Minute No. 291
Report - Standing Policy Committee on Property and Development - July 13, 2007

Item No. 2 Rezoning - 587 Clifton Street
File DAZ 208/2007

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

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 208/2007 dated June 19, 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 use of the land be restricted to the following:

         a. "art/antique: sales, service including framing/restoration";
         b. "artisan, crafting of custom products from finished materials";
         c. "contractor's establishment";
         d. "office";
         e. "studio"; and
         f. all "C1" Commercial District uses;

      ii. That mobile and temporary signs shall not be permitted;

      iii. That for the development of any free-standing sign, plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property, and Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the Director; and

      iv. That in the event the existing building is demolished or destroyed, the site zoning shall become "R1-4A" Single-Family District.

Report - Standing Policy Committee on Property and Development - July 13, 2007

COUNCIL DECISION (continued)

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 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 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 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 Charter.

Report - Standing Policy Committee on Property and Development - July 13, 2007

DECISION MAKING HISTORY:

Moved by Council Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 18, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 26, 2007, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 587 Clifton Street**
(Daniel McIntyre Ward)
File DAZ 208/2007 [c/r DAV 118001/2007D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **June 27, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 26, 2007, the City Centre 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 shown on Schedule "A" for File DAZ 208/2007, dated June 19, 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 use of the land be restricted to the following:

            a. "art/antique: sales, service including framing/restoration";
            b. "artisan, crafting of custom products from finished materials";
            c. "contractor's establishment";
            d. "office";
            e. "studio"; and
            f. all "C1" Commercial District uses;

        ii. that mobile and temporary signs shall not be permitted;

        iii. that for the development of any free-standing sign plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property, and Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the director; and

iv. that in the event the existing building is demolished or destroyed, the site zoning shall become "R1-4A" Single-Family 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 the 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 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 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 Charter.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is an improvement to the building.

PUBLIC HEARING SUMMARY

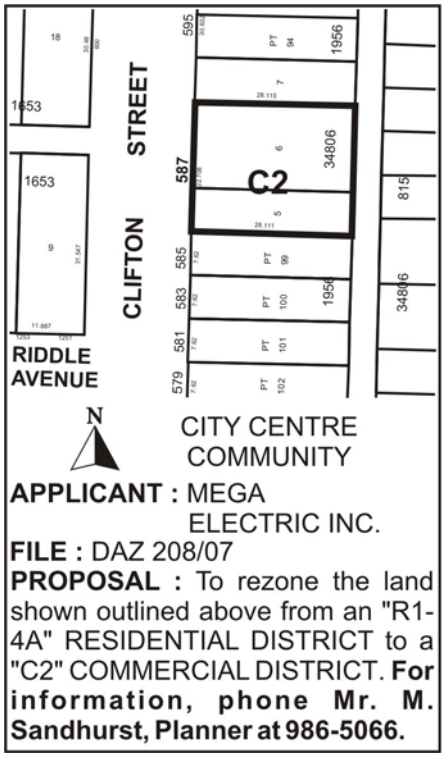
File: DAZ 208/2007 [c/r DAV 118001/2007D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Leipsic
Councillor Smith

Public Hearing: June 26, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: Mega Electric Inc. (Archie Delorme)

Subject:



Premises Affected: 587 Clifton Street

Exhibits Filed:
1. Application dated March 29, 2007
2. Notification of Public Hearing dated May 15, 2007
3. Manitoba Status of Title1716357
4. Letter of authorization dated May 4, 2007 from Archie Delorme, Mega Electric to Barry Kaston, Lakeside Electric

5. Surveyor's Building Location Certificate and sketch dated January 13, 1964 and January 9, 1964
6. Zoning Development Information
7. Variance Order DAV 127/2000C
8. Photographs of subject property
9. Plans (4 pages)
10. Report from the Planning and Land Use Division dated June 19, 2007
11. Inspection Report

REPRESENTATIONS:

In Support:

Barry Kaston

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Barry Kaston appeared in support of the application and stated his intention was to upgrade the building.

