**Agenda - Council - February 26, 2003**

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

**Item No. 3 Proposed Rezoning - 384 Elgin Avenue**
**File DAZ 231/2002 [c/r DCU 260/2002D]**

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, 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 231/2002, attached hereto and dated, January 6, 2003, to a "C2" 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:

        1. That the use of the lands be limited to residential and accessory/non-accessory parking.

        2. That prior to the issuance of a development permit, plans showing the site layout, buildings, landscaping, fencing, access, surfacing, signage and lighting be submitted for the approval of the Lord Selkirk-West Kildonan Community Committee.

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.

## 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.

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| **RE:** | **Proposed Rezoning - 384 Elgin Avenue** |
| **For submission to:** | **Standing Policy Committee on Property and Development** |
| **Prepared by:** | **Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee** |
| **Report date:** | **January 17, 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 231/2002, attached hereto and dated, January 6, 2003, to a "C2" 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:

        1. That the use of the lands be limited to residential and accessory/non-accessory parking.

        2. That, prior to the issuance of a development permit, plans showing the site layout, buildings, landscaping, fencing, access, surfacing, signage and lighting be submitted for the approval of the Lord Selkirk-West Kildonan Community Committee.

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.

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 231/2002 (c/r DCU 260/2002D) |
| Before: | Lord Selkirk-West Kildonan Community Committee<br>Councillor Lazarenko, Chairperson<br>Councillor O'Shaughnessy<br>Councillor Pagtakhan |
| Hearing: | January 9, 2003<br>Community Committee Chamber, 1760 Main Street |
| Applicant: | ND Lea Engineers and Planners Inc. (Donovan Toews)<br>111 - 93 Lombard Avenue<br>Winnipeg, Manitoba R3B 3B1 |

Subject:




Premises Affected: 384 Elgin Avenue (Point Douglas Ward)

Exhibits Filed:

1. Application dated November 12, 2002
2. Advertising Notice dated December 3, 2002
3. Manitoba Status of Titles 1758372 and 1395774
4. Letter of authorization dated November 1, 2002
5. Surveyor' Building Location Certificate and Sketch dated November 2, 2000
6. Plan showing proposed parking layout
7. Report from the Manager of Planning and Land Use dated January 6, 2003
8 Photograph(s) of the site and Inspection Notice
9. Proposed parking layout, submitted at the public hearing by Donovan Toews, on behalf of the applicant
10. Aerial Photo, submitted at the public hearing by Donovan Toews, on behalf of the applicant, showing the close proximity of the proposed non-accessory parking lot and Young's Trading Company, the business his clients currently manage

REPRESENTATIONS:

In Support:

Donovan Toews, ND Lea Engineers and Planners Inc.,
111-93 Lombard Avenue, Winnipeg, Manitoba R3B 3B1
Kathy and Linda Trinh, 384 Elgin Avenue, Winnipeg, Manitoba R3A 0K6

In Opposition:

Odette Fernandes, 123 Reay Crescent, Winnipeg, Manitoba R2K 3R2
Josie Ferniuk, 1207-1080 Henderson Highway, Winnipeg, Manitoba R2G lH3
Mohammed Islam, 616 Young Street, Winnipeg, Manitoba R3B 2S9
Kwang Yeon Kim, 407 Elgin Avenue, Winnipeg, Manitoba R3A 0K4
Douglas Lughan, 616 Young Street, Winnipeg, Manitoba R3B 2S9
A. Vieira, 154 Ellen Street, Winnipeg, Manitoba R3A lA3

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING:

Donovan Toews, on behalf of the applicant, advised Committee he was representing the property owners, Andy Chan and Ngoc (Kathy) Trinh. He gave an overview of the proposed development and submitted the proposed parking layout, filed as Exhibit 9. He also submitted an aerial photo of the area, filed as Exhibit 10, showing the close proximity of the proposed non-accessory parking lot and Young's Trading Company, the business his clients currently manage. Mr. Toews stated the opinion the proposed eighteen (18) stall parking lot, would not only serve as an over-flow parking area for the aforesaid business, but assist in relieving the off-street parking congestion in the area. Committee was advised the residential house would remain and the proposed parking lot would be completely fenced in and landscaped so as to buffer it from the adjacent residential property. Mr. Toews also confirmed that access to the proposed parking lot would be from the public lane rather than from Ellen Street so as to minimally affect the surrounding area.

Odette Fernandes, appearing on behalf of her grandmother who lives at 154 Ellen Street, appeared in opposition to the application. She drew Committee's attention to the fact that the surrounding area is primarily residential in nature and expressed concern that approval of the proposed parking lot development would result in the devaluation of the surrounding residential properties. Concern was also expressed by Ms Fernandes regarding the additional noise that would be generated by the non-accessory parking lot, as well as additional traffic and fumes

from vehicles, which would be more noticeable in the summer when windows and doors are open more often. Ms Fernandes cited other vacant properties in the area that might be more suitable for the proposed development.

