Agenda - Council - July 21, 2010

Report - Executive Policy Committee - June 30, 2010

Item No. 4 Rezoning - 177 Eugenie Street
(St. Boniface Ward)
File DAZ 209/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 30, 2010, the Executive Policy Committee concurred in recommendation of the Riel Community Committee, and submits the following to Council:

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 209/2010 dated May 21, 2010 to a "C1" Commercial Neighbourhood 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 in the event that the existing building is demolished or destroyed and future development is proposed, said development shall:

            a. have a minimum interior side yard (west side) setback of 10 feet;

            b. have a minimum front yard (south) setback of 15 feet;

            c. have the parking area located behind the building and shall not front onto Eugenie Street.

        ii. That the land be restricted as follows:

            a. The following uses shall be conditional on the land:

                - Neighbourhood rehabilitation homes
                - Kennels
                - Restaurants

b. The following use shall not be permitted on the land:

- Contractor's establishments

iii. That free-standing use identification signs shall not be permitted;

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

vi. That no illuminated signage be erected on the north and/or west sides of the building;

vii. That for the redevelopment or new development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

Report - Executive Policy Committee - June 30, 2010

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

7. That the Director 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 - June 30, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 30, 2010, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2010, 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: **Rezoning – 177 Eugenie Street**
File DAZ 209/2010 [c/r DAV 117903/2010D]

For submission to: **Executive Policy Committee**

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

Report date: **June 16, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2010, 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 209/2010 dated May 21, 2010 to a "C1" Commercial Neighbourhood 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 in the event that the existing building is demolished or destroyed and future development is proposed, said development shall:

            a. have a minimum interior side yard (west side) setback of 10 feet;

            b. have a minimum front yard (south) setback of 15 feet;

            c. have the parking area located behind the building and shall not front onto Eugenie Street.

        ii. That the land be restricted as follows:

            a. The following uses shall be conditional on the land:

                - Neighbourhood rehabilitation homes
                - Kennels
                - Restaurants

            b. The following use shall not be permitted on the land:

                - Contractor's establishments

iii. That free-standing use identification signs shall not be permitted;

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

vi. That no illuminated signage be erected on the north and/or west sides of the building;

vii. That for the redevelopment or new development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

7. That the Director 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 Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 21, 2010.

PUBLIC HEARING SUMMARY

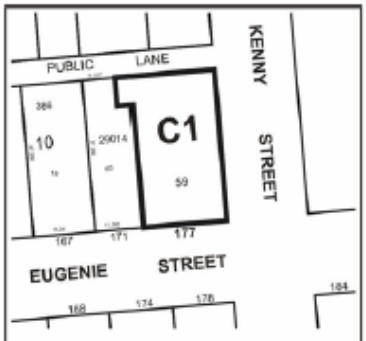
File: DAZ 209/2010 [c/r DAV 117903/2010D]

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

Public Hearing: June 15, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Nicolae Pavel

Subject:



APPLICANT : NICOLAE PAVEL
FILE : DAZ 209/10
PROPOSAL : To rezone the land shown outlined above from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for limited commercial uses on the land. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : NICOLAE PAVEL
N° DE RÉFÉRENCE : DAZ 209/10
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R2 (SECTEUR D'HABITATIONS BIFAMILIALES) à la catégorie C1 (SECTEUR COMMERCIAL DE QUARTIER) afin de permettre des utilisations commerciales restreintes. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 177 Eugenie Street

Exhibits Filed:

1. Application dated April 23, 2010
2. Notification of Public Hearing dated April 30, 2009
3. Manitoba Status of Title 2169582
4. Letter of authorization dated March 10, 2010 from Sumi Pavel to Nicolae Pavel
5. Surveyor's Building Location Certificate and sketch
6. Plan
7. Report from the Planning and Land Use Division dated May 21, 2010
8. Inspection Report
9. Audio Recording of the Public Hearing

REPRESENTATIONS:

In Support:

Nicolae Pavel

In Opposition

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 209/2010 [c/r DAV 117903/2010]

