Agenda - Council - February 21, 2007

Report - Standing Policy Committee on Property and Development - January 30, 2007

Item No. 3 Rezoning - 259 Provencher Boulevard
File DAZ 213/2005

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2007, 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 213/2005 dated January 9, 2007, to a "C1" Commercial District.

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 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 30, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2007, 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 January 30, 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 January 16, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 259 Provencher Boulevard**
File DAZ 213/2005 [c/r DCU 154094/2006D and DAV 154086/2006D]

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

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

Report date: **January 19, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2007, 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 213/2005 dated January 9, 2007, to a "C1" Commercial District.

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.

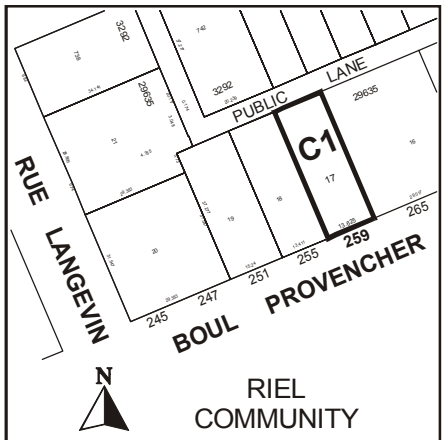
5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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 January 9, 2007.

PUBLIC HEARING SUMMARY

File:	File DAZ 213/2005 [c/r DCU 154094/2006D and DAV 154086/2006D]
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	January 16, 2007 Council Building, 510 Main Street
Applicant:	Lesia Shepel
Subject:	



APPLICANT: LESIA SHEPEL
FILE: DAZ 213/05
PROPOSAL: To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : LESIA SHEPEL
N° DE RÉFÉRENCE : DAZ 213/05
PROJET : Rezoner le bien-fonds indiqué ci-dessus en le faisant passer de la catégorie RM-4 (SECTEUR D'HABITATIONS MULTIFAMILIALES) à la catégorie C1 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected:	259 Provencher Boulevard

Exhibits Filed:

1. Application dated December 15, 2006
2. Notification of Public Hearing dated December 19, 2006
3. Manitoba Status of Title 2068928
4. Letter of authorization dated November 30, 2006 from Elvera Watson to Lesia Shepel
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated January 9, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Lesia Shepel
Elvera Watson

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Lesia Shepel, accompanied by Elvera Watson, appeared in support of the application.

Exhibit "7" referred to in File DAZ 213/2005 [c/r DCU 154094/2006D and DAV 154086/2006D]

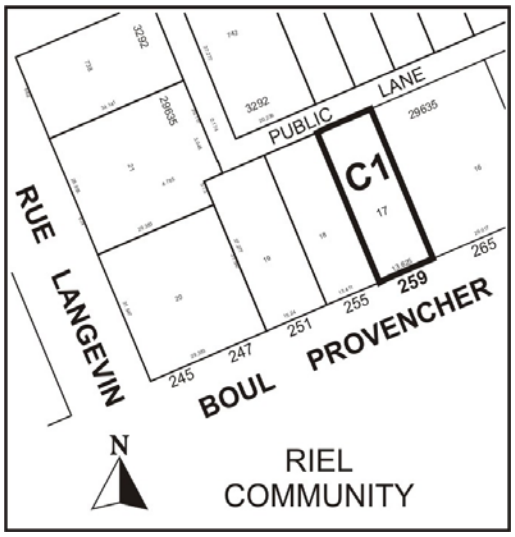
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: January 9, 2006
File: DAZ 213 /05
Related File: DCU 06 –154094/D , DAV 06 154086/D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "RM-4" Multiple Family District to an "C1" Commercial District.

