Agenda - Council - April 25, 2007

Report - Standing Policy Committee on Property and Development – April 3, 2007

Item No. 7 Rezoning - 313-317 St. Anne's Road
File DAZ 203/2007

STANDING COMMITTEE RECOMMENDATION:

On April 18, 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 203/2007 dated March 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 – April 3, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 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 April 3, 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 March 13, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 313 - 317 St. Anne's Road**
File DAZ 203/2007 [c/r DAV 111656/2007D]

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

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

Report date: **March 14, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 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 203/2007 dated March 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 March 6, 2007.

PUBLIC HEARING SUMMARY

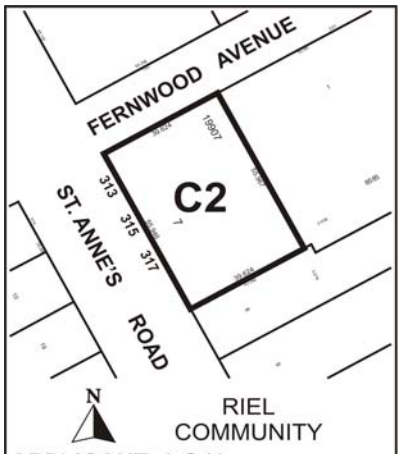
File: DAZ 203/2007 [c/r DAV 111656/2007D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: March 13, 2007
Council Chamber
Council Building, 510 Main Street

Applicant: A.S.H. Management Group Inc. (Jack Hurtig)

Subject:



APPLICANT: A.S.H. MANAGEMENT GROUP INC.
FILE: DAZ 203/07
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: A.S.H. MANAGEMENT GROUP INC.
N° DE RÉFÉRENCE: DAZ 203/07
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: 3134 - 317 St. Anne's Road

6070

Exhibits Filed:

1. Application dated February 5, 2007
2. Notification of Public Hearing dated February 9, 2007
3. Manitoba Status of Title 2155191
4. Letter of authorization dated February 2, 2007 from 4578911 Manitoba Ltd. to A.S.H. Management Group Inc.
5. Surveyor's Building Location Certificate and sketch dated January 18, 2006
6. Site Plan
7. Plan
8. Report from the Planning and Land Use Division dated March 6, 2007
9. Inspection Report

REPRESENTATIONS:

In Support:

Jack Hurtig

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Jack Hurtig, A.S.H. Management Group Inc., appeared in support of the application.

Exhibit "8" referred to in File DAZ 203/2007 [c/r DAV 111656/2007D]

Winnipeg

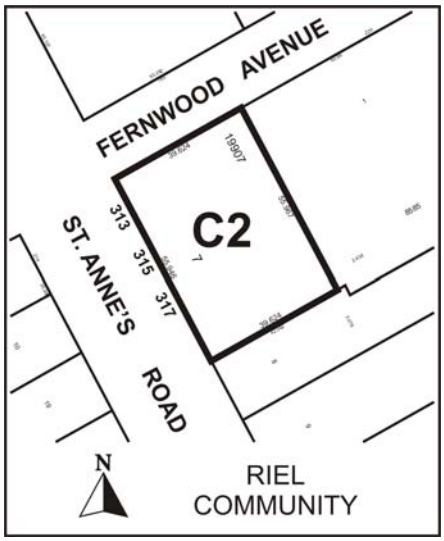
Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 6, 2007
File: DAZ 203/07
Related Files: DAV 07 111656D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a "C1" Commercial District to a "C2" District.

Location: 313 St. Anne's Road

Legal Description: Lot 7, Plan 19907



Applicant: Ash Management Group Inc.

Owner: 4578911 Manitoba Ltd.

Recommendation: *Approval*

6072

Site Description:



The subject commercial mall is situated at the N.E. corner of Fernwood Avenue and St. Anne's Road. It is currently zoned "C1" Commercial and has had a variety of tenants over the years including a bank, food-store, printing business and a Goodwill outlet. To the north are large apartment complexes zoned "R1-4" Multiple. To the East, South and West are apartment buildings zoned " R1-2" Multiple. And to the North-West is a larger commercial mall zoned "C2" Commercial.