ADMINISTRATIVE REPORT

Title: DAZ 209/10 - 177 Eugenie Street Public Hearing

Issue: For consideration at the Public Hearing for a proposed rezoning at 177 Eugenie Street.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-Law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

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 209/2010 dated May 21, 2010 to a "C1" Commercial Neighbourhood 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 in the event that the existing building is demolished or destroyed and future development is proposed, said development shall:

            a. have a minimum interior side yard (west side) setback of 10 feet;

            b. have a minimum front yard (south) setback of 15 feet;

            c. have the parking area located behind the building and shall not front onto Eugenie Street.

        ii. That the land be restricted as follows:

            a. The following uses shall be conditional on the land:

                1. Neighbourhood rehabilitation homes

                2. Kennels

                3. Restaurants

b. The following use shall not be permitted on the land:

1. Contractor's establishments

iii. That free-standing use identification signs shall not be permitted;

iv. That flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

v. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site.

vi. That no illuminated signage be erected on the north and/or west sides of the building;

vii. That for the redevelopment or new development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping 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 to be 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 Director of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when 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 by-law is passed.

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

7. That the Director of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the land will be rezoned from an R2 district to C1 district, which will permit local-scaled commercial development on the site.

HISTORY

- The existing building, which is located at the northwest corner of Eugenie and Kenny Streets, has operated as the Manitoba Peace Officer's private club for the past several decades. Variances were approved in the 1980's for the Dance Hall use and for reduced parking. The Dance Hall and Private Club uses have been discontinued for more than a 12-month period and thus the site has lost its non-conforming status.
- In September 2007, the subject property was approved for a non-conforming front approach by the Riel Community Committee.
- On November 5, 2008, the Board of Adjustment granted a conditional use order (DCU 08-147249/C) to permit the establishment of a Library (Resource Centre) use on the subject property. This conditional use has allowed the Federation Provinciale des Comites de Parents (FPCP) to operate their library, which provides French language books, DVD's and games to the community. The resource component known as Centre de Resource Educatives a l'enfance (CREE), functions as a French community recreation centre offering a facility where parents and children can play and read within a French Cultural Heritage atmosphere. The library/resource operation has approximately 7 staff members on site. Typically users arrive in small groups during the hours of operation between 8:30 am and 4:30 pm Monday to Friday.
- In conjunction with the conditional use order granted on November 5, 2008, the Board of Adjustment also granted associated variances (DAV 08-147251/C) for the Library (Resource Centre) that permitted no additional parking spaces, and the maintenance of an accessory parking area that allowed parking spaces with a length of 15.8 feet (4.82 metres) and parking spaces in the front yard.
- The application for the parking variances included a letter of authorization from the owner of 275 Tache Avenue allowing the library/resource centre the use of 6 parking stalls.
- On April 9, 2010 the Board of Adjustment granted Variance Order DAV 10-111154/C to vary the "R2" District use regulations and dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 that allowed for a change of use for a period not to exceed five (5) years to permit the establishment of an office use, and for the establishment of an office use to permit no additional parking instead of four (4) additional spaces. This variance allowed the applicants to move from their main floor residence within the two-and-a-half storey building and lease the main floor to the Federation des Associations de Juristes d'Expression Francaise de Common Law Inc. (FAJEF). Conditions of variance DAV 10-111154/C required that the variance be established in three (3) months and that the variance will terminate two (2) years from the date that the variance order was granted.

