Minute No. 136
Report - Standing Policy Committee on Property and Development - January 6, 2003

Item No. 5 Proposed Plan of Subdivision and Rezoning - 1131 St. Mary's Road File DASZ 27/2002 (c/r DAV 999/2002D and DCU 249/2002D)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 27/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2002 dated December 3, 2002, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 27/2002 dated December 3, 2002 to a "C2" Commercial District.

4. That a fifty (50') foot long by four (4') foot wide strip along the eastern limit of Lot 27, Block 7, Plan 1868 be legally opened at no cost to the City of Winnipeg by way of subdivision to widen the adjoining lane at that point from its current sixteen (16') foot width to the twenty (20') foot width currently required to meet City standards.

5. That the requirement for ten percent (10%) dedication by a payment of a sum of money to the City in lieu of land dedication based on the increase in market value of the land be waived inasmuch as a fifty (50') foot long by four (4') foot wide strip along the eastern limit of Lot 27, Block 7, Plan 1868 will be legally opened at no cost to the City of Winnipeg by way of subdivision to widen the adjoining lane at that point from its current sixteen (16') foot width to the twenty (20') foot width currently required to meet City standards**.**

6. 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.

Report - Standing Policy Committee on Property and Development - January 6, 2003

COUNCIL DECISION (continued):

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the Standing Policy Committee on Property and Development recommendation be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2002, the Riel Community Committee concurred in the administrative recommendation as amended and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Proposed Plan of Subdivision and Zoning Change Report - 1131 St. Mary's Road**
File DASZ 27/2002 (c/r DAV 999/2002D and DCU 249/2002D)

For submission to: **Standing Policy Committee on Property and Development**

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

Report date: **December 16, 2002**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel Community Committee concurred in the administrative recommendation as amended and recommends:

1. That the plan of subdivision proposed under File DASZ 27/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2002 dated December 3, 2002, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A" for File DASZ 27/2002 dated December 3, 2002 to a "C2" Commercial District.

4. That a fifty (50') foot long by four (4') foot wide strip along the eastern limit of Lot 27, Block 7, Plan 1868 be legally opened at no cost to the City of Winnipeg by way of subdivision to widen the adjoining lane at that point from its current sixteen (16') foot width to the twenty (20') foot width currently required to meet City standards.

5. That the requirement for ten percent (10%) dedication by a payment of a sum of money to the City in lieu of land dedication based on the increase in market value of the land be waived inasmuch as a fifty (50') foot long by four (4') foot wide strip along the eastern limit of Lot 27, Block 7, Plan 1868 will be legally opened at no cost to the City of Winnipeg by way of subdivision to widen the adjoining lane at that point from its current sixteen (16') foot width to the twenty (20') foot width currently required to meet City standards.

6. 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.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: Bold and italicized wording denotes variation between administrative recommendations and recommendations of the Riel Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendations:

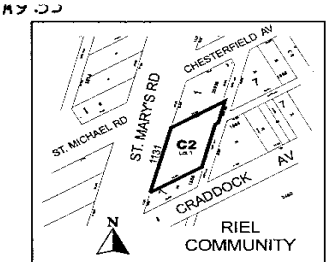
1. The Riel Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use.

REPORT SUMMARY

File:	DASZ 27/2002 (c/r DAV 999/2002D and DCU 249/2002D)
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Vandal
Public Hearing:	December 10, 2002 Community Committee Chamber, 604 St. Mary's Road

Applicant: Paramount Service Ltd. (Peter Vlahos)
30 Midland Street
Winnipeg, MB R3E 2Y6

Subject:



APPLICANT: PARAMOUNT SERVICE LTD.
FILE: DASZ27/02
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council, and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-5" SINGLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for the maintenance of an existing accessory parking area. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : PARAMOUNT SERVICE LTD.
RÉFÉRENCE: DALZ27/02
PROJET: Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-5 (SECTEUR D'HABITATIONS UNIFAMILIALES) et C1 (SECTEUR COMMERCIAL) à la catégorie C2 (SECTEUR COMMERCIAL), en vue de permettre le maintien d'un terrain de stationnement accessoire. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1131 St. Mary's Road

Exhibits Filed:
1. Application dated November 14, 2002
2. Notification of Public Hearing to Applicant dated November 20, 2002
3. Manitoba Status of Titles 1185634, 1277464, and 1595920
4. Surveyor's Building Location Certificate and Sketch dated March 21, 1991
5. Letter of authorization from George Bekios, Bekios Holdings Ltd. to Dion Holdings dated August 28, 2002
6. Letter of authorization from George and Vasiliki Bekios to Dion Holdings dated August 28, 2002
7. Extract of Atlas Sheet AG27

