Agenda - Council – November 21, 2007

Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 9 Rezoning - 1015 Notre Dame Avenue
(Point Douglas Ward)
File DAZ 229/2007 [c/r DCU 149655/2007D and DAV 149652/2007D]

STANDING COMMITTEE RECOMMENDATION:

On November 14, 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 shown on Schedule "A" for File DAZ 229/2007 dated October 12, 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.

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.

Report - Standing Policy Committee on Property and Development – October 30, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 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 October 30, 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 October 16, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1015 Notre Dame Avenue**
Files DAZ 229/2007 [c/r DCU 149655/2007D and DAV 149652/2007D]

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

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

Report date: **October 18, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 16, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service 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 229/2007 dated October 12, 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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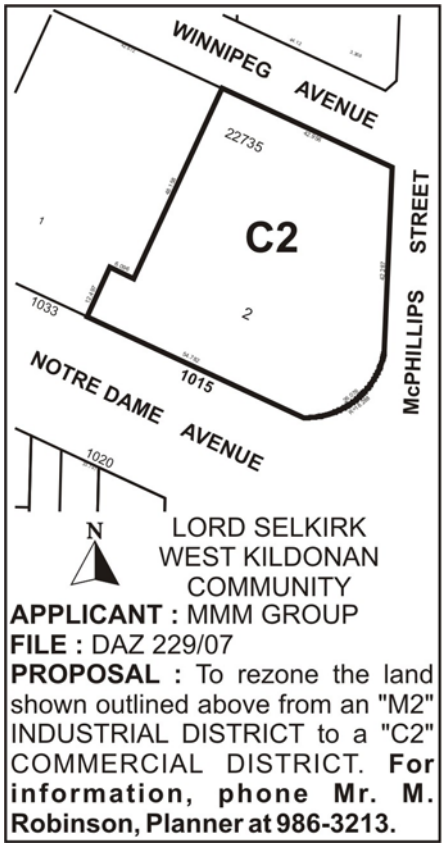
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5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The 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 comments of the Winnipeg Public Service contained in the report from the Planning and Land Use Division dated October 12, 2007.

PUBLIC HEARING SUMMARY

File:	DAZ 229/2007 [c/r DCU 149655/2007D and DAV 149652/2007D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	October 16, 2007 West Committee Room Council Building, 510 Main Street
Applicant:	MMM Group (Veronica Hicks)
Subject:	
Premises Affected:	1015 Notre Dame Avenue
Exhibits Filed:	1. Application dated September 7, 2007 2. Notification of Public Hearing dated September 20, 2007

3. Manitoba Status of Title 1022394
4a. Letter of authorization dated July 9, 2007 from Imperial Oil to Pioneer Petroleums Management Inc.
4b. Letter of authorization dated August 22, 2007 from Pioneer Petroleums LP to MMM Group
5a. Plan (1 page)
5b. Revised Plan (1 page)
6. Report from the Planning and Land Use Division dated October 12, 2007
7. Inspection Report

REPRESENTATIONS:

In Support:

Misty Sklar, MMM Group
Kerra Mruss, MMM Group
Rob Reid, Pioneer Petroleums

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

Misty Sklar, on behalf of the applicant, MMM Group, appeared in support of the application and indicated concurrence in the recommendations outlined in the report from the Planning and Land Use Division dated October 12, 2007.

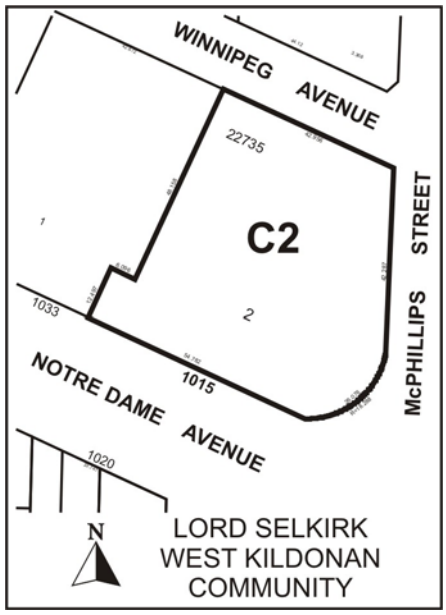
Exhibit "6" referred to in File DAZ 229/2007 [c/r DCU 149655/2007D and DAV 149652/2007D]

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: October 12, 2007
File: DAZ 229/2007
Related Files: DAV 07-149652/D, DCU 07-149655/D
Subject: Application to amend Zoning By-Law 6400/94 by rezoning a portion of the subject lands from an "M2" Industrial District to a "C2" Commercial District
Location: 1015 Notre Dame Avenue



Applicant: Veronica Hicks (MMM Group)
Owner: Imperial Oil Limited
Recommendation: Approval

Report Summary:

- The subject property is currently zoned both "M2" Industrial and "C2" Commercial.

- The applicant is proposing the establishment of a gas bar, convenience store, and drive-thru restaurant. The existing car wash is to remain.
- The proposed uses are all permitted or conditional in the "C2" Commercial District
- The Planning and Land Use Division believes that the proposed zoning and uses are appropriate for this site
- The Planning and Land Use Division recommends approval.

