**Agenda - Council - March 21, 2007**

**Report - Standing Policy Committee on Property and Development - February 27, 2007**

**Item No. 8 Rezoning - 1599 St. Mary's Road**
**File DAZ 245/2006**

STANDING COMMITTEE RECOMMENDATION:

On March 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 245/2006 dated February 6, 2007, to a "C2" Commercial District.

2. That a ten (10%) percent 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 - February 27, 2007**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 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 February 27, 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 February 13, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 16, 2007, the Riel Community Committee adjourned the public hearing to its meeting on February 13, 2007.

**RE:** **Rezoning - 1599 St. Mary's Road**
**File DAZ 245/2006 [c/r DCU 161528/2006D and DAV 161502/2006D]**

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

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

**Report date:** **February 14, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 245/2006 dated February 6, 2007, to a "C2" Commercial District.

2. That a ten (10%) percent 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 February 6, 2007.

**PUBLIC HEARING SUMMARY**

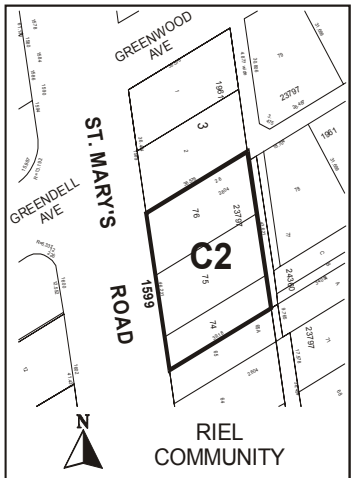
File: DAZ 245/2006 [c/r DCU 161528/2006D and DAV 161502/2006D]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: February 13, 2007
January 16, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: CBS Outdoor

Subject:




**APPLICANT :** CBS OUTDOOR
**FILE :** DAZ 245/06
**PROPOSAL :** To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
**DEMANDEUR :** CBS OUTDOOR
**N° DE DOSSIER :** DAZ 245/06
**PROJET :** Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1599 St. Mary's Road

5090

Exhibits Filed:

1. Application dated November 23, 2006
2. Notification of Public Hearing dated December 7, 2006
3. Manitoba Status of Title 1377549
4. Letter of authorization dated November 8, 2006 from Angela Serakula to CBS Outdoor
5. Site Plan
6. Drawing of subject property
7. Plan
8. Plan dated June 1995
9. Report from the Planning and Land Use Division dated February 6, 2007
10. Inspection Report

REPRESENTATIONS:

In Support:

Phoebe Bosc

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, 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

Phoebe Bosc appeared in support of the application.

Exhibit "5" referred to in File DAZ 245/2006 [c/r DCU 161528/2006D and DAV 161502/2006D]

Winnipeg

## Planning, Property and Development Department Report

**To the Riel Community Committee**

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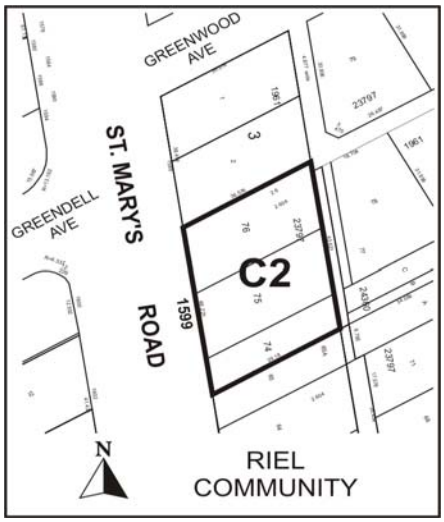
**Date: February 6/07**
**File: DAZ 245/06**
**Related Files: DCU 06 161528C, DAV 06 161502C**

**Subject:** To amend By-Law No. 6400/94 by rezoning the land shown below from an "C1" Commercial District to a "C2" Commercial District.

**Location: 1599 St. Mary's Road**

**Legal Description: Lot 74/76 Plan 23797 52/57 St.V**




**Applicant: Phoebe Bosc**

**Owner: Angela M O Sarakula**

**Recommendation:** *Approval*

5092

**Site Description:**




The site is currently zoned “C1” Commercial , upon which is located a relatively large commercial building housing Select Formal Wear. There is provision for at least 18 parking stalls on the south side of the structure.

Neighbourhood Context:

Most of the frontage properties along this stretch of St. Mary’s Road are zoned for and utilized by commercial development. Most of the commercial development along the west side of St. Mary’s Road are in the form of narrow lineal malls while on the east side there are a large number of independent free standing businesses. The commercial frontages are flanked on both sides by well established residential areas.

Surrounding Land Use and Zoning:

North: To the north is Elle Spa, a relatively new "C2" zoned business.

