Minutes - Executive Policy Committee - June 13, 2007

Minute No. 391
Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 6 Rezoning – 1400 Notre Dame Avenue
(St. James-Brooklands Ward)
File DAZ 206/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia 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 206/2007 dated April 24, 2007, to an 'M1' Industrial District.

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 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 – May 22, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 22, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 15, 2007, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Rezoning – 1400 Notre Dame Avenue**
File DAZ 206/2007

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

Prepared by: **Carlos Gameiro, Clerk,**
Assiniboia Community Committee

Report date: **May 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 15, 2007, the Assiniboia 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 206/2007 dated April 24, 2007, to an 'M1' Industrial District.

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 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.

PUBLIC HEARING SUMMARY

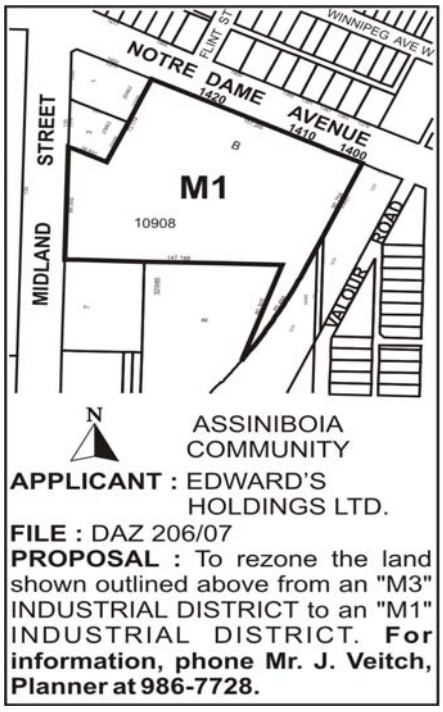
File: DAZ 206/2007 [c/r DAV 117170/2007D]

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: May 15, 2007
Council Building, 510 Main Street

Applicant: Edwards's Holdings Ltd. (Curtis Luschinski)

Subject:



Premises Affected: 1400 Notre Dame Avenue

Exhibits Filed:

1. Application dated March 30, 2007
2. Notification of Public Hearing dated April 11, 2007
3. Manitoba Status of Title 1076455
4. Letter of authorization dated March 22, 2007 from Curtis Luschinski
5. Caveat dated May 17, 1950
6. Inter-office Memorandum dated April 13, 2007

7. Aerial photograph of subject property
8. Maps (2) of subject property
9. Plans (2 pages)
10. Report from the Planning and Land Use Division dated April 24, 2007
11. Inspection Report

REPRESENTATIONS:

In Support:

Marie Luschinski

In Opposition:

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARISATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

The applicant, Marie Luschinski, appeared in support of the application and gave a brief overview of the proposal.

In response to questions by Councillor Fielding, the applicant indicated that they are installing a 7400 square foot pool with two water slides.

In response to questions by Councillor Clement, the applicant stated that the development would not impact the strip mall. The Planner added that although the strip mall is on the same property, whatever is legally existing in the strip-mall under M3 will not be affected by the rezoning, as the M1 zoning would be more permissive in terms of retail and commercial uses.

In response to questions by Councillor Fielding, the applicant indicated that the development would not have any adverse effects on neighboring properties as the development would be taking place at the back of the hotel and there are no residences behind the hotel. The applicant added that most of the neighboring properties are aware of the development and are not opposed.

The Planner advised that he did receive a call from one of the businesses in the strip mall enquiring if the development would negatively affect them. He advised that it would not.

Exhibit "11" referred to in DAZ 206/2007 [c/r DAV 117170/2007D]

Winnipeg

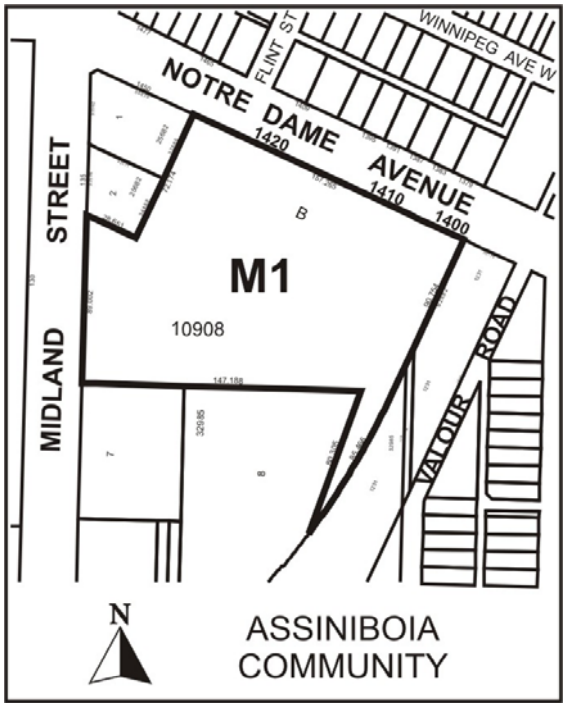
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: April 24, 2007
File: **DAZ 206/2007**
Related Files: DAV 07-117170/D

Subject: To rezone the property from 'M3' Industrial to 'M1' Industrial to allow the expansion of an existing Motor Inn use.

