Agenda - Council - June 20, 2007

Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 4 Rezoning - 633 McDermot Avenue
(Point Douglas Ward)
File DAZ 204/2007

STANDING COMMITTEE RECOMMENDATION:

On June 13, 2007, 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 submits the following to Council:

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 204/2007 dated April 10, 2007, 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 the following uses shall not be permitted on the land:
         a. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts.
         b. automobile, including motorcycle: supplies/parts, sales.
         c. automobile, including motorcycle: cleaning.
         d. beer: sales.
         e. contractors' establishment.
         f. farm supplies: sales.
         g. fuel: sales/kiosk.
         h. landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees.
         i. machinery/heavy equipment supplies and parts, sales, installation, service.
         j. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sales, service.
         k. pawnshop.
         l. tattoo parlour.
         m. terminal for haulage, motor freight station, excluding an intermodal terminal.
         n. terminal for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service.
         o. tire: sales, service.

Report - Standing Policy Committee on Property and Development – May 22, 2007

ii. That the following signs be prohibited on the "C2" land:
   a. free standing signs.
   b. mobile advertising signs, except for a period of fourteen (14) days in association with a new occupancy permit.
   c. flashing and scintillating signs.

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 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 twelve (12) 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 twelve (12) 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 twelve (12) 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 – May 22, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 13, 2007, 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 May 22, 2007, 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 April 24, 2007, 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 - 633 McDermot Avenue**
File DAZ 204/2007 [c/r DAV 114367/2007D]

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

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

Report date: **May 2, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2007, 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 204/2007 dated April 10, 2007, 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 the following uses shall not be permitted on the land:
            a. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts.
            b. automobile, including motorcycle: supplies/parts, sales.
            c. automobile, including motorcycle: cleaning.
            d. beer: sales.
            e. contractors' establishment.
            f. farm supplies: sales.
            g. fuel: sales/kiosk.
            h. landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees.
            i. machinery/heavy equipment supplies and parts, sales, installation, service.
            j. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sales, service.
            k. pawnshop.
            l. tattoo parlour.
            m. terminal for haulage, motor freight station, excluding an intermodal terminal.
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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 market value of the land.

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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.

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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 April 10, 2007.

PUBLIC HEARING SUMMARY

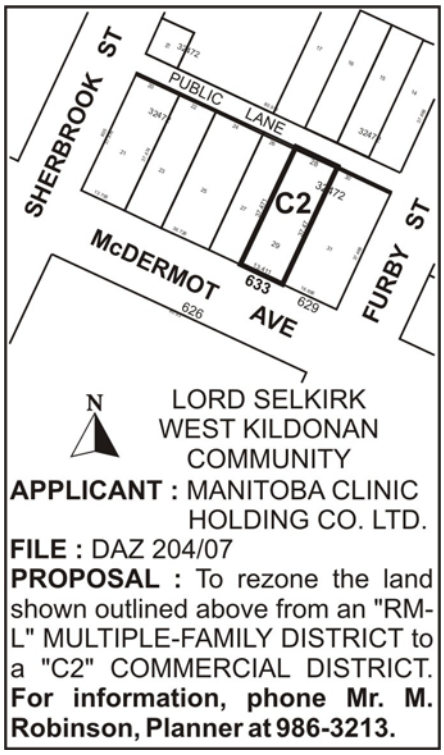
File: DAZ 204/2007 [c/r DAV 114367/2007D]

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

Public Hearing: April 24, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: Manitoba Clinic Holding Co. Ltd. (Brian Rodeck)

Subject:



Premises Affected: 633 McDermot Avenue

Exhibits Filed:
1. Application dated March 15, 2007
2. Notification of Public Hearing dated March 19, 2007
3. Manitoba Status of Title 1384852
4. Letter of authorization dated February 23, 2007 from Manitoba Clinic Holding Co. Ltd. to Brian Rodeck or Jeff Grapentine

5. Surveyor's Building Location Certificate and sketch dated August 29, 1986
6. Plan of proposed Parking Lot Development
7. Report from the Planning and Land Use Division dated April 10, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Brian Rodeck, Manitoba Clinic Holding Co. Ltd.