CONSULTATION

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

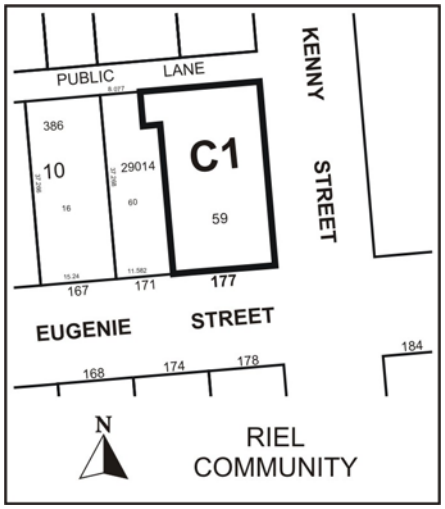
SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Robert Kostiuk
Date:	May 21, 2010
File No.	DAZ 209/10

Appendix A	Administrative Report
Appendix B	Schedule “A”

APPENDIX 'A'

DATE:	May 21, 2010
FILE:	DAZ 209/10
RELATED FILES:	DAV 10-117903/D DAV 10-111154/C, DCU 08-147249/C, DAV 08-147251/C
COMMUNITY:	Riel Community
NEIGHBOURHOOD #:	5.513
SUBJECT:	**To rezone the land from an "R2" Residential Two-Family District to a "C1" Commercial Neighbourhood District to allow for some commercial uses on the subject property.**
LOCATION:	177 Eugenie ST
LEGAL DESCRIPTION:	LOT 59 PLAN 29014 89 ST B



APPLICANT:	NICOLAE PAVEL 177 EUGENIE ST WINNIPEG MB R2H 0X9
OWNER:	Same
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

- The property is zoned "R2" Residential Two-Family and is approximately 9,562 square feet in area.
- The subject property is occupied by a two-and-a-half storey building that contains a library/resource centre for the Federation Provinciale Des Comites De Parents in the basement and formerly contained the applicant's residence on the main floor.

- Variance Order DAV 10-111154/C permitted the applicant to lease the main floor to the Federation des Associations de Juristes d'Expression Francaise de Common Law Inc. (FAJEF), which made this building entirely a commercial building.
- As of early-May, 2010, the main floor has been occupied by the Federation des Associations de Juristes d'Expression Francaise de Common Law Inc. (FAJEF).
- At the time of application for DAV 10-111154/C, the Planning and Land Use Division recommended that the applicant apply to rezone this property to "C1" Commercial Neighbourhood. This zoning would most accurately reflect the proposed use of the property, which would not include a residential component.
- The applicant did not want to apply for the rezoning and the variance at the same time due to time constraints to legally allow the FAJEF to use the main floor of the building on the subject site. However, the applicant is now initiating the rezoning application.
- The Planning and Land Use Division recommends supporting this application because:
    - The subject property has previously functioned as a dance hall and/or private club in the neighbourhood for many years prior to this application. Both of these uses can be seen as more disruptive than the current uses (library and office) and potential future uses that would be permitted on the site under the C1 designation.
    - The subject property is near major transit routes and there is available on-street parking on Eugenie Street and Kenny Street. These factors should help alleviate and accommodate the minor parking demands anticipated for both the office and library uses and the majority of developments that could develop on this site under the C1 designation. Further, the applicant has an existing agreement with the owner of 275 Tache Avenue allowing the library/resource centre the use of 6 parking stalls.
    - Restricting signage, uses and the form of future development through the zoning agreement helps to ensure that development on the site will be compatible with neighbouring properties.

SITE DESCRIPTION

- The subject property is located on the northwest corner of Eugenie Street and Kenny Street in the Norwood East neighbourhood of the St. Boniface Ward.
- The property is zoned "R2" Residential Two-Family and is approximately 9,562 square feet in area.
- The subject property is occupied by a two-and-a-half storey building that formerly contained the applicant's residence on the main floor and a library/resource centre for the Federation Provinciale Des Comites De Parents in the basement. As of early-May, 2010, the main floor has been occupied by the Federation des Associations de Juristes d'Expression Francaise de Common Law Inc. (FAJEF). This two-and-a-half storey building occupies the vast majority of the site.
- The main floor of the building is 3,285 square feet in area.
- Adjacent properties include a mix of single-family residences and multi-family units.