Location: 1400 Notre Dame Avenue
Legal Description: Pcl. B, Plan 1098



Applicant: Edward's Holdings Ltd. (Curtis Luschinski)
Owner: Edward's Holdings Ltd.

Recommendation: *Approved with Conditions*

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 5.2 acre subject site is located in the St. James Industrial Neighbourhood and occupied by the Canadiana Motor Inn and a commercial / retail strip mall. The site is currently zoned 'M3' Industrial and designated Industrial in Plan Winnipeg.

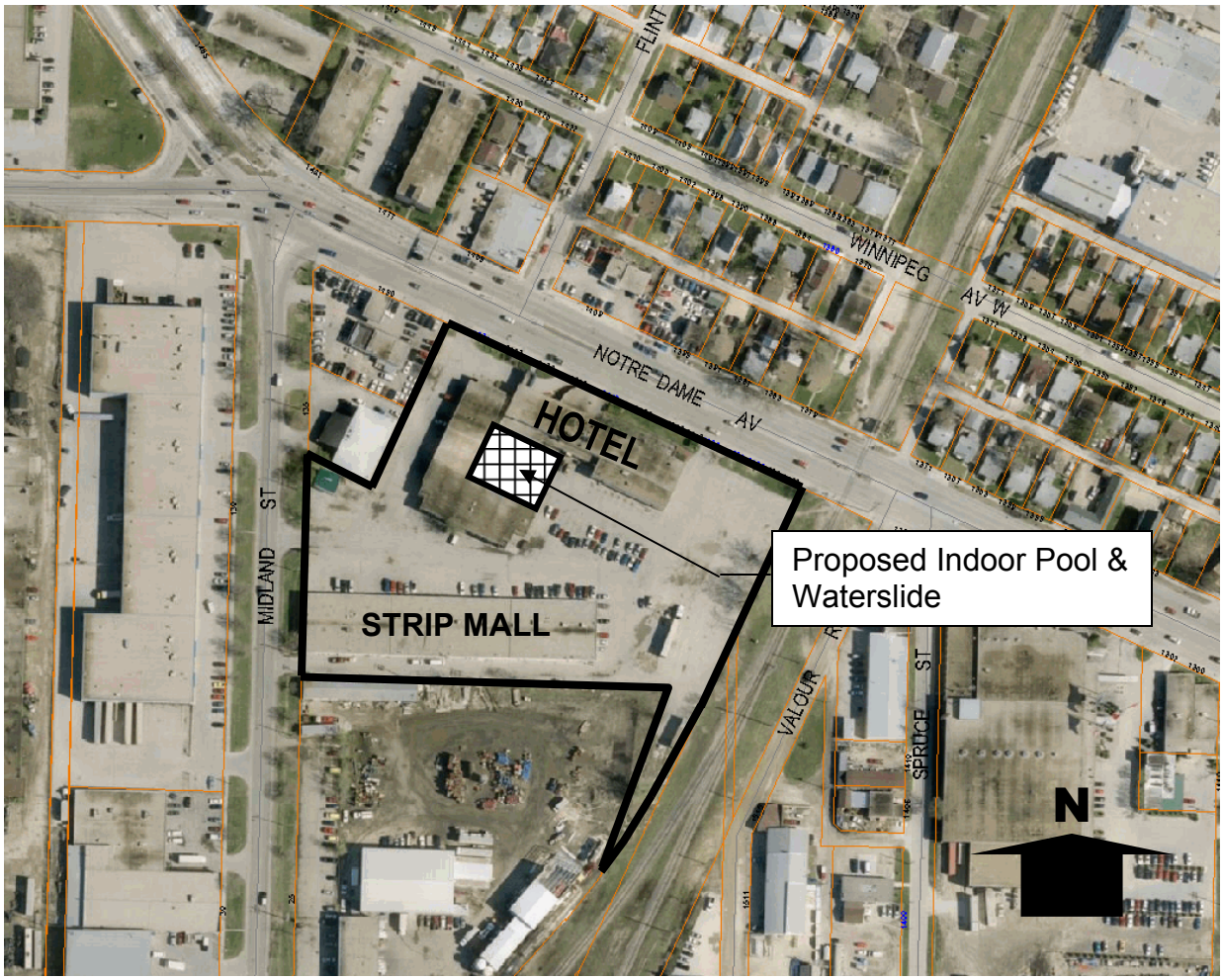


Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: Notre Dame Avenue then 'C2' and 'C1' Commercial as well as 'R2A' Two-Family Residential
South: 'M3' Industrial
East: 'M3' Industrial then Canadian Pacific Railway then Valour Road
West: Midland Street then 'M3' Industrial

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The existing Canadiana Motor Inn is proposing the addition of a 7,425 square foot indoor swimming pool and water slide.

Analysis

As discussed in the Variance application, (DAV 07-117170/D) the Canadiana Motor Inn has existed on the subject site since the 1960's. When it was established, under a previous zoning by-law it was a permitted use in the 'M3' Industrial zone.

