet in height, from the required front yard to the rear property line; and

vi. That vehicular access to and egress from the site be via the public lane only.

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 revised report from the Planning and Land Use Division dated December 11, 2006.

PUBLIC HEARING SUMMARY

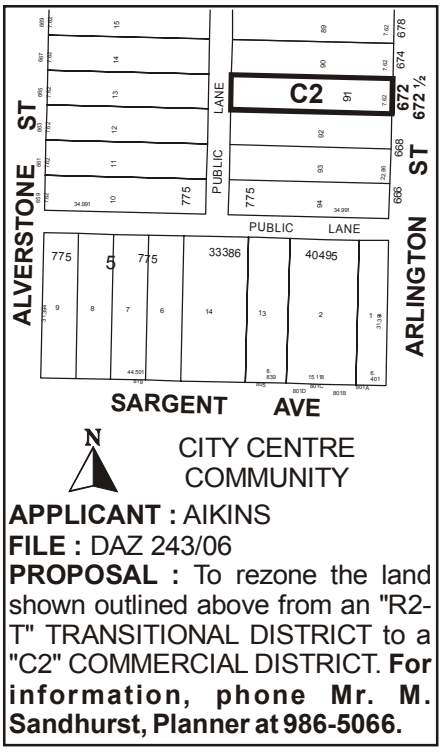
File: DAZ 243/2006 [c/r DAV 159649/2006D]

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

Public Hearing: December 12, 2006
North Committee Room
Council Building, 510 Main Street

Applicant: Aikens, MacAuley and Thorvaldson (Aaron Bowler)

Subject:



Premises Affected: 672 and 672 ½ Arlington Street

Exhibits Filed:
1. Application dated November 9, 2006
2. Notification of Public Hearing dated November 15, 2006
3. Manitoba Status of Title 2114078

4. Letter of authorization dated October 11, 2006 from Milton Bogoch, Registered Owner, Roseman Corporation to Aikins, MacAulay and Thorvaldson, LLP, Attention: Aaron J. Bowler
5. Zoning Development Information
6. Drawing of subject property
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated December 5, 2006
9. Revised report from the Planning and Land Use Division dated December 11, 2006
10. Inspection Report

REPRESENTATIONS:

In Support:

Aaron J. Bowler

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, Aaron J. Bowler, appeared in support of the application and indicated concurrence in the recommendations contained in the revised administrative report from the Manager of Planning and Land Use dated December 11, 2006.

Exhibit "9" referred to in File DAZ 243/2006 [c/r DAV 159649/2006D]

Winnipeg

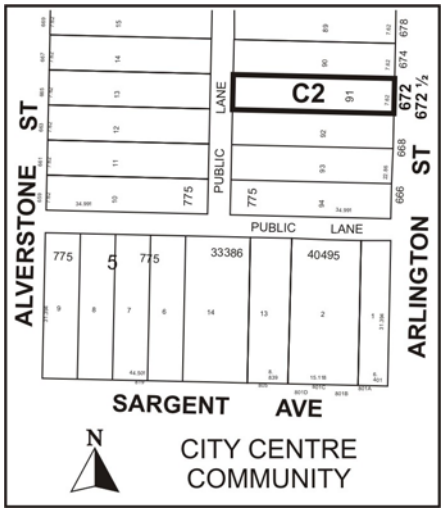
Planning, Property and Development Department Report

To City Centre Community Committee

REVISED REPORT (replacing December 5/06 report)

Date: December 11, 2006
File: **DAZ 243/06**
Related Files: DAV 06-159649/D
Subject: To rezone the land shown outlined below from an "R2-T" Two-Family Transitional District to a "C2" Commercial District.