Description of the Proposed Development:

Nothing essentially changes with respect to the overall building footprint or the parking areas. However the owner would like to lease space (upwards of a third of the overall area) for use as a martial arts studio. Procedurally, a rezoning to a "C2" Commercial zoning category is required and since it is difficult to rezone just a portion of the building for the aforementioned use, we have recommended that the entire site be changed from " C1" to " C2" Commercial. An accompanying use variance , if approved, will permit the owner to establish the new use in advance of the approval of the rezoning by City Council.

Analysis:

The Administration supports the proposed rezoning in view of the fact that most of the frontage along St. Anne's Road, north and south of Fermor Avenue , is now zoned "C2" Commercial. C2 Commercial does not permit Its important to note that "C2" Commercial does not permit such uses as carwashes, convenience stores or drive –through restaurants as of right. They are subject to an additional conditional use application. The "C2 "zoning also allows for a broader list of uses, making it easier for owners to lease space in the large number of lineal malls that have been created along major arterials such as St. Anne's Road over the years.

Recommendation:

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

- The proposed zoning is in character and consistent with frontage properties along most of St. Anne's Road. The proposed use will not , in our view, adversely affect adjoining 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 203/07, attached hereto and dated March 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 203/07

By-Law No. _____

File No. **DAZ 203/07**

Atlas Sheet No.

N

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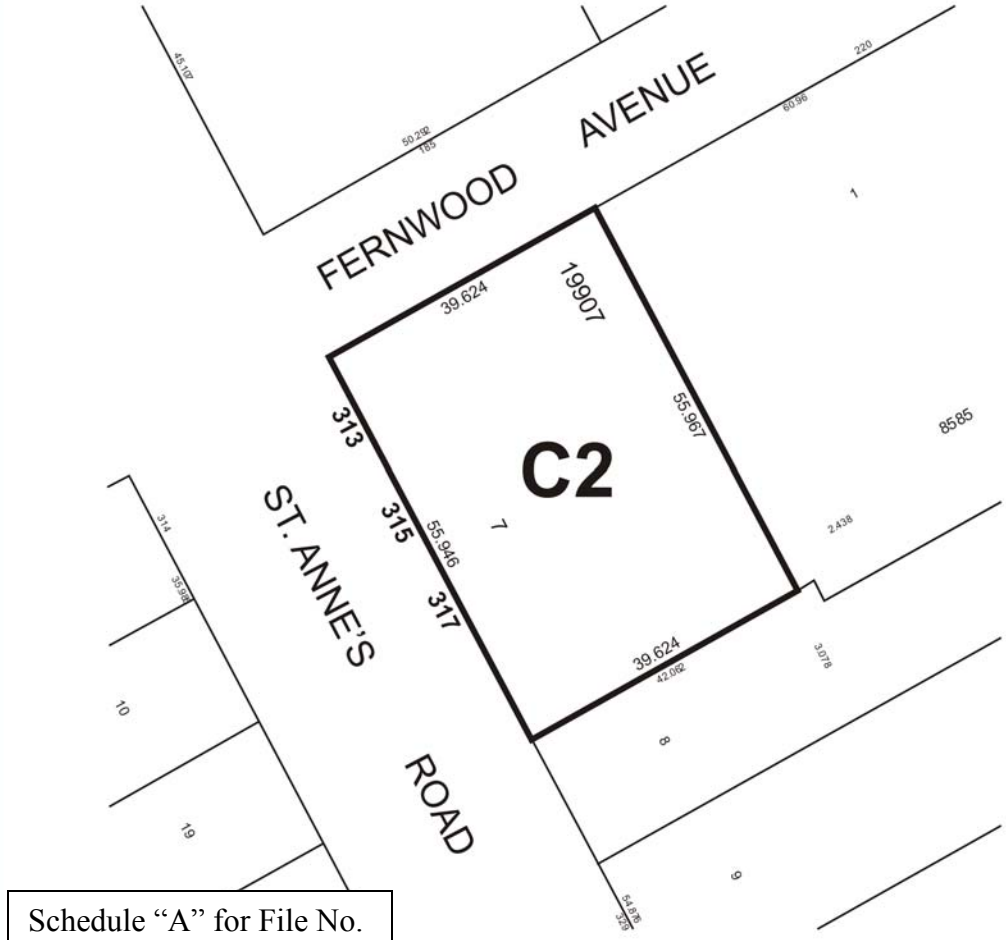
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 313-317 St. Anne's Road from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DAZ 203/2007, Riel Community Committee, dated March 6/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____