Minute No. 320
Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 10 Subdivision and Rezoning - 315 McGee Street
File DASZ 47/2006

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 47/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2006 dated January 22, 2007, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 47/2006 dated January 22, 2007, to a "C2" Commercial District.

4. 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 market value of the land and the creation of additional sites (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in 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.

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

COUNCIL DECISION (continued)

8. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

11. 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:

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 March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre 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 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 and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning– 315 McGee Street**
File DASZ 47/2006 [c/r DAV 160578/2006D]

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 and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 47/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 47/2006 dated January 22, 2007, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 47/2006 dated January 22, 2007, to a "C2" Commercial District.

4. 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 market value of the land and the creation of additional sites (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in 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.

8. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

1. The proposal fits in with the neighbourhood.

PUBLIC HEARING SUMMARY

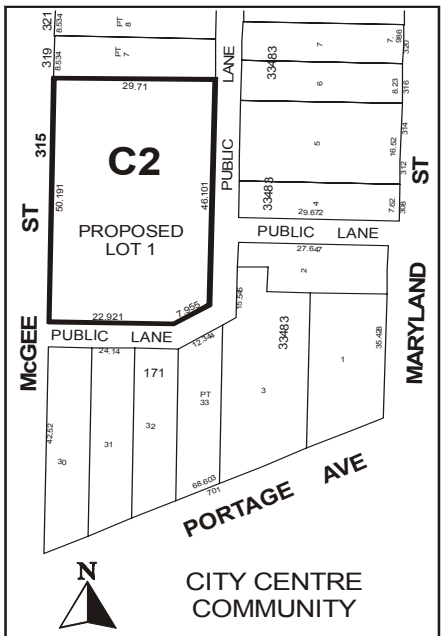
File: DASZ 47/2006 [c/r DAV 160578/2006D]

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: Klaus Fischer, Re/Max Performance Realty on behalf of Jeong Soo Kim and Jeoung Hee Kim, 5316759 Manitoba Ltd.

Subject:



APPLICANT : KLAUS FISCHER
FILE : DASZ 47/06
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. M. Sandhurst, Planner at 986-5066.**

Premises Affected: 315 McGee Street

Exhibits Filed:

1. Application dated November 27, 2006
2. Notification of Public Hearing dated December 8, 2006
3. Manitoba Status of Title 2143774, 2143790, 2143792, 2143794, 2143795
4. Letter of authorization dated November 9, 2006 from Jeong Soo Kim and Jeoung Hee Kim, 5316759 Manitoba Ltd., to Klaus Fischer, Re/Max Performance Realty
5. Surveyor's Building Location Certificate and sketch dated November 20, 2006
6. Map of the subject property
7. Report from the Planning and Land Use Division dated January 22, 2007
8. Inspection Report
9. Photograph of subject property submitted by the applicant at the public hearing

REPRESENTATIONS:

In Support:

Klaus Fischer, Re/Max Performance Realty
Tom Lee
Kent Walters

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, Klaus Fischer, Re/Max Performance Realty appeared in support of the application. Mr. Fischer submitted a photograph of the subject property placed on file as Exhibit 9, and stated he had no concerns.

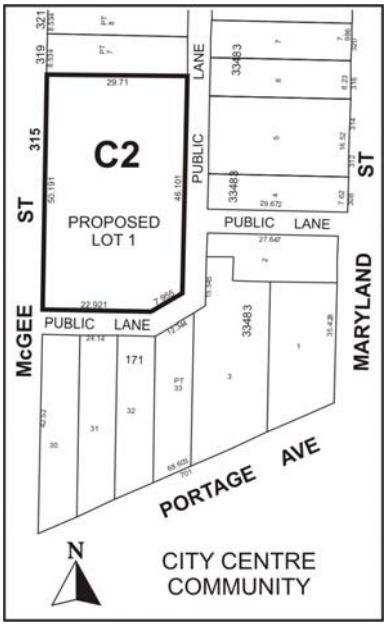
Exhibit "7" referred to in File DASZ 47/2006 [c/r DAV 160578/2006D]

Planning, Property and Development Department Report

To City Centre Community Committee

Date: January 22, 2007
File: **DASZ 47/06**
Related Files: DAV 06-160578/D
Subject: To subdivide the land shown below to create one lot and to rezone from "R2-T" Two-Family Transitional District to "C2" Commercial District.

