Minutes - Executive Policy Committee - April 23, 2003

Report - Standing Policy Committee on Property and Development - April 8, 2003

Minute No. 235
Item No. 4 Proposed Rezoning - 1275 St. Matthews Avenue
File DAZ 203/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 203/2003, dated February 24, 2003, to a "C1" 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 lands be limited to the following:
            a. musical instruments, rental, sale and servicing;
            b. music school;
            c. residential dwelling unit;
            d. professional office excluding real estate office, travel agency and insurance agency;
            e. barber shop, beauty salon or similar grooming service;
            f. clothing, including hats, shoes, other wearing apparel and accessories
            g. day care centre
            h. dressmaker, furrier, tailor
            i. florist
            j. gift shop

        ii. That the following signage be prohibited: free-standing, temporary, mobile, illuminated.

        iii. That the maximum sign surface area be limited to 15 square feet, non-illuminated facia signage located on the south side of the commercial portion of the building facing St. Matthews Avenue.

Report - Standing Policy Committee on Property and Development - April 8, 2003

iv. That should the building be destroyed or demolished, the reconstructed building be limited to 1-storey in height and that, prior to the issuance of a development permit, plans showing site layout, building elevations, signage, parking, landscaping, fencing, garbage enclosure and site lighting be submitted for approval of the City Centre Community Committee.

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 the 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.

Minutes - Executive Policy Committee- April 23, 2003

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 8, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 4, 2003, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Proposed Zoning Change - 1275 St. Matthews Avenue**
File DAZ 203/2003

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

Prepared By: Carol Freeman, Clerk, City Centre Community Committee

Report date: **March 13, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DAZ 203/2003 dated February 24, 2003, to a "C1" 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 lands be limited to the following:
      - ***a. musical instruments, rental, sale and servicing;***
      - ***b. music school;***
      - ***c. residential dwelling unit;***
      - ***d. professional office excluding real estate office, travel agency and insurance agency;***
      - ***e. barber shop, beauty salon or similar grooming service;***
      - ***f. clothing, including hats, shoes, other wearing apparel and accessories***
      - ***g. day care centre***
      - ***h. dressmaker, furrier, tailor***
      - ***i. florist***
      - ***j. gift shop***

      ii. That the following signage be prohibited: free-standing, temporary, mobile, illuminated.

      iii. That the maximum sign surface area be limited to 15 square feet, non-illuminated facia signage located on the south side of the commercial portion of the building facing St. Matthews Avenue.

iv. That should the building be destroyed or demolished, the reconstructed building be limited to 1-storey in height and that, prior to the issuance of a development permit, plans showing site layout, building elevations, signage, parking, landscaping, fencing, garbage enclosure and site lighting be submitted for approval of the City Centre Community Committee.

2. That a ten per cent (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 the 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 City Centre Community Committee provided the following supporting reason for its recommendation:

1. The application complies with Plan Winnipeg in that residential land can be rezoned for commercial use in Neighbourhood Policy Areas if it is determined that the rezoning will not have a detrimental impact on the residential environment.

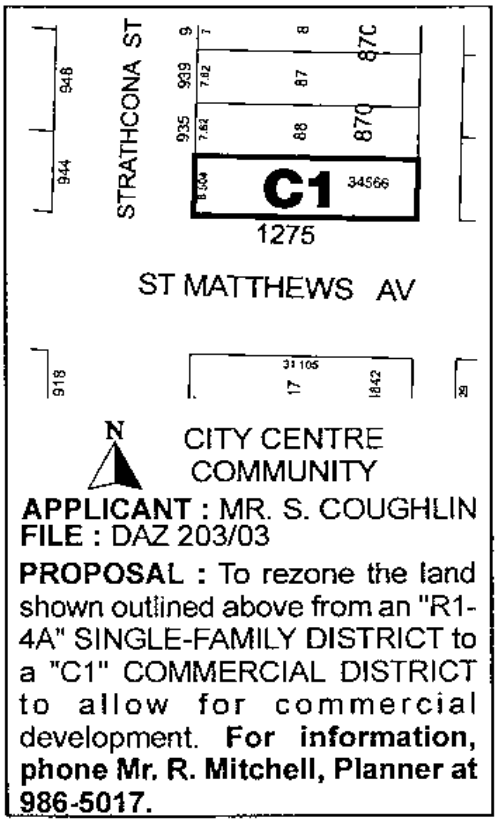
2. The building originally contained a small grocery store, under DAV 524/90, a beauty parlour was allowed to occupy the building and the applicant has occupied the building since 1996 under a 5-year Use Variance that expired on March 29, 2001.