In Opposition

Nil

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Brian Rodeck, on behalf of the applicant, Manitoba Clinic Holding Co. Ltd., appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Planning and Land Use Division.

Exhibit "7" referred to in File DAZ 204/2007 [c/r DAV 114367/2007D]

Winnipeg

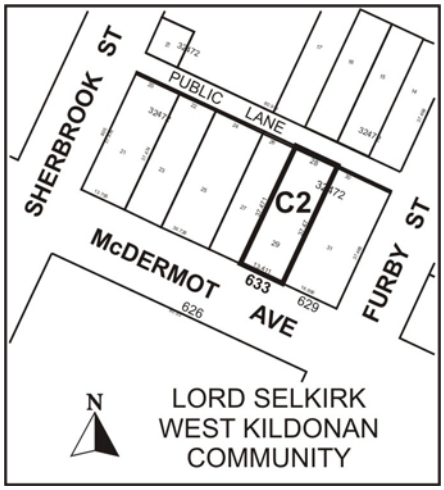
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: April 10, 2007
File: **DAZ 204/2007**
Related Files: DAV 811/2000C, DAV 603/2001C DAV 07-114367/D

Subject: **To rezone 633 McDermot Avenue from an "RM-L" multiple family district to a "C2" commercial district.**

Location: 633 McDermot AVE
Legal Description: LOT 28/29 PLAN 32472 6/7 ST J TOG WITH ROW FOR ALL PURPOSES & AS APPURT TO SAID LOTS OVER & UPON LOTS 20 22 24 26 & 30 SAID PL & SUBJ TO ROW FOR ALL PURPOSES & AS APPURT TO LOTS 20/27 & LOTS 30/31 SAID PL OVER & UPON SAID LOT 28



Applicant: Brian Rodeck Manitoba Clinic Partnership/Manitoba Clinic Holding Co. Ltd.
790 SHERBROOK ST
WINNIPEG MB R3A 1M3

Owner: THE MANITOBA CLINIC HOLDING CO LTD
790 SHERBROOK ST
WINNIPEG MB R3A 1M3

Recommendation: Approval

Site Description

SITE DESCRIPTION
The subject property is located on the north side of McDermot Avenue between Furby and Sherbrook Streets. The site is zoned "RM-L" multi-family district. The site is currently a surface parking lot. Surrounding land uses and zoning are:

North: Public lane and then office building
South: McDermot Avenue then a parking area for the Manitoba Clinic
East: Three storey office building zoned "C2"
West: Parking area and then office building zoned "RM-L"

