Agenda - Council – September 26, 2007

Report - Standing Policy Committee on Property and Development – September 4, 2007

Item No. 9 Rezoning - 221 St. Mary's Road
(St. Boniface Ward)
File DAZ 221/2007

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel 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 shown on Schedule "A" for File DAZ 221/2007 dated July 10, 2007, to a "C2" Commercial District.

2. That a ten (10%) percent 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 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 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.

Agenda - Council – September 26, 2007

Report - Standing Policy Committee on Property and Development – September 4, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 221 St. Mary's Road**
File DAZ 221/2007

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **July 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, the Riel 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 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2007 dated July 10, 2007, to a "C2" Commercial District.

2. That a ten (10%) percent 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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5. 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated July10, 2007.

PUBLIC HEARING SUMMARY

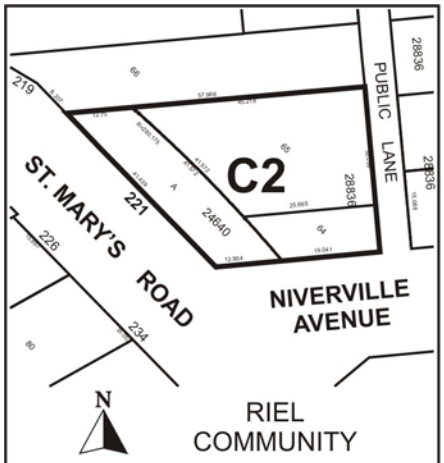
File: DAZ 221/2007

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: July 17, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: DC Automotive (Svenn Tergesen)

Subject:



APPLICANT : DC AUTOMOTIVE
FILE : DAZ 221/07
PROPOSAL: To rezone the land shown outlined above from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : DC AUTOMOTIVE
N° DE RÉFÉRENCE : DAZ 221/07
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 221 St. Mary's Road

Exhibits Filed:

1. Application dated June 7, 2007
2. Notification of Public Hearing dated June 15, 2007
3. Manitoba Status of Titles 1138627, 1264634 and 1264947
4. Letter of authorization dated September 26, 2006 from Rivard Rentals Ltd. to T.A.D. Holdings Ltd. operating as DC Automotive.
5. Site Plan
6. Plan
7. Report from the Planning and Land Use Division dated July 10, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Michelle Baisinger
Svenn Tergesen

In Opposition

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms. A Clark, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Svenn Tergesen appeared in support of the application and provided an overview of the proposal.

Exhibit "7" referred to in File DAZ 221/2007

Winnipeg

Planning, Property and Development Department Report

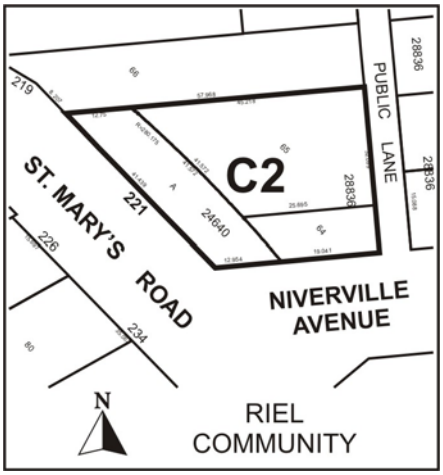
To the Riel Community Committee

Date: July 10/2007
File: DAZ 221/2007
Related Files: none

Subject: **To rezone the subject property from a "C1" Commercial category to a "C2" Commercial category in order to facilitate the establishment of an automobile sales use accessory to an existing automobile repair facility.**

Location: 221 St. Mary's Road

Legal Description: PCL A, Plan 24640, Lots 64 & 65, Plan 28836



Applicant: DC Automotive –Sven Tergesen

Owner: Rivard Rentals

Recommendation: *Approval*

Site Description:



Surrounding Land Use

North: Lying immediately adjacent to the north is a restaurant (Red Top) zoned 'C1' Commercial and a small lineal mall zoned 'C2' Commercial.
South: On the south side of Niverville Avenue is a free standing restaurant and parking area zoned "C2" Commercial.
East: To the east separated by a lane right0of –way are single family dwellings zoned "R2-T" Residential.
West: And to the west , along the St. Mary's frontage are a mix of businesses (7-11, Chiropractor, Video Outlet etc.) zoned "C2' Commercial.

Existing Zoning: The site has been zoned 'C1" Commercial for many years.

Description of the Proposed Development:

The applicants have been operating a non conforming automotive repair business on the subject site for over fifteen years and would like to incorporate a narrow parcel of City owned land at the

N.W. corner of their site for purposes of a small accessory vehicle sales area. They have frequently sold cars from their existing site as ana ancillary use to their primary operation. In order to utilize the adjoining city parcel, they have obtained a five year lease from the City subject to obtaining an overall rezoning of the entire site (including the leased area) to 'C2' commercial category. The rezoning will effectively legitimize both uses , which have been operating for years without complaint from neighbouring residents. The applicants will also be responsible for hard surfacing the leased parcel and any remaining portions of the site which are not currently paved. The site will also be properly fenced as per the agreement with the City. The existing approaches off of Niverville and St. Mary's Road will be maintained.