Douglas Lughan, Private Citizen, also appearing in opposition to the application, apprised Committee of the fact that he manages the building located at 402 Elgin Avenue, and was of the view the proposed parking lot was incompatible with the surrounding neighbourhood and should not be approved.

Josie Ferniuk, Private Citizen, also appeared in opposition to the application, and stated she is the property owner of the rooming house at 402 Elgin Avenue. She expressed concern with respect to the diminution of the residential character of the neighbourhood and the accompanying affect the proposed parking lot will have on residential property values. She also expressed concern that she would have more difficulty in attracting prospective tenants with the approval of the parking lot, and drew Committee's attention to the fact there is an elementary school in close proximity to the subject location.

In rebuttal, Mr. Toews stated the proposed parking lot would alleviate the off-street parking problems and enhance the area with the extensive landscaping which is being proposed and which, Committee was advised, exceeds by-law standards. Mr. Toews also stated that from Ellen Street, the proposed parking lot and landscaping would be more aesthetically pleasing and be an improvement to the area.

**In reply please refer to / Référence à rappeler :**

**Ross Mitchell**
**(204) 986-5017**
**Fax / TJIJc. : (204) 986-3684**

**File No. DAZ 231/2002 (c/r DCU 260/02D)** January 6, 2003
Our c/f CP 500 (.102)

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

Dear Ms. Timmins:

**REZONING**
348 Elgin at Ellen, southeast corner
Lord Selkirk-West Kildonan
**File No. DAZ 231/2002**

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An application has been received from ND-Lea Engineers and Planners Inc. (Donovan Toews), to amend By-Law No. 6400/94 by rezoning the land shown below from a/an "R2" Two-Family Residential District to a/an "C2" Commercial District to allow for the establishment of a non-accessory parking lot.

RELATED FILES: DCU 260/2002D



## SITE DESCRIPTION:

Site Area: 11,315 sq. ft. (85.8' by 131.9')

Existing Land Use and Zoning: 2.5 storey house zoned "R2"

Surrounding Land Use and Zoning: older houses (single-family, two-family, multiple-family and rooming) zoned "R2"

## DEVELOPMENT DESCRIPTION:

The site consists of two residential lots owned by Young's Trading Co., a grocery store and butcher at 394 William Avenue. The lot at 384 Elgin is vacant, the house having been demolished. The corner lot at 388 Elgin contains a renovated 2.5 storey dwelling. The proposal is to retain the dwelling and develop a 16-stall, asphalt parking lot on the rear portion of the combined site with access off the public lane. A 10-foot side yard would be retained to buffer the adjacent residential property to the east. The required 20-foot front yard will also be provided. The related Conditional Use application is required in that dwelling units are a conditional use in commercial zones under the zoning by-law.

## PLAN WINNIPEG:

The application complies with Plan Winnipeg.

## ADMINISTRATIVE COMMENTS:

The lot is required to help relieve parking congestion around Young's Trading Co., which has become a problem for the store owners and customers as well as nearby residents. The owners of Young's Trading Co. plan to continue residing at 384 Elgin, having recently renovated the house for this purpose.

## RECOMMENDATION:

1. That By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 231/2002, attached hereto and dated, January 6, 2003, to a "C2" Commercial District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

        3. That the use of the lands be limited to residential and accessory/non-accessory parking.

4. That, prior to the issuance of a development permit, plans showing the site layout, buildings, landscaping, fencing, access, surfacing, signage and lighting be submitted for the approval of the Lord Selkirk-West Kildonan Community Committee.

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.

Sincerely,

V. Buckley
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
986-5017

/jc

attach.