Exhibit "10" referred to in File DAZ 208/2007 [c/r DAV 118001/2007D]

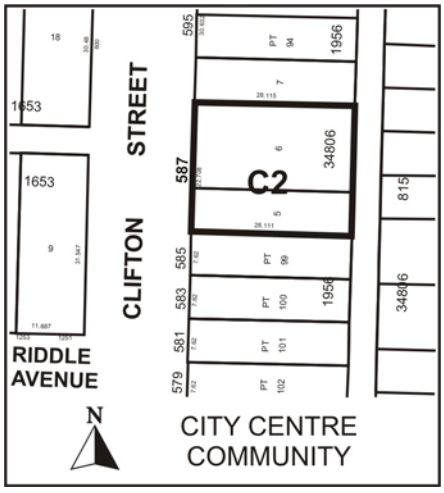
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 19, 2007
File: **DAZ 208/07**
Related Files: DAV 07-118001/D [DAV 127/00C]
Subject: To rezone the land shown outlined below from an "R1-4A" Single-Family District to a "C2" Commercial District.

Location: 587 Clifton Street
Legal Description: SP Lot 5 and 6 Plan 34806 WLTO in RL 51 and 52 Parish of St. James

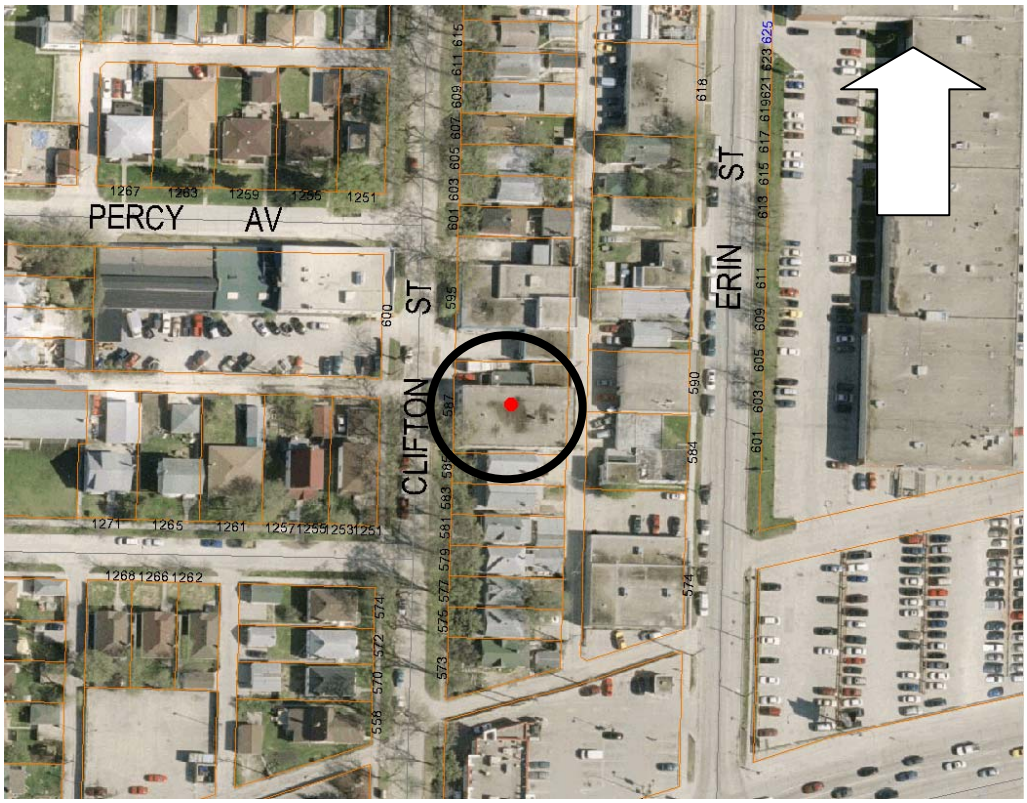


Applicant: Mega Electric Inc (Archie Delorme)
Owner: Mega Electric Inc (Archie Delorme)

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the east side of Clifton Street, north of Portage Avenue. The site is zoned "R1-4A" Single-Family District and is developed with an older commercial building that was granted a use variance to accommodate "Office", "Antique restoration", "Artist studio", "Upholstering", and "Contractor's establishment" uses under DAV 127/00C. Surrounding properties include single-family dwellings, low-intensity commercial uses, and industrial uses—zoned "R1-4A", "C1", "C2", "CF", and "M2" district.



