Agenda - Council - April 23, 2008

Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 13 Subdivision and Rezoning - 1927 St. Mary's Road and 70 Alburg Drive (St. Norbert Ward) File DASZ 1/2008

STANDING COMMITTEE RECOMMENDATION:

On April 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits to Council that the application for subdivision and rezoning under File DASZ 1/2008 not be proceeded with.

Report - Standing Policy Committee on Property and Development - March 25, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, 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 March 17, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 1/2008 not be proceeded with.

RE: **Subdivision and Rezoning - 1927 St. Mary's Road and 70 Alburg Drive File DASZ 1/2008**

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

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

Report date: **March 18, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 17, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 1/2008 not be proceeded with.

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 of the Planning and Land Use Division dated March 10, 2008.

PUBLIC HEARING SUMMARY

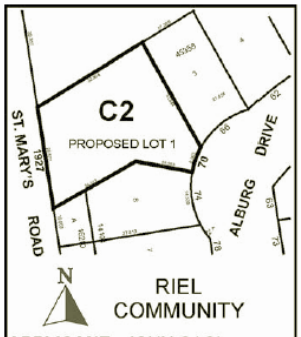
File: DASZ 1 /2008

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: March 17, 2008
Council Chamber, Council Building
510 Main Street

Applicant: John Caci

Subject:



APPLICANT : JOHN CACI
FILE: DASZ 1/08
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-5" RESIDENTIAL DISTRICT and a "C1.5" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and to withdraw the existing zoning agreement and replace it with a new agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : JOHN CACI
N° DE RÉFÉRENCE : DALZ 1/08
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-5 (Secteur rÉSidentiel) et C1.5 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL), et à abroger la convention de zonage existante par une nouvelle convention de zonage. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1927 St. Mary's Road and 70 Alburg Drive

Exhibits Filed:

1. Application dated January 30, 2008
2. Notification of Public Hearing dated February 15, 2008
3. Manitoba Status of Titles 2173374, 2173376
4. Surveyor's Building Location Certificate and sketch dated October 11, 1974
5. Caveat No. 3336343
6. Variance Order DAV 140048/2005D
7. Site Plans (3 pages)
8. Report from the Planning and Land Use Division dated March 10, 2008
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Caci

In Opposition

Donna Thordarsun

For Information:

Brenda Myall and Carter Trim

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 1/2008]

Winnipeg

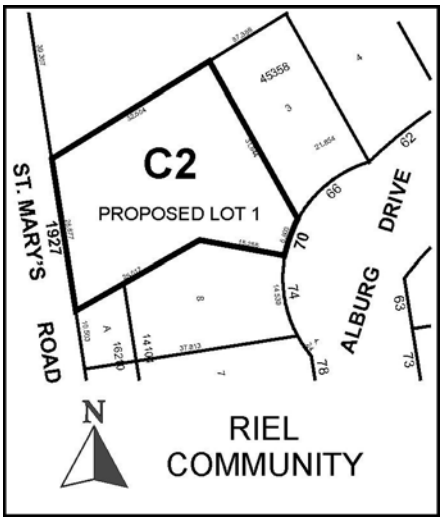
Planning, Property and Development Department Report

To the Riel Community Committee

Date: March 10/08
File: DASZ 1 /08
Related Files: DASZ 32/05

Subject: The purpose of the subject application is to consolidate two adjoining lots and expand an existing "C2" Commercial site into the adjacent residential area.

Location: 1927 St. Mary's Road
Legal Description: Lots 1 & 2, Plan 45358



Applicant: John Caci

Owner: Same as above

Recommendation: Recommend denial

Site Description:



The subject property is on the east side of St. Mary's Road south of Britannica Road. It is bounded to the north by a small commercial mall zoned "C2"; to the east and south by an established residential community built in the mid 1980's and zoned " R1-M" single family under the new zoning by-law. Part of the subject property requested for rezoning has frontage on Alburg Street which is a residential street with access to Paddington Road. Lands to the west of St. Mary's Road are a mix of businesses and large lot residential zoned "R1-M" single family.

Background:

By-Law No. _____

File No. **DASZ 32/05**

Atlas Sheet No.

