Minute No. 40
Report - Standing Policy Committee on Property and Development - November 19, 2002

Item No. 7 Proposed Rezoning - land located on the north side of Dufferin Avenue, west of Salter Street
File DAZ 226/2002 [c/r DCU 231/2002D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 226/2002 dated November 5, 2002, to a "C3-1" Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      i) That use of the site be restricted to warehousing and accessory offices, meeting rooms and work shops as outlined in the accompanying plans.
      ii) That access to and from the site be restricted to Dufferin Avenue subject to the necessary approach approvals of the Public Works Department.
      iii) That a six (6) foot high solid wood fence be constructed and maintained along both the west and north property lines.

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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

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5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 Act.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2002, the Standing Policy Committee on Property and Development concurred in the Lord Selkirk-West Kildonan Community Committee.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 2002, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation.

RE: **Proposed Zoning Change Report - north side of Dufferin Avenue, west of Salter Street - DAZ 226/2002 (c/r DCU 231/2002D)**

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

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

Report date: **November 13, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:

That the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends as follows:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 226/2002 dated November 5/02, to a " C3-1" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

        i) That use of the site be restricted to warehousing and accessory offices, meeting rooms and work shops as outlined in the accompanying plans.
        ii) That access to and from the site be restricted to Dufferin Avenue subject to the necessary approach approvals of the Public Works Department.
        iii) That a 6 foot high solid wood fence be constructed and maintained along both the west and north property lines.

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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 Act.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendations:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use.

2. There is neighbourhood support for the development proposal.

PUBLIC HEARING SUMMARY

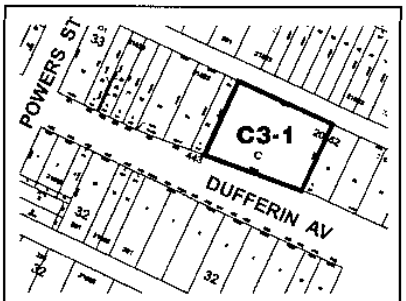
File: DAZ 226/2002

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

Public Hearing: November 12, 2002
Community Committee Chamber, 1760 Main Street

Applicant: Hands of Hope
50 Barnes Street
Winnipeg, MB R3T 4Z7

Subject:



Premises Affected: north side of Dufferin Avenue, west of Salter Street

Exhibits Filed:

1. Application dated October 10, 2002
2. Advertising Notice dated October 16, 2002
3. Manitoba Status of Title 1137038
4. Site and floor plans (comprising 2 pages)
5. Atlas Sheet X24
6. Report from the Manager of Planning and Land Use dated November 5, 2002
7 Photograph(s) of the site and Inspection Notice
8. A letter of support from the North End Community Renewal Corporation Resident Advisory Committee dated November 8, 2002, submitted by Alan Redmond, 50 Barnes Street, at the public hearing
9. A petition purporting to contain the signatures of twelve (12) residents and/or businesses in close proximity to the subject property in support of the application, submitted by Alan Redmond, 50 Barnes Street, at the public hearing
10. A listing of the status of various funding sources applied for with respect to the proposed construction of a warehouse on the subject property, submitted by Alan Redmond, 50 Barnes Street, at the public hearing

REPRESENTATIONS:

In Support:

Alan Redmond, on behalf of the applicant, 50 Barnes Street, Winnipeg, Manitoba, R3T 4Z7

In Opposition:

Nil

For the City:

John McNairnay, Development Management Coordinator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING:

Alan Redmond, appearing on behalf of the applicant, in support of the application, indicated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use.

Mr. Redmond submitted a letter of support from the North End Community Renewal Corporation Resident Advisory Committee dated November 8, 2002 (Exhibit “8”), a petition purporting to contain the signatures of twelve (12) residents and/or businesses in close proximity to the subject property in support of the application (Exhibit “9”), and a listing of the status of various funding sources applied for with respect to the proposed construction of a warehouse on the subject property (Exhibit “10”).

In reply please refer to / Référence à rappeler :

(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 226/02 November 5, 2002
Our c/f CP 500 (. 301)

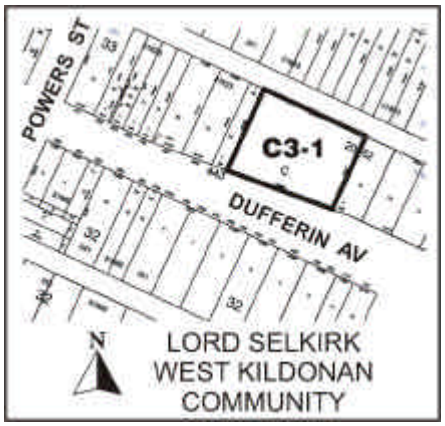
Diane Timmins
LS/WK Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mrs. Timmins

REZONING
Location : North of Dufferin/ West of Salter
LS/WK Community Committee
File No. DAZ 226 /02

An application has been received from Hands of Hope (a charitable organization) to amend By-Law No. 6400/94 by rezoning the land shown below from a " R2-T" Transitional District to a " C3-1" Commercial District to allow for the construction of a warehouse to store and distribute second hand furniture to those in need.

RELATED FILES: DCU 231/02D



SITE DESCRIPTION:

Site Area:

The subject parcel is approximately 23,814 sq. ft. in area; about one-half acre.

Existing Land Use and Zoning:

The land is currently vacant and zoned R2-T Residential.

