Minutes - Executive Policy Committee – July 18, 2007

Minute No. 495
Report - Standing Policy Committee on Property and Development - July 13, 2007

Item No. 13 Zoning Agreement Amendment - 101 Salter Street (Mynarski Ward) File ZAA 5/2007 (c/r DAZ 257/85)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 Zoning Agreement under File DAZ 257/85 dated October 2, 1985 (By-law No. 4430/86), be amended as follows:

   A. That Clause 2 be amended to include "Contractor's Establishment" and "Building Materials, Hardware, Home Improvement Supplies or Equipment Sales" as permitted uses.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 257/85 (By-law No. 4430/86) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 13, 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 July 10, 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: **Zoning Agreement Amendment - 101 Salter Street**
File ZAA 5/2007

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

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

Report date: **July 11, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 10, 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 Zoning Agreement under File DAZ 257/85 dated October 2, 1985 (By-law No. 4430/86), be amended as follows:

   A. That Clause 2 be amended to include "Contractor's Establishment" and "Building Materials, Hardware, Home Improvement Supplies or Equipment Sales" as permitted uses:

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 257/85 (By-Law No. 4430/86) as approved in aforesaid recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 July 3, 2007.

PUBLIC HEARING SUMMARY

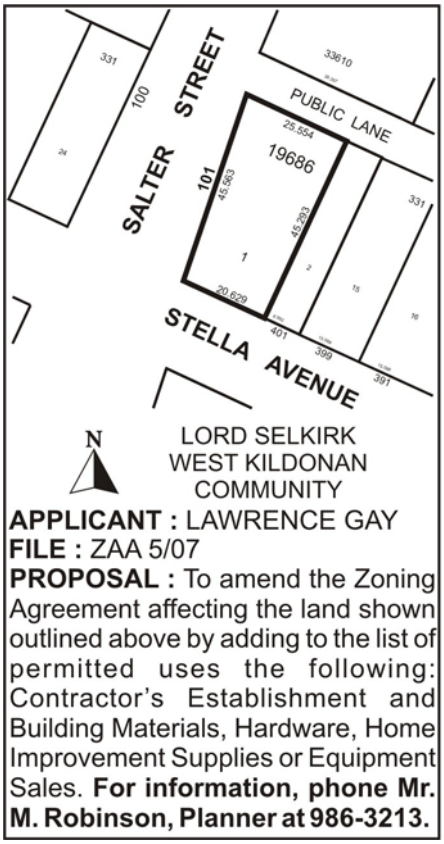
File: ZAA 5/2007

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

Public Hearing: July 10, 2007
Council Chamber
Council Building, 510 Main Street

Applicant: Lawrence Gay

Subject:



Premises Affected: 101 Salter Street

Exhibits Filed:

1. Application dated June 12, 2007
2. Notification of Public Hearing dated June 15, 2007
3. Manitoba Status of Title 1046091
4. Letter of authorization dated June 11, 2007 from Cozy Carpet Centre Ltd. to Lawrence Gay
5. Surveyor's Building Location Certificate and sketch dated February 21, 1990
6. Report from the Planning and Land Use Division dated July 3, 2007
7. Inspection Report t

REPRESENTATIONS:

In Support:

Lawrence Gay
Ron Allaire
Wacek Ochman

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

Lawrence Gay, the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the report of the Planning and Land Use Division dated July 3, 2007.

Exhibit "6" referred to in File ZAA 5/2007

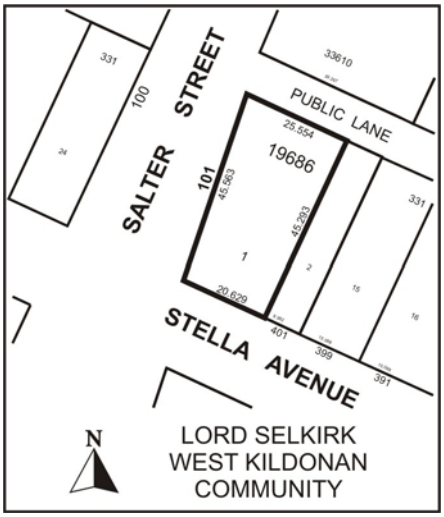
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **July 3, 2007**
File: **ZAA 05/2007**
Related Files:
Subject: **Application to amend clause #2 of DAZ 257/85 by including "Contractor's Establishment" and "Building Materials, Hardware, Home Improvement Supplies, or Equipment Sales" among the listed permitted uses**

Location: **101 Salter Street**
Legal Description:



Applicant: **Lawrence Gay**
Owner: **Cozy Carpet Centre Ltd. (Waclaw F. Ochman)**

Recommendation: **Approval**

Report Summary:

- **The proposed use is compatible with the area**
- **The proposed use will not have an adverse effect upon adjacent properties**
- **The Planning and Land Use Division recommends that the Zoning Agreement be**
- **amended**

Site Description

The subject property, which is zoned "C2" Commercial, is located on Salter Street, between Stella and Flora Avenues, in the Dufferin neighbourhood of the Mynarski ward.

North: Commercial uses zoned "C2" Commercial
South: Residences zoned "R2-T" Residential District
East: Residences zoned "R2-T" Residential District
West: School zoned "PR-1" Parks and Recreation District

Background

The subject property was rezoned in 1985 under file number DASZ 257/85. Pursuant to that application, a zoning agreement was attached as a caveat to the property.

This zoning agreement included a list of allowable uses. Any use not listed is deemed to be not permitted under this agreement.

Description of the Proposed Development

At this time, the applicant wishes to establish a business storing and selling light gauge metal residential roof and siding materials, soffits, facia and trim and other related items.

The building will include a show room, which will display the product lines and offerings, a storage area, and a custom fabrication area.

This business is not permitted under the current zoning agreement. In light of this, the applicant is requesting an amendment to the agreement to permit the following uses to be established:
Contractor's Establishment
Building Materials, Hardware, Home Improvement Supplies, or Equipment Sales

Analysis

The only concern raised by the Division in conjunction with this use is noise created by the cutting of metal.

With that said, the subject building is constructed of concrete block and will be insulted by the applicant. Furthermore, there are no doors or windows along the east side of the building – which is the only side abutting a residence.

For these reasons, the Division believes that the proposed use is compatible with the area and will not have an adverse impact on adjacent properties.

Parking
The subject property currently has a very limited amount of parking, which is in front of the building. Given that the proposed use may increase the intensity of the development, the Division recommends that the applicant create additional parking in the rear – which would improve the functioning of the site and allow for loading and unloading to take place without blocking the lane.

However, the zoning agreement currently does not permit any parking/loading in the rear of the property – and this clause would have to be amended in order to obtain a development permit for parking/loading in the rear.

Recommendation

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

- **The proposed use is compatible with the area**
- **The proposed use will not have an adverse effect upon adjacent properties**

Recommended Conditions of Approval

1. That Zoning Agreement under File DAZ 257/1985 dated October 2, 1985 (By-law 4430/86), be amended as follows:

    A. That Clause 2 be amended to include "Contractor's Establishment" and "Building Materials, Hardware, Home Improvement Supplies or Equipment Sales" as permitted uses:

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 257/85 (By-Law No. 4430/86) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 # ZAA 5/07



Figure 1: Aerial Photo (Flown in 2005)