Minute No. 44
Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 4 **Subdivision and Rezoning - 703 - 707 Sara Avenue**
(Fort Rouge - East Fort Garry Ward)
File DASZ 14/2007

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 14/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2007, dated September 18, 2007, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2007, dated September 18, 2007, to an "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 mobile and temporary signs shall not be permitted.
      ii. That illuminated signage shall not be permitted.
      iii. That the site be redeveloped and maintained in substantial conformity with the plan submitted and identified as Exhibit 9.

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

COUNCIL DECISION (continued):

6. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been registered in the Winnipeg Land Titles Office and the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

8. That, in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. 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:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 City Centre 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 City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 2, 2007, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 703 - 707 Sara Avenue**
File DASZ 14/2007 [c/r DAV 145264/2007D]

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

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

Report date: **October 5, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 2, 2007, the City Centre 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 plan of subdivision proposed under File DASZ 14/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2007, dated September 18, 2007, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 14/2007 dated September 18, 2007, to an "C1" Commercial District, subject to the following:

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4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been registered in the Winnipeg Land Titles Office and the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

8. That, in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. 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 appropriate development for the neighbourhood.

PUBLIC HEARING SUMMARY

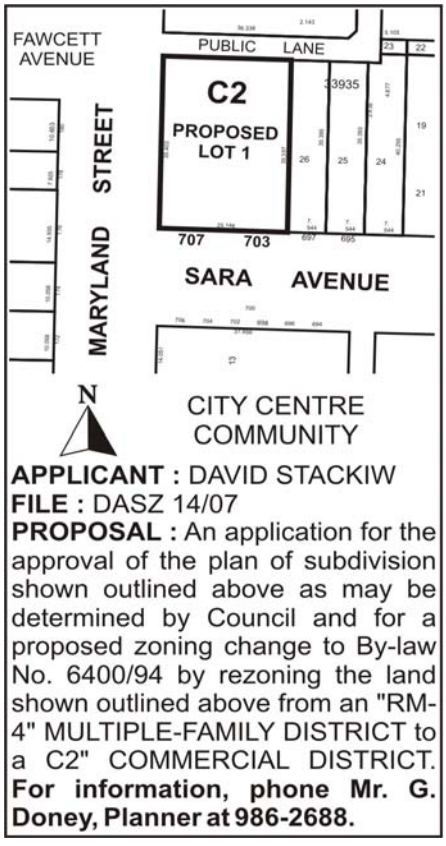
File: DASZ 14/2007 [c/r DAV 145264/2007D]

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

Public Hearing: October 2, 2007
North Committee Room
Council Building, 510 Main Street

Applicant: David Stackiw

Subject:



Premises Affected: 703 - 707 Sara Avenue

Exhibits Filed: 1. Application dated August 9, 2007

2. Notification of Public Hearing dated August 17, 2007
3. Manitoba Status of Titles 2050373 and 2117155
4. Letter of authorization dated April 12, 2007 from Rosa Anna Stackiw to David Stackiw
5. Surveyor's Building Location Certificate and sketch dated April 26, 2007
6. Site Plan
7. Report from the Planning and Land Use Division dated September 18, 2007
8. Inspection Report
9. Revised Site Plan

REPRESENTATIONS:

In Support:
David Stackiw

In Opposition
Nil

For Information:
Nil

For the City:
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant David Stackiw appeared in support of the application and gave a brief overview on the proposal.

Exhibit "7" referred to in File DASZ 14/2007 [c/r DAV 145264/2007D]

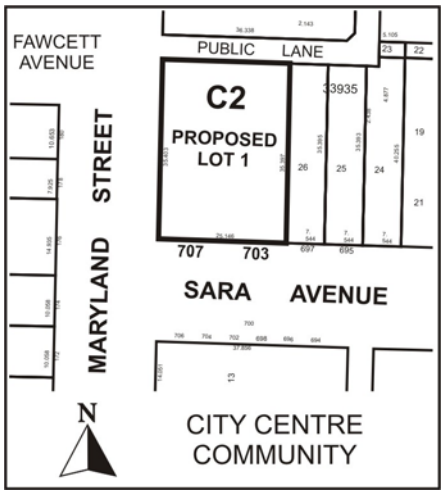
Winnipeg

Planning, Property and Development Department Report

To City Centre Community Committee

Date: September 18, 2007
File: **DASZ 14/07**
Related Files: DAV 07-145264/D
Subject: To subdivide the land shown below to consolidate into one lot and to rezone the land shown outlined below from an "RM-4" Multiple-Family District to a "C2" Commercial District.

Location: 703-707 Sara Avenue
Legal Description: Lots 27 and 28 Plan 33935 WLTO in RL 79 Parish of St. James



Applicant: David Stackiw
Owner: Rosa Anna Stackiw

Recommendation: *Approved with conditions*

Site Description

The subject site is located at the northeast corner of Sara Avenue at Maryland Street and is in the West Broadway Neighbourhood of the Daniel McIntyre Ward. The site is zoned "RM-4" Multiple-Family District. At the western corner of the site (707 Sara) is a one-storey commercial building. Next door to the east (703 Sara) is a vacant site that previously housed a residential dwelling demolished by order of the District Inspector in 2005. The commercial building has non-conforming rights as an established dental office. Surrounding properties are predominantly low- to medium-density multiple-family (zoned "RM-4"). Properties to the east fronting on Sherbrook Street are zoned commercial ("C1.5").



