Minute No. 701
Report - Standing Policy Committee on Property and Development – July 4, 2006

Item No. 7 Rezoning - 262 Ellen Street
File DAZ 219/2006

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 219/2006 dated May 31, 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 final plans showing the location and details of parking areas, landscaping, and fencing shall be submitted to the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuing of any development or building permits; thereafter maintained to the satisfaction of the Lord Selkirk-West Kildonan Community Committee.

      ii. That the land be restricted to the following use:
         a. Non-accessory parking use.

2. That a ten per cent (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.

Report - Standing Policy Committee on Property and Development – July 4, 2006

COUNCIL DECISION (continued):

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 – July 4, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 2006, 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 July 4, 2006, 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 June 20, 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 - 262 Ellen Street**
File DAZ 219/2006 [c/r DAV 131695/2006D]

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

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

Report date: **June 26, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 20, 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 219/2006 and dated May 31, 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 final plans showing the location and details of parking areas, landscaping, and fencing shall be submitted to the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuing of any development or building permits; thereafter maintained to the satisfaction of the Lord Selkirk-West Kildonan Community Committee.

        ii. That the land be restricted to the following use:
            a. Non-accessory parking use.

2. That a ten per cent (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 May 31, 2006.

PUBLIC HEARING SUMMARY

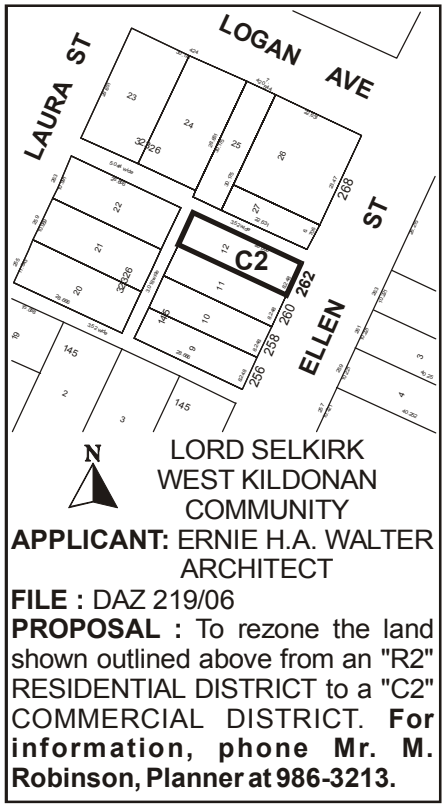
File: DAZ 219/2006 [c/r DAV 131695/2006D]

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

Public Hearing: June 20, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Ernie H.A. Walter Architect (Brian Wall)

Subject:



Premises Affected: 262 Ellen Street

Exhibits Filed:
1. Application dated May 24, 2006
2. Notification of Public Hearing dated May 26, 2006

3. Manitoba Status of Title 2065498
4. Letter of authorization dated May 4, 2006 from Intrepid Forme Corporation to Ernie Walter Architect
5. Surveyor's Building Location Certificate and sketch dated May 9, 2006
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated May 31, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:
Anselmo Agustin
Jim Aitken
Paul H. Boge
Hans Boge
Sharon Wiens Hiebert
Werner Larschke
Alfredo Reyes
Donald Roach
Brian Wall, Ernie H.A. Walter Architect

In Opposition:
Nil

For the City:
Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Paul Boge appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated May 31, 2006. Mr. Boge questioned the meaning of a non-accessory parking use, to which the Planner provided an explanation.

Exhibit "7" referred to in File DAZ 219/2006

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: May 31, 2006
File: DAZ 219/06
Related Files: DAV 06-131695D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Two-Family Residential District to a "C2" Commercial District.

Location: 262 Ellen Street



Applicant: Ernie H.A. Walter Architect (Brian Wall)
Owner: Intrepid Forme Corporation

Recommendation: Approval with conditions

Site Description
The subject property, which is currently zoned "R2" Two-Family Residential, is located on Ellen Street, between Logan and Alexander Avenues, in the Centennial neighbourhood of the Point Douglas Ward.

North: Commercial use zoned "C2" Commercial
South: Residences zoned "R2" Two-Family Residential
East: Residences zoned "R2" Two-Family Residential
West: Residences zoned "R2" Two-Family Residential

Background

The subject property was sold by the City of Winnipeg to Intrepid Forme Corporation in 2004. In their formal expression of interest to purchase letter, the purchaser indicated that it was their intent "to secure the 262 Ellen Street property with future proposed intentions of constructing a modest residence to house out of town staff."

Description of the Proposed Development
Intrepid Forme Corporation, which is located at the southwest corner of Logan Avenue and Ellen Street, is requesting a rezoning of the vacant parcel immediately south of their building, across the public lane, in order to establish a parking lot.

In light of the fact that this parcel is zoned "R2" Two-Family Residential, a rezoning to "C2" Commercial is required in order to use this land as a non-accessory parking lot.

Analysis
Plan Winnipeg
The subject parcel falls within 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.

Neighbourhood Compatibility
Customarily, the public lane serves as the boundary between commercial and residential land uses. The lane provides both a physical and spatial separation for businesses and homeowners to coexist with the least amount of disturbance to each other. When commercial business are allowed to encroach past the lane, it reduces the amount of spatial separation that exists and eliminates the physical boundary. This reduced buffer can be problematic, in some circumstances.

In this case, it appears as if a small encroachment across the public lane can work for the following reasons:

- The encroachment is only 27 feet in width, which is quite small

- The encroachment will be used for a company parking lot, which will have limited impact on the adjacent property
- The applicant is providing a 5 foot landscape buffer, with a mix of deciduous and ornamental trees, along the south property line
- The applicant is providing a 5 foot high decorative wooden privacy fence along the south property line, which will completely screen the parking area
- The applicant has indicated that they will provide a high quality landscape feature and community amenity in the front yard setback

In light of the fact that final plans meeting all of the above criteria have not yet been submitted by the applicant, the Planning and Land Use Division recommends that this application be approved subject to final landscaping plans being submitted to and approved by the Lord Selkirk-West Kildonan Community Committee prior to the issuance of development permits.

Also, given that the subject block is almost exclusively residential in nature, conditions are being recommended which will limit the impact of commercial zoning on adjacent residential properties.

Recommendation

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

- The proposed use will not have a substantial adverse impact on adjacent properties
- Provided that screening fencing and extensive landscaping is installed, the development will be compatible with the area
- The proposed development in compliant with Plan Winnipeg and its policies
- Conditions are being recommended which will limit the impact of commercial zoning on adjacent residential 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 219/06, attached hereto and dated May 31, 2006, to an "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 final plans showing the location and details of **parking areas**, **landscaping, and fencing** shall be submitted to the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuing of any development or building permits; thereafter maintained to the satisfaction of the Lord Selkirk-West Kildonan Community Committee

2. That the land be restricted to the following use:
   i. Non-accessory parking use.

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 219/06

Schedule “A”

Schedule "A" to the report to Lord Selkirk-West Kildonan Community Committee for File DAZ 219/06 dated May 31, 2006.

By-Law No. _____

File No. **DAZ 219/06**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 262 Ellen Street from an "R2" RESIDENTIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. **Y24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2005)