3. The Zoning Agreement will limit signage to one fifteen (15) square foot, business I.D. facia sign on the south side of the store-front only.

PUBLIC HEARING SUMMARY

File:	DAZ 203/2003
Public Hearing:	March 4, 2003 Community Committee Chamber, 300 Assiniboine Avenue
Before:	City Centre Community Committee Councillor Steek, Chairperson Councillor Smith Councillor Steek
Applicant:	Shawn Coughlin 1275 St. Matthews Avenue Winnipeg, MB R3G 0K3

Subject:



Premises Affected: 1275 St. Matthews Avenue

Exhibits Filed:

1. Application dated January 30, 2003
2. Advertising notice dated February 5, 2003
3. Manitoba Status of Titles 1500859
4. Surveyor's Building Location Certificate and Sketch dated February 15, 1990 (2 pages)
5. Letter of Authorization from Shawn Coughlin and Donna Coughlin to Shawn Coughlin dated November 15, 2002
6. Site Plan
7. Variance Order DAV 89/96C
8. Report of the Manager of Planning and Land Use dated February 24, 2003
9. Photographs of the Site and Inspection Notice
10. Communication dated March 4, 2003, from C. Hicks, 918 Strathcona Street, Winnipeg, R3G 3G2, in opposition to the application
11. Two (2) photographs of the subject site submitted at the Public Hearing by Shawn Coughlin

12. Three (3) page notice circulated by Shawn Coughlin purporting to contain the signatures of seven (7) residents of the area in support of proposed uses for the property
13. By-law No. 40/2003

REPRESENTATIONS:

In Support:

Shawn Coughlin, 1275 St. Matthews Avenue, Winnipeg, R3G 0K3

In Opposition:

C. Hicks, 918 Strathcona Street, Winnipeg, R3G 3G2

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING ON THE SUBJECT MATTER

Shawn Coughlin, appearing in support of the application, advised that the subject location had been used in the past as a grocery store, a beauty salon and other businesses. He indicated that the Variance under which he had been operating had now expired requiring the application for a rezoning.

Mr. Coughlin submitted a three (3) page notice, filed as Exhibit No.12 purporting to contain the signatures of seven (7) residents of the area in support of proposed uses for the property. He indicated that customers enter the premises from St. Matthews Avenue and there was sufficient parking with the one-hour restriction.

He advised that he had solicited opinion from the adjacent neighbourhood for uses which would be acceptable should he, in the future, sell the building.

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DAZ 203/03 February 24, 2003
Our c/f CP 500 (.115)

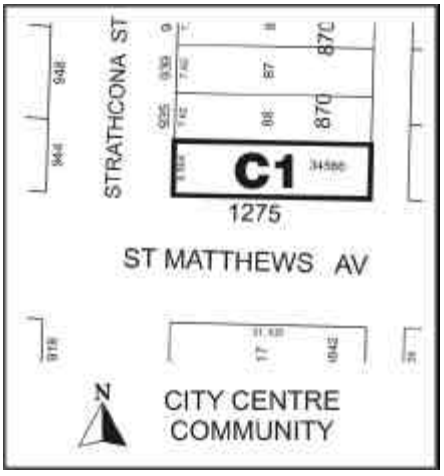
Ms. Carol Freeman, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Freeman:

REZONING
1275 St. Mathews Avenue, northeast corner at Strathcona Street
City Centre Community Committee
File No. DAZ 203/03

An application has been received from Shawn Coughlin to amend By-Law No. 6400/94 by rezoning the land shown below from a/an "R1-4A" Airport Area Residential District to a/an "C1" Commercial District to allow for Commercial Development.