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to rezone the subject site in order to maintain the uses established under DAV 127/00C. The existing building is to be retained, with no imminent expansion or site redevelopment. Under DAV 07-118001/D, the applicant seeks relief from parking space requirements.

Analysis

This portion of Clifton Street is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential, commercial, institutional, and parks and recreation uses. The subject site was developed and has been used for warehouse, fabrication, and commercial purposes for many years. With the expiration of the use variance, the current zoning ("R1-4A" Single-Family District) can only accommodate single-family use—without demolition or rezoning to a commercial zoning district.

It should be noted that the property to the immediate north was rezoned from "R1-4A" to "C1" Commercial District under DAZ 238/99 (with additional uses granted under ZAA 2/06) and the property to the west across Clifton Street from "R1-4A" to "CF" Commercial Fabrication District under DAZ 232/00.

Recommendation
The division recommends the subject site be rezoned to "C2" Commercial District for a number of related reasons, principally:

- existing commercial building and history of commercial use of this property; and
- the proposed commercial zoning district, subject to recommended conditions, will have no appreciable impacts on neighbouring properties.

Conditions of approval are recommended in order to accommodate existing uses and encourage other compatible uses within the existing building.

Recommended Conditions of Approval

1. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 208/07, attached hereto and dated June 19, 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 use of the land be restricted to the following:
            a. "Art/Antique: Sales, Service including framing/restoration";
            b. "Artisan, crafting of custom products from finished materials";
            c. "Contractor's establishment";
            d. "Office";
            e. "Studio"; and
            f. all "C1" Commercial District uses.
        ii. That mobile and temporary signs shall not be permitted.
        iii. That for the development of any free-standing sign plans shall be submitted showing the location and design of the proposed sign to the Director of Planning, Property, & Development for review and approval prior to the issuance of any building or development permit and thereafter maintained to the satisfaction of the director.
        iv. That, in the event the existing building is demolished or destroyed, the site zoning shall become "R1-4A" Single-Family District.

2. That a ten (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.

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.

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6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