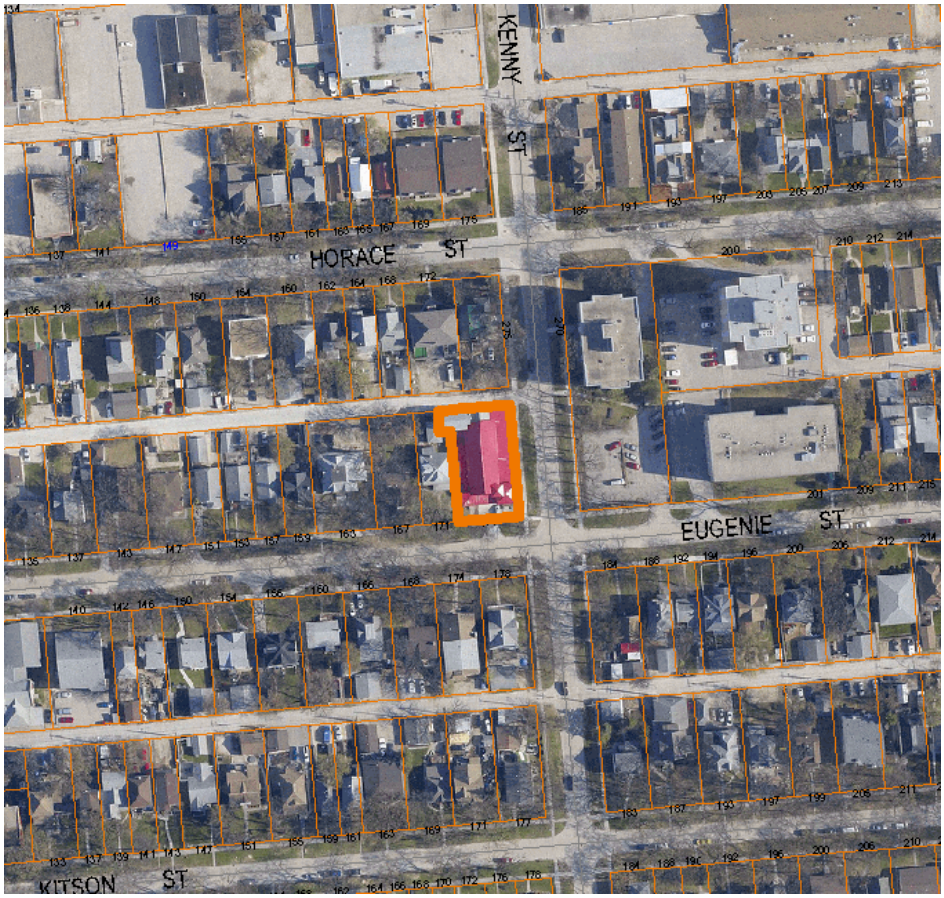


Figure 1: Aerial photograph of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A triplex and a licensed rooming house zoned “R2” Residential Two-Family.

South: A single-family home and a licensed rooming house zoned “R2” Residential Two-Family.

East: A single-family home zoned “R2” Residential Two-Family.

West: A personal care facility zoned “R2” Residential Two-Family.