Location: 672 Arlington Street
Legal Description: Lot 91 Block 5 Plan 775

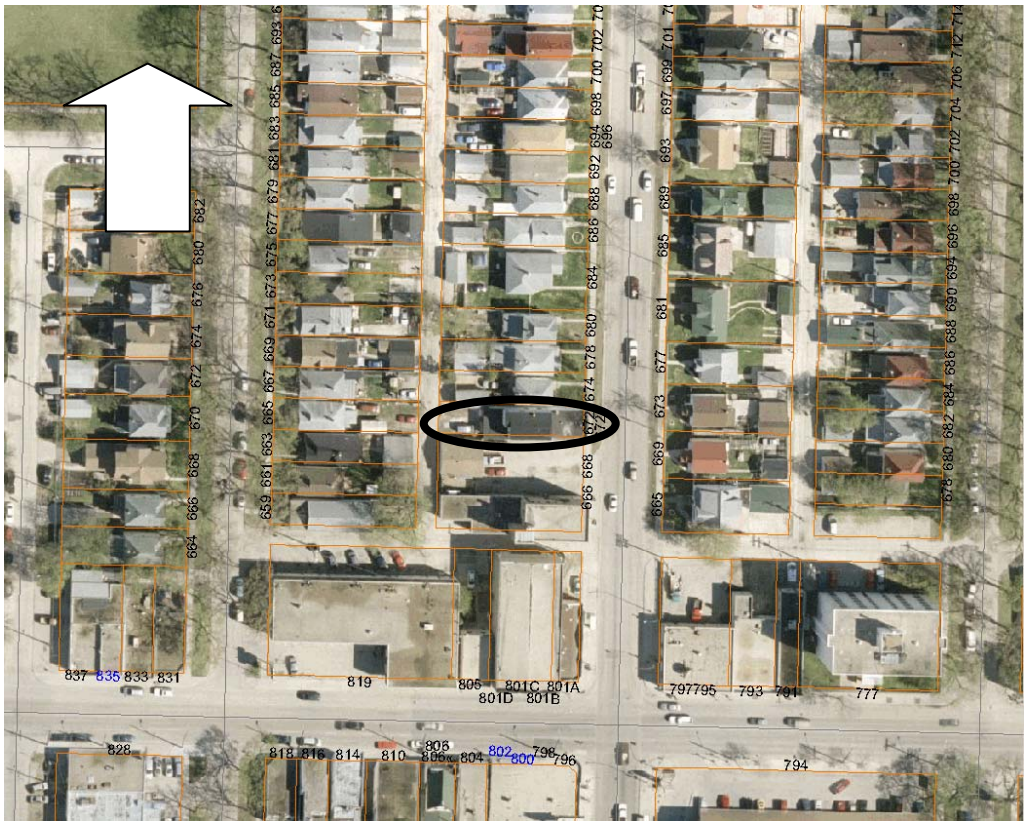


Applicant: Aikens MacAuley Thorvaldson (Aaron Bowler)
Owner: Roseman Corp

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the west side of Arlington Street, north of Sargent Avenue. The site is developed with an older commercial building. It's zoned "R2-T" Two-Family Transitional District. Adjacent properties include single-family and duplex properties (to the north, west across the public lane, and east across Arlington, zoned "R2-T"); automotive service (to the south, zoned "R2-T"); and retail, personal service, institutional, and restaurant uses (fronting Sargent Avenue, zoned "C1.5" Commercial District).



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant intends to demolish the existing building and develop a non-accessory parking lot, for the use of 819 Sargent Avenue staff. The parking spaces are to be accessed via the public lane (along the west side of the site). The parking area is to be fenced (4-foot high lightproof fence along north and south property lines; 4-foot high chainlink fence along the east edge of the parking area). The parking area is to be set back from Arlington (approximately 23 feet, in alignment with the front wall of the neighbouring dwelling at 674 Arlington) and landscaped. Under DAV 06-159649/D, the applicant seeks relief from required side yard setbacks.

Analysis

This portion of the Daniel McIntyre neighbourhood is designated "Neighbourhood" under Plan

Winnipeg. This designation accommodates a range of residential densities, along with commercial, institutional, and parks & recreation uses. The proposed 4-parking space surface parking lot is to serve staff working at 519 Sargent Avenue, located south west of the subject site. It is to replace the existing vacant commercial building, which—due to its long-standing vacancy and loss of non-conforming rights to commercial uses—will be extremely difficult to tenant.

Planning & Land Use Division does not routinely recommend residentially-zoned sites be rezoned to accommodate non-accessory parking areas. Establishment of stand-alone surface parking areas can, without proper care and consideration for the immediate context and the surrounding area, lead to irresponsible speculation and resulting destabilization of at times fragile neighbourhood economic conditions.