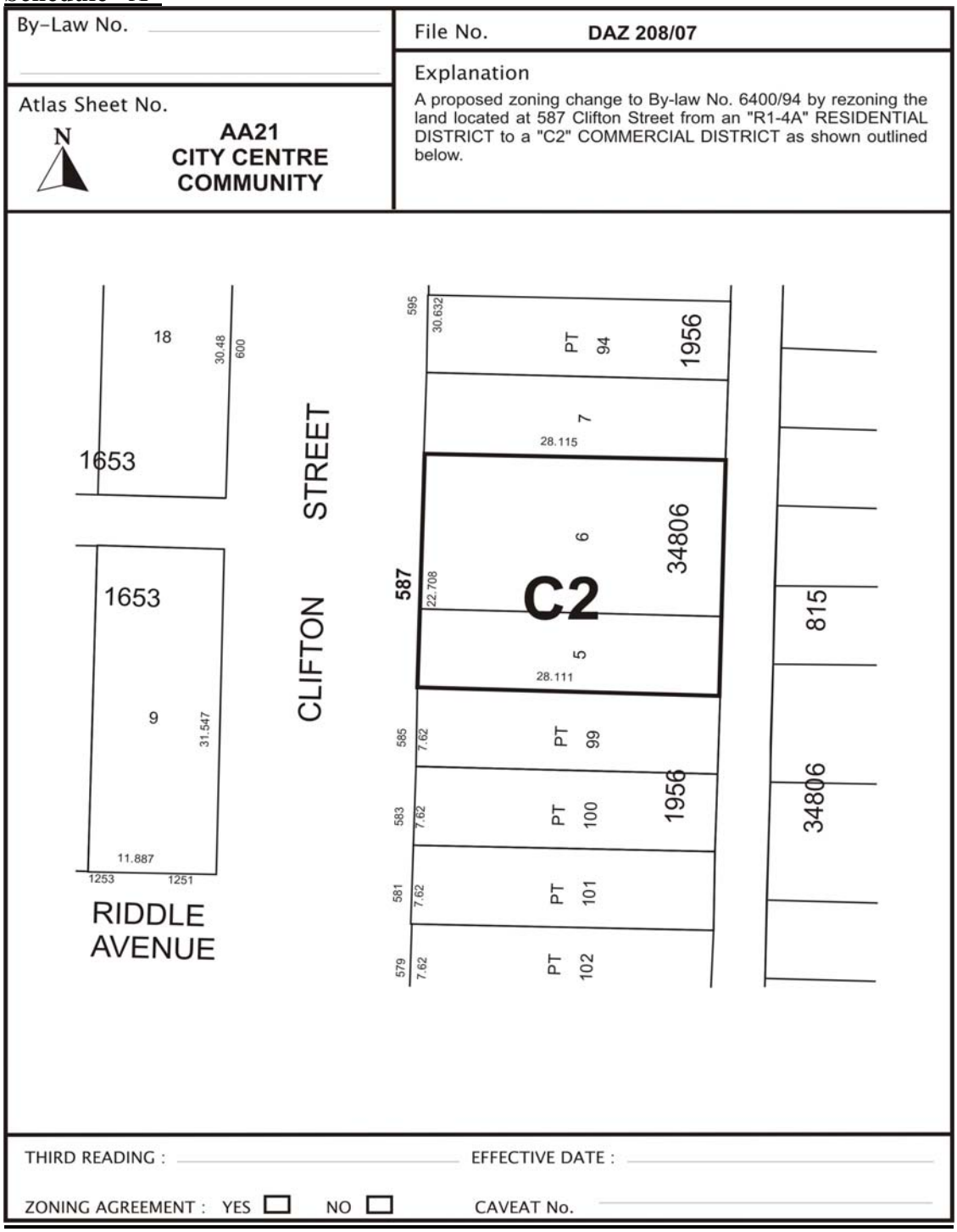
7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

