Minute No. 538
Report – Executive Policy Committee – September 16, 2009

Item No. 1 **Rezoning – 271 - 301 Burnell Street**
(Daniel McIntyre Ward)
File DAZ 210/2009

COUNCIL DECISION:

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

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 210 /2009 dated September 1, 2009 to a "C2" Commercial District, subject to the following conditions:

   A. 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and 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.

4. That the Acting 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 Acting 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 16, 2009

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 16, 2009, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2009, the City Centre 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: **Rezoning – 271 – 301 Burnell Street**
File DAZ 210/2009

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **September 9, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2009, the City Centre 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210 /2009 dated September 1, 2009 to a "C2" Commercial District, subject to the following conditions:

   A. 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

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4. That the Acting 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 Acting 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 1, 2009.

PUBLIC HEARING SUMMARY

File: DAZ 201/2009

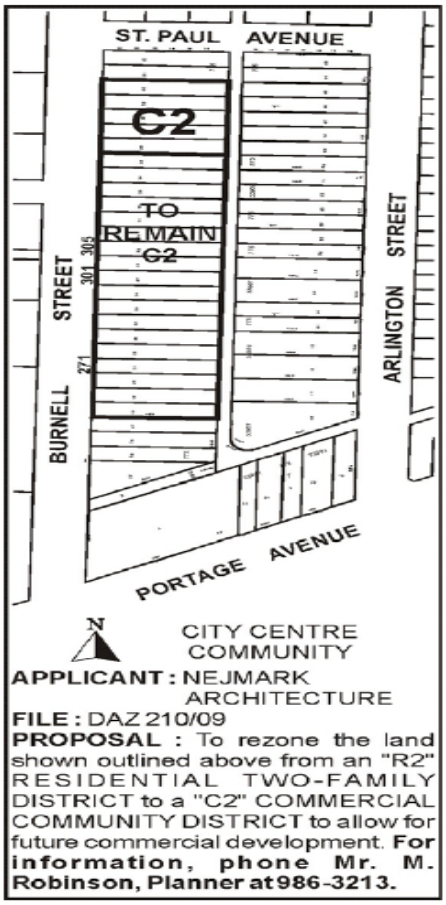
Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Orlikow

Public Hearing: September 8, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Nejmark Architecture (Tat-Liang Cheam)

Subject:

REVISED – MAP CHANGED



Premises Affected: 301 Burnell Street

Exhibits Filed:

1. Application dated July 23, 2009
2. Notification of Public Hearing dated August 4, 2009
3. Manitoba Status of Title(s) 1949161, 1949163, 1949164, 1949166, 1949167, 1949168, 1949169, 1949171 and 1949172
4. Letter of authorization dated July 23, 2009 from Greyhound Canada Transportation Corp. to Nejmark Architecture
5. Surveyor's Building Location Certificate and sketch dated July 10, 2009
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated September 1, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on September 8, 2009

REPRESENTATIONS:

In Support:

Tat-Liang Cheam, Nejmark Architecture

In Opposition

Nil

For Information:

Ted Terra

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 210/2009

ADMINISTRATIVE REPORT

ISSUE: **DAZ 210/2009 – 271 Burnell Street**
Application to rezone the subject property from an "R2"
Two- **Family Residential District to a "C2" Commercial District**

For Submission to: **City Centre Community Committee**

AUTHORIZATION

Author	Department Head	CFO	CAO
Michael Robinson, AICP			

RECOMMENDATIONS

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 210 /2009 dated September 1, 2009 to a "C2" Commercial District, subject to 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 for plan approval prior to the issuance of any building or development permit, and thereafter all to be constructed and 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.

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 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If approved, the property will be rezoned and an accessory parking area can be established on the land.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

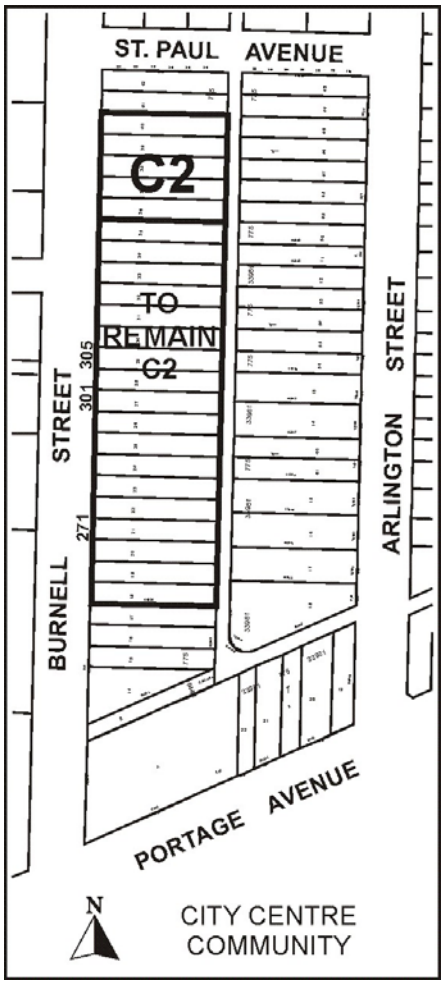
Department Planning, Property, and Development
Division Planning and Land Use
Prepared by: Michael Robinson, AICP
Date: September 1, 2009
File No. DAZ 210/2009

Appendix A: Administrative Report
Appendix B Schedule “A”
Attachment A: Aerial Photograph
Attachment B: Photographs of existing site conditions

Appendix A

Date: September 1, 2009
Subject: Application to rezone the subject property from an "R2" Two-Family Residential District to a "C2" Commercial District

Location: 271 Burnell Street
Legal Description: Lots 18/40, Block 1, Plan 775



Applicant: Nejmark Architects (Tat-Liang Cheam)
Owner: Greyhound Canada Transportation Corp.