Location: 315 McGee Street
Legal Description: Pt Lot 1, Plan 880 7 St Ja exc Pt shown Pink on Pl attached to By-Law No 268357 exc Ely 8 ft Lt 2 exc Ely 41F, Lot 3 Tog with ROW for all purposes & as appurt to land above desc over & upon Sly 6F in width of Lot 4 said Plan exc out of Lot 4 Ely 41F in depth thereof & Right to maintain repair & replace Sewer or Drain now situated on said most Sly 6F in Width Lot 4 Wly 33F of Ely 41F Lot 3/4 and all Lots 5/6 Exc Ely 8F tog with ROW for all purposes & the right to maintain repair & replace sewer or drain now situated on the Sly 6F of said Lot 4 as appurt to above desc portion of said Lots ¾ over & upon the Sly 6 F exc out o Lot 4 Ely 41F Exc Ely 41F Lot 4 subj to ROW for all purposes & the right to maintain repair & replace sewer drain now situated on the Sly 6F of said Lot over & upon the Sly 6F as appurt to Lot 3 & Bal of Lot 4 exc out of both Lots Ely 8F



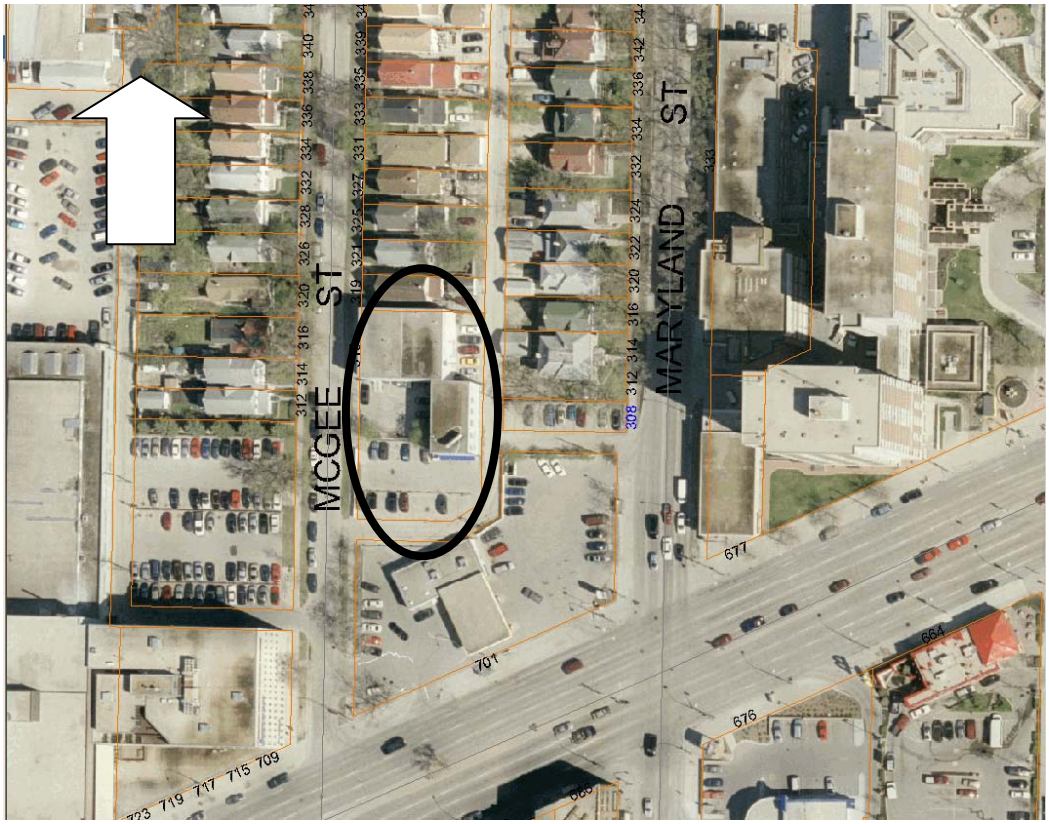
Applicant: ReMax Real Estate Inc (Klaus Fischer)

Owner: Jeong Soo Kim and Jeoung Hee Kim

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the east side of McGee Street, north of the public lane that parallels Portage Avenue. The property is developed with an L-shaped, 2-storey commercial building. Accessory parking areas are accessed via McGee Street and the public lane. The site is zoned "R2-T" Two-Family Transitional District. To the north, west (across McGee Street), and east (across the public lane) are low-density residential dwellings (zoned "R2-T" and "RM-4" Multiple-Family District). To the south west (across McGee Street) and south (across the public lane are commercial properties (zoned "C2" Commercial District).



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to consolidate two full lots and three partial lots into a single lot and to rezone the subject site in order to accommodate a broader range of commercial uses. The existing building is to be retained, with no imminent expansion or site redevelopment. Under DAV 06-160578/D, the applicant seeks relief from the required front, side, and rear yard setbacks and opportunity to establish an office use under a 5-year use variance (prior to the rezoning coming into force and effect).

Analysis

This portion of the St. Matthews neighbourhood is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates residential, commercial, institutional, and parks & recreation uses. The rezoning and subdivision application is requested in order to consolidate contiguous lots and rationalize site zoning. The site has been developed and utilized as a commercial property for many years (including former warehouse, hair salon, vocational school, and daycare) despite its residential zoning. Immediate use of the property is expected to be primarily office. The rezoning to "C2" Commercial District will enable office and other commercial leasing of the property.

