Agenda – Council – September 28, 2011

Report – Executive Policy Committee – September 21, 2011

Item No. 5 Rezoning – 644 Burnell Street
(Daniel McIntyre Ward)
File DAZ 216/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the City Centre 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 216/2011 dated August 12, 2011 to a "C1" Commercial Neighbourhood District.

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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 21, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, 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 – 644 Burnell Street**
File DAZ 216/2011

For submission to: **Executive Policy Committee**

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

Report date: **September 14, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, 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 216/2011 dated August 12, 2011 to a "C1" Commercial Neighbourhood District.

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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

5. That the Director of Legal Services and City Solicitor 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 store has been across the street number of years and done tremendous work in the community.

2. There is no opposition to the proposal.

PUBLIC HEARING SUMMARY

File: DAZ 216/2011

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

Public Hearing: September 13, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Donovan Toews)

Subject:



Premises Affected: 644 Burnell Street

Exhibits Filed:
1. Application dated July 22, 2011
2. Notification of Public Hearing dated July 26, 2011
3. Manitoba Status of Title 1763888

4. Letter of authorization dated May 30, 2011 from A. Macrae, CEO, Age and Opportunity Centre Inc. to Landmark Planning & Design Inc.
5. Surveyor's Building Location Certificate and sketch dated June 10, 2011
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated August 12, 20011
8. Inspection Report
9. Presentation in support of the application, submitted by Donovan Toews
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Owen Cramer, on behalf of Skyline Realty Inc.
Henry Fast
Dolores Lohrenz
John Lohrenz
Peter H. Peleos
Bill Reimer
Don and Mary Reimer
Donovan Toews, Landmark Planning & Design Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DAZ 216/2011

ADMINISTRATIVE REPORT

Title: DAZ 216/2011 – 644 Burnell St.

Issue: For consideration at the public hearing for a Rezoning for DAZ 216/2011 – 644 Burnell Street

Critical Path: City Centre Community Committee 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 216/2011 dated August 12, 2011 to a "C1" Commercial Neighbourhood District.

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 the 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.

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 property will be rezoned.

CONSULTATION

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

SUBMITTED BY

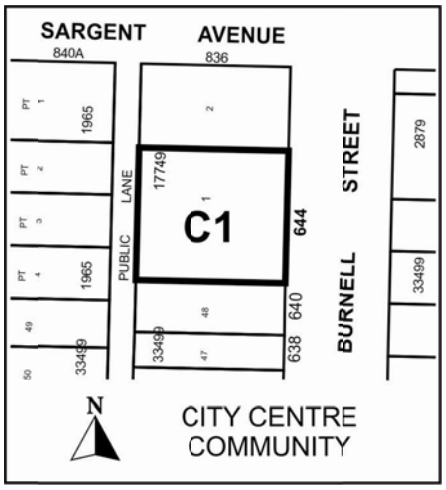
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP
Date:	August 12, 2011
File No.	DAZ 216/2011

APPENDIX 'A'

DATE: August 12, 2011
FILE: DAZ 216/2011
RELATED FILES: DAV 11-150837/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.108

SUBJECT: To rezone the subject land from an "R2" Residential Two-Family District and a "C1" Commercial Neighbourhood District to a "C1" Commercial Neighbourhood District.

LOCATION: 644 Burnell STREET
LEGAL DESCRIPTION: Lot 1, Plan 17749



APPLICANT: Landmark Planning and Design (Donovan Toews)
Suite 200-661 Pembina Hwy
WINNIPEG MB R3M 2L5

OWNER: Age & Opportunity Centre Inc.

RECOMMENDATION: Approval

SITE DESCRIPTION

The subject property, which is split zoned "R2" Residential Two-Family District and "C1" Commercial Neighbourhood District, is located on Burnell Street, between Ellice and Sargent Avenues, in the Daniel McIntyre neighbourhood of the Daniel McIntyre ward.

North: Commercial use zoned "C1" Commercial Neighbourhood District
South: Residences zoned "R2" Residential Two-Family District
East: Residences zoned "R2" Residential Two-Family District
West: Residence zoned "R2" Residential Two-Family District and commercial use zoned "C1" Commercial Neighbourhood District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The existing site has split zoning (C1/R2) whereby the northerly portion of the site is zoned "C1" Commercial Neighbourhood District and the southerly portion is zoned "R2" Two-Family Residential District. The building is currently vacant and previously housed a senior's centre.

The intent is to make use of the southerly portion of the building (± 3,196 sq ft) as a retail space to accommodate a thrift store. The balance of the building (± 6,224 sq ft) will be used mainly for storage and may also include a board room and volunteer rooms that may be available for community use.

