Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 8 Rezoning - 2124 Pembina Highway
(St. Norbert Ward)
File DAZ 204/2008

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2008 dated April 14, 2008, 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 the hours of operation of the subject business be limited to 8:00 a.m. to 10:00 p.m. Monday to Sunday.

        ii. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That the use of the subject site shall be limited to:

            a. a commercial teahouse business with an overall area not to exceed 1,051 square feet; and

            b. a residential dwelling with garage and accessory uses not to exceed 2,408 square feet in total area.

Report - Standing Policy Committee on Property and Development - April 29, 2008

iv. That there shall be no mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

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 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.

Agenda - Executive Policy Committee - May 7, 2008

Report - Standing Policy Committee on Property and Development - April 29, 2008

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 29, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendment, namely:

- Amend Recommendation 1. A. by adding the following:

    iv. That there shall be no mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Add the following new Recommendation 1. A. iii.:

    1.A.iii. That the use of the subject site shall be limited to:

        a. a commercial teahouse business with an overall area not to exceed 1,051 square feet; and

        b. a residential dwelling with garage and accessory uses not to exceed 2,408 square feet in total area,

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 2124 Pembina Highway**
File DAZ 204/2008

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

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

Report date: **April 22, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2008 dated April 14, 2008, 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 the hours of operation of the subject business be limited to 8:00 a.m. to 10:00 p.m. Monday to Sunday.

        ii. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        iii. That the use of the subject site shall be limited to:

            a. a commercial teahouse business with an overall area not to exceed 1,051 square feet; and

            b. a residential dwelling with garage and accessory uses not to exceed 2,408 square feet in total area.

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 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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 April 14, 2008.

PUBLIC HEARING SUMMARY

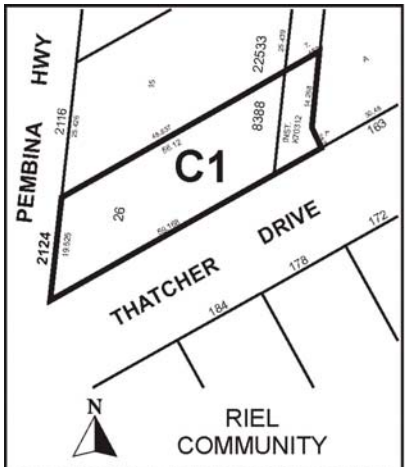
File: DAZ 204/2008

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: April 21, 2008
Council Chamber
Council Building, 510 Main Street

Applicant: Jump Consulting

Subject:



APPLICANT: JUMP CONSULTING
FILE: DAZ 204/08
PROPOSAL: To rezone the land shown outlined above from an "R1-L" RESIDENTIAL DISTRICT to a "C1" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: JUMP CONSULTING
N° DE RÉFÉRENCE : DAZ 204/08
PROJET : Modifier le zonage du bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R1-L (SECTEUR RÉSIDENTIEL) à la catégorie C1 (SECTEUR COMMERCIAL). . **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 2124 Pembina Highway

Exhibits Filed:

1. Application dated February 28, 2008
2. Notification of Public Hearing dated March 7, 2008
3. Manitoba Status of Title 2107158
4. Letter of authorization dated January 16, 2008 from Hossam El-Harouni to Youngho Kim and Jeong-Sun Cho
5. Plan
6. Site Plan
7. Report from the Planning and Land Use Division dated April 14, 2008
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sam Elharouni
Young Ho Kim
Jong Won Lee
John Prystanski

In Opposition

Candace J. Katsaronas
Lindsay and Shirley Layne

For Information:

William Philip
M. R. Raghuveer
Wes and Eileen Swail

For the City:

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

Exhibit "7" referred to in File DAZ 204/2008]

