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

Item No. 11 Proposed Rezoning - 848 William Avenue
File DAZ 230/2002 [c/r DAV 1025/2002D]

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 230/2002 attached hereto and dated January 27, 2003, to a "C1.5" 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:
        i. That the use of the land be restricted to offices, meeting rooms, counseling facilities, kitchen, maintenance and storage areas

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.

Agenda - Executive Policy Committee - March 18, 2003

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

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 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 February 4, 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 - 848 William Avenue** **File DAZ 230/2002 [c/r DAV 1025/2002D]**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**February 14, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendations and recommends as follows:

1. That Winnipeg Zoning By-law NO. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 230/2002 attached hereto and dated, January 27, 2003, to a "C1.5" 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:

        i. That the use of the land be restricted to offices, meeting rooms, counselling facilities, kitchen, maintenance and storage areas

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 230/2002 (c/r DAV 1025/2002D)
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Hearing:	February 4, 2003 Community Committee Chamber, 1760 Main Street
Applicant:	Manitoba Adolescent Treatment Centre Inc. 120 Tecumseh Street Winnipeg, Manitoba R3E 2A9

Subject:



Premises Affected: 848 William Avenue

Exhibits Filed:
1. Application dated November 29, 2002
2. Advertising Notice dated January 13, 2003
3. Manitoba Status of Title 1438700
4. Surveyor' Building Location Certificate and Sketch dated March 21, 1996
5. Floor plans dated November 5, 2002 (comprising 3 pages)
6. Variance Order DAV 298/96C dated June 14, 1996
7. Report from the Manager of Planning and Land Use dated January 27, 2003
8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Maureen Doyle, 603-63 Albert Street, Winnipeg, R3B 1G4
Dr. Keith Hildahl, 120 Techumseh Street, Winnipeg, R3E 2A9
Lesia Szwaluk, 1017 Cathedral Avenue, Winnipeg, R2X 1J6

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

Dr. Keith Hildahl, on behalf of the applicant, appeared in support of the application and indicated concurrence in the recommendations outlined in the administrative report. He stated the operation of the Manitoba Adolescent Treatment Centre was a low profile development, and that the application was made to allow the treatment centre to continue operating.

In reply please refer to / Référence à rappeler :

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

File No. DAZ 230/02 January 27, 2003
Our c/f CP 500 (.105)

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

Dear Ms. Timmins:

REZONING
Location: 848 William Avenue
Lord Selkirk-West Kildonan Community Committee
File No. DAZ 230/02

An application has been received from Manitoba Adolescent Treatment Centre, to amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Two-Family District to a "C1.5" Commercial District to allow for the maintenance and operation of offices for the Manitoba Adolescent Treatment Centre at the subject location.

RELATED FILES: DAV1025/02D



SITE DESCRIPTION:

Site Area:

The overall area of the lot in question totals 5115 sq. ft. The lot dimensions are 33' by 155'.

Existing Land Use and Zoning:

There is currently a one and one half storey building on site which for the last five years has been the home of the Manitoba Adolescent Treatment Centre. They obtained the right to establish by way of a maximum 5 year use variance in 1996, said variance having now expired.

Surrounding Land Use and Zoning:

North: To the north across William are existing dwellings zoned R2 Residential.
South: To the south across an adjoining lane are residential homes zoned R2 Residential.
East: To the east is a parking lot / large Govt. building similarly zoned R2 Residential.
West: To the west are existing residences along the south side of William zoned R2 Residential.

DEVELOPMENT DESCRIPTION:

The applicants have made application to rezone to a restricted C1-5 Commercial category in order to allow them to continue operating the aforementioned treatment centre. In 1996, they obtained the right to establish their offices at the subject location by way of a use variance for a maximum period of five years.. The Manitoba Treatment Centre provides a range of mental health treatment services for children, youth and families. The variance has expired and procedurally cannot be renewed forcing the applicants to rezone to a restricted commercial category in order to continue operating the facility.

PLAN WINNIPEG:

The site is in area designated Neighbourhood Policy Area under Plan Winnipeg which allows commercial development.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is not opposed to rezoning the subject property to a restricted C1-5 Commercial zoning in order to allow for the continued operation of the existing facility. It is our recommendation that the use of the site be restricted to the Manitoba Adolescent Treatment Centre's current needs for offices, meeting rooms, maintenance and storage areas. We would not at this time recommend expanding on the permitted use list due to the proximity of adjacent residential dwellings and the obvious lack of parking available. It should be noted that to our knowledge, the facility has, in the last five years, been a good

neighbour and there have not been any complaints registered with the City's Enforcement Branch.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 230/02, attached hereto and dated, January 27, 2003, to a "C1.5" 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 Act, to provide for the following:

      1. That the use of the land be restricted to offices, meeting rooms, counseling facilities, kitchen, maintenance and storage areas

II. 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.

III. 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.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. 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.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor 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

KL/jc

By–Law No. _____

File No. **DAZ 230/02**

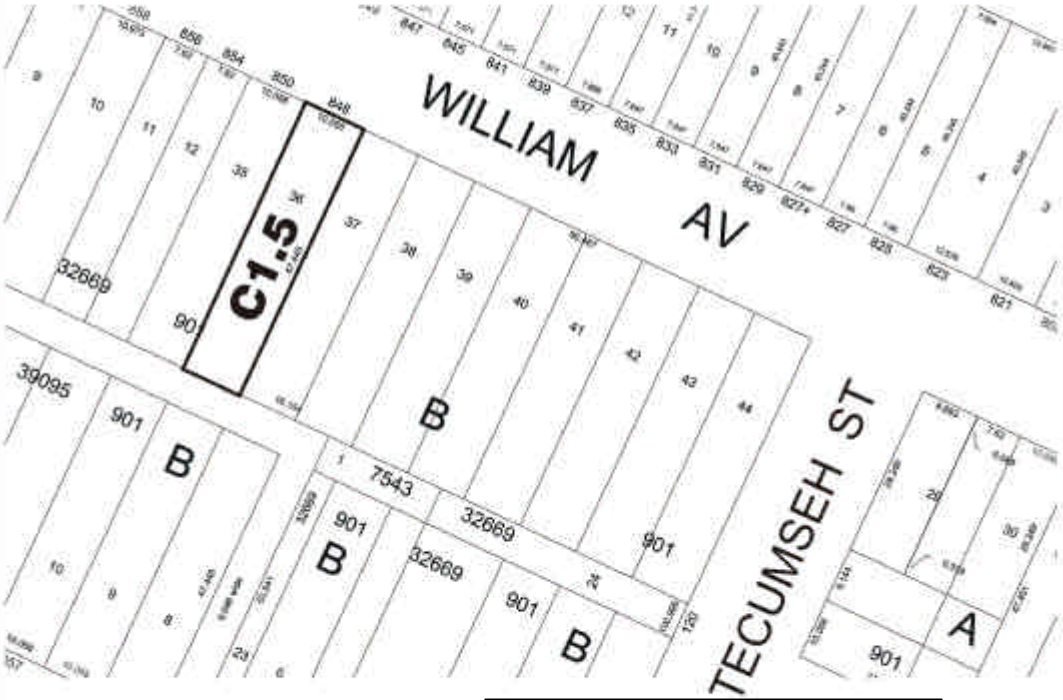
Atlas Sheet No. **Y23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

To amend By-law No. 6400/94 by rezoning the land at 848 William Avenue from an "R2" TWO-FAMILY DISTRICT to a "C1.5" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DAZ 230/02, LS/WK Community Committee, dated January 27/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____