The applicant also intends to construct a private approach along Burnell Street in order to accommodate the construction of three new parking stalls at the southeast corner of the building.

Reason for application
In light of the fact that the property has split zoning, commercial uses are currently only permitted on the commercially zoned half of the property. The rezoning is required so that the entire building can be utilized for commercial purposes.

ANALYSIS AND ISSUES
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Daniel McIntyre neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3) Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.*

The proposed rezoning complies with OurWinnipeg and Complete Communities

B. Compatibility with the surrounding neighbourhood
The subject building was previously used by the Age and Opportunity Centre as a senior's centre. In that role, the building acted as a focal point in the community for many seniors, and enhanced their continued participation in the community by offering health, social and recreation programs.

Consequently, despite its partial residential zoning, the building has assumed a commercial character for some time.

The proposed use, which will accommodate a small retail thrift store and offices, is not a significant change in the function or intensity of use that is occurring on the property. The rezoning is also a better reflection of the existing land use. For that reason, the rezoning is compatible with the area and will not have an adverse impact on adjoining properties.

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

- Despite its partial residential zoning, the building has assumed a commercial character for some time.
- The proposed use is not a significant change in the function or intensity of use that is occurring on the property.
- The proposed rezoning is a better reflection of the existing land use.
- The rezoning is compatible with the area and will not have an adverse impact on adjoining properties.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DAZ 230/2010

APPENDIX "B"
Schedule "A" for File No. DAZ 216/2011, City Centre Community Committee, dated August 12, 2011

By-Law No.

File No. **DAZ 216/11**

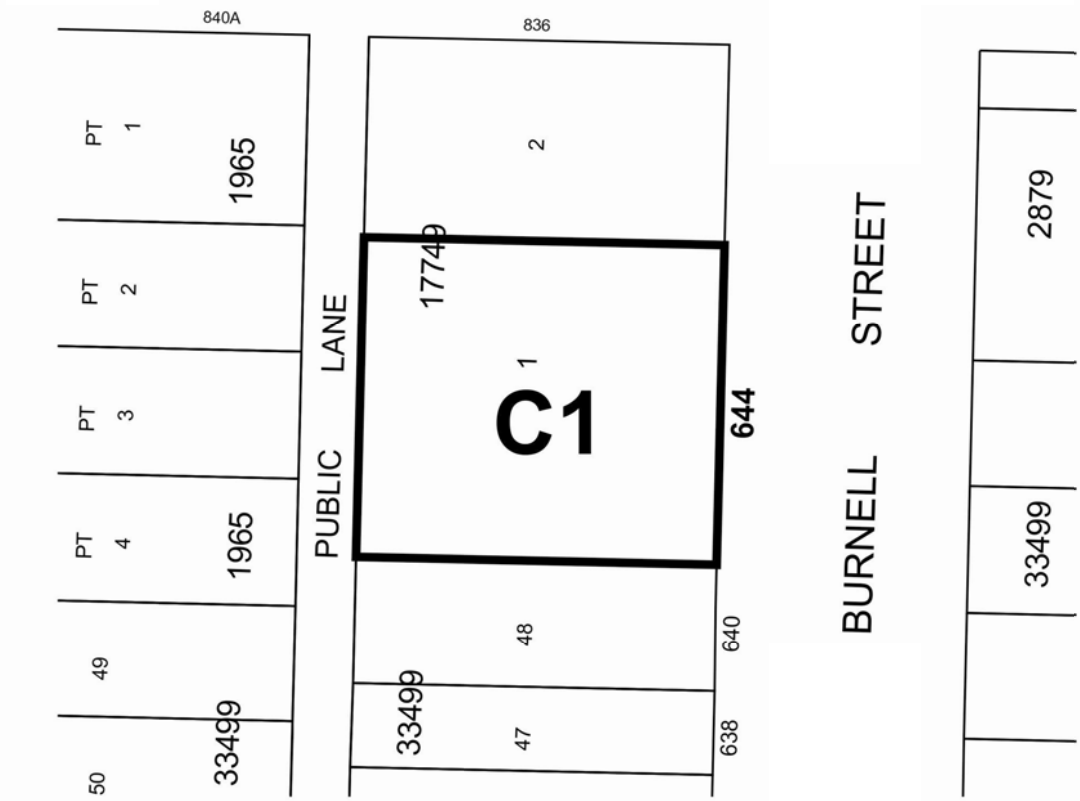
Atlas Sheet No.

N

Z22
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 644 Burnell Street from an "R2" RESIDENTIAL TWO-FAMILY DISTRICT and a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to allow for commercial uses as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.



Figure 1: Aerial Photo (Flown in 2009)