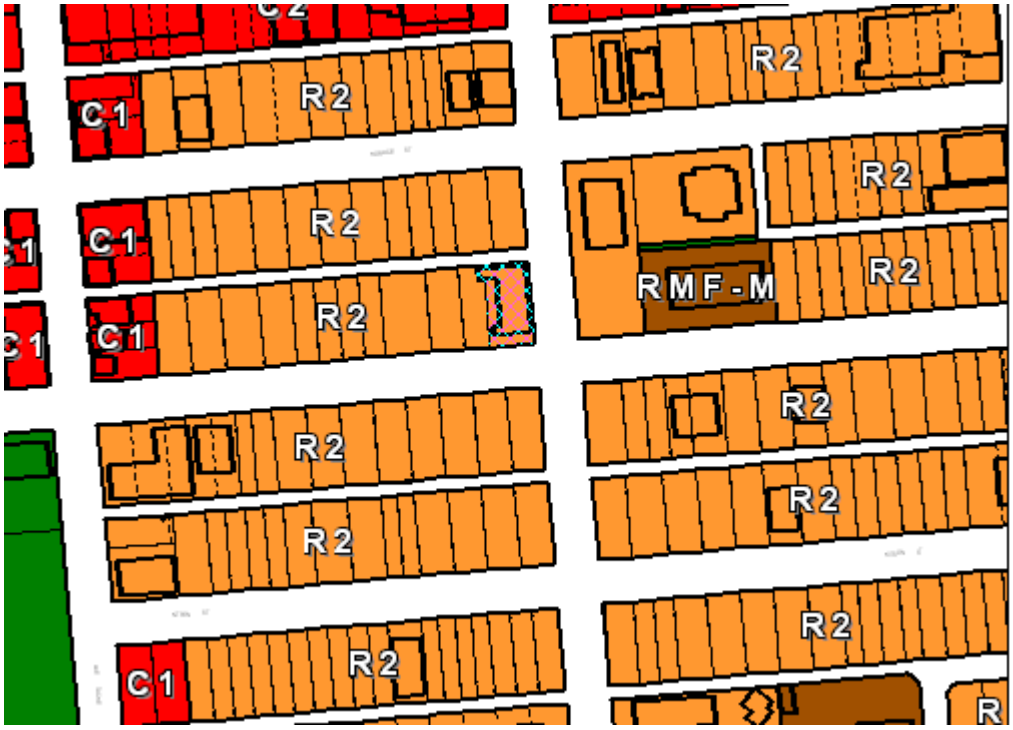


Figure 2: Zoning of the site and surrounding area.

BACKGROUND

- At the time of application for DAV 10-111154/C, the Planning and Land Use Division recommended that the applicant apply to rezone this property to “C1” Commercial Neighbourhood. This zoning would most accurately reflect the proposed use of the property, which would not include a residential component.
- The applicant explained that he would rather apply for the land use variance separately because of time constraints. At the time of application for the variance, the City of Winnipeg Zoning and Permits Branch advised the applicant that the earliest that his land use variance would be reviewed at a Board of Adjustment public hearing was April 7, 2010 and that the earliest his land use variance and rezoning application would be reviewed at the Riel Community Committee public hearing would be either May 3, 2010 or June 15, 2010. The applicant stated that he was trying to get full approval before May 1, 2010 to legally allow the FAJEF to occupy the main floor of 177 Eugenie Street and therefore preferred to apply for the land use variance.
- The applicant provided a file to the Zoning and Permits Branch to rezone the subject property at the time of application for DAV 10-111154/C. However, the applicant did not want to initiate the rezoning until after the variance had been heard by the Board of Adjustment. The applicant is now initiating the rezoning application.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- As described in the planner's report for DAV 10-111154/C for the subject property, the applicant proposed to move from their main floor residence within the two-and-a-half storey building to lease the main floor to the Federation des Associations de Juristes d'Expression Francaise de Common Law Inc. (FAJEF).
- The FAJEF is a federally appointed not-for-profit corporation. Its membership includes provincial associations of French-speaking jurists who promote and defend access to justice in the French language in all common law provinces and territories across Canada.
- The FAJEF anticipates that between 5 to 7 individuals will be working full or part-time at the premises.
- The applicant stated that there were no plans to make any interior or structural alterations to the existing building to accommodate the FAJEF.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development complies with *Plan Winnipeg 2020*.

ZONING

"R2" Residential Two-Family District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. There is a front yard requirement of 20 feet and the maximum building height is 35 feet. The minimum lot width is 25 feet and the minimum lot area requirement is 5,000 square feet (2,500 per dwelling unit).

"C1" Commercial Neighbourhood District

- The C1 district is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located along local streets or at local/collector intersections. There are no minimum front, rear or side yards in this zone; however, there is a maximum front yard of 10 feet for properties in the Urban Infill Area. The maximum building height is 39 feet and the maximum floor area ratio is 1.0.