RELATED FILES: Not Applicable



SITE DESCRIPTION:

Site Area: 2,847 square feet; approx. 27' by 102'

Existing Land Use and Zoning: 1-storey dwelling with store-front, zoned "R1-4A"

Surrounding Land Use and Zoning: Single-family housing zoned "R1-4A"

DEVELOPMENT DESCRIPTION:

The property contains an older, 1 storey dwelling with a floor area of about 700 square feet. Attached to the front of the dwelling is a 1 storey commercial addition with a floor area of about 625 square feet. The lot contains a single car garage, and a parking pad for 1 vehicle. Access to the parking is off the back lane. One-hour parking is available on St. Mathews.

The applicant resides on the premises. The commercial portion of the building contains the applicant's business, Academy Piano Sales and Music School. The applicant reconditions pianos in the basement of the commercial portion of the building. The pianos are displayed for sale on the main floor. The applicant also teaches music, mostly off-site.

The property is located on the eastern edge of the St. James Industrial/Commercial neighbourhood. The properties at the intersection of St. Mathews and Strathcona are zoned residential and, with the exception of the subject site, contain single-family dwellings. The closest commercial corner is a mom and pop convenience store at Valour Road and St. Mathews, two blocks east of the subject property.

The building originally contained a small grocery store. Under DAV 524/90, a beauty parlour was allowed to occupy the building. The applicant occupied the building under DAV 89/96C, under a 5-year Use Variance that expired on March 29, 2001. The Variance Order contained the following conditions:

- 15 square foot facia signage on south side of building;
- piano loading between 9:00 a.m. and 4:00 p.m. Monday through Friday off St. Mathews only;
- no pick-up or delivery of pianos for servicing on-site;
- teaching area on south side of building.

PLAN WINNIPEG:

The application complies with Plan Winnipeg in that residential land can be rezoned for commercial use in Neighbourhood Policy Areas if it is determined that the rezoning will not have a detrimental impact on the residential environment.

ADMINISTRATIVE COMMENTS:

The Development Management Branch is prepared to support this application with the following conditions, as in a recommended Zoning Agreement.

- Land use limited to piano service and sales, music school, professional offices excluding real estate, travel, or insurance agencies;
- 15 square foot, business I.D. facia sign on south side of store-front only.

The applicant wishes to erect a 57.5 square foot facia sign on the front of the store-front facing Strathcona Street. The Development Management Branch does not support this request as it would have a detrimental impact on overlooking residential properties.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 203/03, attached hereto and dated February 24, 2003, to a "C1" 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:

1. That the use of the lands be limited to the following:

- piano servicing and sales;
- music school;
- residential dwelling unit;
- professional office excluding real estate office, travel agency and insurance agency.

2. That the following signage be prohibited: free-standing, temporary, mobile, illuminated.

3. That the maximum sign surface area be limited to 15 square feet, non-illuminated facia signage located on the south side of the commercial portion of the building facing St. Mathews Avenue.

4. That, should the building be destroyed or demolished, the reconstructed building be limited to 1-storey in height and that, prior to the issuance of a

development permit, plans showing site layout, building elevations, signage, parking, landscaping, fencing, garbage enclosure and site lighting be submitted for the approval of the City Centre Community Committee.

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.

