Minutes - Executive Policy Committee - March 18, 2003

Minute No. 179
Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 13 Proposed Rezoning - 1171 Fife Street
File DAZ 233/2002

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 233/2002, attached hereto and dated, January 27, 2003, to an "M1-B" Light Industrial 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 all access/egress to and from the subject property be restricted to Fife Street.

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, if applicable.

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 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.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

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 as amended, namely:

- Amend Recommendation 1 by adding the following at the end "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 all access/egress to and from the subject property be restricted to Fife Street."

and submitted its recommendation to the Standing Policy Committee on Property and Development

RE:	**Proposed Rezoning - 1171 Fife Street - File DAZ 233/2002**
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, as amended, 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 233/2002 attached hereto and dated, January 27, 2003, to an "M1-B" Light Industrial 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:

        i. That all access/egress to and from the subject property be restricted to Fife Street.

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, if applicable.

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 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 wording in bold and italics denotes difference between administrative and Community Committee recommendations***

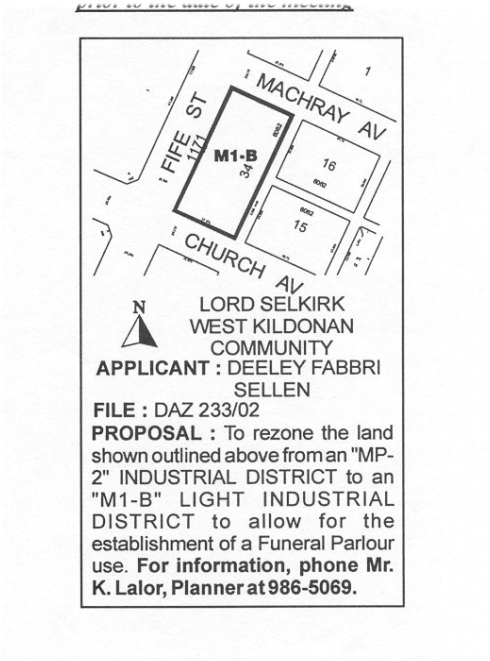
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

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 233/2002 (c/r DAV 1061/2002D)
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:	Deeley Fabri Sallen (Norman Piel) 1903 – 386 Broadway Winnipeg, Manitoba R3C 3R6

Subject:



Premises Affected: 1171 Fife Avenue

Exhibits Filed:
1. Application dated December 11, 2002
2. Advertising Notice dated January 9, 2003
3. Manitoba Status of Title 1794744
4. Letter of authorization dated November 22, 2002
5. Surveyor's Staking Certificate dated November 28, 2002
6. Site Plan dated November 2002
7. Report from the Manager of Planning and Land Use dated January 27, 2003
8. Communication dated January 28, 2003 from Carol Freeman, 1190 Church Avenue, with respect to the application
9. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Valerie Feniuk, 11-650 Warde Avenue, Winnipeg, R2N 3Z7
Klaus Fischer, 1203-277 Wellington Crescent, Winnipeg, R3M 3V7
Peter Kilcollins, 444 Cordova Street, Winnipeg, R3N 1A7
Mike and Sheryl Knysh, 209 Hazel Dell Avenue, Winnipeg, R2K 0P7
Norman R. Piel, Deeley Fabbri Selley, 903-386 Broadway, Winnipeg, R3C 3R6

In Opposition:

Nil

For Information:

Carol Freeman, 1190 Church Avenue, Winnipeg, R2X 1G3

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Norman Piel, appearing on behalf of the applicant, in support of the application indicated concurrence in the recommendations outlined in the administrative report. In response to Committee's question as to whether the applicant would be willing to have access to and from the subject property restricted to Fife Street, Mr. Piel advised Committee of his belief that the plans have access only off Fife Street, thereby addressing the concern raised by Carol Freeman, resident of Church Avenue, in her communication filed as Exhibit 8.

In reply please refer to / Référence à rappeler :

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

File No. DAZ 233/02 January 27, 2003
Our c/f CP 500 (.329)

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: 1171 Fife Street, E.S.B. Machray/Church
Lord Selkirk-West Kildonan Community Committee
File No. DAZ 233/02

An application has been received from Deeley Fabbri Sellen Barristers, to amend By-Law No. 6400/94 by rezoning the land shown below from a “MP-2” Industrial District to a “M1-B” Light Industrial District to allow for the construction of a building for a Funeral Parlour use.

RELATED FILES: DAV1061/02D



SITE DESCRIPTION:

Site Area:

Overall site area is 27,608 sq. feet. There is 238' of frontage along Fife Street.

Existing Land Use and Zoning:

Currently zoned "MP-2" Industrial District. The land is vacant.

Surrounding Land Use and Zoning:

North: To the north is a mix of business uses , many owned by Forum Enterprises, all zoned MP-2 Industrial.

South: Similarly to the south the lands are generally occupied by industrial businesses, all zoned MP-2 Industrial.

East: To the east lying immediately adjacent is the Manitoba Hydro R.O.W. behind which is residential housing.

West: To the west are large industrial businesses like Clairmore Holdings zoned MP-2 Industrial.

