Agenda - Council - July 18, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 14 Rezoning - 1350 Logan Avenue
(Point Douglas Ward)
File DAZ 213/2007

STANDING COMMITTEE RECOMMENDATION:

On July 11, 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 213/2007 dated June 7, 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 for the development of any accessory parking area and/or signage, plans shall be submitted showing the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That there shall be no mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

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.

Report - Standing Policy Committee on Property and Development - June 26, 2007

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 - June 26, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 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 June 26, 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 June 19, 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 - 1350 Logan Avenue**
(Point Douglas Ward)
File DAZ 213/2007 [c/r DAV 129121/2007D]

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

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

Report date: **June 20, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 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 213/2007 dated June 7, 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 for the development of any accessory parking area and/or signage, plans shall be submitted showing the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That there shall be no mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

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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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.

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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 June7, 2007.

PUBLIC HEARING SUMMARY

File: DAZ 213/2007 [c/r DAV 129121/2007D]

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

Public Hearing: June 19, 2007
West Committee Room
Council Building, 510 Main Street

Applicant: GNG Motors Ltd. (Gurmandeep Gill)

Subject:



Premises Affected: 1350 Logan Avenue

Exhibits Filed:

1. Application dated May 2, 2007
2. Notification of Public Hearing dated May 9, 2007
3. Manitoba Status of Title1390671
4. Letter of authorization dated March 19, 2007 from Demac Enterprise Ltd. to GNG Motors Ltd.
5. Surveyor's Building Location Certificate and sketch dated April 19, 2007

6. Caveats 165502, 165503, 192577, 192671 and 192672
7 Drawing of subject property
8. Report from the Planning and Land Use Division dated June 7, 2007
9. Inspection Report

REPRESENTATIONS:

In Support:

Gurmandeep Gill, GNG Motors Ltd.
Gurdeep Chahal

In Opposition

Nil

For Information:

Marc Pelletier

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Gurmandeep Gill, GNG Motors Ltd., accompanied by his lawyer, Gurdeep Chahal, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division.

Exhibit "8" referred to in File DAZ 213/2007 [c/r DAV 129121/2007D]

Winnipeg

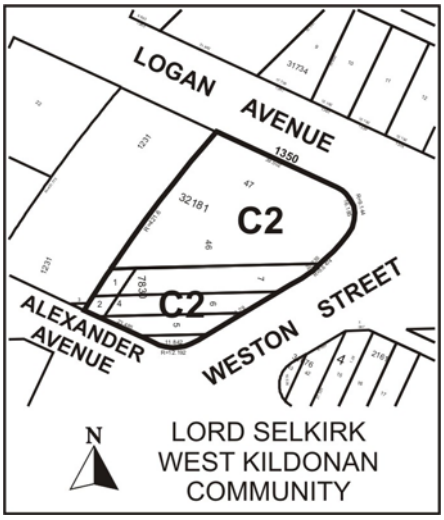
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: June7, 2007
File: DAZ 213/2007
Related Files: DAV 07-129121/D

Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from a "C1" Commercial District to a "C2" Commercial District to allow for the establishment of an auto sales use

Location: 1350 Logan Avenue



Applicant: Gurmandeep Gill (GNG Motors Ltd.)
Owner: Demac Enterprises Ltd.

Recommendation: Approval, with conditions

Report Summary:

- The applicant is proposing to clean up a poorly maintained site and enhance the property
- The proposed use is similar in nature to the existing use

Site Description

The subject property, which is currently zoned "C1" Commercial, is located at the southwest corner of Logan Avenue and Weston Street, in the Weston neighourhood of the Point Douglas ward.

North: Residences zoned "R2A" Two-Family Residential
South: Open space zoned "R2A" Two-Family Residential
East: Residences zoned "R2A" Two-Family Residential
West: Railroad tracks, then a school zoned "R2A" Two-Family Residential

Description of the Proposed Development

The subject site currently houses an auto repair establishment that has been poorly maintained for some time. In its current condition, it is not characteristic of the area and detracts from adjacent properties.

The applicant has acquired the property and wishes to establish a new auto sales and repair establishment. In conjunction with the proposed new use, the applicant proposes to undertake the following work:

- Cut all weeds
- Replace or fix the existing chain link fence
- Asphalt the parking lot
- Remove all derelict vehicles
- Install a proper fence around the perimeter of the site
- Undertake to completely renovate the building

These actions will dramatically improve the appearance of the property and improve the area, in general.

Zoning

The property is currently zoned "C1" Commercial, where the existing auto repair establishment operates as a non-conforming use. A rezoning to "C2" Commercial is required in order to establish the auto sales use on the site.

Analysis

Plan Winnipeg

Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

Compatibility with the existing neighbourhood and surrounding uses
As previously mentioned, the site has operated as an auto repair establishment for some time. With that said, the proposed new use does not significantly increase the intensity or nature of the impact on adjoining properties.

Similarly, the subject property is located at a major intersection – Logan and Weston – and separated from adjoining properties by railroad tracks on the west and roads to the north, south, and west. In that way, it is naturally buffered from adjoining uses and is more desirable for uses which would be permitted or conditional in a "C2" Commercial District

Site design issues
By cleaning up the site, the applicant will be going a long way in enhancing the visual presentation of the property. However, it is recommended that design controls on perimeter fencing and signage be imposed to ensure that the property continues to have a positive impact on the area.