LAND USE BY-LAW

Zoning

- The building on the subject property contains a library (resource centre), which was established as a conditional use, and now contains an office, which was permitted as a

temporary use not to exceed a period of two years. Under Zoning By-Law 200/2006, offices are not a permitted use in the R2 zone. Both offices and libraries are permitted in the C1 zone.

Variances

- The existing building has a 1 foot separation distance or setback from the western (side) property, which is zoned R2. Under Zoning By-Law 200/2006 developments in commercial zones require a 10 foot side and/or rear yard when commercially-zoned properties abut the side or rear lot line of an R1 or R2 zoning district.
- Under Zoning By-Law 200/2006 the library and office would require a total of 8 on-site parking stalls. There are currently 3 parking stalls on the site. The applicant is not proposing to develop additional parking stalls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject property is located on a corner.
- The surrounding neighbourhood is comprised of a mix of housing types with commercial properties along established commercial streets such as Marion and Goulet Street.
- The predominant land use along Eugenie Street between Tache Avenue and Kenny Street is residential. However, there are commercially-zoned properties on the corner of Tache Avenue and Eugenie Street that face Tache Avenue. These commercial properties form part of a longer, consistent stretch of commercial development along Tache Avenue that begin at Goulet Street and end at Enfield Crescent and St. Mary's Road.
- There are no commercially-zoned properties that front onto Eugenie Street between Enfield Crescent and St. Mary's Road.
- Besides Marion and Goulet Street (the established commercial streets in the area), there are two commercial properties along Kenny Street between Dollard Boulevard and St. Mary's Road. These two properties are located on the corner of St. Mary's Road and Kenny Street.
- In the greater area, there are a number of properties zoned C1 that do not help form a longer consistent stretch of commercially-zoned properties. The most notable example is located at the northwest and southwest corner of the Dubuc Street and Rue Des Meurons where there is a small cluster of properties zoned C1 that are surrounded by properties zoned R1 or R2. Another example closer to the subject property is located at the southeast corner of Tache Avenue and Kitson Street where there are two properties zoned C1. These properties front onto Kitson Street and are predominantly surrounded by properties zoned R2.
- Over the past number of years, the subject property has functioned as a dance hall and/or private club, which may be seen as more disruptive uses to the neighbourhood than the office and the existing library.
- The C1 zone is intended to allow for commercial development that is compatible with residentially-zoned properties. As such, this zone is the most restrictive commercial zoning category in terms of the uses and the form of development permitted. However,

there are some uses permitted in the C1 district that should either be conditional or not permitted on this particular site due to the predominantly residential character of the immediate surrounding area. These uses are:

Conditional

- Neighbourhood rehabilitation homes (these are conditional uses in most residential zones)
- Kennels
- Restaurants

Not Permitted

- Contractor's establishments

PARKING & ACCESS

- The subject property is near major transit routes and there is available on-street parking on Eugenie Street and Kenny Street. These factors should help alleviate and accommodate the minor parking demands anticipated for both the office and library uses and the majority of developments that could develop on this site under the C1 designation. Further, the applicant has an existing agreement with the owner of 275 Tache Avenue allowing the library/resource centre the use of 6 parking stalls at 275 Tache Avenue.

SITE DESIGN

- The applicant is not proposing changes to the existing building.
- The Planning and Land Use Division is recommending conditions within the zoning agreement that will control signage and form of development to help ensure that future development on the site is suitable for the neighbourhood.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Planning, Property and Development are requesting 'cash in lieu' for this application.

RECOMMENDATION

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

- The subject property has previously functioned as a dance hall and/or private club in the neighbourhood for many years prior to this application. Both of these uses can be seen as more disruptive than the current uses (library and office) and potential future uses that would be permitted on the site under the C1 designation.
- The subject property is near major transit routes and there is available on-street parking on Eugenie Street and Kenny Street. These factors should help alleviate and accommodate the minor parking demands anticipated for both the office and library uses and the majority of developments that could develop on this site under the C1 designation. Further, the applicant has an existing agreement with the owner of 275 Tache Avenue allowing the library/resource centre the use of 6 parking stalls at 275 Tache Avenue.
- Restricting signage, uses and the form of future development through the zoning agreement helps to ensure that development on the site will be compatible with neighbouring properties.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Robert Kostiuk
PPD File # DAZ 209/10

APPENDIX "B"

Schedule "A" for File No. DAZ 209/2010, Riel Community Committee, dated May 21, 2010.

