Minutes - Executive Policy Committee – March 14, 2007

Minute No. 230
Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 6 Rezoning – 911-913 Corydon Avenue
File DAZ 246/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 246/2006 dated January 22, 2007, to a "C1.5" 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 the following uses shall not be permitted:

a. "Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts";
b. "Cocktail lounge";
c. "Exterminator";
d. "Taxidermist"; and
e. "Tire: sales and service".

B. That mobile and temporary signs shall not be permitted.

C. That for the development of any free-standing sign plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property and Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the director.

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 - February 27, 2007

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 City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 27, 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 January 30, 2007, the City Centre Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Recommendation 1.A.i.b
  Delete the words “exceeding one-half of its Restaurant floor area”,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 911 / 913 Corydon Avenue**
File DAZ 246/2006 [c/r DAV 163941/2006D]

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

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

Report date: **February 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 30, 2007, the City Centre Community Committee concurred in the administrative recommendation, as amended, 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 246/2006 dated January 22, 2007, to a "C1.5" 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 the following uses shall not be permitted:

a. "Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts";

b. "Cocktail lounge, ~~***exceeding one-half of its Restaurant floor area***~~";

c. "Exterminator";

d. "Taxidermist"; and

e. "Tire: sales and service".

B. That mobile and temporary signs shall not be permitted.

C. That for the development of any free-standing sign plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property and Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the director.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The building has a history of commercial use and is appropriate to be zoned “C1.5” Commercial District.

PUBLIC HEARING SUMMARY

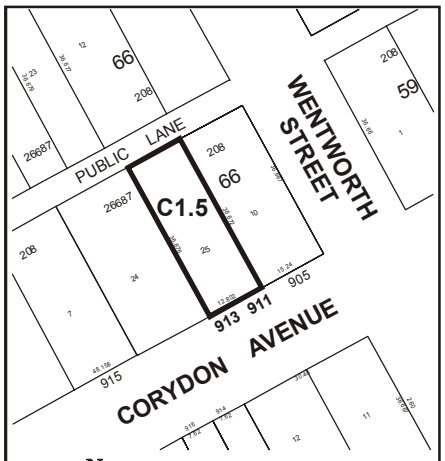
File: DAZ 246/2006 [c/r DAV 163941/2006D]

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

Public Hearing: January 30, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: Duboff Edwards Haight and Schachter LLP - Murdoch MacKay o/a United Investments Limited - c/o Smith Agency Ltd.

Subject:



APPLICANT : DUBOFF EDWARDS HAIGHT & SCHACHTER LLP
FILE : DAZ 246/06
PROPOSAL : To rezone the land shown outlined above from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT.
For information, phone Mr. M. Sandhurst, Planner at 986-5066.

Premises Affected: 911 / 913 Corydon Avenue

Exhibits Filed:
1. Application dated December 4, 2006
2. Notification of Public Hearing dated December 14, 2007
3. Manitoba Status of Title1202116

5066

4. Letter of authorization dated August 22, 2006 from United Investments Limited to Duboff Edwards Haight and Schachter
5. Surveyor's Building Location Certificate and sketch dated November 27, 2006
6. Drawing of subject property
7. Report from the Planning and Land Use Division dated January 22, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Murdoch Mackay, Duboff Edwards Haight and Schachter LLP

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 Murdoch Mackay, Duboff Edwards Haight and Schachter LLP, appeared in support of the application. Mr. Mackay inquired as to the uses not permitted.

The Senior Planner explained that the restrictions were placed to maintain the character of the community. In response to committee's questions, the Senior Planner stated that the restriction placed on the cocktail lounge floor area was to limit but not eliminating the use.

Exhibit "7" referred to in File DAZ 246/2006 [c/r DAV 163941/2006D]

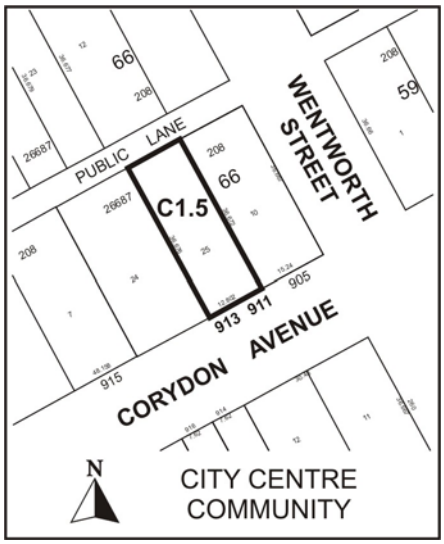
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: January 22, 2007
File: **DAZ 246/06**
Related Files: DAV 06-163941/D
Subject: To rezone the land shown outlined below from an "RM-4" Multiple-Family District to a "C1.5" Commercial District.

Location: 911 Corydon Avenue
Legal Description: Lot 25 Plan 26687 RL 34/35 Parish of St. Boniface



Applicant: Duboff Edwards Haight and Schachter LLP (Murdoch MacKay)
Owner: United Investments Limited

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the north side of Corydon Avenue, between Stafford and Wentworth streets. The site is developed with an older one-storey commercial building. Accessory parking spaces are located to the rear (north) of the building, with vehicular access via the public lane. The site is zoned "RM-4" Multiple-Family District.

