Minute No. 585
Report - Executive Policy Committee - September 3, 2008

Item No. 8 **Subdivision and Rezoning - 4 St. Mary's Road and 288 Lillian Avenue (St. Boniface Ward)**
File DASZ 15/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 15/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 7, 2008, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2008 dated July 7, 2008, to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. 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.

3. 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.

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

Report - Executive Policy Committee - September 3, 2008

COUNCIL DECISION (continued)

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 - Executive Policy Committee - September 3, 2008

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 3, 2008, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - 4 St. Mary's Road and 288 Lillian Avenue File DASZ 15/2008 [c/r DCU 115395/2008D]**

For submission to: **Executive Policy Committee**

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

Report date: **July 16, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 15/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated July 7, 2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15 /2008 dated July 7, 2008, to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. 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.

3. 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.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 business is a quality operation with a long history in St. Boniface and the expansion and investment in the community is welcome.

PUBLIC HEARING SUMMARY

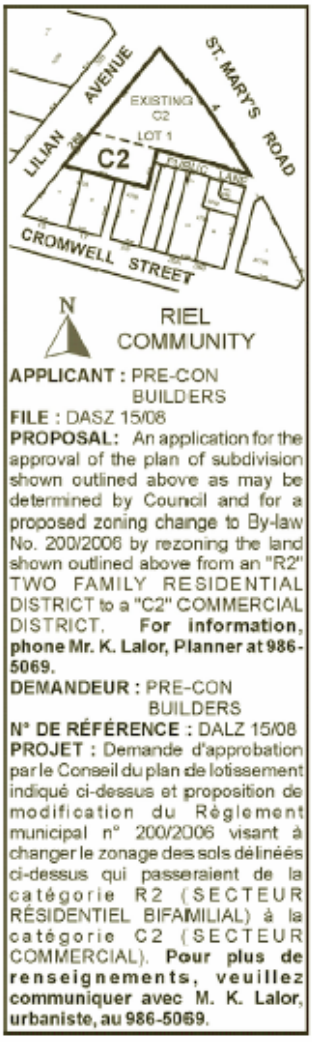
File: DASZ 15/2008 [c/r DCU 115395/2008D]

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

Public Hearing: July 14, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: Pre-Con Builders (Rob Lee)

Subject:



Premises Affected: 4 St. Mary's Road and 288 Lillian Avenue

Exhibits Filed:

1. Application dated May 22, 2008
2. Notification of Public Hearing dated June 10, 2008
3. Manitoba Status of Title 1268264, and 1349602
4. Letter of authorization dated January 28, 2008 from Lazaros Simeonidis to Pre Con Builders
5. Surveyor's Building Location Certificate and sketch dated March 16, 1998
6. Plans (8 pages)
7. Report from the Planning and Land Use Division dated July 7, 2008
8. Inspection Report
9. Audio Recording of Public Hearing Representations

REPRESENTATIONS:

In Support:

Robin Lee
Natasa Simeonidis

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 15/2008 [c/r DCU 115395/2008D]

Winnipeg

Planning, Property and Development Department Report

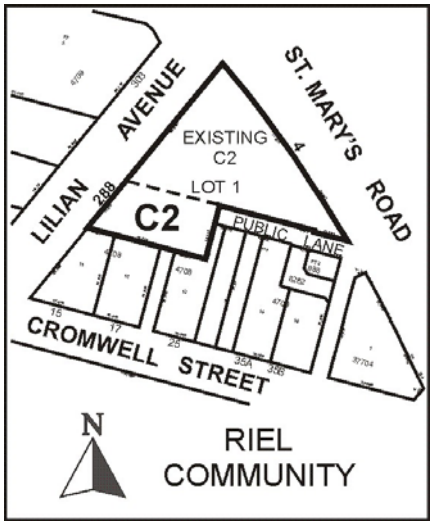
To the Riel Community Committee

Date: July 7/2008
File: DASZ 15 /08
Related Files: DCU 08 – 115395/D

Subject: To consolidate four (4) separate lots (three of which are currently zoned 'C2' Commercial) into a single parcel and rezone the remaining lot from its current " R2" Residential District category to "C2" Commercial category. If approved, the entire site will be zoned "C2" Commercial and will have a total area of 19,064 sq. ft., large enough to allow for an expansion to the existing restaurant

Location: 4 St. Mary's Road

Legal Description: See attached File # DASZ 15/08



Applicant: Pre-Con Builders

Owner: Santa Lucia Pizza Ltd.

Recommendation: Approval with conditions

Site Description:



The overall site area totals 19,064 sq. ft., approximately two thirds of which is currently zoned "C2" Commercial. A smaller portion of the total behind the existing restaurant is vacant and still zoned "R2" Two Family Residential. The restaurant itself, which fronts onto St. Mary's Road has a total square footage of 2,956 square feet. The restaurant is accessed via both Lillian Avenue and St. Mary's Road. To the immediate west, north and east are businesses zoned "C2" and "C3" Commercial. To the south along Cromwell Street and Lillian Avenue is a mix of single

family housing and multiple family apartment blocks zoned "R2" Residential.. There are currently twenty- seven (27) parking stalls at the front of the existing building.