Signs
It is recommended that flashing, scintillating, rotating, electronic message board, A-Frame, poster and mobile signs not be permitted.

Additionally, it is recommended that other attention getting signs, such as banner signs, be limited to a maximum of one sign per street frontage.

Fencing
Whereas By-Law 6400/94 requires a simple fence, such as post and chain or lightproof wooden fence, around the perimeter of vehicle display areas, this type of fencing does not adequately screen vehicles or offer much amenity for the surrounding area. This is especially true when there is no landscaping provided on the site. In light of the fact that there is no landscaping at this location, it is recommended that a decorative wrought iron or similar style fence be erected around the perimeter of the site – similar in style to the fence shown below.



Recommendation

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

- The applicant is proposing to clean up a poorly maintained site and enhance the property
- The proposed use is similar in nature to the existing use
- The proposed use is compatible with the area
- The proposed use will not have an adverse impact upon adjacent properties

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 213/2007 dated June 7, 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 for the development of any accessory parking area and/or signage, plans shall be submitted showing the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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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.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 213/2007

Schedule "A"

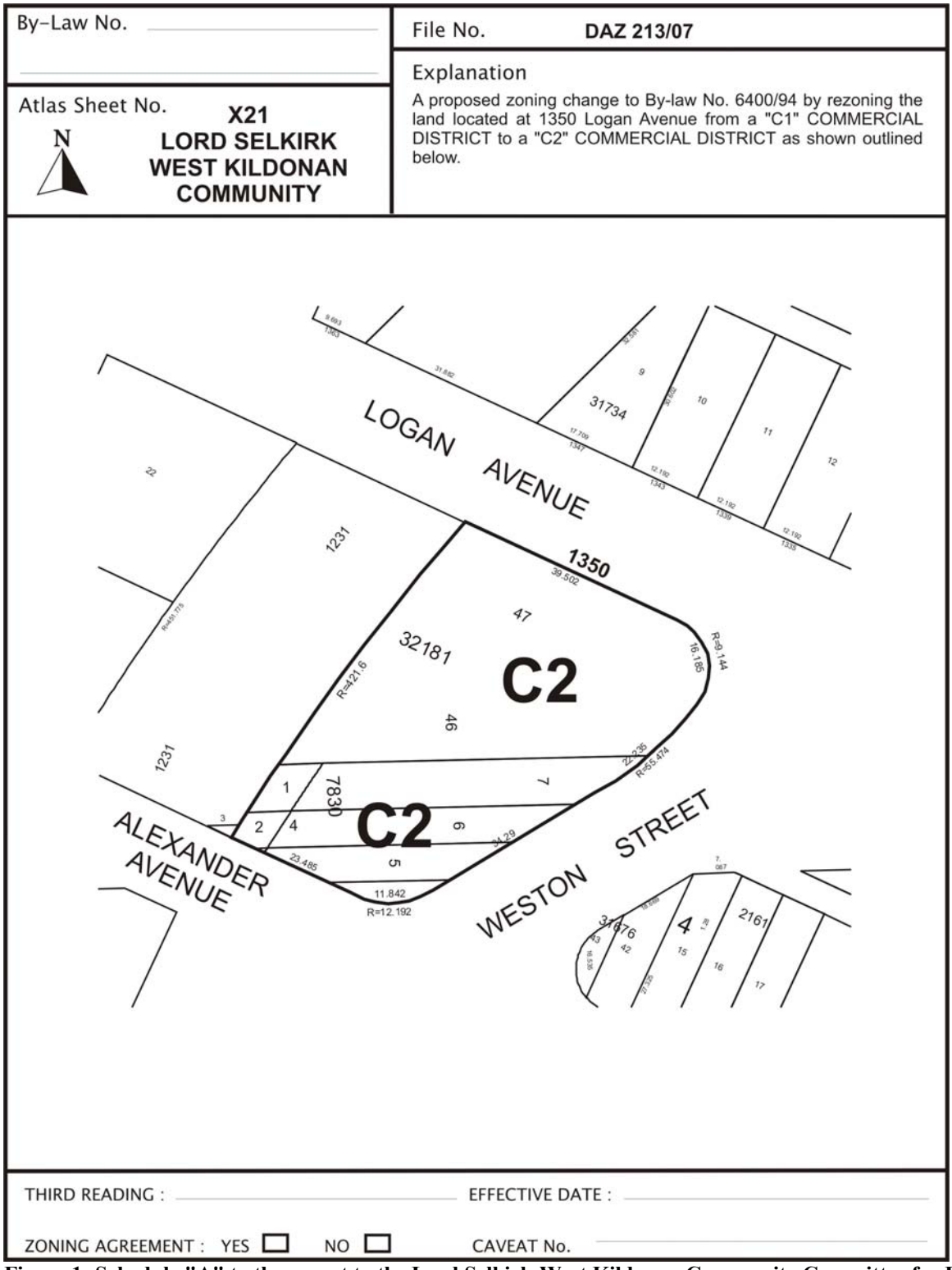

Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 213/07, dated June 7, 2007.



Figure 1: Aerial Photo (Flown in 2005)