Winnipeg

Planning, Property and Development Department Report

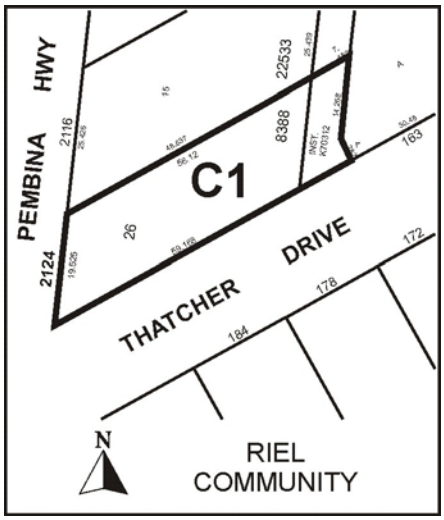
To the Riel Community Committee

Date: April 14/ 2008
File: DAZ 204/ 2008
Related Files: N/A

Subject: The purpose of the application is to rezone the subject land from an "R1-L "Residential District to a "C1" Commercial District to facilitate a tea house and residence.

Location: 2124 Pembina Highway

Legal Description: Lot 26, Plan 8388, Public Land PL 3219



Applicant: JUMP Consulting

Owner: Hossam El -Haraune

Recommendation: *Approval*

3106

Site Description:



The subject lot is approximately 12,400 sq. ft. in area and lies at the N.E. corner of Thatcher Drive and Pembina Highway. It is zoned "R1-L" Single Family and is occupied with a 718 sq. ft. dwelling unit and rear garage. To the immediate north is a multi-tenant commercial business zoned "C2"Commercial with front parking. To the east along Thatcher Drive is an established residential neighbourhood zoned "R1-L" Single Family. Average lot size is 8400 sq. ft. At the S.E.corner of Thatcher Drive is a Commercial business, zoned "C1" and established within the last ten years. It has restricted access to Pembina Highway. To the west of Pembina Highway is a mix of retail and restaurant businesses zoned "C3" commercial. Just south of the Thatcher residential area is the Southwood Golf Course.

Description of the Proposed Development:

The applicants, if successful, are proposing to add 1051 sq. ft. of floor space on the west side of the existing building for purposes of a tea-room. An additional 1200 sq. ft. will be added to the

rear of the existing dwelling in order to expand the residential living area. The applicants intend to live in the dwelling and operate the proposed new business. While the tea house may provide some marginal seating, the intent is generally to provide take –out for passing motorists or local residents. Therefore it is felt that the parking provided at the front of the new structure will be adequate. Resident parking will be accommodated at the rear of the building and will be accessed by the current approach off of Thatcher Drive. No large delivery vehicles will be needed to deliver supplies. All delivery will done by the property owner via his private garage. It is anticipated that there will not be more than 2-3 customers in the business at any one time.

Analysis:

There have numerous inquiries over the years regarding the re-development of the subject property for either multiple family or commercial purposes. In most cases, the proposals would have constituted a significant over development of the site and the Planning Department clearly indicated that there would be little support for proposals for high intensity and/or incompatible uses on the subject property from either the Administration or the adjoining neighbourhood. This in part, was based on past experience, specifically the re-development of the S.E. corner of Thatcher Drive and Pembina Highway a number of years ago. That turned out to be a successful process, but only after much consultation with the neighbourhood and many modifications to the plan. The current applicants have, we believe, come forward with a proposal which is relatively low profile in nature, will not generate much commercial activity on the site and is sensitive to the neighbourhood character by not only maintaining the existing dwelling but upgrading it. From our perspective, what is being proposed is probably the highest and best use of the property as the property is not particularly ideal for continued residential but at the same time is not large enough to accommodate most commercial businesses. A suggested mix of home and small business seems ideal from a land use standpoint. The scale of the project will probably have little or no adverse impact on the surrounding neighbourhood. The upgrade to the existing residence, may actually, increase the value of adjoining properties. The parking management plan submitted is, in all likelihood, adequate in this circumstance, because of the nature of the business which is more take out than sit down oriented.

Recommendation:

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

- The proposed use of the property (a mix of single family residential/ low intensity commercial) seems to be the highest and best use for a parcel of land of this size and at this location.

Recommended Conditions of Approval:

1. That The Winnipeg Zoning By-law 200/06 be amended by rezoning the subject land as shown on Schedule “A” for File DAZ 204/2008 dated April 14, 2008, 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 the hours of operation of the subject business be limited to 8:00 A.M. to 10:00 P.M. Monday to Sunday.

   ii. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the **Riel** Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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.