By-Law No. _____

File No. **DAZ 231/02**

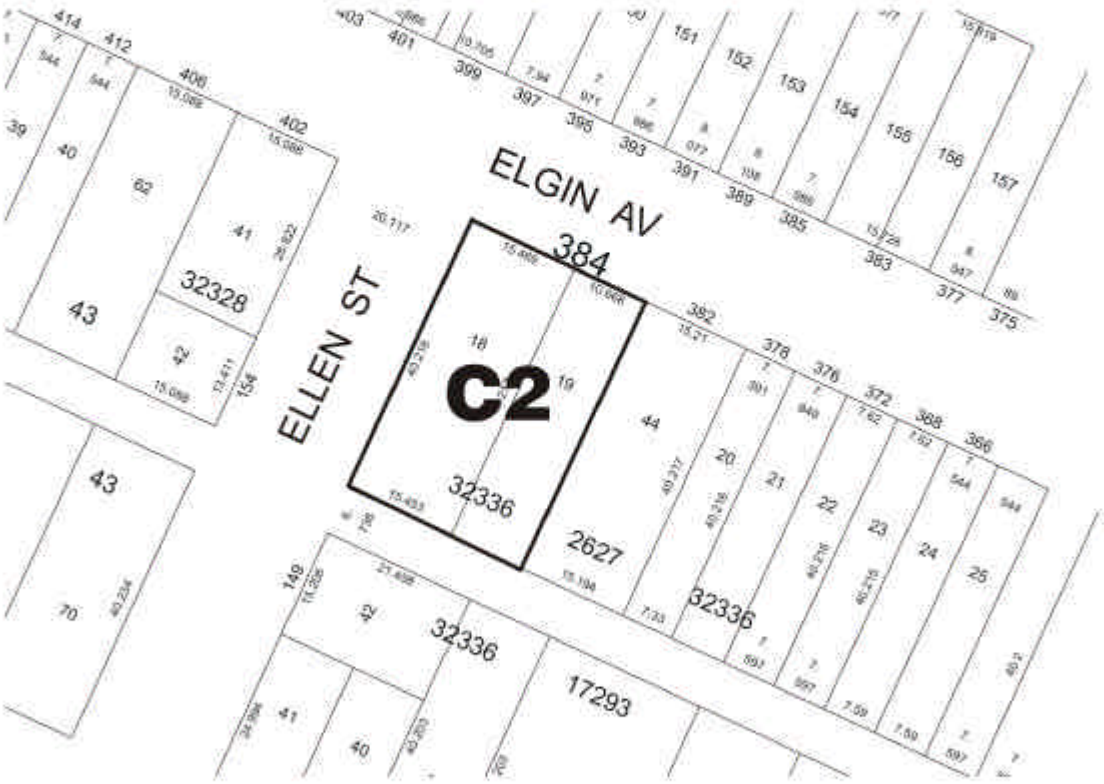
Atlas Sheet No. **Y24**

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**LORD SELKIRK WEST KILDONAN COMMUNITY**

Explanation

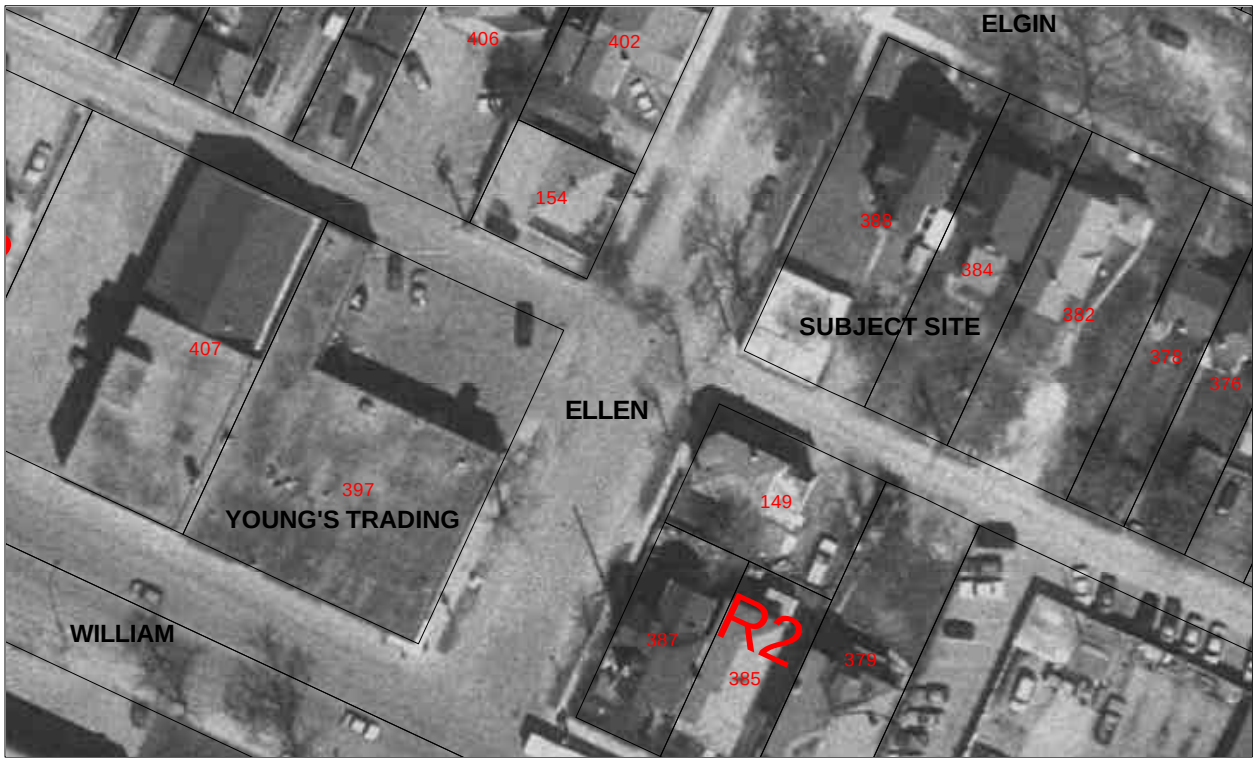
A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 384 Elgin Avenue from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERICAL DISTRICT as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

**Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File No. DAZ 231/2002 dated January 6, 2003.**




Site Photo