Site Description

The subject property, which is currently zoned "C2" Commercial and "M2" Industrial, is located at the northwest corner of McPhillips Street and Notre Dame Avenue in the Pacific Industrial neighbourhood of the Point Douglas ward.

North: Commercial use zoned "C2" Commercial
South: Commercial uses zoned "C1" Commercial
East: Commercial use zoned "C2" Commercial
West: Commercial use zoned "C2" Commercial and "M2 Industrial

Description of the Proposed Development

The proposed redevelopment of the site includes the removal of all existing facilities with the exception of the carwash building, which is to remain at the north end of the site. A new gas bar with six fuelling positions and a convenience store will be constructed in the south half of the site. Six parking spaces will be provided adjacent to the convenience store.

The single story convenience store will be approximately 1,540 square feet in size and will include retail space for Tim Horton's. The store will include a Tim Horton's walk-up counter; however, no seating will be provided. A drive-thru aisle and queuing space for approximately 15 vehicles will be provided on site.

Analysis

Plan Winnipeg
Under Plan Winnipeg 2020, the subject property is located 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
The proposed development is at a major commercial intersection. In light of this, the proposed zoning and associated uses are appropriate for this location.

Transportation and Site Access
Existing McPhillips and Notre Dame Avenue access to the site will be maintained and includes a right-in from southbound McPhillips Street and a separate right-in and right-out off westbound

Notre Dame Avenue. There is also a drive aisle at the south end of the site that allows direct access to the adjacent development to the west. The existing access on Winnipeg Street will be closed as it interferes with the proposed drive-thru location.

The applicant has submitted a traffic impact study which has been reviewed by Public Works, Transportation Engineering Division. They have indicated that they have no objections with the proposed plans or the rezoning application.

Recommendation

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

- The proposed uses are compatible with the area
- The proposed uses will not have an adverse impact on adjacent properties
- The proposed zoning is the most appropriate for the site, given its location at the intersection of two regional streets
- The Winnipeg Public Service is satisfied that traffic will not be unduly impacted by the proposed development

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 229/2007 dated October 12, 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: Michael Robinson, AICP

Schedule "A"

