Agenda - Council - February 26, 2003

Report - Standing Policy Committee on Property and Development - February 4, 2003

Item No. 2 Proposed Rezoning - 585 McGregor Street File DAZ 228/2002 [c/r DAV 979/2002D]

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submits the following to Council:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 228/2002, attached hereto and dated January 3, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Subsection 240(1) of The City of Winnipeg Charter to include the following conditions:

    A. That the vehicle repair /servicing facility only be operated between the hours of 7:00 a.m. and 9:00 p.m. Monday - Saturday.

    B. That a six (6) foot solid wood fence be constructed and maintained along the east property line.

    C. That there be no outdoor storage of vehicle parts or derelict vehicles anywhere on the site.

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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

Report - Standing Policy Committee on Property and Development - February 4, 2003

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 - Council - February 26, 2003

Report - Standing Policy Committee on Property and Development - February 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Proposed Rezoning - 585 McGregor Street**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**January 16, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 228/2002, attached hereto and dated January 3, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Subsection 240(1) of The City of Winnipeg Charter to include the following conditions:

    A. That the vehicle repair /servicing facility only be operated between the hours of 7:00 a.m. and 9:00 p.m. Monday - Saturday.

    B. That a six (6) foot solid wood fence be constructed and maintained along the east property line.

    C. That there be no outdoor storage of vehicle parts or derelict vehicles anywhere on the site.

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 the market value of the land.

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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 readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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.

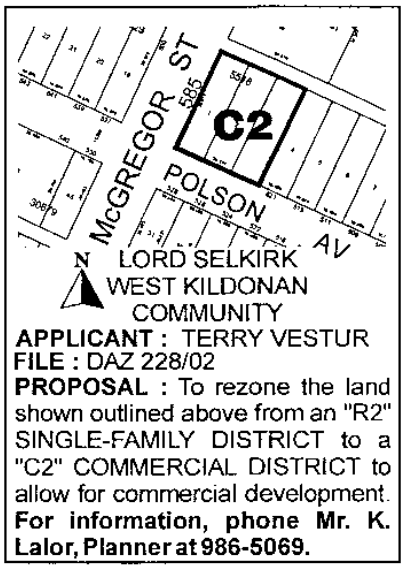
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File:	DAZ 228/2002 (c/r DAV 979/2002D)
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Hearing:	January 9, 2003 Community Committee Chamber, 1760 Main Street
Applicant:	Terry M. Vestur 96 Tait Avenue Winnipeg, Manitoba R2V 0J9

Subject:



Premises Affected: 585 McGregor Street

Exhibits Filed:
1. Application dated October 5, 2002
2. Advertising Notice dated November 13, 2002
3. Manitoba Status of Title 1887828
4. Surveyor's Staking and Building Location Certificate and Sketch dated October 21, 1986
5. Site Plan
6. Report from the Manager of Planning and Land Use dated January 3, 2003
7. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Terry Vestur, 96 Tait Avenue, Winnipeg, Manitoba R2V 0J9

In Opposition:

Nil

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING:

Terry Vestur, the applicant, appeared in support of the application and stated concurrence in the recommendations outlined in the report of the Manager of Planning and Land Use. He advised Committee he proposes to sell cars on the premises, but that the repair of vehicles would primarily be limited to the maintenance and washing of vehicles and no mechanical repairs.

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 228/2002 January 3, 2003
Our c/f CP 500 (. 302)

Ms. Diane Timmins, Clerk
Lord Selkirk-West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

REZONING
Location: 585 McGregor Street
Lord Selkirk-West Kildonan Community Committee
File No. DAZ 228/2002

An application has been received from Terry Vestur, to amend By-Law No. 6400/94 by rezoning the land shown below from an “R2” Residential District to a “C2” Commercial District to allow for a proposed Sales & Service Use.

RELATED FILES: DAV979/02D



SITE DESCRIPTION:

Site Area:

Overall site area is 11,649 sq. feet

Existing Land Use and Zoning:

A one storey cinder block building built in 1963 (currently vacant) occupies the site. Acquired by the City in 1987, it was used for years as an ambulance station. It is zoned "R2" Residential District.

Surrounding Land Use and Zoning:

North: to the north are several businesses zoned "R2-T" Residential.
South: to the south are a mix of two family and single family homes zoned "R2-T" Residential.
East: to the east are single and two family homes zoned "R2" Residential.
West: to the west are several businesses fronting onto McGregor zoned "C1" Commercial.

