Minute No. 161
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 16 Rezoning - 672 Alexander Avenue
File DAZ 239/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

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 239/2006 dated October 30, 2006, to a "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement for the subject property and contiguous lands with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. The following uses shall be permitted on the land:
         a. Parking area, non-accessory
         b. All uses permitted or conditional in the "R2" Residential District

      ii. The applicant agrees to grant to the owners, tenants, occupants and invitees of the owners, tenants and occupants of the adjacent property at 946 and 952 Sherbrook Street (legal description to be provided), for so long as the existing building is situated upon the property at 946 and 952 Sherbrook Street, a right of way for unobstructed access from the rear exit of the building on 946 and 952 Sherbrook Street over the most easterly 4 feet of 672 Alexander Avenue to Alexander Avenue (hereinafter referred to as "the Right of Way") and further agrees not to build or place any structure or other impediment or obstruction including but not limited to a fence on the Right of Way. The owner of 946 and 952 Sherbrook Street shall be responsible for maintaining the Right of Way.

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.

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

COUNCIL DECISION (continued):

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:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 21, 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 - 672 Alexander Avenue**
File DAZ 239/2006 [c/r DEMO 134668/2006, DAV 154518/2006D]

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

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

Report date: **November 28, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 21, 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 239/06 dated October 30, 2006, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a Zoning Agreement for the subject property and contiguous lands with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. The following uses shall be permitted on the land:
            a. Parking area, non-accessory
            b. All uses permitted or conditional in the "R2" Residential District

        ii. The applicant agrees to grant to the owners, tenants, occupants and invitees of the owners, tenants and occupants of the adjacent property at 946 and 952 Sherbrook Street for so long as the existing building is situated upon the property at 946 and 952 Sherbrook Street, a right of way for unobstructed access from the rear exit of the building on 946 and 952 Sherbrook Street over the most easterly 4 feet of 672 Alexander Avenue to Alexander Avenue (hereinafter referred to as "the Right of Way") and further agrees not to build or place any structure or other impediment or obstruction including but not limited to a fence on the Right of Way. The owner of 946 and 952 Sherbrook Street shall be responsible for maintaining the Right of Way.

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 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 November 10, 2006.

PUBLIC HEARING SUMMARY

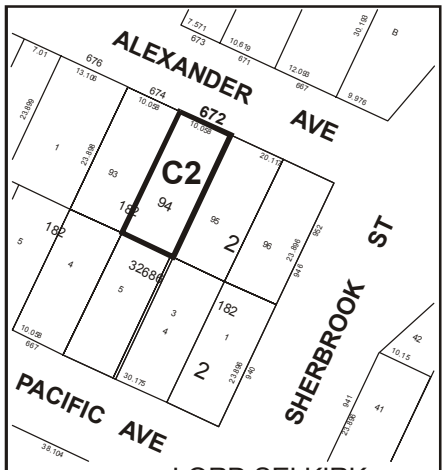
File: DAZ 239/2006 [c/r DEMO 134668/2006, DAV 154518/2006D]

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

Public Hearing: November 21, 2006
West Committee Room
Council Building, 510 Main Street

Applicant: Sam B. Sheps

Subject:



Premises Affected: 672 Alexander Avenue

Exhibits Filed:
1. Application dated October 4, 2006
2. Notification of Public Hearing dated October 10, 2006
3. Manitoba Status of Title 2084349

4. Letter of authorization dated September 29, 2006 from Kwang Soo Kim to Sam Sheps
5. Surveyor's Building Location Certificate and sketch dated February 22, 1990
6. Drawing
7. Report from the Planning and Land Use Division dated November 10, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Kwang Soo Kim
Sam Sheps

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Sam Sheps and Kwang Soo Kim appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated November 10, 2006.

Exhibit "7" referred to in File DAZ 239/2006

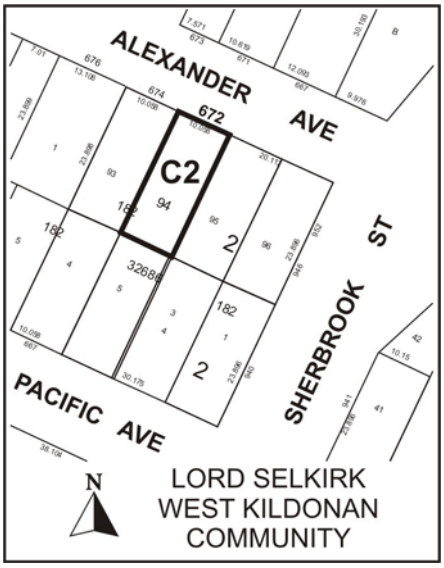
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: November 10, 2006
File: DAZ 239/06
Related Files: DAV 06-154518D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to a "C2" Commercial District to establish a non-accessory parking lot

Location: 672 Alexander Avenue



Applicant: Sam B. Sheps
Owner: Kwang Soo Kim

Recommendation: Approval

Site Description

The subject property, which measures 2,324 square feet, is currently occupied by a 2 story, 966 square foot, single-family dwelling. The property is zoned "R2" Two-Family Residential and is located in the West Alexander neighbourhood of the Point Douglas Ward.
Surrounding Land Use
North: Residences, zoned "RM-L" Multiple Family Residential
South: Commercial use zoned "C2" Commercial
East: Commercial use zoned "C2" Commercial
West: Residences zoned "R2" Two-Family Residential

Background

In September, 2006, the applicant's demolition hearing (DEMO 06-134668) was adjourned by the Lord Selkirk-West Kildonan Community Committee in light of the fact that the applicant indicated at the public hearing that the intended use of the property was a parking lot, which is not a permitted use in the "R2" District. The applicant was instructed by the Community Committee to file a rezoning application in order to proceed with the establishment of a parking lot.