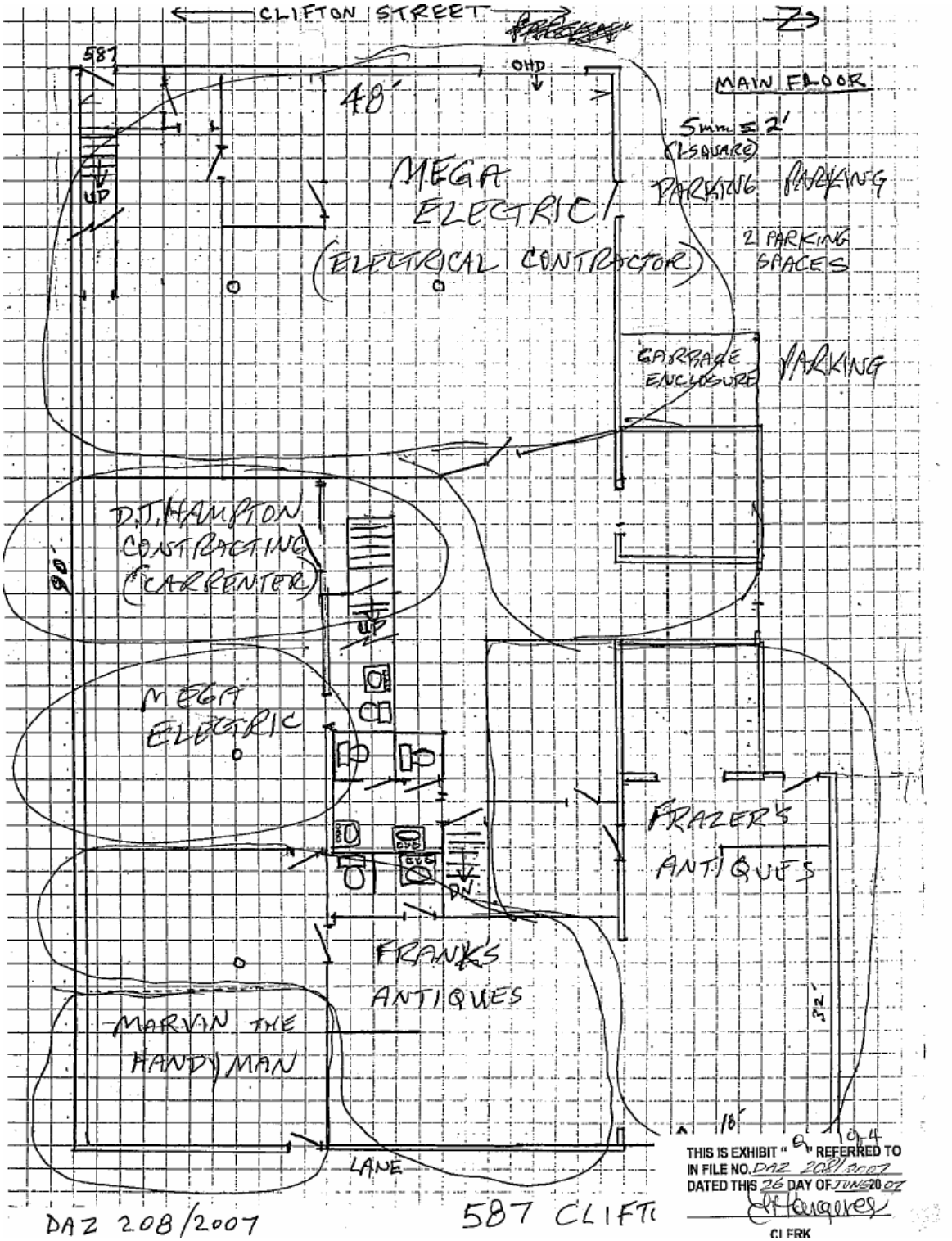
Report Prepared by: M. Sandhurst
PPD File # DAZ 208/07