Description of the Proposed Development:

The applicants on behalf of the owners wish to consolidate the four separate parcels that make up the overall total of the lands in question. They also wish to rezone the land in its entirety to a "C2" Commercial category. By rezoning all of the land in question and consolidating the four aforementioned lots, the owners will be able to expand their existing restaurant by 3108 sq. ft. and add an additional twenty – one parking stalls at the rear of the proposed new building. In addition to kitchen, washroom and storage areas, the main floor of the restaurant will have an expanded lounge area and dining component. An accompanying DCU application (08 115395D) has also been made by the applicant requesting the right to have a seasonal roof top patio with a total area of 1920 sq. ft.

Analysis:

The Planning Department endorses the proposed rezoning and subdivision primarily because, it is our view, that an upgrading of the existing building and accessory parking areas will both be of benefit to the owner as well as the surrounding neighbourhood. The site is well accessed and the overall area is large enough to accommodate the proposed expansion. It is our opinion that an addition to the restaurant, in and of itself, will not pose a problem for adjoining property owners; however, there is some concern relative to the scale and location of the proposed roof top patio. As outlined in the DCU report, the Department will be supporting the proposed patio but with an initial three year time limitation in order to monitor the impact of the use on adjacent residential homes and apartments. If, after that cautionary time period, it is determined that the patio is generally compatible, then it could be approved without the need for any restrictive clauses.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The restaurant is appropriately sited with good access to St. Mary's Road and has been a fixture at this location for many years. It should not have any adverse effect on the adjacent neighbourhood.

Recommended Conditions of Approval

1. That the plan of subdivision under File DASZ 15/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated

July 7/2008 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15 /2008 dated July 7/08, to a "C2 ' Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. 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.

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10. 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 # .503

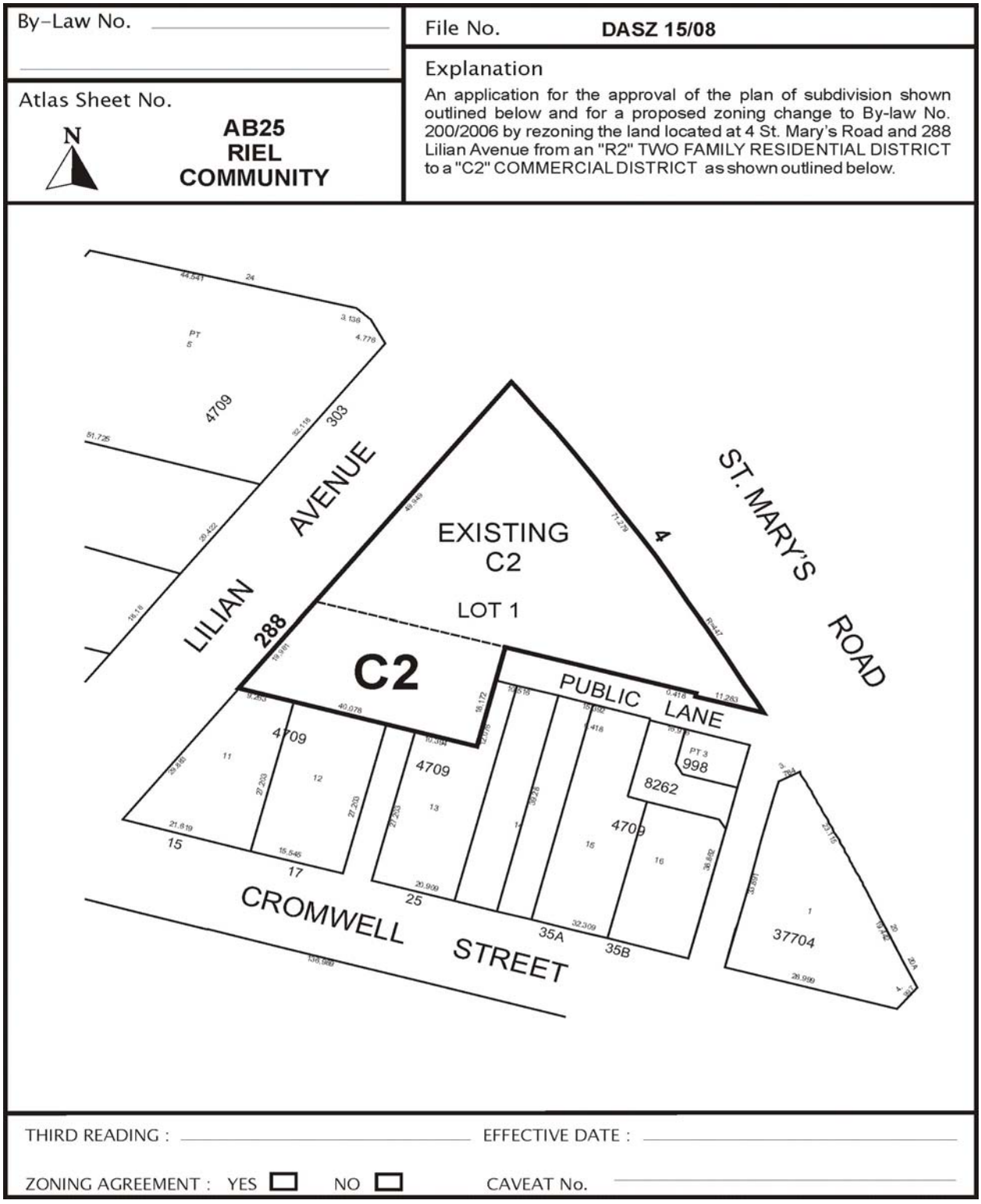

Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 15/2008, dated July 7, 2008.