Currently under the Zoning By-law 6400/94 the hotel use is neither permitted nor conditional in the 'M3' Industrial zone. The Canadiana is considered legally non-conforming which means that the existing use may continue in definitely. However, in order to expand the use, the owners must rezone to a designation that allows hotels as either permitted or conditional. The selection of alternative zones to facilitate the hotel expansion are restricted due to the fact that the site is within an area designated as Industrial in Plan Winnipeg. In order to conform with Plan Winnipeg the rezoning must be to an Industrial zone, hence the choice of 'M1' Industrial that lists the hotel use as permitted.

The Planning and Land Use Division supports the rezoning of the subject site to 'M1' Industrial. The existing hotel use, operating on the site for over 40 years, seems to be compatible with the area. It is not anticipated that the addition of the indoor pool and waterslide will negatively impact the surrounding properties.

Recommendation

In the context of Section 247(3), the Planning and Land Use Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

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 206/2007 dated April 24, 2007, to an 'M1' Industrial District.

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 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.

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

Report Prepared by: James Veitch
PPD File # DAZ 206/2007

Schedule "A"

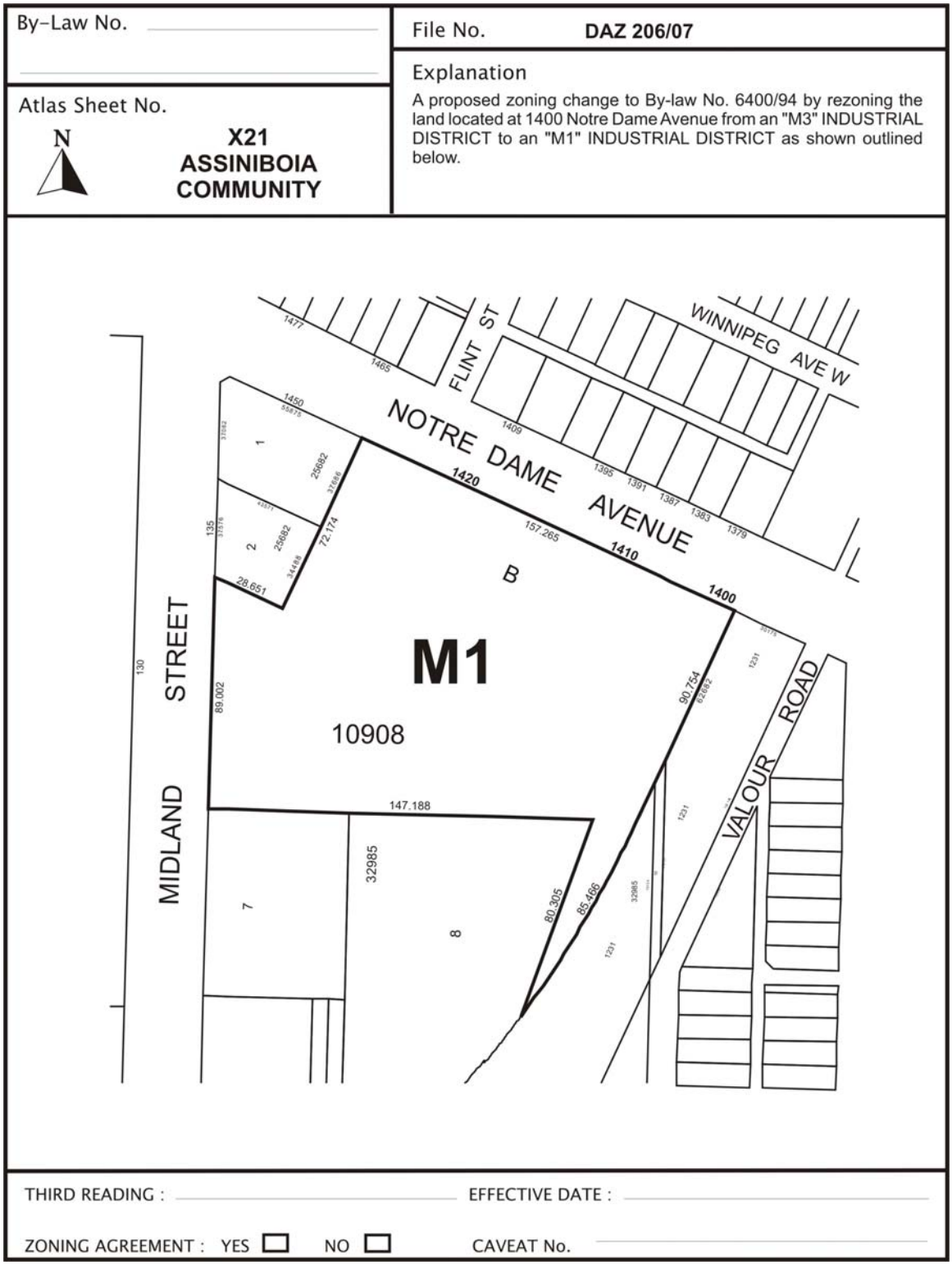


Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File DAZ 206/2007, dated April 24, 2007.