Analysis:

The applicants, DC Automotive currently operate a successful business on the subject corner with the occasional car sale and some vehicle display. However, the rezoning will remove the non conforming status and allow the uses to continue to operate legally. It will also permit the applicant to display several vehicles on the west side of his lot, on the narrow 26' wide area, he is leasing temporarily from the City. The area being leased is for future right-of –way purposes but will not, according to the Public Works Department, be required for many years. So, nothing in fact really changes, other than the site gets upgraded to some extent via this process. The existing automotive repair facility is an appropriate use of the subject land and is of such a scale that it does not pose a problem for adjoining businesses or residential properties.

Recommendation:

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

- The change in zoning will not essentially result in a change of use. The current use of the site will continue without its non conforming status and through the process, the site itself will be upgraded.

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 221/2007 dated July 10, 2007, to a "C2" Commercial 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 market value of the land.

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

Report Prepared by: Kevin Lalor
PPD File # 526

Schedule "A"

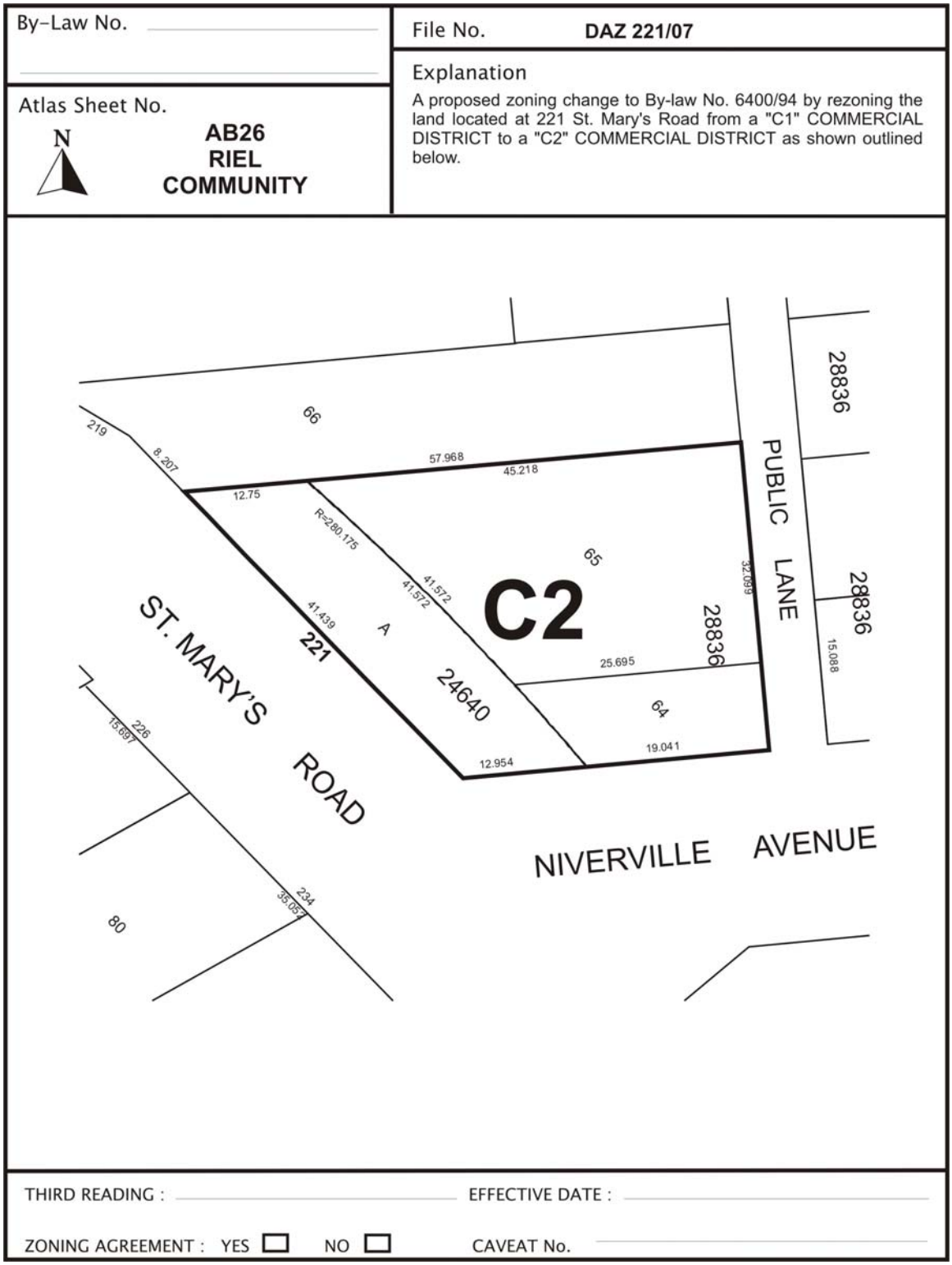

Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 221/2007, dated July 10, 2007.