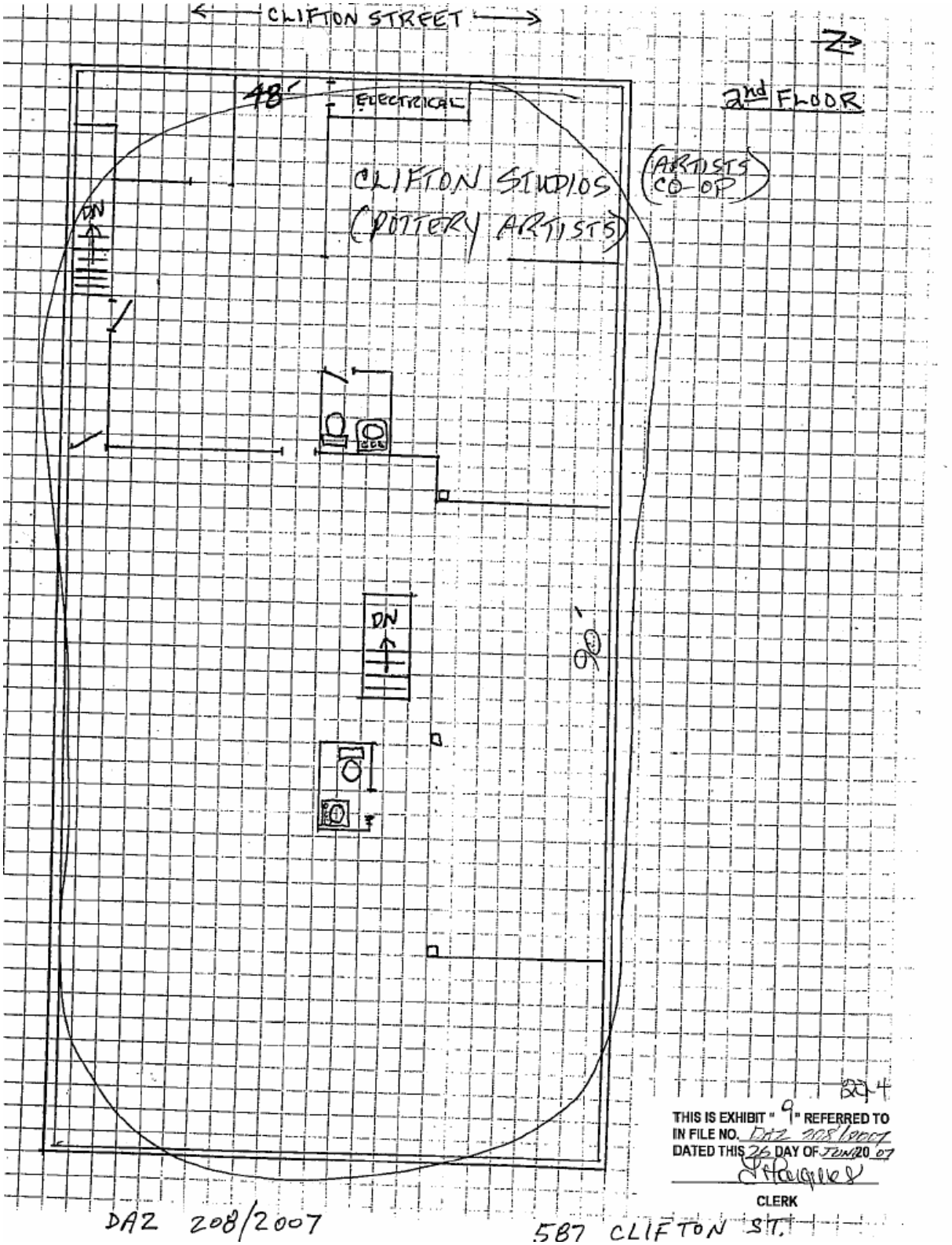
Exhibit "10" referred to in File DAZ 208/2007 [c/r DAV 118001/2007D]