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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: Kevin Lalor
PPD File # DAZ 204/2008

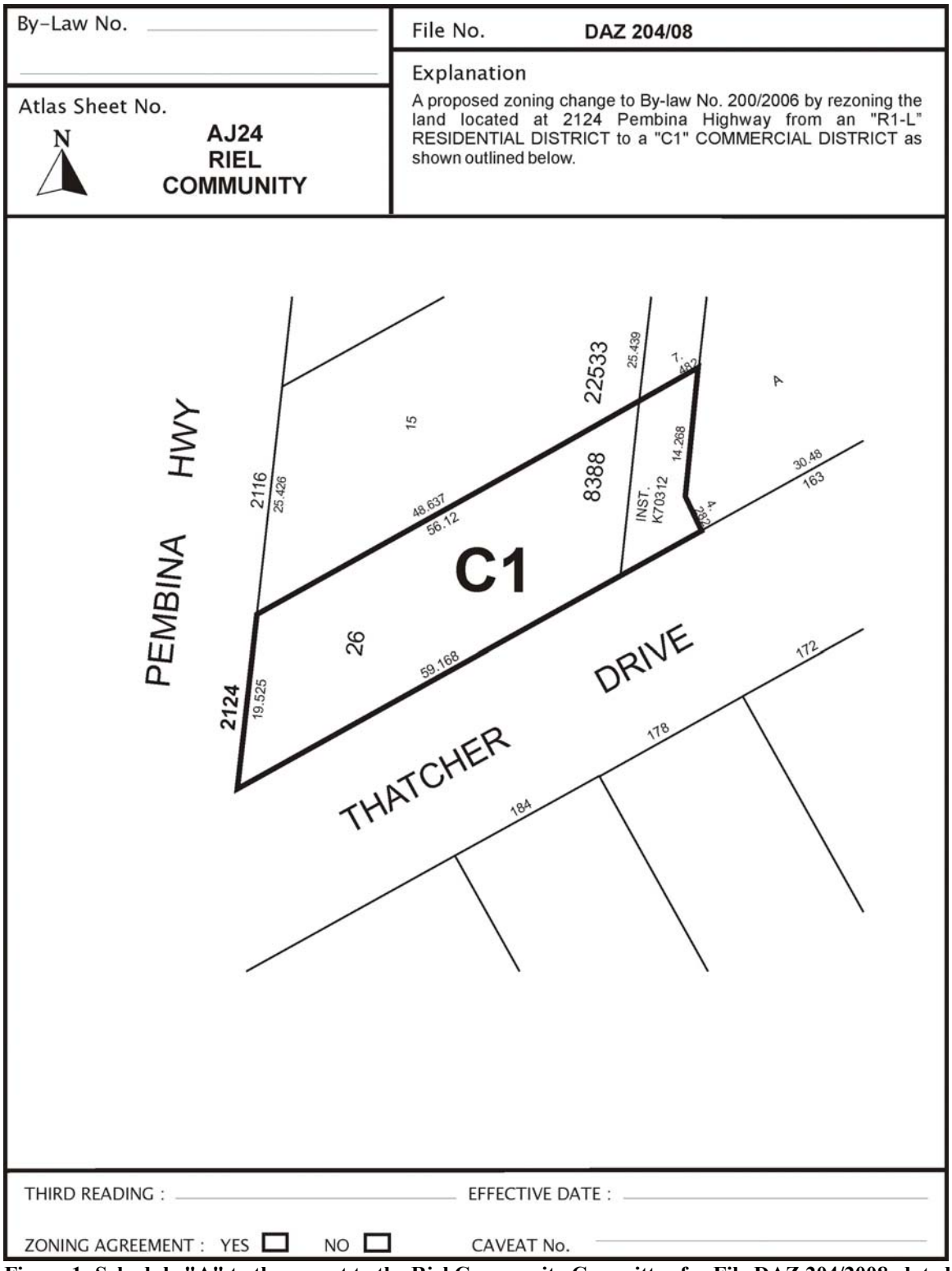

Figure 1: Schedule "A" to the report to the Riel Community Committee for File DAZ 204/2008, dated April 14, 2008.