N

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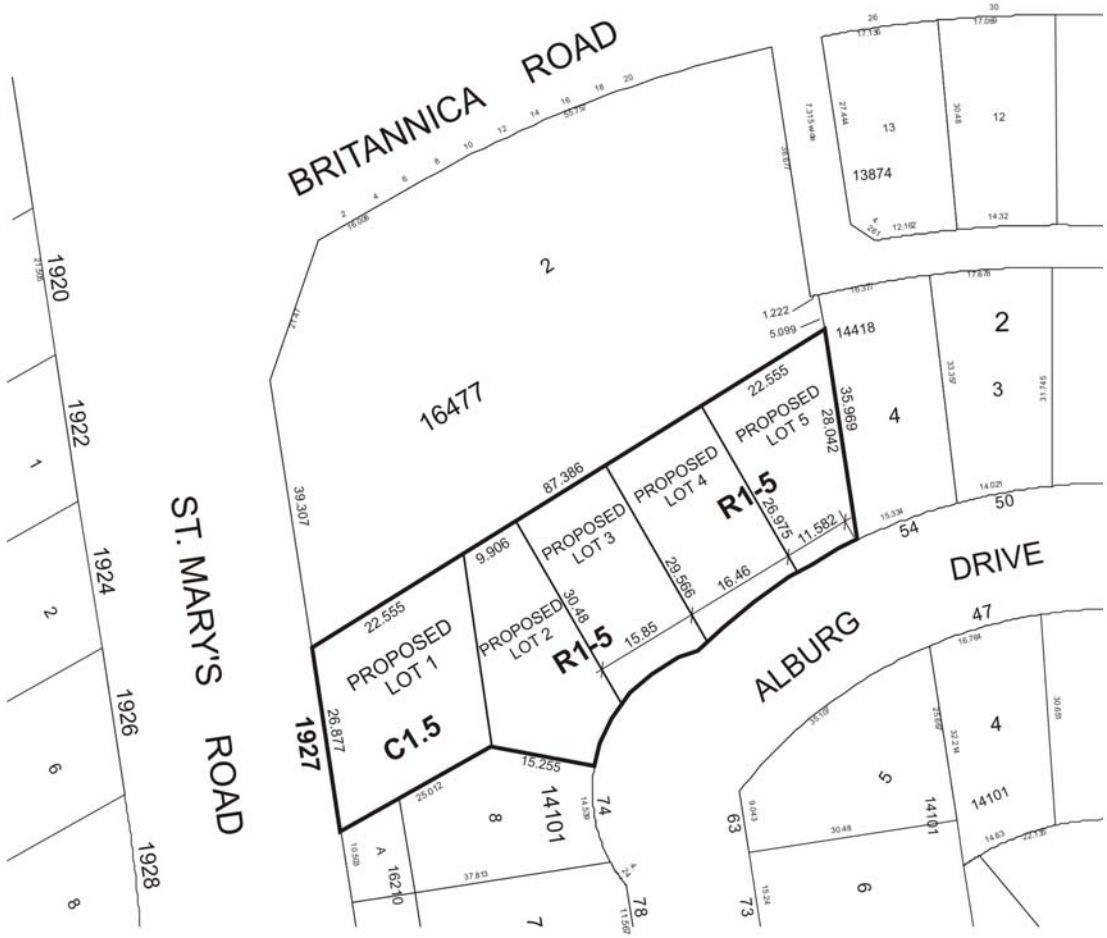
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1927 St. Mary's Road from an "A.5" AGRICULTURAL DISTRICT to an "R1-5" RESIDENTIAL DISTRICT and a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Under a previous application, DASZ 32/05, the owner, Mr. Caci , made application to rezone and subdivide his 26,000 sq. ft. agricultural property into four (4) residential housing lots and a commercial lot with direct access to St. Mary's Road (see above ad) . All four of the residential lots were to be a minimum of 5,000 sq. ft in area, which would ensure that they were in character with the existing lots along Alburg Street. The commercial component/ would have an area of 6200 sq. ft. and would be zoned "C1-5" Neighbourhood Commercial. The proposed commercial building was to be two stories in height with eight (8) parking stalls. The application was ultimately approved after some debate with adjoining residential property owners over the size and layout of the proposed commercial site. Everyone welcomed the creation of infill housing lots which basically completed the street plan. It should be noted that the "C1-5" zoning was replaced by " C2" zoning under the new by-law 200/2006.

Description of the Proposed Development:

The applicant, Mr. Caci, has now made application to expand his existing commercial site with the most westerly of the residential lots previously approved under DASZ 32/05. That lot has remained vacant, while construction has occurred on the other housing lots. The applicant proposes to consolidate the remaining residential lot with his commercial property and rezone the residential property to a "C2" category. By doing so, he will have effectively doubled the size of the commercial area, thereby allowing for a broader range of uses with room for significantly more parking. There is no indication, at this time, who the prospective tenants of the expanded site might be, if the subject application is approved. In its adjusted configuration, the proposed commercial lot will have frontage on Alburg Street.

Analysis:

It is the opinion of the Planning & Land Use Division that the proposed expansion of the existing site to include a previously approved vacant residential lot would not be an appropriate use of the land in question. It is strongly felt, by this Department, that 1) a further encroachment of commercial development into the existing residential neighbourhood would not be in the interests of that neighbourhood and would greatly impact on the residents who live there and 2) the removal of a housing lot in the middle of a residential subdivision to accommodate commercial development , of any type, would be contrary to the City's mandate to support infill housing whenever and where ever there is opportunity to do so. During the previous hearing in 2005, a fair compromise was arrived at which allowed for orderly development and which allowed for the owner, Mr. Caci to also make use of his St. Mary's frontage land for commercial purposes. There is no good reason, in our view, why that decision should be amended or changed.

Recommendation

The Planning and Land Use Division therefore recommends **denia**l of the proposed rezoning and subdivision for the following reason:

- The proposed rezoning and subdivision is not deemed to be compatible with the adjoining residential neighbourhood and is contrary to the policies of Plan Winnipeg.

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

Report Prepared by: Kevin Lalor
PPD File # .529