Recommendation

Planning & Land Use Division recommends the subject site be rezoned to "C2" 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
- the proposed commercial zoning district will have no appreciable impacts on neighbouring properties.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 47/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 47/06, attached hereto and dated January 22, 2007, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 47/06, attached hereto and dated January 22, 2007, to a "C2" Commercial District.

IV. 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 market value of the land and the creation of additional sites (if applicable).

V. 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.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in 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.

VIII. That the subdivision section of the by-law shall come into force and effect upon registration of the plan in the Winnipeg Land Titles Office.

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

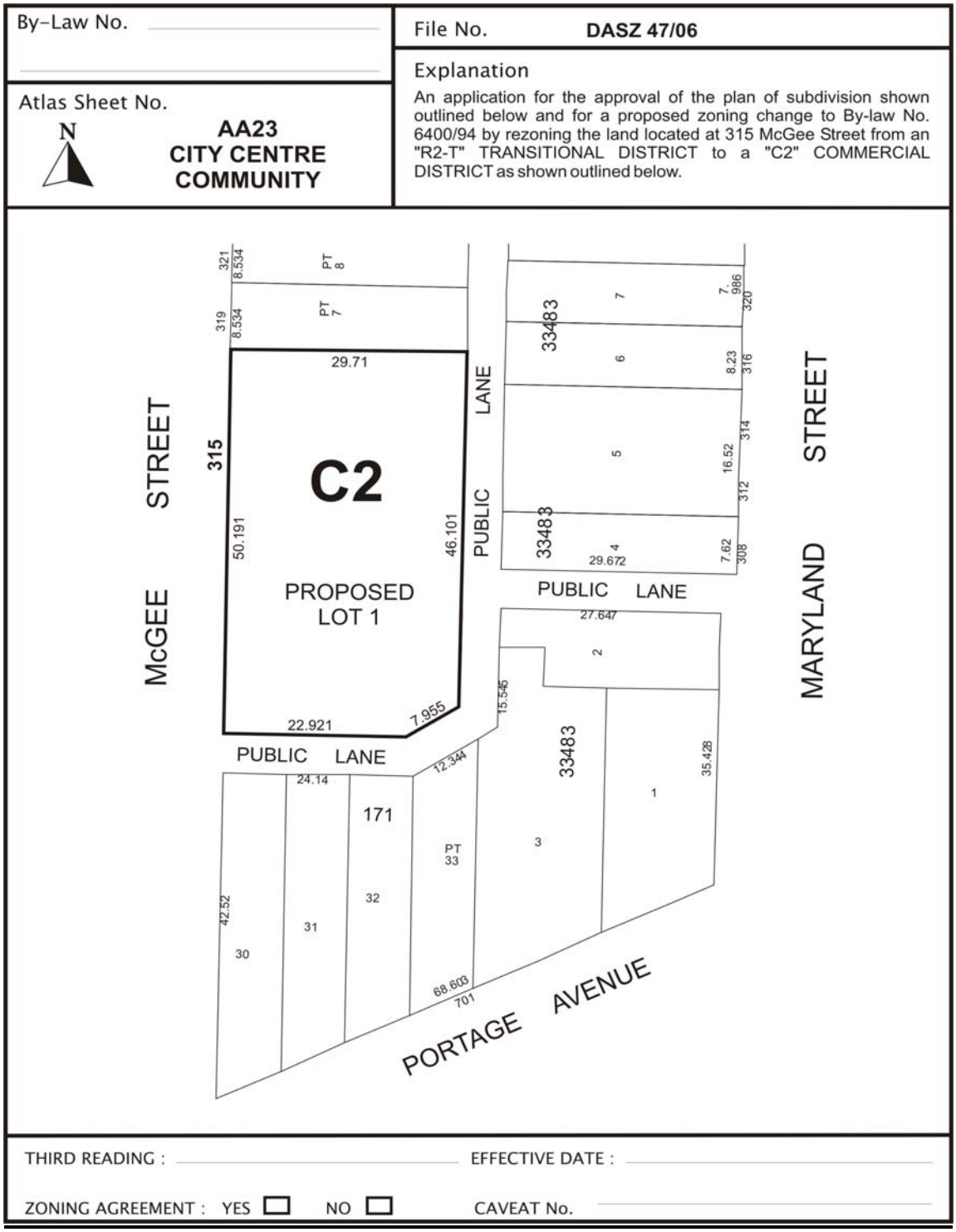
X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

XI. 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 # DASZ 47/06

Schedule "A"



Schedule "A" to the report to City Centre Community Committee for file # DASZ 47/06 dated January 22, 2007.