Recommendation

The division recommends the subject site be rezoned to "C2" Commercial District for a number of related reasons, principally:

- the existing vacant commercial building is non-conforming and appears to have reached the end of its economic life;
- the existing building discourages investment in adjacent properties; and
- the proposed parking area, subject to recommended conditions, will have no appreciable impacts on neighbouring properties.

Conditions of approval are recommended in order to restrict parking area operations, ensure compatibility with neighbouring residential properties via development standards, and encourage future site redevelopment compatibility via use restrictions.

<u>Recommended Conditions of Approval</u>

I That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 243/06, attached hereto and dated December 5, 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 uses be restricted to:
   (a) all "C1" permitted and conditional uses;
   (b) parking area;
2. That final plans, showing the location and details of *landscaping, fencing, parking area, and signage*, be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development;

3. That the non-accessory parking area be used by employees of 819 Sargent Avenue only, with signage installed and maintained to this effect;
4. That the site be developed with a minimum 20-foot deep landscaped front yard, between the parking area and the Arlington Street right-of-way;
5. That the lightproof fences along the north and south property lines be a minimum 4-feet in height, from the required front yard to the rear property line; and
6. That vehicular access to and egress from the site be via the public lane only.

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 243/06

Schedule "A"

By-Law No. _____

File No. **DAZ 243/06**

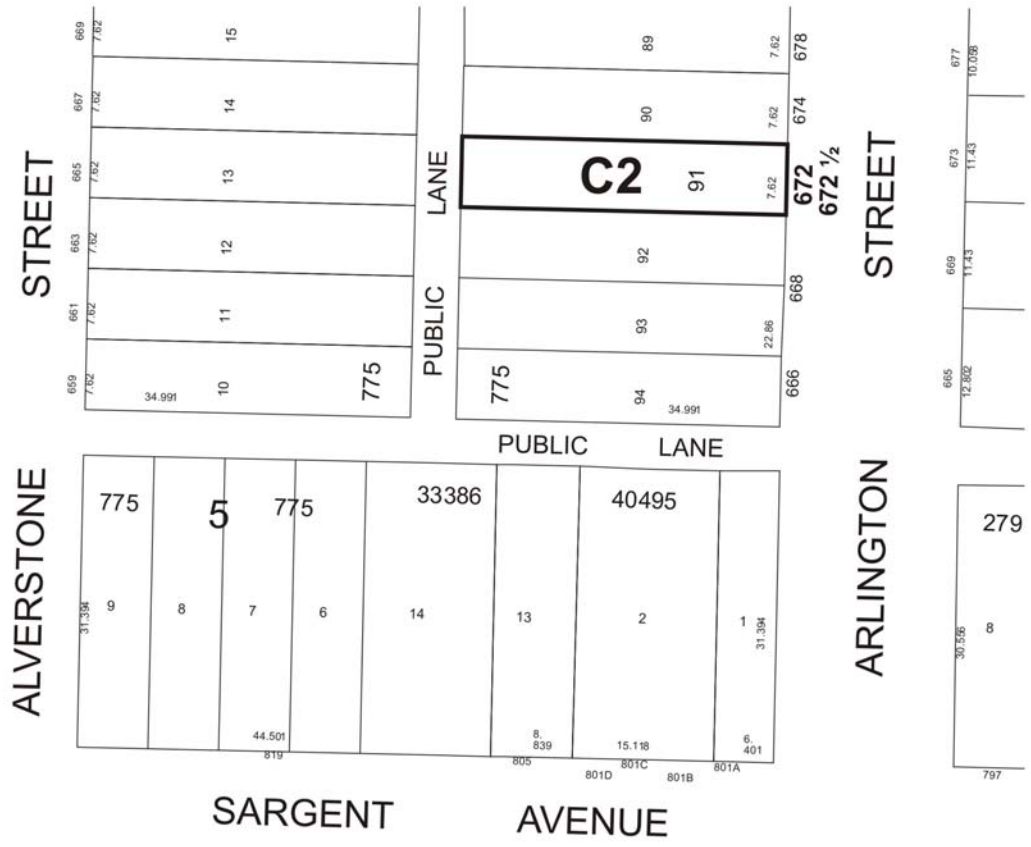
Atlas Sheet No.

N

Z22
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 672/672 1/2 Arlington Street from an "R2-T" TRANSITIONAL 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 City Centre Community Committee for file # DAZ 243/06 dated December 5, 2006.