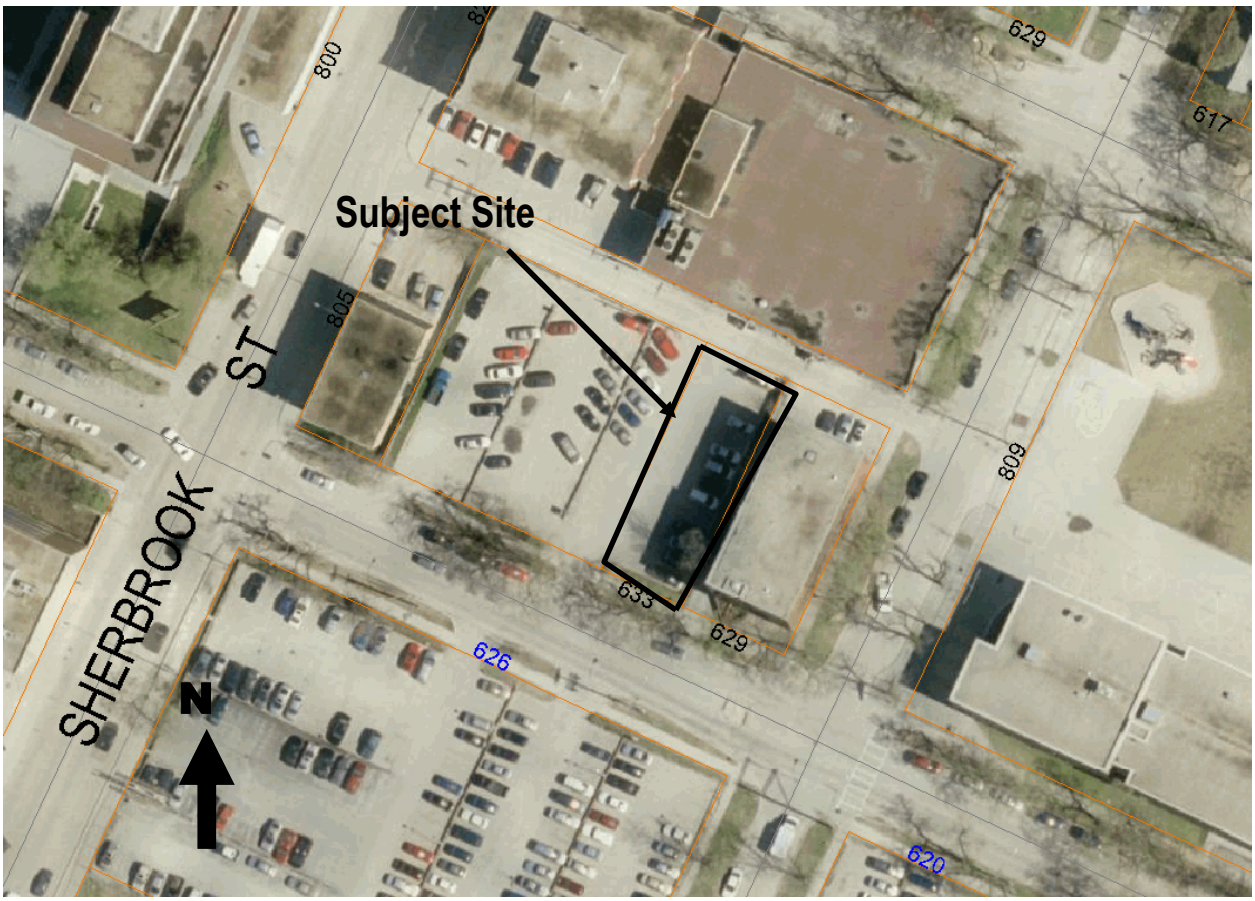


Figure 1: Subject Site (Aerial Photograph Flown 2005)

Background

The site has been a surface parking lot since a residential structure was demolished in 2001. At that time a use variance was required and granted with conditions because a non-accessory parking area is not permitted in the "RM-L" zoning district. A five year use variance was issued in 2002 and will expire this year. This application is to rezone the site to "C2" commercial district where the non-accessory surface parking is a permitted use.

Description of the Proposed Development

The non-accessory parking area is existing. It contains 14 stalls and is accessed off of a public lane.

Analysis

Plan Winnipeg

The subject property 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*.

Compatibility with existing neighbourhood and surrounding uses
The abutting and adjacent uses to this site are offices, accessory parking areas, and non-accessory parking areas. The applicant is the Manitoba Clinic which is located nearby at the corner of McDermot Avenue and Sherbrook Street. The subject site is currently used for parking for staff of the clinic.

The property to the north of subject property (825 Sherbrook St.) was rezoned to "C2" in 2004 with a restrictive zoning agreement. The Planning and Land Use Division is recommending a similar zoning agreement for the subject property to limit uses that are inappropriate in a neighbourhood setting, particularly automobile related uses.

Transportation and Site Access
The parking area is existing and additional impacts are not anticipated.

Comments from other Departments
The Public Works Department has reviewed the rezoning application and has no objections.