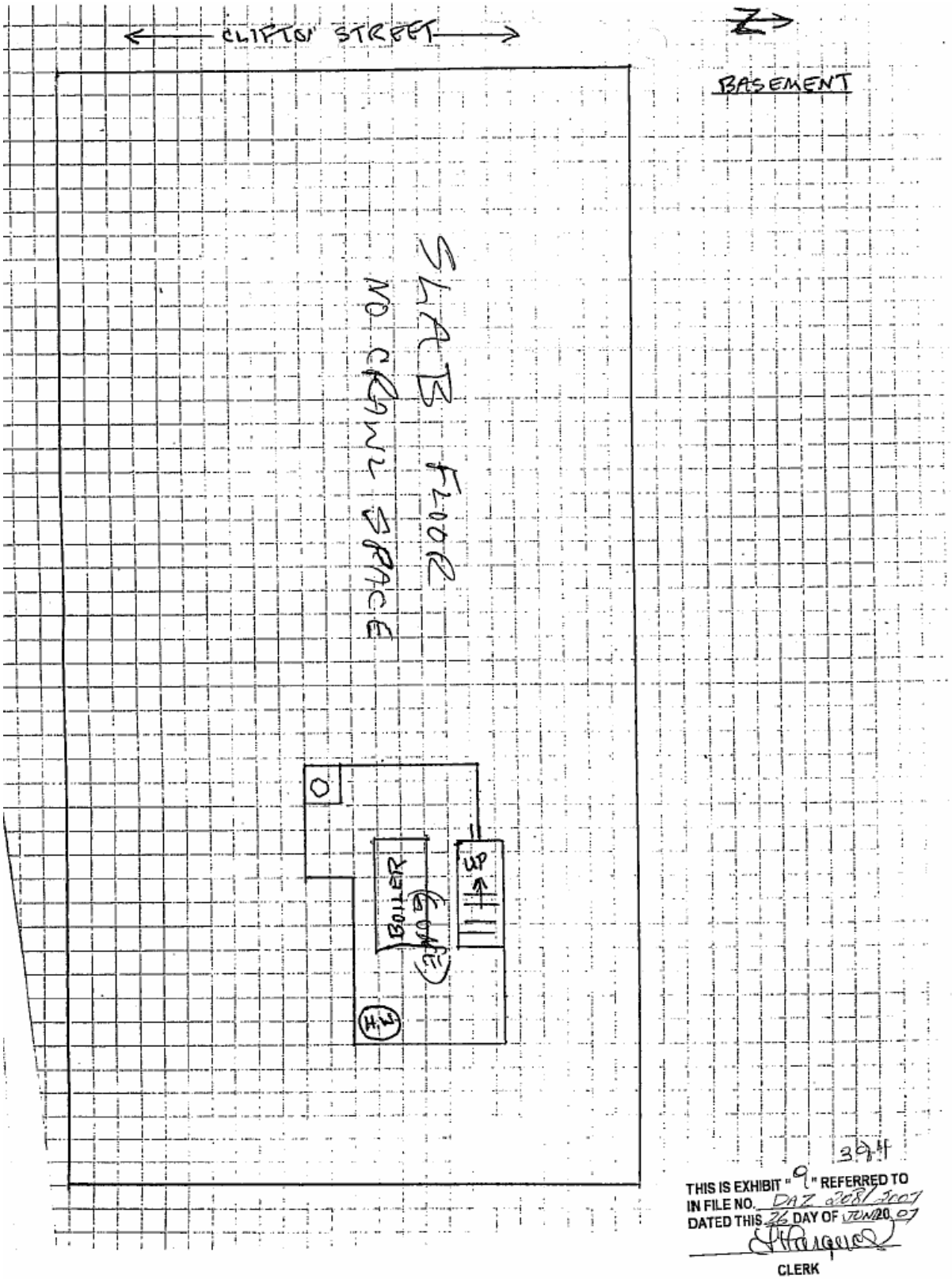
Schedule "A"