Surrounding Land Use and Zoning:

North: To the north is an established residential area zoned R2-T Residential.
South: To the south across Dufferin are Industrial businesses zoned M1 Industrial.
East: To the east lying adjacent is a large vehicle sales business zoned M1 Industrial.
West: . To the west are residences zoned R2-T Residential.

DEVELOPMENT DESCRIPTION:

The applicants wish to construct a new warehouse building on site with offices and parking on the north side of the building. Hands of Hope is a philanthropic organization who plan to collect , store and distribute old used furniture to people in adjacent neighbourhoods who have need of it. Procedurally a rezoning is needed to accommodate the proposed use and the only commercial category which allows for a warehouse facility is the C3-1 zoning category. Because C3-1 zones are customarily found on major arterials at the edge of the City in Highway Commercial areas, development of this site should be restricted to the single requested use. The restrictions on use have been discussed with the applicant and they are understanding of the Citys position in that regard..

PLAN WINNIPEG:

The proposed commercial use falls within a designated Neighbourhood Policy Area which does allow for a mix of both commercial and residential. Dufferin actually constitutes the boundary between Neighbourhood and Industrial Policy areas.

ADMINISTRATIVE COMMENTS:

The proposed use will undoubtedly provide a valuable service to the surrounding neighbourhood. . As a result, the applicants and the administration worked hard to find a mechanism which would allow for such a use in a predominately residential neighbourhood. The advantages of the subject site are clear. There is excellent access to Salter which is a main thoroughfare and a main connecter street to neighbourhoods both north and south of Dufferin. The building being constructed is well designed and will not in any way adversely affect the adjacent neighbourhood. We will however recommend that there be no vehicle access to the rear lane and that a 6’ solid wood fence be constructed along the north property line to minimize impact on residents immediately to the north.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 226/02, attached hereto and dated November 5/02, to a " C3-1" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That use of the site be restricted to warehousing and accessory offices, meeting rooms and work shops as outlined in the accompanying plans.
2. That access to and from the site be restricted to Dufferin Avenue subject to the necessary approach approvals of the Public Works Department.
3. That a 6' high solid wood fence be constructed and maintained along both the west and north property lines.

II. That a 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 this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 Act.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

Kevin Lalor
Per: , Senior Planner
LS/WK Community
986-5069

/mf

By–Law No. _____

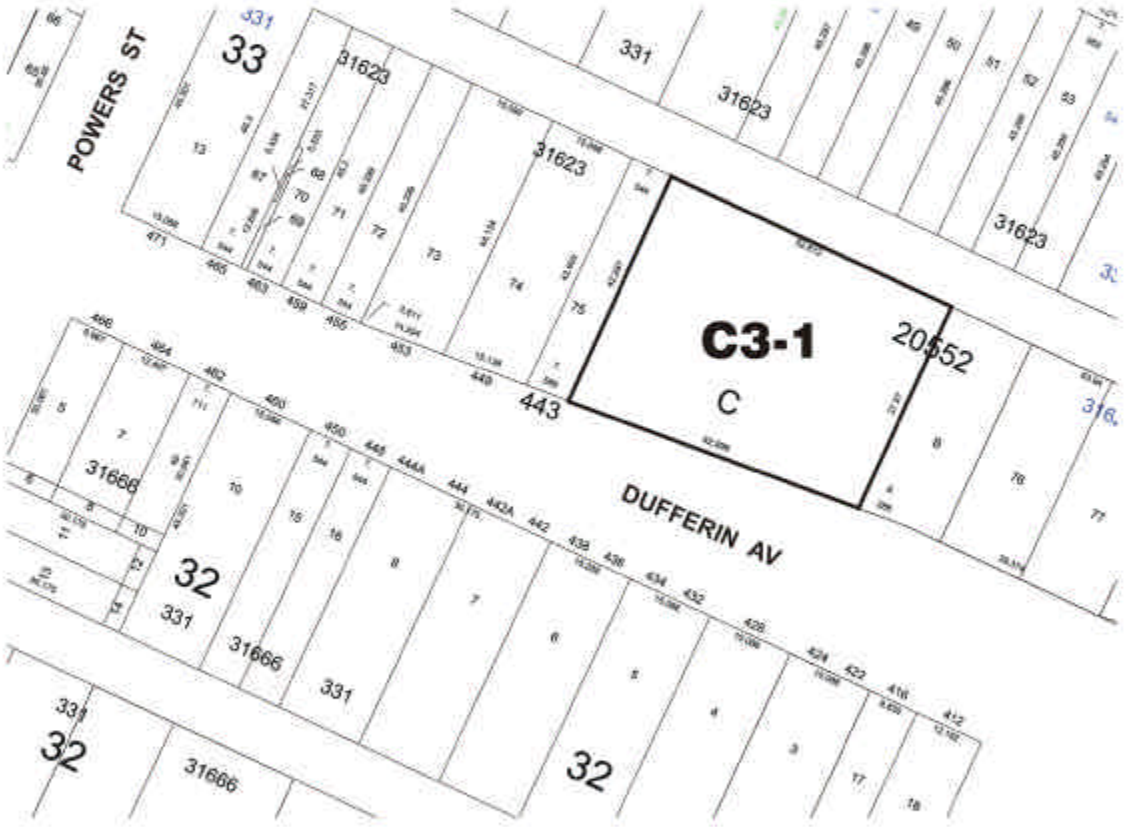
File No. **DAZ 226/02**

Atlas Sheet No. **X24**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north side of Duferin Avenue west of Salter Street from an "R2-T" TRANSITIONAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.



Schedule 'A' for File No. DAZ 226/02, LS/WK Community Committee, dated November 5/02

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____