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

- The parking area is existing and compatible with existing neighbourhood and surrounding uses.
- Additional impacts are not anticipated.
- A development agreement will protect against incompatible uses on the site.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2007 dated April 10, 2007, 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:

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This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Stephen Walker
PPD File # DAZ 204/2007

Schedule "A"

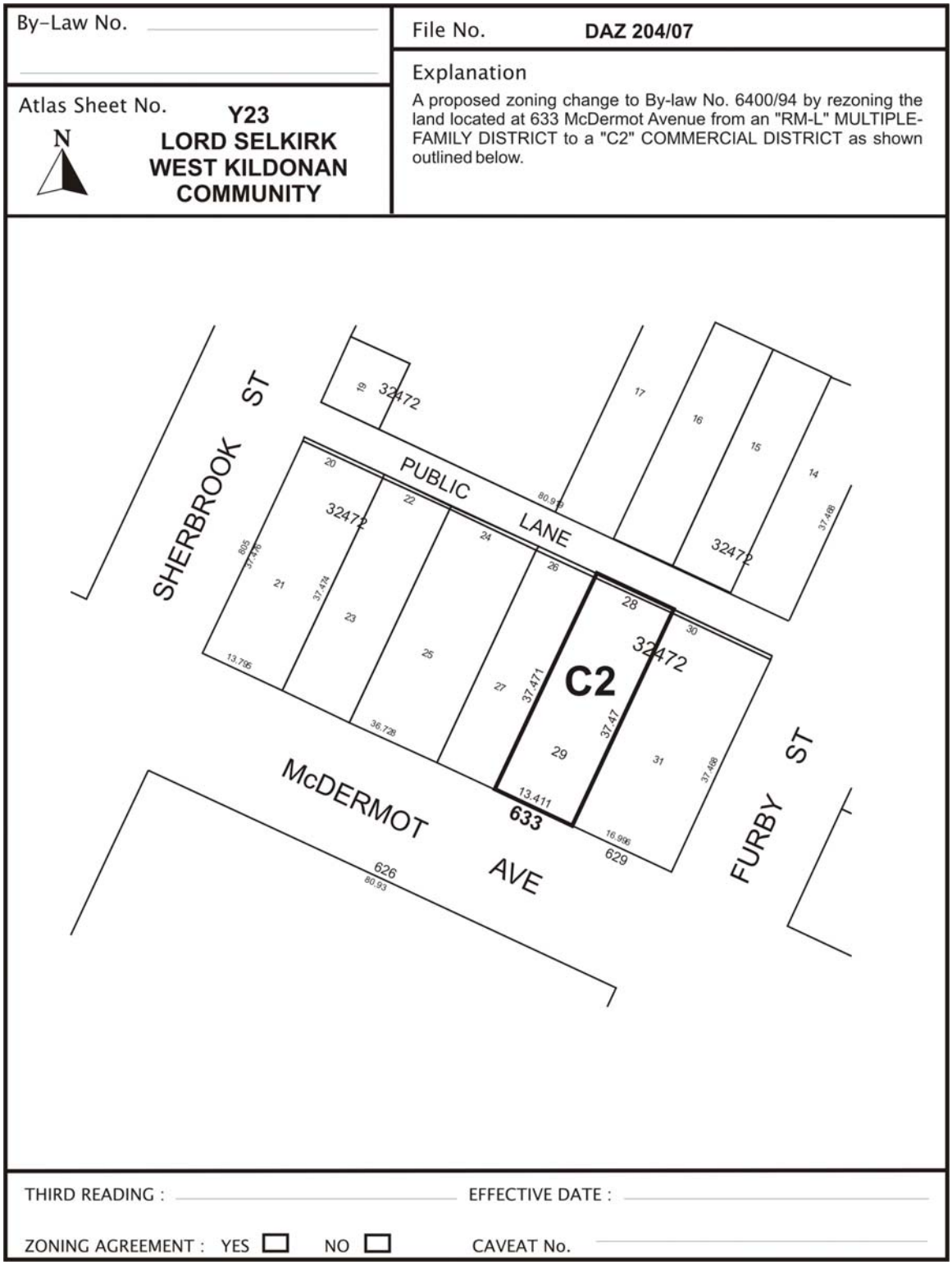


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 204/2007, dated April 10, 2007.