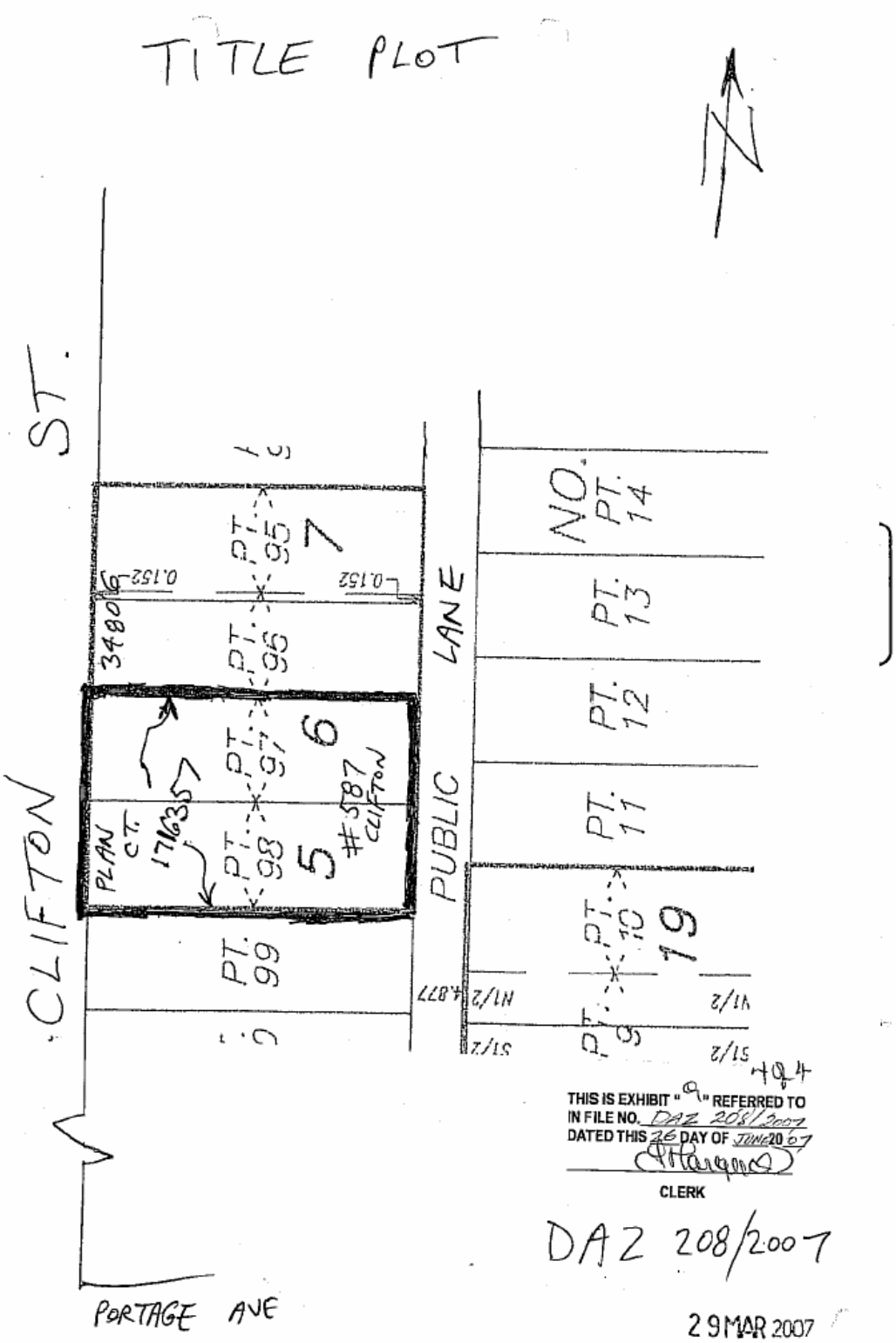


Schedule "A" to the report to City Centre Community Committee for file # DAZ 208/07 dated June 19, 2007.


CLIFTON STREET
587
OHD
48'
MAIN FLOOR
5mm = 2'
(1 SQUARE)
MEGA ELECTRIC
(ELECTRICAL CONTRACTOR)
PARKING
PARKING
2 PARKING SPACES
GARBAGE ENCLOSURE
PARKING
D.J. HAMPTON CONSTRUCTING (CARPENTER)
MEGA ELECTRIC
FRAZER'S ANTIQUES
FRANKS ANTIQUES
MARVIN THE HANDYMAN
LANE
16'
THIS IS EXHIBIT "Q" REFERRED TO IN FILE NO. DAZ 208/2007
DATED THIS 26 DAY OF JUNE 20 07
CLERK
DAZ 208/2007
587 CLIFT


CLIFTON STREET
N
2nd FLOOR
48'
ELECTRICAL
CLIFTON STUDIOS
(POTTERY ARTISTS)
(ARTISTS CO-OP)
DN
DN
90'
DAZ 208/2007
587 CLIFTON ST.
THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DAZ 208/2007
DATED THIS 26 DAY OF JUN 20 07
CLERK


CLIFTON STREET
N
BASEMENT
SLAB FLOOR
NO CRAWL SPACE
BOILER
UP
H.W.
394
THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DAZ 208/2007
DATED THIS 26 DAY OF JUNE 20 07
CLERK


TITLE PLOT
CLIFTON ST.
PUBLIC LANE
PORTAGE AVE
PLAN CT. 171635
#587 CLIFTON
PT. 99
PT. 98
PT. 97
PT. 96
PT. 95
PT. 10
PT. 11
PT. 12
PT. 13
PT. 14
NO.
5
6
7
19
3480
0.152
0.152
4.877
THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DAZ 208/2007
DATED THIS 26 DAY OF JUNE 2007
CLERK
DAZ 208/2007
29 MAR 2007