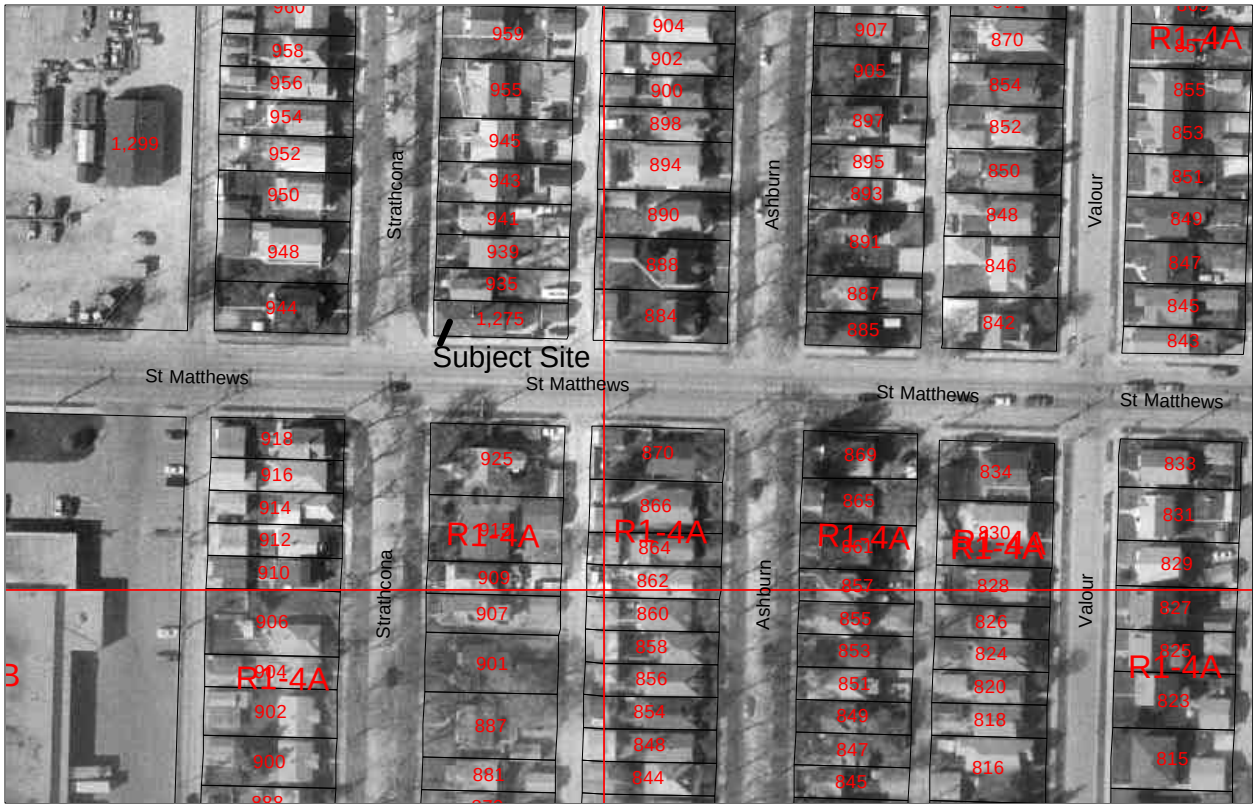
VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017