DEVELOPMENT DESCRIPTION:

The applicants on behalf of an unknown funeral business wish to rezone the subject land to permit construction of a single storey 6600 sq. ft. funeral home. Forty seven external parking stalls are provided on the south side of the lot which exceeds the by-law requirement by almost 100%. The proposed assembly hall will hold up to a total of 128 people.

PLAN WINNIPEG:

The proposed use is a permitted industrial use in an area that is designated industrial Policy Area under Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

Under the MP-2 Industrial Park Zoning, a funeral home is not a permitted use. However under the M1-B Industrial category which makes provision for a broader range of industrial uses while at the same time maintaining a high development standard, funeral homes are permitted. Given that the proposed use is an industrial use and is to be situated on a parcel of land(adjoining the Hydro R.O.W.) which is to small to accommodate most large businesses, the Planning and Land Use Division is able to endorse the subject application. It is also our view that the proposed use is generally compatible with the surrounding area.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 233/02, attached hereto and dated, January 27, 2003, to a "M1-B"Light Industrial District.

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, if applicable.

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 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 233/02**

Atlas Sheet No. **V23**

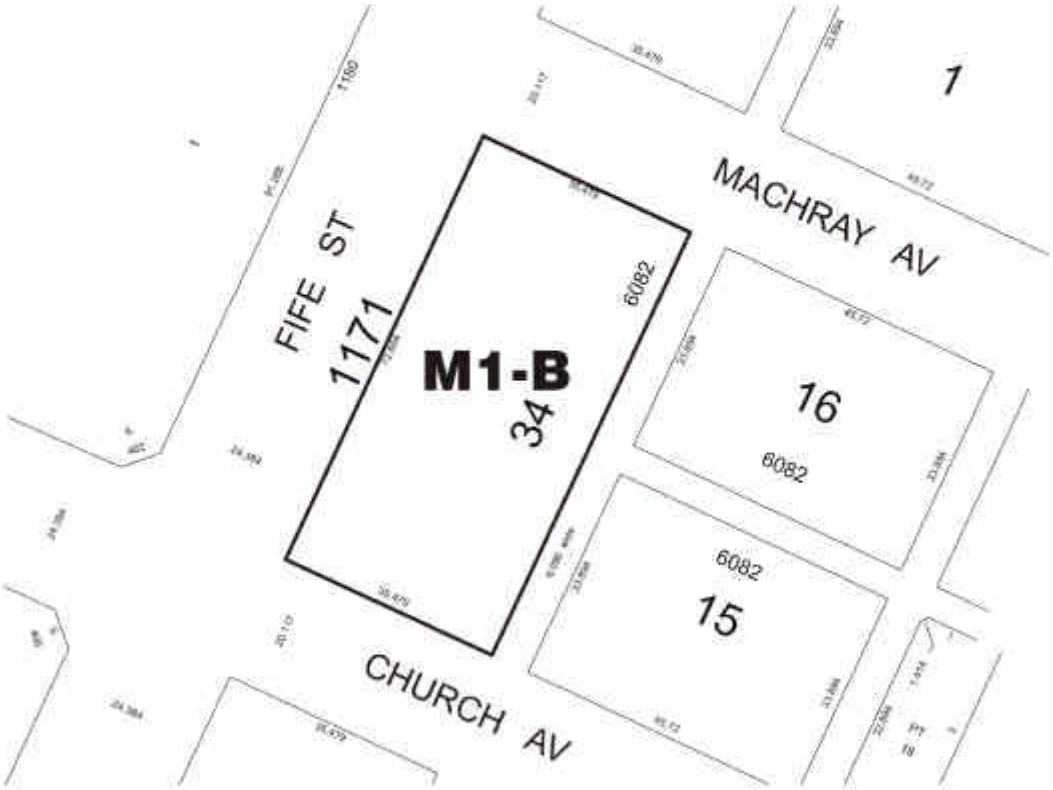
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1171 Fife Street from an "MP-2" INDUSTRIAL DISTRICT to an "M1-B" LIGHT INDUSTRIAL DISTRICT as shown outlined below.

Schedule "A" for File Number DAZ233/02, LS/WK Community Committee, dated January 27/03



THIRD READING :

EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐

CAVEAT No.

1190 Church Avenue
Winnipeg, Manitoba
R2X 1G3

January 28, 2003

Chairperson and Members
Lord Selkirk - West Kildonan Community Committee

1171 Fife Street - DAZ 233/2002 and DAV 1061/2002D

I reside at 1190 Church Avenue, just west of McPhillips Street.

While I am not opposed to granting of the above applications, I would like to place on record my concerns with respect to the additional traffic that will be created as a result of approval of a funeral home on the subject site.

Both Church and Machray Avenues, between McPhillips and Fife Streets, are quiet, residential streets that are home to a number of children. Machray Avenue and McPhillips Street is the location of Andrew Mynarski School and is already a busy intersection given there are traffic control signals at the intersection. In addition, emergency vehicles from the Fire/Paramedic Station already utilize both streets.

I would request that any approval of the above applications that the Community Committee might consider appropriate contain a provision that all access/egress to and from the site be restricted to Fife Street AND NOT CHURCH OR MACHRAY AVENUES.

Thank you for your consideration.

Carol R. Freeman