Location: 259 Provencher Blvd.
Legal Description: Lot 17 Plan 29635 76/7 St. B



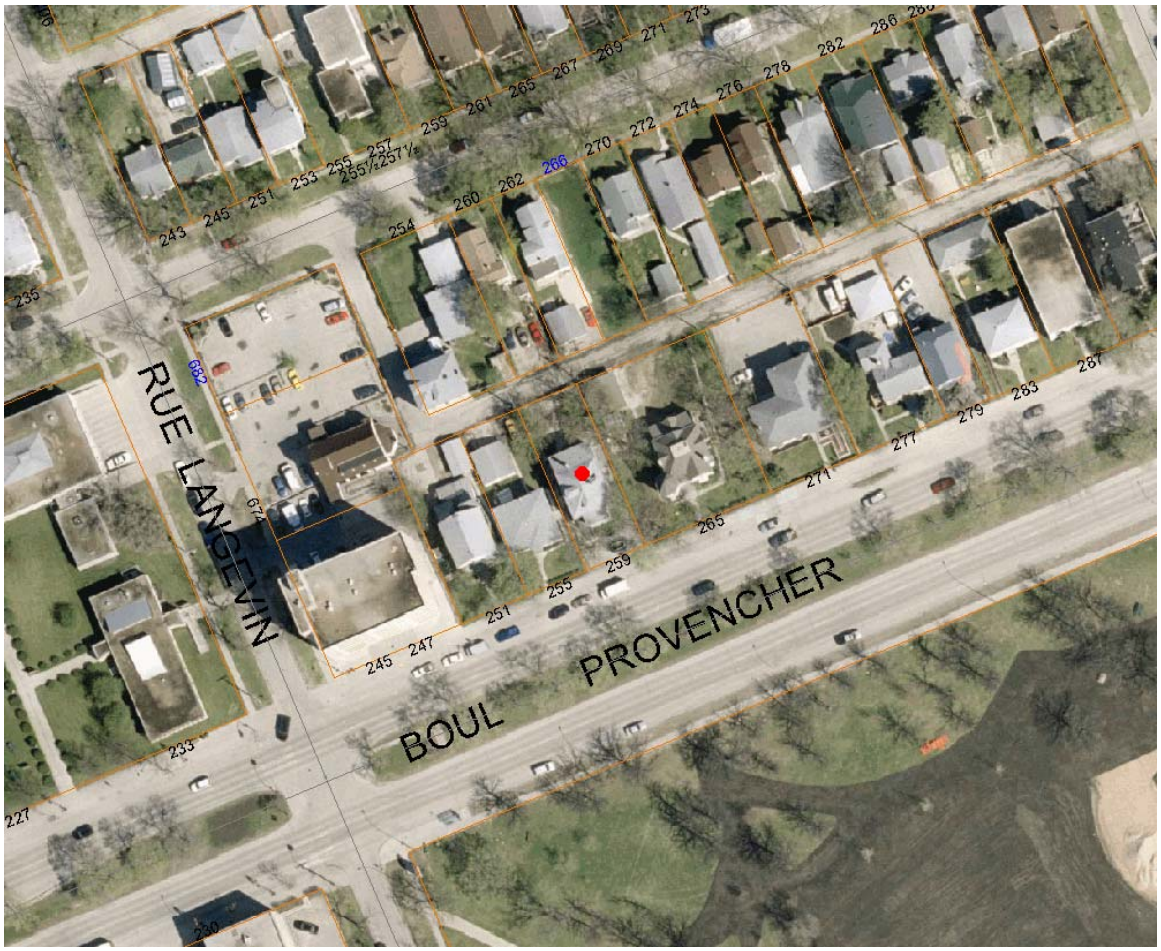
Applicants: Lesia M. Shepel/ Elvera Watson

Owner: Same as above

Recommendation: *Approval*

Site Description

The existing lot which is approximately 5368 sq. ft. in area lies on the north side of Provencher Blvd. just east of Rue Langevin. There is a two and a half story building on the site, each of the first two floors having 1300 sq. ft. of useable space. The subject property , like most of the adjoining properties east and west is zoned RM-4 Multiple Family, but like most was utilized , in the past , as a single family residential lot. There are two lots at 271 and 279 Provencher which are currently zoned for commercial use. Lands to the rear along Rue Dumoulin are a mix of single family, two family and low density multiple family zonings but the area is generally an established single family area. On the south side of Provencher Blvd. is a park area and community center zoned PR-1.



Background

In 2005, the applicants applied for a home occupation permit under the existing residential zoning (DAV 05 115050/B) to permit a Counselling Service. They were granted a temporary variance and conditional use to operate their business until such time as changes were made to the North St. Boniface Secondary Plan which would procedurally allow them to make application to rezone the property to a commercial category. Recent changes to the Secondary

Plan now allow for commercial applications to be made along the north side of Provencher Blvd. east of Rue Langevin and accordingly the applicants have submitted the necessary follow-up applications for approval.

