Agenda - Council - September 24, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 13 Zoning Agreement Amendment - 157 St. Anne's Road (St. Vital Ward) File ZAA 8/2008

STANDING COMMITTEE RECOMMENDATION:

On September 17, 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 the following to Council:

1. That the Zoning Agreement under File DAZ 255/1987 dated September 27, 1989 (By-law No. 4828/88) be amended as follows:

    A. That Clauses 3 and 4 be deleted in their entirety.

    B. That Clause 2 be amended such that the service and repair of dirt bikes and other cycles also be added to the list of permitted uses on the land.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 255/87 (By-law No. 4828/88) as approved in Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 - September 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 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 September 2, 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 June 23, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 157 St. Anne's Road**
File ZAA 8/2008

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

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

Report date: **June 25, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 23, 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:

1. That the Zoning Agreement under File DAZ 255/1987 dated September 27, 1989, (By-law No. 4828/88) be amended as follows:

   A. That Clauses 3 and 4 be deleted in their entirety.

   B. That Clause 2 be amended such that the service and repair of dirt bikes and other cycles also be added to the list of permitted uses on the land.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 255/87 (By-law No. 4828/88) as approved in Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 of the Planning and Land Use Division dated June 16, 2008.

PUBLIC HEARING SUMMARY

File: ZAA 8/2008

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

Public Hearing: June 23, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: Capitol Motorsports Ltd. (David Rand)

Subject:



Premises Affected: 157 St. Anne's Road

Exhibits Filed:

1. Application dated May 7, 2008
2. Notification of Public Hearing dated May 12, 2008
3. Manitoba Status of Title 1533537
4. Zoning Development Information
5. Caveat dated August 7, 1990
6. Site Plan
7. Report from the Planning and Land Use Division dated June 16, 2008
8. Inspection Report
9. Communication dated May 5, 2008, from Bryon Gaber, Euphorbia Plants and Flowers Ltd., in support of the application
10. Communication dated June 16, 2008, from Steve Corrigal, President, Old St. Vital BIZ, in support of the application
11. Communication dated June 16, 2008, from Frank Spivac, President, FAVS Investments, in support of the application
12. Communication dated June 20, 2008 from Angela Bunkowsky, Windsor Park Collegiate, in support of the application
13. Audio Recording of representations of public hearing held on June 23, 2008

REPRESENTATIONS:

In Support:

Theresa Nadon and Kurtis Ross
David and Rachel Rand
Richard Robert
Marc Thomas
Roland and Darlynne Trudeau

In Opposition

Searle Copsey
George and Arlette Schamber

For Information:

Maxine Armstrong

For the City:

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

Exhibit "7" referred to in File ZAA 8/2008

Winnipeg

Planning, Property and Development Department Report

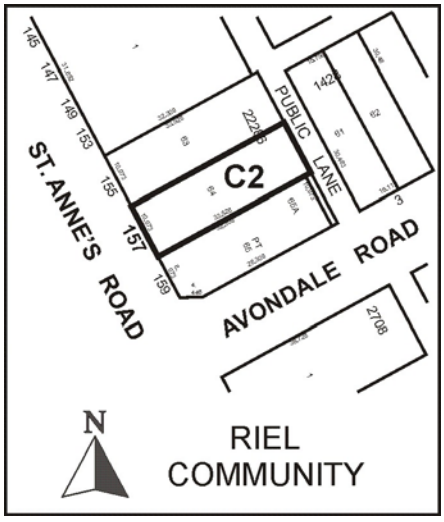
To the Riel Community Committee

Date: June 16/08
File: ZAA 8 /2008
Related Files: DAZ 255/87

Subject: The object of the subject application is to withdraw the original zoning agreement in order to permit the establishment of a new use on the premises at 157 St. Anne's Road. The original agreement restricted use of the site to retail bike sales and repair.

Location: 157 St. Anne's Road

Legal Description: Lot 64, Plan 22286, in RL 109, 111 & 112, Parish of St. Boniface



Applicant: Capital Motorsports Ltd.

Owner: Same as above

Recommendation: Approve with Conditions

Site Description:



The property in question is to the north and south with a range of 'C2" Commercial use. A single lot adjoining immediately to the north and occupied with a residence is zoned " RMF-S" Multiple Family. To the east of the rear lanes is an established neighbourhood zoned "R1-M" Single Family. West of St. Anne's, the properties are generally all zoned "C2" Commercial.

Background:

In 1987, Woodcock Cycle applied to rezone the subject property from a residential category to a commercial 'C2'designation in order to establish a cycle repair and sales shop. It entailed the conversion of an existing older dwelling on a relatively small lot and because of some concerns registered by the adjoining neighbour, a restrictive zoning agreement was imposed limiting use of the land essentially to a cycle and repair shop. There was also a final plan approval clause and a additional clause indicating that no free standing signage should be permitted on the land.

Description of the Proposed Development:

The applicants wish to essentially move their existing motosport operation from 539 St. Mary's Road to St. Anne's Road and continue to utilize the subject building for the retail sales and repair of dirt bikes in addition to bicycles. Capitol Motosports mainly sells apparel, aftermarket parts and accessories, safety equipment and other merchandise related to dirt and street bikes. The sales component will continue to be operated at the font of the building; service and repair in the rear portion, in the area formerly used by Woodcock for the same purposes. Hours of operation would be 9 am-8 pm (Monday and Thursday) 9 am- 6 pm(Tuesdays , Wednesdays and Fridays) and 10 am-5 pm (Saturday). Sunday the building is closed.

Analysis:

There is nothing onerous, in our opinion, about the marginal conversion of the use of the building from cycle sales and repair to cycle and dirt bike sales and repair. The scale of the operation is small and the applicants have assured us that all repair work will be conducted indoors in a sound proof facility. However , in order to establish, they do need a fundamental amendment to the old agreement. While we will not be endorsing a complete removal/ rescinding of the original agreement (as requested by the applicant) which we consider to be premature at this stage, we will be supporting several changes to the original agreement, specifically recommending that 1) the service and sales of dirt bikes and other types of bikes currently serviced by Motosport be added to the list of permitted uses (clause 2.i) and that those uses be allowed to be conducted in any buildings on site -thereby eliminating the need for clause 3. in the agreement. We will also be recommending that clause 4. of the agreement restricting a free standing sign at the front of the property is no longer necessary and should be deleted. The hours of operation appear to be adequate and consistant with similar operations along St. Anne's Road.

Recommendation:

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

- The proposed business is of a scale that should not have any added adverse impact on adjoining properties.

Recommended Conditions of Approval

1. That Zoning Agreement under File DAZ 255/1987 dated September 27/89 (By-law 4828/88), be amended as follows:

   A. That Clauses 3 & 4 be deleted in their entirety.

   B. That Clause 2 be amended such that the service and repair of dirt bikes and other cycles also be added to the list of permitted uses on the land.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 255/87 (By-Law No. 4828/88) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. 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 # .506

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