Agenda – Council – November 16, 2011

Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 4 Rezoning – 1427 Selkirk Avenue
(Point Douglas Ward)
File DAZ 206/2011

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendations 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 The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/2011 dated September 23, 2011 to a "C2" Commercial Community 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 following uses shall not be permitted on the land:

            a. Post office / carrier depot,
            b. Protection and emergency services,
            c. Landscape or garden supplies,
            d. Drive-in or drive-through,
            e. Contractor's establishment,
            f. Recycling collection centre,

        ii. That the hours of operation be limited to 8:30 a.m. to 6:00 p.m. Monday to Saturday and closed Sundays,

        iii. That there shall be no outside storage of derelict vehicles, auto parts, fuel or lubricants on site,

        iv. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade,

        v. That no chainlink fencing shall be allowed on the site adjacent to the south and east property lines of the site,

vi. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting),

vii. That there shall not be more than 20 (twenty) vehicles for sale allowed on the site at any one time,

viii. That there shall be a maximum of 35 (thirty-five) vehicles, (including vehicles for sale) allowed outside on site at any one time,

ix. That the dumpster / outdoor garbage area be screened with an ornamental fence, (minimum height of 6 inches, (152 mm) above the top of the garbage container) protected with an opaque gate,

x. That the existing rear compound located at the northwest quadrant of the site next to the rear lane be enhanced with additional screening,

xi. That landscape buffering with a minimum width of 5 feet (1.524 metres) be provided at the southwest, southeast and northeast corners of the site by August 1, 2012,

xii. That there shall be no advertising signs, mobile signs, rotating signs, electronic message board signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site,

xiii. That for the development of any building and/or accessory parking area and/or signage; plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and freestanding signage to the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all 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.

Report – Standing Policy Committee on Property and Development – November 1, 2011

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

Report – Standing Policy Committee on Property and Development – November 1, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Amend Recommendation 1.A.xiii. by adding the words "and the Lord Selkirk-West Kildonan Community Committee" after the words "Director of Planning, Property and Development", and before the words "for plan approval",

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 1427 Selkirk Avenue**
File DAZ 206/2011

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

Prepared by: **Inga Skundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **October 13, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 11, 2011, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

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 206/2011 dated September 23, 2011 to a "C2" Commercial Community 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 following uses shall not be permitted on the land:

            a. Post office / carrier depot,
            b. Protection and emergency services,
            c. Landscape or garden supplies,
            d. Drive-in or drive-through,
            e. Contractor's establishment,
            f. Recycling collection centre,

        ii. That the hours of operation be limited to 8:30 a.m. to 6:00 p.m. Monday to Saturday and closed Sundays,

        iii. That there shall be no outside storage of derelict vehicles, auto parts, fuel or lubricants on site,

        iv. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade,

        v. That no chainlink fencing shall be allowed on the site adjacent to the south and east property lines of the site,

vi. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting),

vii. That there shall not be more than 20 (twenty) vehicles for sale allowed on the site at any one time,

viii. That there shall be a maximum of 35 (thirty-five) vehicles, (including vehicles for sale) allowed outside on site at any one time,

ix. That the dumpster / outdoor garbage area be screened with an ornamental fence, (minimum height of 6 inches, (152 mm) above the top of the garbage container) protected with an opaque gate,

x. That the existing rear compound located at the northwest quadrant of the site next to the rear lane be enhanced with additional screening,

xi. That landscape buffering with a minimum width of 5 feet (1.524 metres) be provided at the southwest, southeast and northeast corners of the site by August 1, 2012,

xii. That there shall be no advertising signs, mobile signs, rotating signs, electronic message board signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site,

xiii. That for the development of any building and/or accessory parking area and/or signage; plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and freestanding signage to the Director of Planning, Property and Development ***and the Lord Selkirk-West Kildonan Community Committee*** for plan approval prior to the issuance of any building or development permit, and thereafter all 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 and City Solicitor be requested to prepare the necessary rezoning by-law and forward 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 and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk - West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk - West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated September 23, 2011.

PUBLIC HEARING SUMMARY

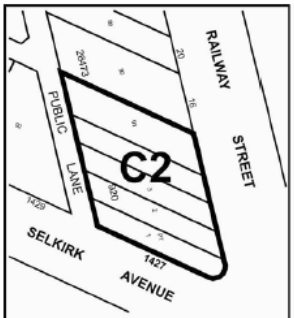
File: DAZ 206/2011

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: October 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Nirto Autosales (Ameer Kashmiri)

Subject:



Premises Affected: 1427 Selkirk Avenue

Exhibits Filed:

1. Application dated March 29, 2011
2. Notification of Public Hearing dated August 8, 2011
3. Manitoba Status of Title 2176002
4. Letter of authorization dated March 1, 2011 from Trevor Stobbe Property Holdings to Ameer Kashmiri
5. Photographs (2 pages)
6. Plans (4 pages)
7. Report from the Planning and Land Use Division dated September 23, 2011