DEVELOPMENT DESCRIPTION:

The applicant proposes essentially to convert what was an operational ambulance facilty into a two bay car repair business. The access bays currently exist in the west side of the building oriented towards McGregor Street and not near adjacent residences to the east. There is room on both the west and south sides of the lot for vehicle storage. Gasoline sales are not currently permitted on site under an existing caveat.

PLAN WINNIPEG:

The property falls within a designated Neighbourhood Policy Area under Plan Winnipeg which permits commercial development. The application therefore complies with existing policy.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is supportive of the change in zoning for the use as described subject to several conditions outlined in the next section of this report. The building on site was originally constructed as a neighbourhood commercial building forty years ago and has most recently been used as an operational ambulance facility by the City. It is ideally suited for a vehicle repair business given that 2-bays already exist on the west side of the building. We will not recommend a restriction on certain uses on the subject site given that under the new By-Law No. 6400/94, potentially contentious "C2" uses such as car washes, convenience stores, gas sales etc. are conditional and not permitted outright. Further public hearings would be required to consider uses of that nature. However we will be recommending that restrictive hours of operation be imposed and because of the proximity of neighbouring residences, we will be further recommending that a new 6' solid wood fence be installed and maintained along the east side of the property. It should be noted that under the sales agreement with the City, the City will be bearing any required dedication costs.

RECOMMENDATION:

1. That By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 228/2002, attached hereto and dated January 3, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of the City of Winnipeg Act to include the following conditions:

    A. That the vehicle repair /servicing facility only be operated between the hours of 7:00 a.m. and 9 p.m. Monday - Saturday.

    B. That a six (6) foot solid wood fence be constructed and maintained along the east property line.

    C. That there be no outdoor storage of vehicle parts or derelict vehicles anywhere on the site.

2. That a 10 per cent 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 the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge 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 Act.

Final

Yours truly,

V. Buckley

Manager of Planning and Land Use

Per: Kevin Lalor, Senior Planner
(Lord Selkirk-West Kildonan Community)
986-5069

/jc

By-Law No. .....

File No. **DAZ 228/2002**

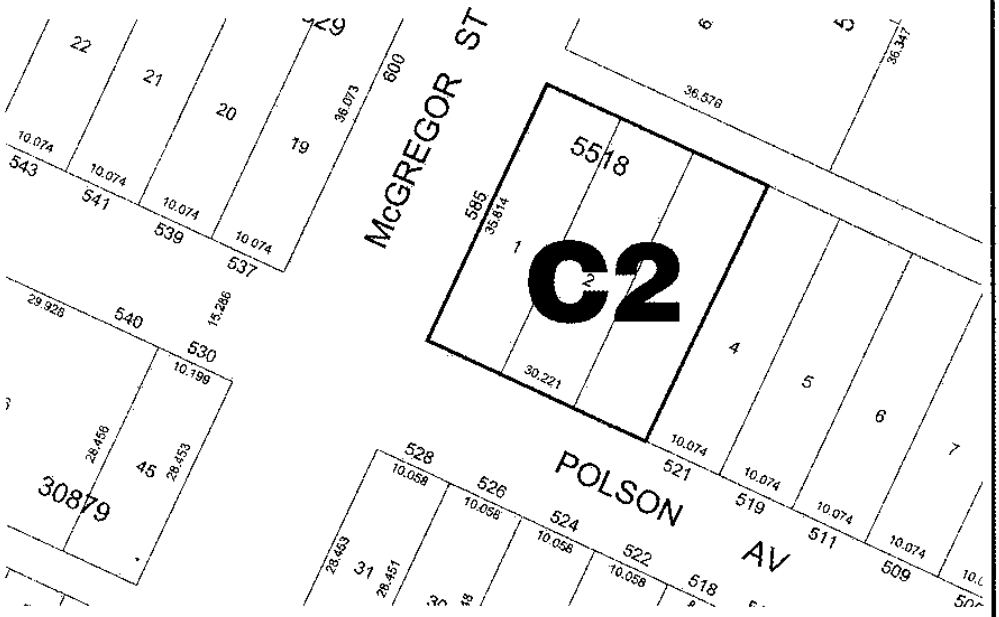
Atlas Sheet No. **V25**

N

LORD SELKIRK
WEST KILDONAN
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 585 McGregor Street from an "R2" SINGLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for DAZ 228/2002,
LS/WK Community Committee,
dated January 3, 2003

THIRD READING : ..... EFFECTIVE DATE : .....

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. .....