Minute No. 592
Report - Standing Policy Committee on Property and Development - July 13, 2007

Item No. 3 Rezoning - 382 Stradbrook Avenue
File DAZ 219/2007

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 219/2007 dated June 19, 2007, to a "C1" 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 commercial use shall not exceed 1000 square feet (aggregate);
      ii. That commercial use be restricted to the ground floor;
      iii. That mobile and temporary signs shall not be permitted; and
      iv. 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.

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.

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

COUNCIL DECISION (continued)

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 - 382 Stradbrook Avenue**
(Fort Rouge-East Fort Garry Ward)
File DAZ 219/2007 [c/r DAV 134065/2007D, DCU 133415/2007D]

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 219/2007, dated June 19, 2007, to a "C1" 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 commercial use shall not exceed 1000 square feet (aggregate);
      ii. that commercial use be restricted to the ground floor;
      iii. that mobile and temporary signs shall not be permitted; and
      iv. 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.

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 conforms to Plan Winnipeg and the Osborne Village Neighbourhood Area Plan.

PUBLIC HEARING SUMMARY

File: DAZ 219/2007 [c/r DAV 134065/2007D, DCU 133415/2007D]

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: Remax (Leslie Stewart)

Subject:



Premises Affected: 382 Stradbrook Avenue

Exhibits Filed:
1. Application dated May 31, 2007
2. Notification of Public Hearing dated June 1, 2007
3. Manitoba Status of Title Number 1287795
4. Letter of authorization dated May 17, 2007 from Mr. and Mrs. Maan to Larry Kimacovich and Leslie Stewart

5. Surveyor's Building Location Certificate and sketch dated August 17, 1973
6. Zoning Development Information
7. Drawing of subject property
8. Plans (3 pages)
9. Report from the Planning and Land Use Division dated June 19, 2007

REPRESENTATIONS:

In Support:

Larry Kimacovich
Leslie Stewart

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

Larry Kimacovich appeared in support and gave a brief overview of the proposal.

Exhibit "9" referred to in File DAZ 219/2007 [c/r DAV 134065/2007D, DCU 133415/2007D]

Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: June 19, 2007
File: **DAZ 219/07**
Related Files: DCU 07-133415/D, DAV 07-134065/D
Subject: To rezone the land shown outlined below from an "RM-4" Multiple-Family District to a "C1" Commercial District.

Location: 382 Stradbrook Avenue
Legal Description: Lot 47 Plan 52 WLTO in RL 36 Parish of St. Boniface



Applicant: Remax (Leslie Stewart)
Owner: Jarnail Singh Maan and Harjit Kaur Maan

Recommendation: *Approved with conditions*

Site Description

The subject site is located along the south side of Stradbrook Avenue, between Osborne and Scott streets. The site is zoned "RM-4" Multiple-Family District and is developed with a two-storey duplex. Surrounding properties are predominantly low- to medium-density multiple-family (zoned "RM-4"). To the immediate east is a two-storey single-family dwelling (zoned "RM-4").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to rezone the subject site in order to convert the main floor to office use. The 2nd-floor residential unit is to be retained (the subject of DCU 07-133415/D). The existing building will remain, with no imminent expansion or site redevelopment. Under DAV 07-134065/D, the applicant seeks relief from rear yard requirements in order to retain the existing detached garage and the opportunity to establish the office use prior to the zoning by-law coming into force and effect.

Analysis

This portion of Stradbrook Avenue is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential, commercial, institutional, and parks & recreation uses. The proposal is consistent with the "Village Medium-Density Residential Policies" of the *Osborne Village Neighbourhood Plan* (adopted by Council as a secondary plan by-law in December, 2006). These policies encourage a mixture of residential densities, with opportunity to develop up to 5-storey multiple-family buildings along this portion of Stradbrook

Avenue. In addition, and particularly relevant for the present proposal, these policies also accommodate low-intensity commercial uses (e.g. office) on the ground floor of residential buildings.