South: To the south is another fairly intensive business, The Hair Club, zoned C2" Commercial.

East: To the east are single family residential dwellings zoned " R1-Residential.

West: To the west is an array of " C2" and " C1" Commercial business including Banville and Jones Wine and the Cambrian Credit Union.

**Description of the Proposed Development:**

The existing structure is approximately 10' by 20' in area and lies adjacent to the south boundary of the property in the s.w. corner of the lot, 16'-20' east of the west property line.

**Analysis:**

The application is generally consistant with the zoning by-law. This segment of St. Mary's has been designated as AD2 under policy guidelines for signage which permits advertising signs as a conditional use. The subject sign does not face the residential neighbourhood; it is well screened from the rear residential areas and well set back from the main thoroughfare. It should be noted that there has never been a complaint about the sign since it was erected in 1995. It is our view, therefore, that the rezoning should be approved to legitimize the subject signage for the foreseeable future.

**Recommendation:**

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

- Most of the adjoining land is already zoned "C2" Commercial and the change in zoning will allow for a greater range of uses on the subject site.

**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 245/06, attached hereto and dated February 6/, 2007, to a "C2" 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.

V. 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 245/06

By-Law No. _____

File No. **DAZ 245/06**

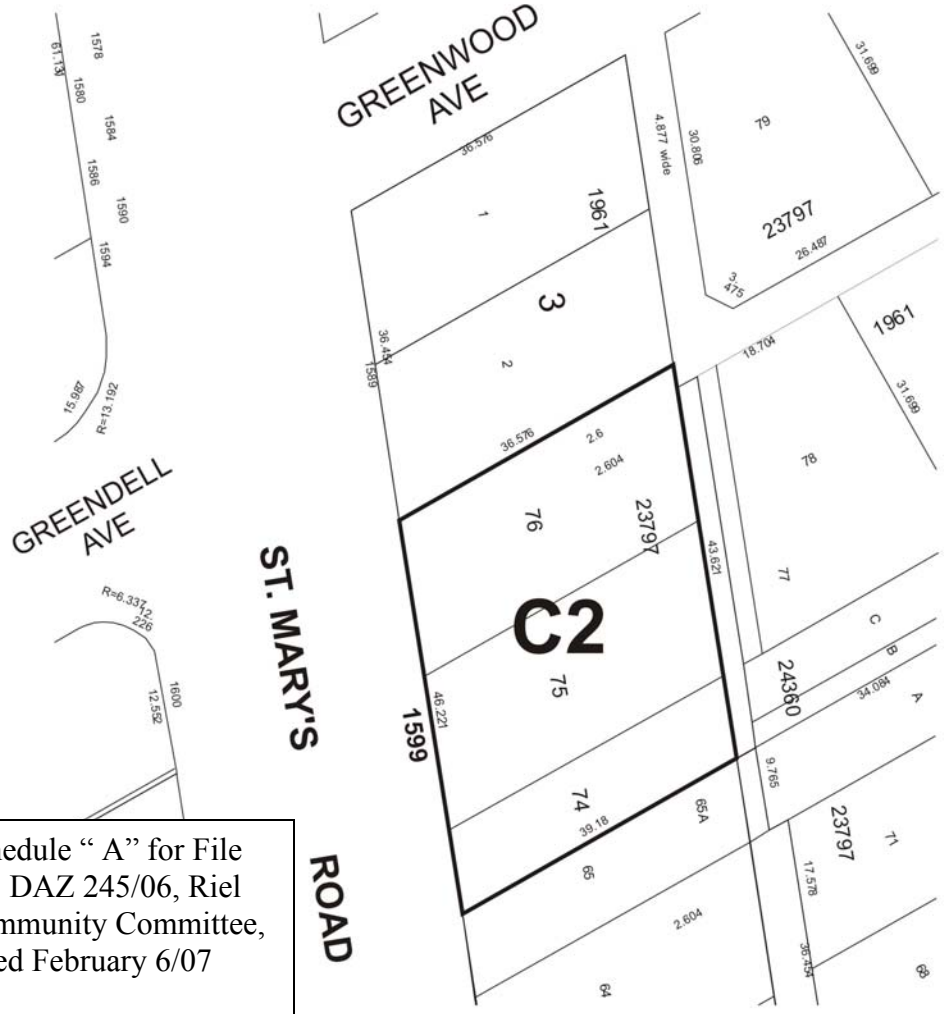
Atlas Sheet No.

N

**AH27**
**RIEL**
**COMMUNITY**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1599 St. Mary's Road from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.




Schedule " A" for File No. DAZ 245/06, Riel Community Committee, dated February 6/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____