By-Law No. _____

File No. **DAZ 209/10**

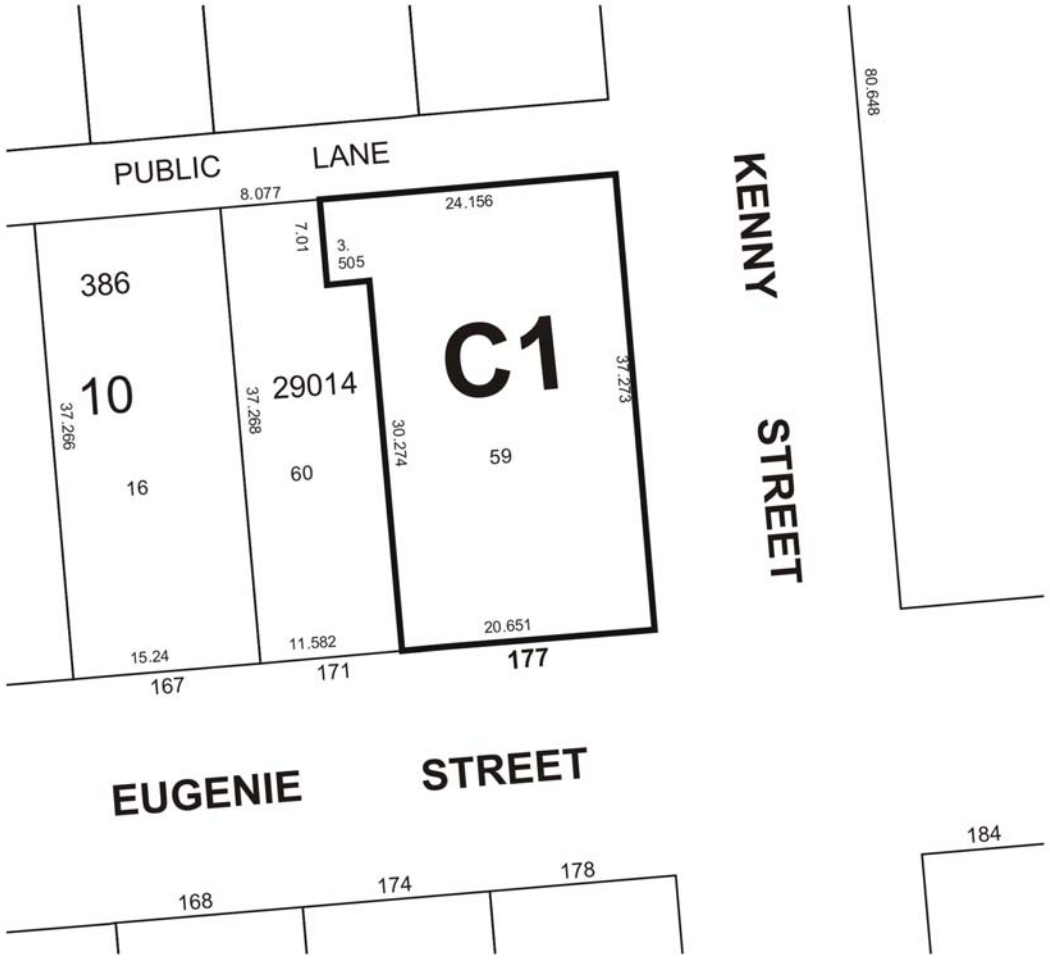
Atlas Sheet No.

N

AB26
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 177 Eugenie Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for limited commercial uses on the land as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____