8. Site Plan
9. Maxime Restaurant New Addition Plans dated September 23, 2002
10. Report from the Manager of Planning and Land Use dated December 3, 2002
11. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Lisa Bekios, Paramount Services Ltd., 1131 St. Mary's Road, Winnipeg, Manitoba, R2M 3T9

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Liza Bekios, Paramount Service Ltd., appeared in support of the application. Ms.Bekios asked that Committee consider waiving the ten (10) percent dedication required with this application as land is being given up for the widening of the backlane and it is her belief that the value of the property will not appreciate as a result of this application.

In reply please refer to / Référence à rappeler : Kevin Lalor

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

File No. DASZ 27/02 December3, 2002
Our c/f CP 500 (. 517)

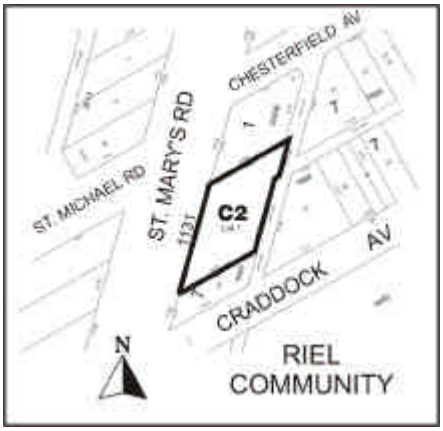
Mr. Marc Pitet, Clerk
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear: Mr. Pitet

SUBDIVISION AND REZONING
Land located: 1131 St. Mary's Road
Riel Community
File No. DASZ 27 /02

An application has been received from Paramount Service Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an " R1-5" Residential District and a " C1 " Commercial District to a " C2" Commercial District in order to consolidate two adjoining parcels for use as a parking lot for Maximes Restaurant..

RELATED FILES: DCU 249/02D,DAV 999/02D



SITE DESCRIPTION:

Site Area:

The overall area of all properties on both the east and west sides of the lane totals approximately 60,000 sq.feet (1.4 acres).

Existing Land Use and Zoning:

The lands in question are currently being being utilized by a restaurant (Maximes) and adjoining parking areas. The lands are currently a mix of C1 and C2 Commercial and R1-5 Residential zonings.

Surrounding Land Use and Zoning:

North: To the north is a multi-tenant commercial mall zoned C2 Commercial.
South: To the south immediately adjacent is a restaurant (Georges) zoned C2 Commercial.
East: To the east is a multiple family housing area (relatively high density) zoned RM-5 and R1-5 Residential.
West: To the west of St.Mary's Road is a convenience store zoned C1 and a service station zoned C2.

DEVELOPMENT DESCRIPTION:

The primary reason for the DASZ application is to consolidate two adjoining parcels Lot 27, Blk 7, plan 1868 and Blk 2, Parcel 25,998 into one parcel to provide for a reconfigured and larger accessory parking area for an expanding Maximes Restaurant. The new parking area is also to be rezoned to a C2 Commercial category to coincide the existing zoning of the restaurant. There is also an accompanying Conditional Use application to allow for the 1,031 sq.ft.expansion of the existing restaurant and the addition of a cocktail lounge. An accompanying variance will allow for reduced yards along the lane brought about by the restaurant expansion and will also modify or delete several of the design and landscaping requirements outlined under previous variances for the accessory parking area east of the lane and north of Craddock Ave.

PLAN WINNIPEG:

The proposed subdivision and rezoning is not in conflict with current Plan Winnipeg policy. The subject property falls within a designated Neighbourhood Policy Area which allows for commercial redevelopment and expansion.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division supports the proposed expansion and redesign of the parking areas lying adjacent to Maximes. The required consolidation of parcels , the rezoning to one zoning category for the frontage lots along St. Mary's Road and all of the newly proposed variances will help to clarify and clean up all of the past overlapping

history of variance approvals spanning 25 years of ongoing redevelopment on the site. It is recommended that the Riel Community Committee fully endorse the subject application as submitted. It should be noted that the lane width along a 50' strip of the newly proposed parking area (Lot 27, Block 7) is 4' less than that which exists to the north or south. That minor irregularity should be addressed such that the subject strip is dedicated to the City of Winnipeg through the subdivision /rezoning process thereby properly aligning the lane and broadening it to an acceptable City standard.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 27/02 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule " A" for File No. DASZ 27/02, attached hereto and dated December 3/02, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A" for File No. DASZ 27/02, attached hereto and dated December 3/02 to an " C2" Commercial District .