It should be noted that the rezoning application would not be necessary if this multiple-family zoned property contained more than two dwelling units, since "C1" uses can be accommodated via conditional use application within a multiple-family *building*.

Recommendation
Planning and Land Use Division recommends approval for the following reasons:

- The proposal is consistent with *Plan Winnipeg*; and
- The proposal is consistent with the "Village Medium-Density Residential Policies" of the *Osborne Village Neighbourhood Plan*.

Conditions of approval are recommended in order to ensure compatibility with adjacent properties and the surrounding area.

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 219/07, attached hereto and dated June 19, 2007, to a "C1" 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 commercial use shall not exceed 1000 square feet (aggregate).
        ii. That commercial use be restricted to the ground floor.
        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.

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.

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.

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

Report Prepared by: M. Sandhurst
PPD File # DAZ 219/07

Schedule "A"

By-Law No. _____

File No. **DAZ 219/07**

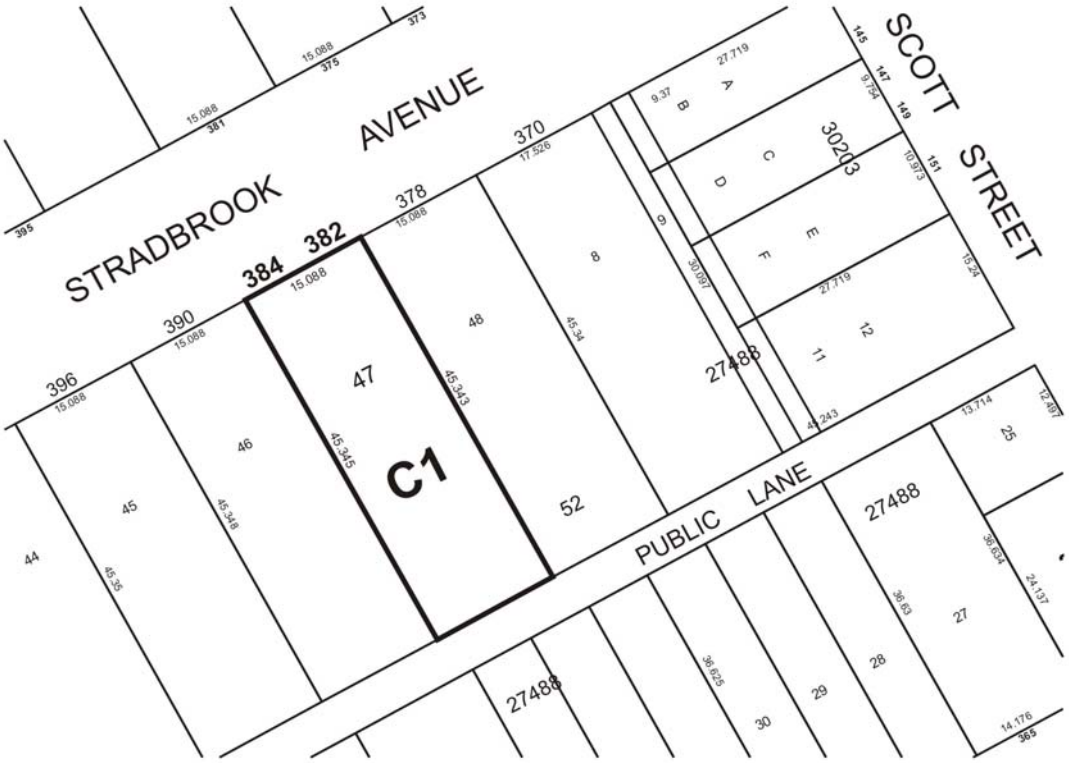
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 382 Stradbrook Avenue from an "RM-4" MULTIPLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AB24 CITY CENTRE COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to City Centre Community Committee for file # DAZ 219/07 dated June 19, 2007