Description of the Proposed Development

The counseling services currently being provided are generally being carried out in the main floor area but with the requested rezoning, that service could be extended to other parts of the building. The current service is provided primarily to children and adolescents who arrive escorted for their individual one hour weekly therapy appointments. The three therapists who will be working in the building will seldom be there at the same time and only see clients individually rather than in groups. Business is to be conducted Monday to Saturday from 9AM to early evening. Consequently the number of people in the building at any one time will be minimal and parking should not be an issue. There are three existing parking stalls at the rear of the building.

Analysis

When the applicants purchased the subject building, it had been neglected and was in near derelict status. In the time that they have been operating by way of a home occupation, they have completed extensive interior renovations and have cleared the lot of dismantled engines etc. which once littered the site. The counseling business , which has been in operation for a year now, not only provides a much needed service to the community but it is small in scale and does not generate much traffic. Current parking appears to be adequate to meet employee and patient needs. It should also be noted that in the time that the applicants have been operating under the auspices of a home occupation, no complaints from neighbouring property owners have been registered.

Recommendation

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

- The proposed zoning is in compliance with the Secondary Plan.
- The proposed use is of a reasonable scale and should not have and adverse impact on adjoining neighbours.
- The applicants have, in the last year, made an effort to upgrade and renovate the building and the grounds.

<u>Recommended Conditions of Approval</u>

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule “A”, for file DAZ 213/05, attached hereto and dated January 9, 2007, to an “C1” Commercial District.

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.

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: Kevin Lalor
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Kevin Lalor
PPD File # DAZ 213/05

By-Law No. _____

File No. **DAZ 213/05**

Atlas Sheet No.

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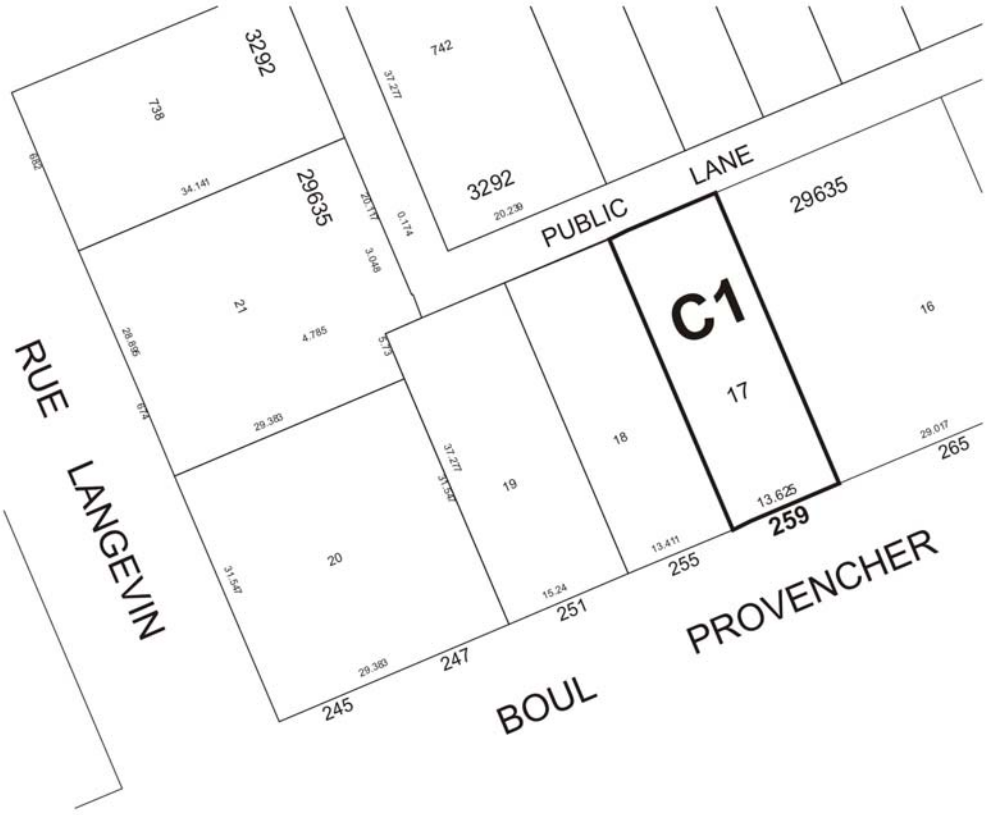
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 259 Provencher Boulevard from an "RM-4" MULTIPLE-FAMILY DISTRICT to an "C1" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 213/05, dated January 9/ 2007, Riel Community Committee

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____