IV. That a 50' long by 4' wide strip along the eastern limit of Lot 27, Block 7, Plan 1868 be legally opened at no cost to the City of Winnipeg by way of subdivision to widen the adjoining lane at that point from its current 16'width to the 20'width currently required to meet City standards.

V. That a 10 percent 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.

VI. 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.

VII. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

Kevin Lalor

Per: Kevin Lalor, Senior Planner
(Riel Community)
986-5069

/jc

By-Law No. _____

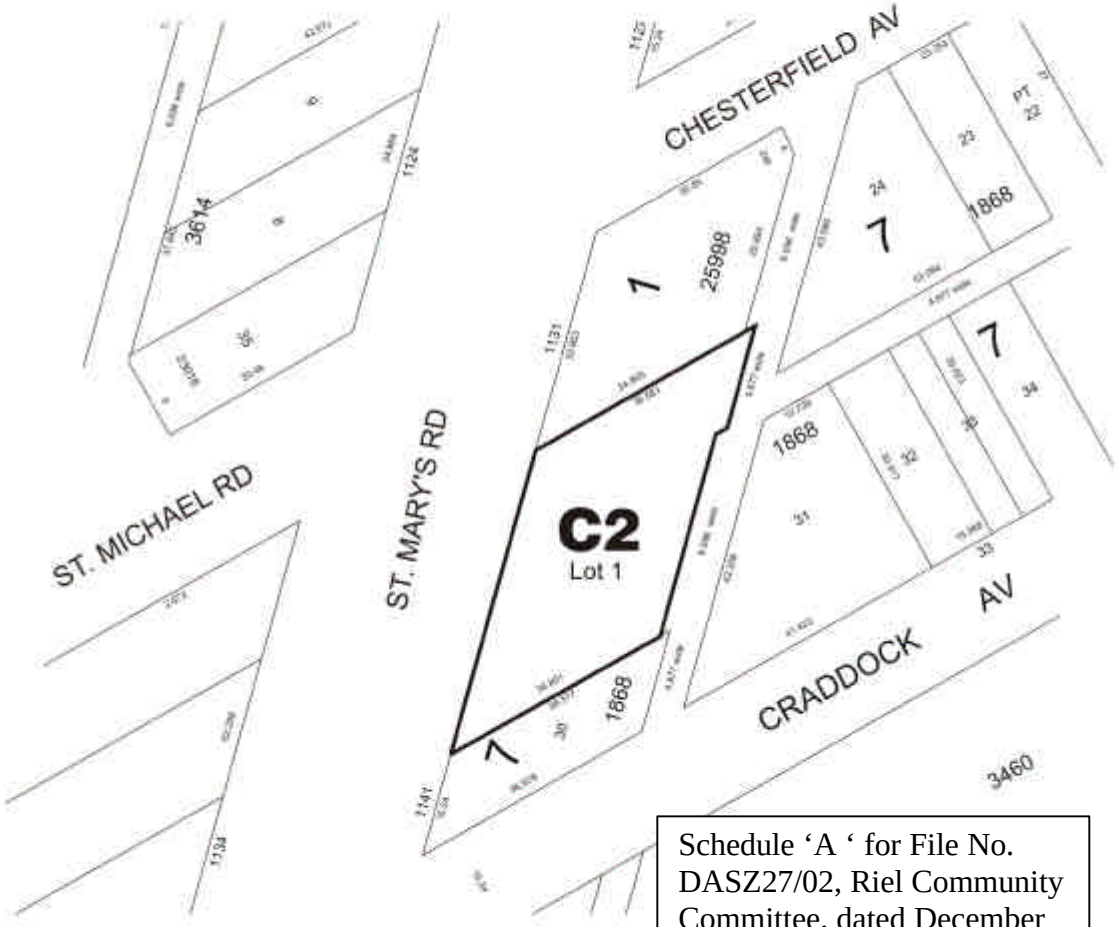
File No. **DASZ 27/02**

Atlas Sheet No. **AG27 RIEL COMMUNITY**

N

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at 1131 St. Mary's Road from an "R1-5" SINGLE-FAMILY DISTRICT and a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule 'A ' for File No. DASZ27/02, Riel Community Committee, dated December 3/02

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____