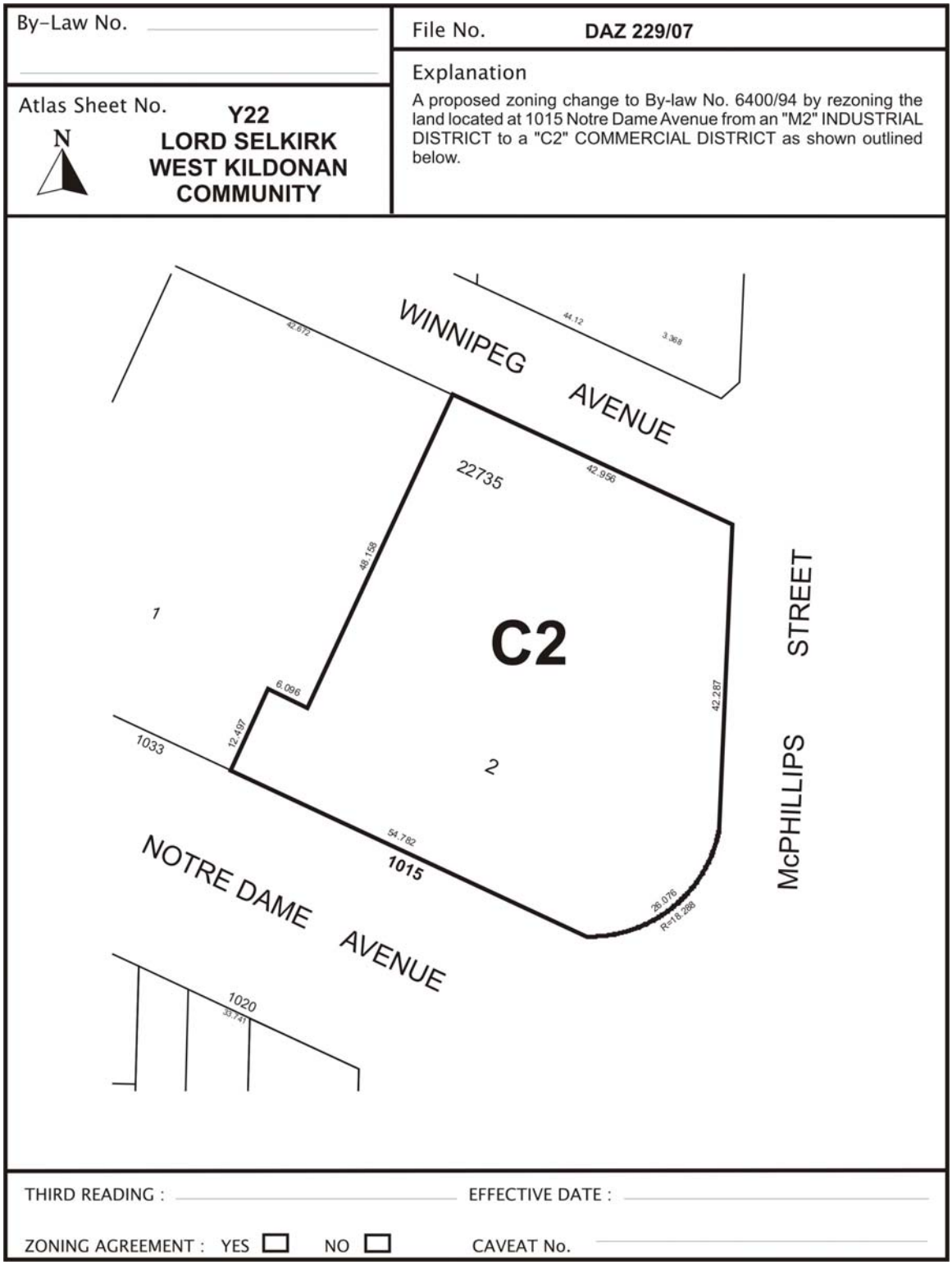


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DAZ 229/2007, dated October 12, 2007.

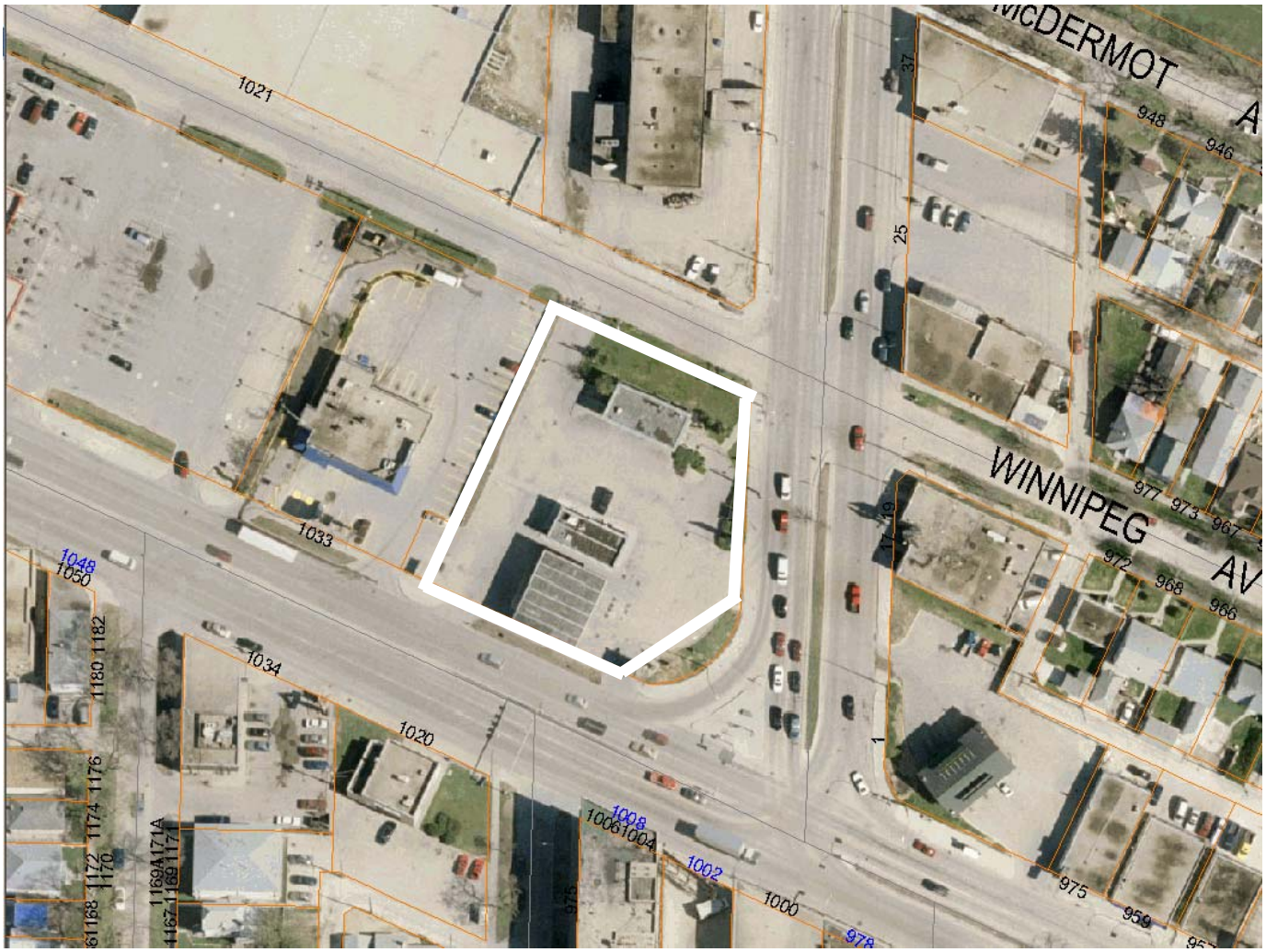


Figure 1: Aerial Photo (Flown in 2005)