Adjacent properties include a multiple-family property (to the west, zoned "RM-4"), single-family and multiple-family properties (to the north across the public lane, zoned "R1-3" Single-Family District and "R2" Two-Family District); a vacant commercial property (to the east, zoned "C1.5" Commercial District); and retail, personal service, and multiple-family uses (to the south across Corydon, zoned "C1.5" and "RM-4").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to rezone the subject site in order to accommodate the range of commercial uses typical of this portion of Corydon Avenue. The existing building is to be retained, with no imminent expansion or site redevelopment. Under DAV 06-163941/D, the applicant seeks relief from the required side yard setback from the existing building to the west property line (abutting the multiple-family property).

Analysis

This portion of Corydon Avenue is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of uses, including the mix of retail, personal services, restaurant, and residential characteristic of Corydon Village. The subject site was developed and has been used for commercial purposes for many years. Due to its current zoning ("RM-4" Multiple-Family District), the existing building can only be used as a laundromat ("Laundry, self-service")—without extensive renovations to convert to residential purposes or rezoning to a commercial zoning district.

It should be noted that the property to the immediate east was rezoned from "RM-4" to "C1.5" under DAZ 231/04 (July 13, 2004 public hearing before City Centre Community Committee).

Recommendation

The division recommends the subject site be rezoned to "C1.5" Commercial District for a number of related reasons, principally:

- existing commercial building and history of commercial use of this property;
- proposed commercial zoning district accommodates appropriate range of commercial uses and can accommodate residential uses (subject to conditional use application); and
- the proposed commercial zoning district, subject to recommended conditions, will have no appreciable impacts on neighbouring properties.

Conditions of approval are recommended in order to encourage continuing positive contributions to Corydon Village.

Recommended Conditions of Approval

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 246/06, attached hereto and dated January 22, 2007, to a "C1.5" 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 the following uses shall not be permitted:
   (a) "Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts";
   (b) "Cocktail lounge, *exceeding one-half of its Restaurant floor area*";
   (c) "Exterminator";
   (d) "Taxidermist"; and
   (e) "Tire: sales and service".
2. That mobile and temporary signs shall not be permitted.
3. That for the development of any free-standing sign plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property, & Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the director.

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 246/06

Schedule "A"

By-Law No. _____

File No. **DAZ 246/06**

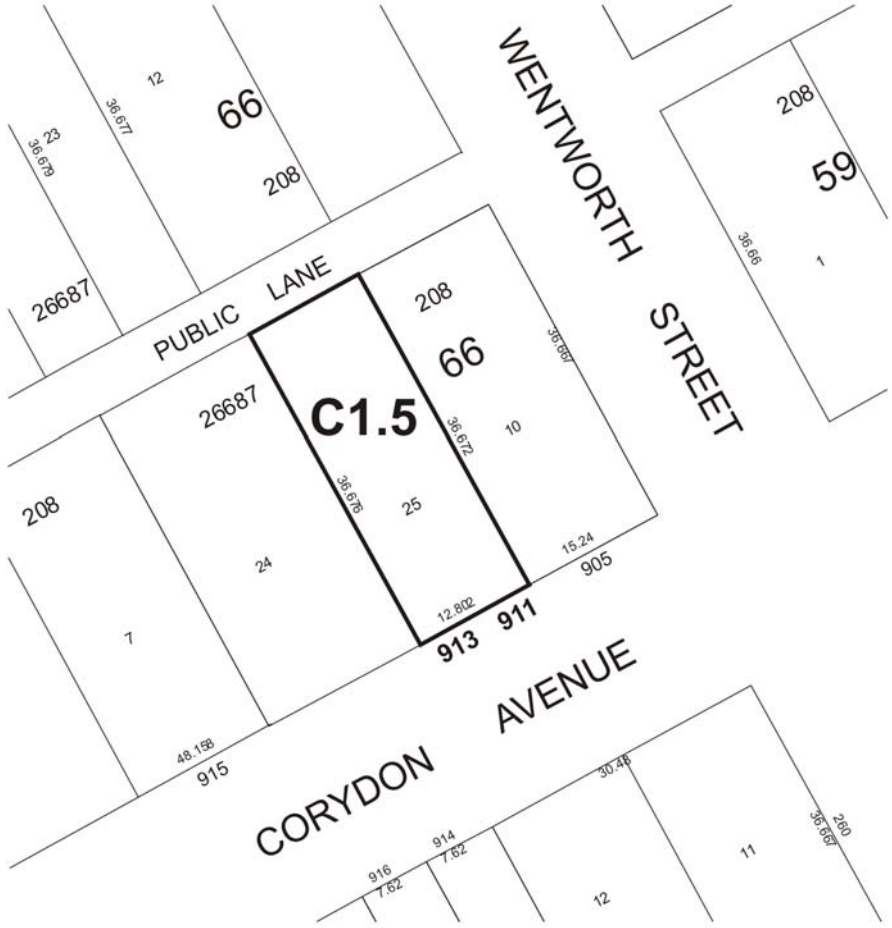
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 911/913 Corydon Avenue from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AC23
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 246/06 dated January 22, 2007.