Subject Site
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St Matthews
St Matthews
Strathcona
Strathcona
Ashburn
Ashburn
Valour
Valour
R1-4A
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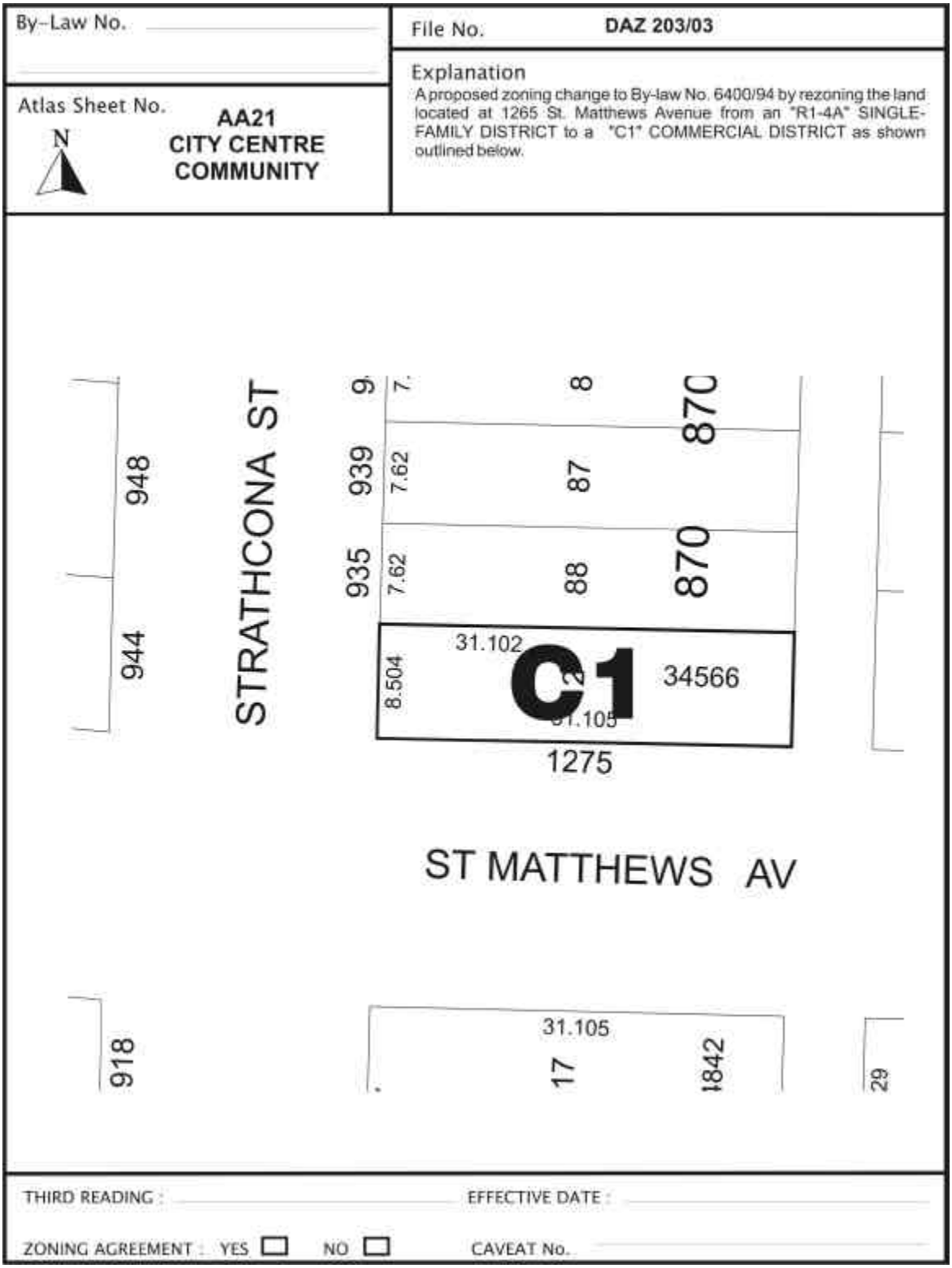


Figure 1: Schedule "A" to the report for DAZ 203/03, dated February 24, 2003.

REFERENCE: FILE NO. DAZ 203/03

THE CITY OF WINNIPEG

BY-LAW NO. 40/2003

A By-law of THE CITY OF WINNIPEG to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1275 St. Matthews Avenue in the CITY CENTRE COMMUNITY.