Subject site: aerial photo flown 2005.

Description of the Proposed Development

The applicant proposes to expand the dental office onto the vacant property to the immediate east by consolidating the two properties and constructing a one-storey addition. In order to do so, the entire site must be rezoned to an appropriate commercial district. According the applicant's letter of intent, since they have increased the number of dentists to three, their space has proven insufficient. The nature and extent of their practice will not change with the addition.

Under DAV 07-145264/D, the applicant seeks relief from the front and side yard requirements for the new addition and accessory parking respectively. In addition, a maintenance variance for the front setback of the existing structure is required.

Analysis
West Broadway is designated "Neighbourhood" under *Plan Winnipeg*. This designation accommodates a variety of residential, commercial, institutional, and parks & recreation uses. The subject property is at the boundary between the West Broadway and Wolseley Neighbourhoods. Both of these neighbourhoods are characterized by a mix of residential and commercial uses that contribute to neighbourhood self-sufficiency.

This block of Sara spans between two major traffic arteries. Only two other buildings on this street (both residential) have frontage on Sara Avenue. The rest front onto either Sherbrook or Maryland Street. While Sherbrook Street is the focus for commercial activity in this neighbourhood, a number of corner locations along Maryland Street also have commercial uses. While there is no intent to see Maryland Street convert into a commercial street, its level of vehicular and pedestrian traffic makes limited neighbourhood commercial appropriate. A dental office on the subject property has served the community since 1979. The proposed zoning change is largely intended to legitimize a use that is already well integrated in the neighbourhood.

In order to ensure compatibility of use, scale and character, the Planning and Land Use Division recommends rezoning to "C1" Local Commercial District instead of the "C2" Intensive Commercial District requested, along with a Zoning Agreement. The proposed site plan, with adequate parking at the rear of the site and building access from both the parking lot and the sidewalk, is the ideal configuration for a commercial property in a pedestrian-oriented neighbourhood. The Zoning Agreement is intended to ensure that the proposed redevelopment and any future use of the subject property are sensitive to the established residential uses along Sara Avenue and Maryland Street.

Recommendation
Planning and Land Use Division recommends the subject site be rezoned to "C1" Local Commercial District for the following reasons:

- The proposal is consistent with *Plan Winnipeg*;
- The redevelopment of the vacant 703 Sara Avenue will add vitality to the neighbourhood.
- The proposal will preserve and enhance a valued neighbourhood service.
- The scale of the proposed development is consistent with the character of the neighbourhood.

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

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 14/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 14/07, attached hereto and dated September 18, 2007, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 14/07, attached hereto and dated September 18, 2007, to an "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 mobile and temporary signs shall not be permitted.

ii. That illuminated signage shall not be permitted.

iii. That the site be redeveloped and maintained in substantial conformity with the plan submitted and identified as Exhibit __.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been registered in the Winnipeg Land Titles Office and the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