Recommendation: Approval

Site Description
The subject property, which is currently zoned "R2" Two-Family Residential District, is currently being used as a parking lot by Greyhound Canada

North: Residential use zoned "R2" Two-Family Residential District
South: Light industrial use zoned "C2" Commercial District
East: Residences zoned "R2" Two-Family District
West: Multiple-family residential use zoned "C2" Commercial District

Description of the Proposed Development

The applicant seeks approval to establish an accessory parking area on the subject property, for their proposed new commercial building.

Although the property is currently used as a parking area for Greyhound Canada, it is zoned "R2" Two-Family District, which makes the parking area an existing non-conforming use.

The proposed rezoning would allow for this lot to be consolidated with the lot to the south, which is already zoned "C2" Commercial District, so that they can function as one site.

Analysis

Compatibility with existing neighbourhood and surrounding uses
As previously mentioned, the subject property has been used as a parking area for some time. The proposed rezoning would legitimize the use and more importantly, ensure that current development standards for fencing, buffering, landscaping, and paving are provided.

Consequently, the proposed rezoning will result in a general improvement in the look and functionality of the property.

For these reasons, it is recommended that the application be approved.

Recommendation

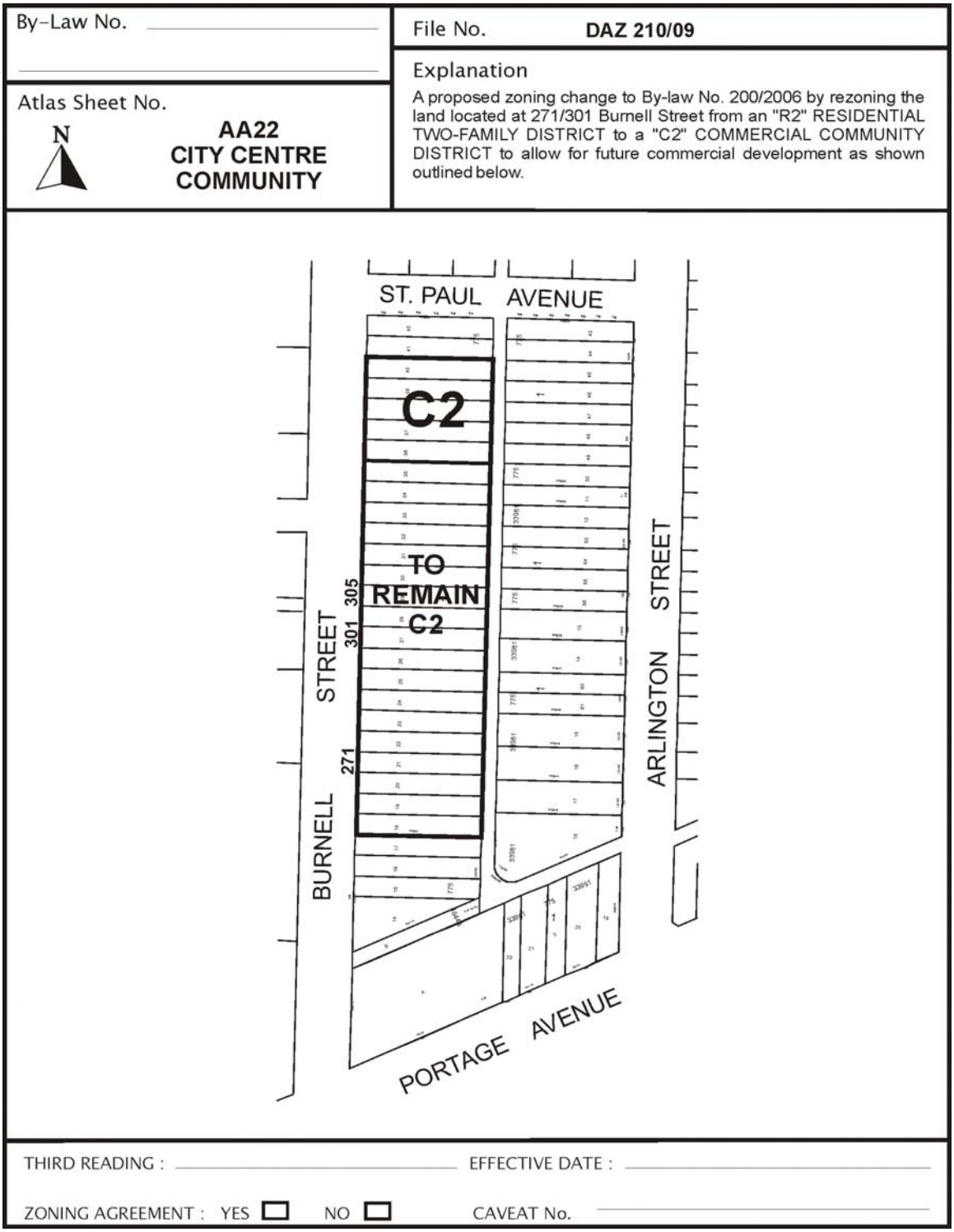
The Planning and Land Use Division recommend approval for the following reasons:

- This rezoning formalizes a long standing situation
- The rezoning will ensure that current development standards for fencing, buffering, landscaping, and paving are provided
- The rezoning will result in a general improvement in the look and functionality of the property

Appendix B

Schedule "A"

Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 210/2009 dated



Attachment A

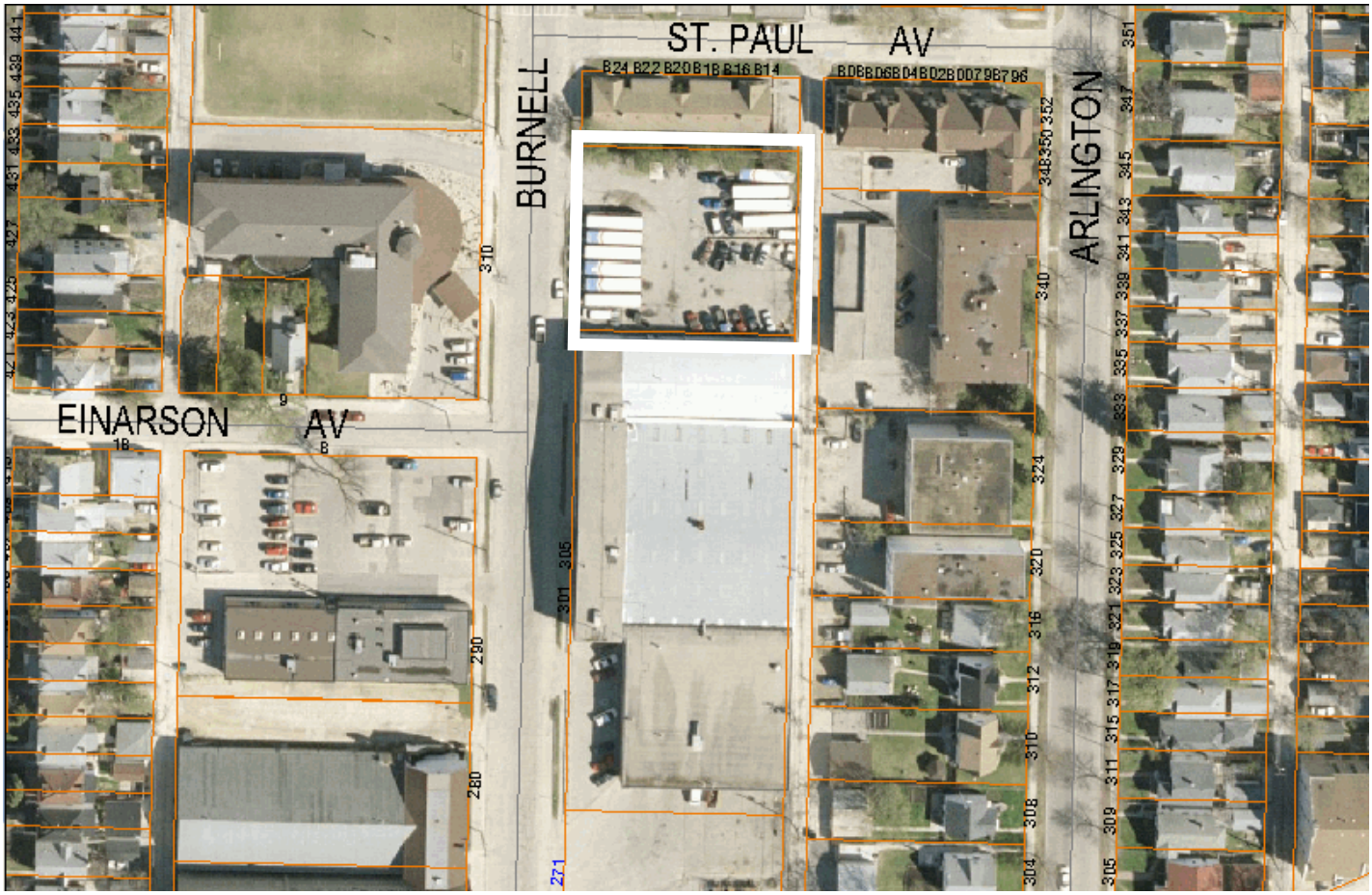


Figure 1: Aerial Photo (Flown in 2005)

Attachment B
Photographs of existing site conditions