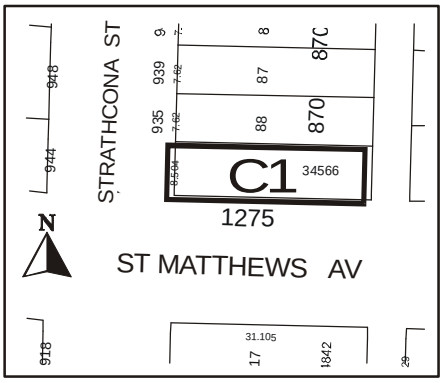
THE CITY OF WINNIPEG in Council assembled, enacts as follows:

ZONING

1. By-law No. 6400/94, as amended, is hereby further amended as follows:

(a) Notwithstanding anything elsewhere contained in this By-law or shown on the District Map the lands outlined on the Plan included in clause (b) of this subsection and designated thereon as "C1" are hereby zoned as a "C1" COMMERCIAL DISTRICT and the District Maps shall hereafter be read and construed as shown on that Plan.

(b) The zoning district and zoning district boundaries referred to in clause (a) of this subsection are hereby located as shown on the Plan below."



DONE AND PASSED in Council assembled this.....day of ..... A.D. 20 .....

.....
Mayor

.....
City Clerk

Certified as to Planning Details:

.....
for Director of Planning, Property & Development

Certified as to Form:

.....
for City Solicitor

Reference: File No. DAZ 203/03 Atlas Sheet No. AA 21

By-Law No. _____

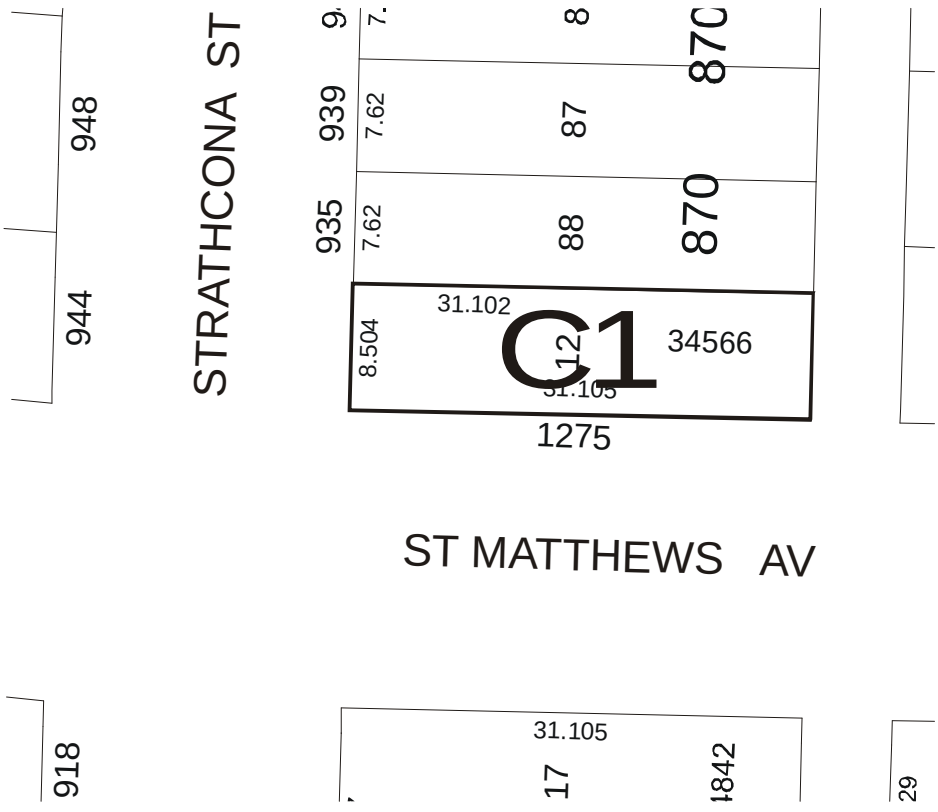
File No. **DAZ 203/03**

Atlas Sheet No. **AA21**
CITY CENTRE
COMMUNITY

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1265 St. Matthews Avenue from an "R1-4A" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____