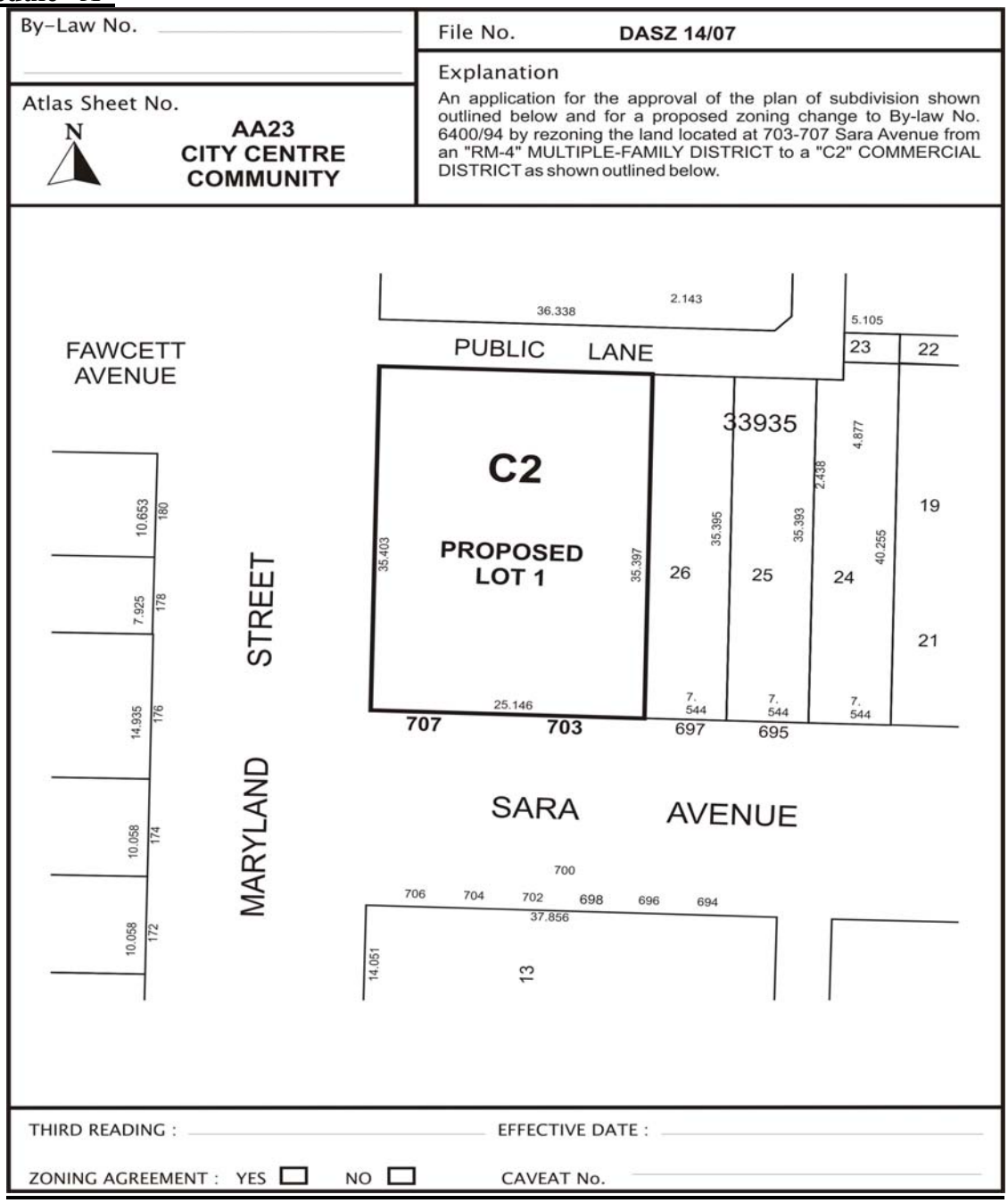
VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. 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

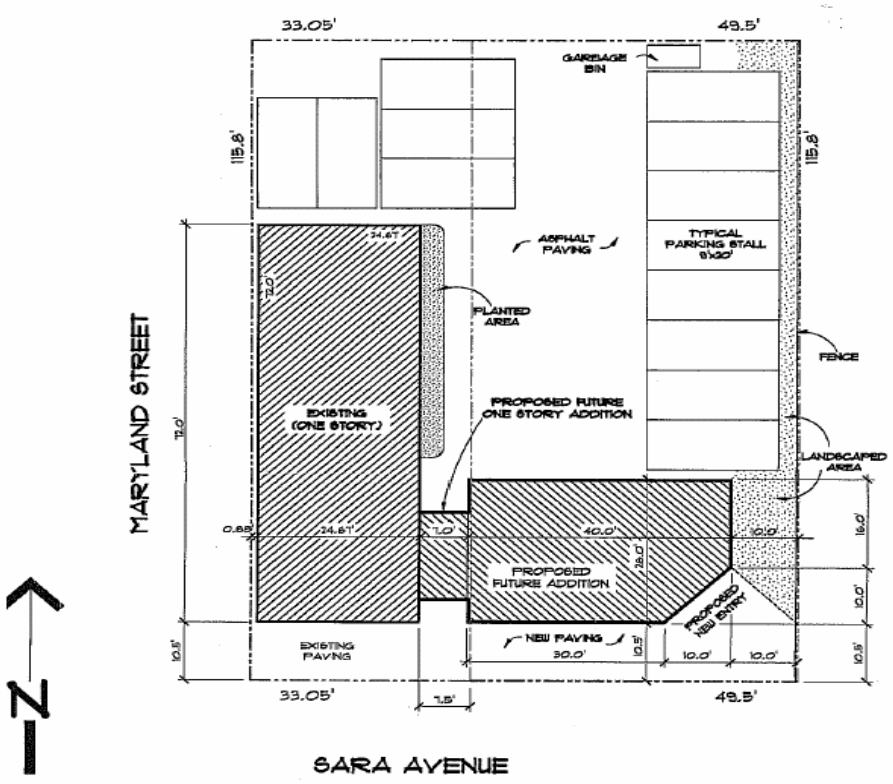
Report Prepared by: Glen Doney
PPD File # DASZ 14/07

Schedule "A"



Schedule "A" to the report to City Centre Community Committee for file # DASZ 14/07dated September 18, 2007.

Exhibit "9" referred to in File DASZ 14/2007 [c/r DAV 145264/2007D]



PHASE 2
707 SARA AVENUE

SITE PLAN

SCALE 1" = 20'-0"

Revised.

DEVELOPMENT EXAMINATION BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV07-145264
SHEET # 1 OF 1
APPLICANT (SGD.)
DEV. EXAM.
DATE Oct 1/07

THIS IS EXHIBIT "9" REFERRED TO
IN FILE NO. DASZ 14/07
DATED THIS 2nd day of October 2007
CLERK