Description of the Proposed Development
The applicant is requesting approval to demolish the existing residence and to establish a surface parking lot for his existing commercial building, which is immediately adjacent to this property at 946 Sherbrook Street.

Analysis
Plan Winnipeg
The subject parcels fall with 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.

Demonstrated Need
The applicant currently has no off-street parking for his commercial building, which accommodates three tenant spaces. One of his tenants, a private club, has a significant parking requirement. Under a previous variance application considered by the Board of Adjustment this year (DAV 06-154518/C), the tenant was required to provide 11 off-street parking stalls as a condition of approval. The proposed parking lot will help to meet this requirement as well as providing parking for the other businesses in the building.

Compatibility with existing neighbourhood and surrounding uses
The site currently contains a vacant and boarded building which the owner indicates he has no intention to renovate or demolish and rebuild. In light of this, the Division believes that a parking lot for the adjacent commercial building, which would square off the commercially zoned land on this block, is an appropriate use of the land.

Site Design Issues
The parking lot will be screened from the street by an 8 foot landscape strip, which will be planted with a tree and a several shrubs. Additionally, the applicant will install a solid wooden fence along the west property line to maintain privacy and screening for the adjacent residence to the west.

Zoning Agreement
The recommended zoning agreement includes a condition restricting uses on the site and a condition regarding an easement, that was submitted by Legal Services. The applicant has indicated that they are agreeable to these conditions.

Recommendation

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

- The site currently contains a vacant and boarded building which the owner has indicated that he has no intention to renovate or demolish and rebuild
- The adjacent commercial building has a significant parking requirement but currently has no off-street parking for its tenants and customers
- The parking lot will be screened with landscaping and fencing to mitigate any impact on adjacent 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 239/06, attached hereto and dated October 31, 2006, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement for the subject property and contiguous lands (*legal description to be provided*) with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

1. The following uses shall be permitted on the land:
    a. Parking Area, non-accessory
    b. All uses permitted or conditional in the "R2" Residential District

2. The applicant agrees to grant to the owners, tenants, occupants and invitees of the owners, tenants and occupants of the adjacent property at 946 and 952 Sherbrook Street (*legal description to be provided*), for so long as the existing building is situated upon the property at 946 and 952 Sherbrook Street, a right of way for unobstructed access from the rear exit of the building on 946 and 952 Sherbrook Street over the most easterly 4 feet of 672 Alexander Avenue to Alexander Avenue (hereinafter referred to as "the Right of Way") and further agrees not to build or place any structure or other impediment or obstruction including but not limited to a fence on the Right of Way. The owner of 946 and 952 Sherbrook Street shall be responsible for maintaining the Right of Way.

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 239/06

Schedule "A"

Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for file # DAZ 239/06 dated October 30, 2006.

By-Law No.

File No. **DAZ 239/06**

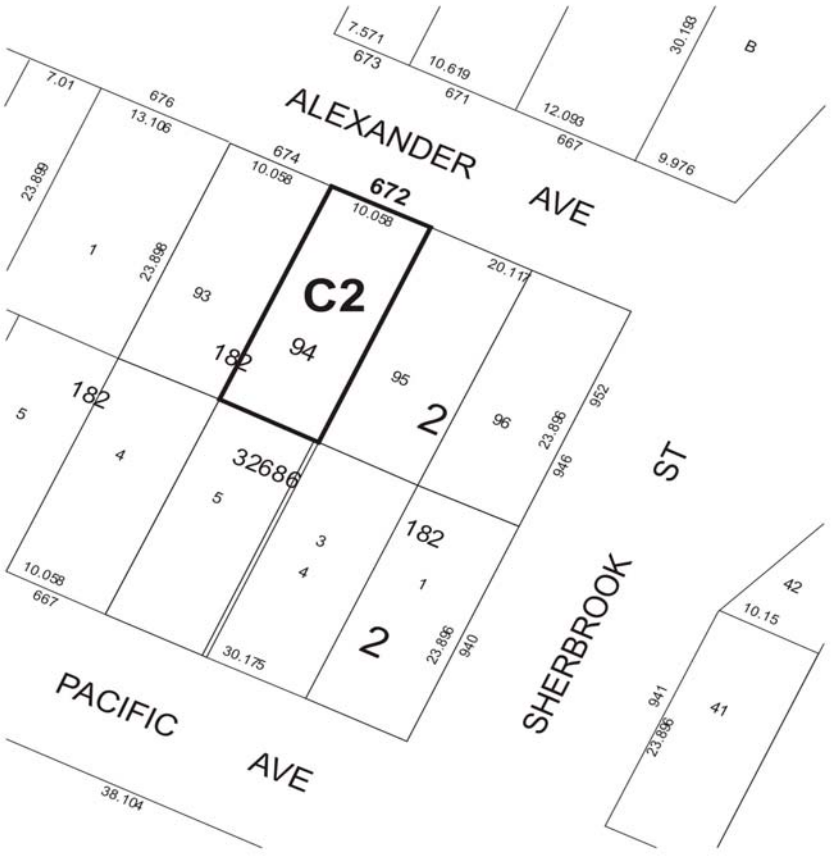
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 672 Alexander Avenue from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. **Y23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.



Figure 1: Aerial Photo (Flown in 2005)