8a. Petition with respect to the application purporting to contain the signatures of 26 area residents, submitted by Ameer Kashmiri, Applicant
8b. Petition in support of the application purporting to contain the signatures of 5 area residents, submitted by Ameer Kashmiri, Applicant
9. Inspection Report
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Ameer and Andy Kashmiri, Nirto Autosales

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 206/2011

ADMINISTRATIVE REPORT

Title: DAZ 206/2011 – 1427 Selkirk Avenue

Issue: For consideration at the public hearing for a Rezoning from 'C1' Commercial Neighbourhood to 'C2' Commercial Community for 1427 Selkirk Avenue to permit the sale of automobiles on site.

Critical Path: Lord Selkirk/West Kildonan 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. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 206/11 dated September 23, 2011 to a "C2" Commercial Community 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 following uses shall not be permitted on the land:

         a. Post office / carrier depot,
         b. Protection and emergency services,
         c. Landscape or garden supplies,
         d. Drive-in or drive-through,
         e. Contractor's establishment,
         f. Recycling collection centre,

      ii. That the hours of operation be limited to 8:30 a.m. to 6:00 p.m. Monday to Saturday and closed Sundays,

      iii. That there shall be no outside storage of derelict vehicles, auto parts, fuel or lubricants on site,

      iv. That any freestanding signage on the site shall be limited to a maximum of 8.0 feet (2.43 metres) above grade,

v. That no chainlink fencing shall be allowed on the site adjacent to the south and east property lines of the site,

vi. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting),

vii. That there shall not be more than 20 (twenty) vehicles for sale allowed on the site at any one time,

viii. That there shall be a maximum of 35 (thirty-five) vehicles, (including vehicles for sale) allowed outside on site at any one time,

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x. That the existing rear compound located at the northwest quadrant of the site next to the rear lane be enhanced with additional screening,

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xii. That there shall be no advertising signs, mobile signs, rotating signs, electronic message board signs, banner signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site,

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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.

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

7. 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.

REASON FOR THE REPORT

- The applicant seeks approval to rezone the subject property to 'C2' Commercial Community to accommodate Automobile Sales. The site is currently zoned 'C1' Commercial Neighbourhood and is operating as an automobile repair business.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, Automobile Sales may take place on the site once all other approvals are in place.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

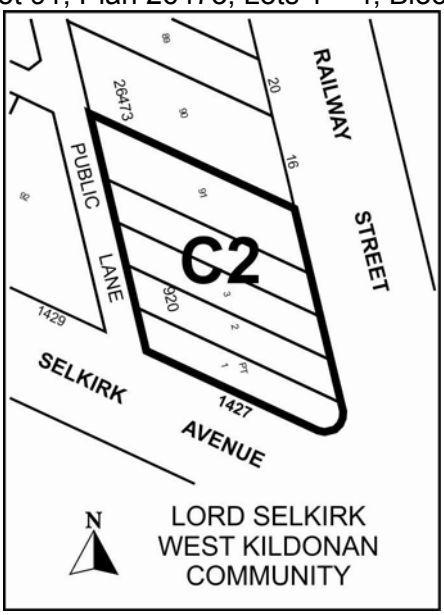
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*James Veitch*
Date:	*September 23, 2011*
File No.	*DAZ 206/2011*

APPENDIX 'A'

DATE: September 23, 2011
FILE: **DAZ 206/2011**
RELATED FILES:
COMMUNITY: Lord Selkirk / West Kildonan Community Committee
NEIGHBOURHOOD #: 3.307 (Burrows - Keewatin)

SUBJECT: To rezone the subject land from a 'C1' Commercial Neighbourhood to 'C2' Commercial Community

LOCATION: 1427 Selkirk AVE
LEGAL DESCRIPTION: SP Lot 91, Plan 26473, Lots 1 – 4, Block 1, Plan 920



APPLICANT: Ameer Kashmuri
1427 Selkirk Avenue
WINNIPEG MB R2X 0E4

OWNER: Trevor Stobbe Property Holdings
998 Yarwood Avenue R2E 0K9

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY:
The Planning and Land Use Division recommends ***approval with conditions*** for the following reasons:

- The proposed 'C2' Zoning district with conditions outlining operation parameters is compatible with the surrounding context,
- The establishment of a small scale community style automobile sales use with appropriate site improvements will be a benefit to the neighbourhood and the adjacent businesses,
- The proposed development is consistent with *OurWinnipeg* Policies that encourage moderate intensification along Community Mixed Use Corridors as well as the re-investment in *Areas of Stability*.

SITE DESCRIPTION

Existing Land Use and Zoning

The approximately 13,600 square foot subject site is zoned 'C1' Commercial Neighbourhood and occupied by an automobile service garage. The site is located in the Burrows – Keewatin neighbourhood of the Point Douglas Ward.

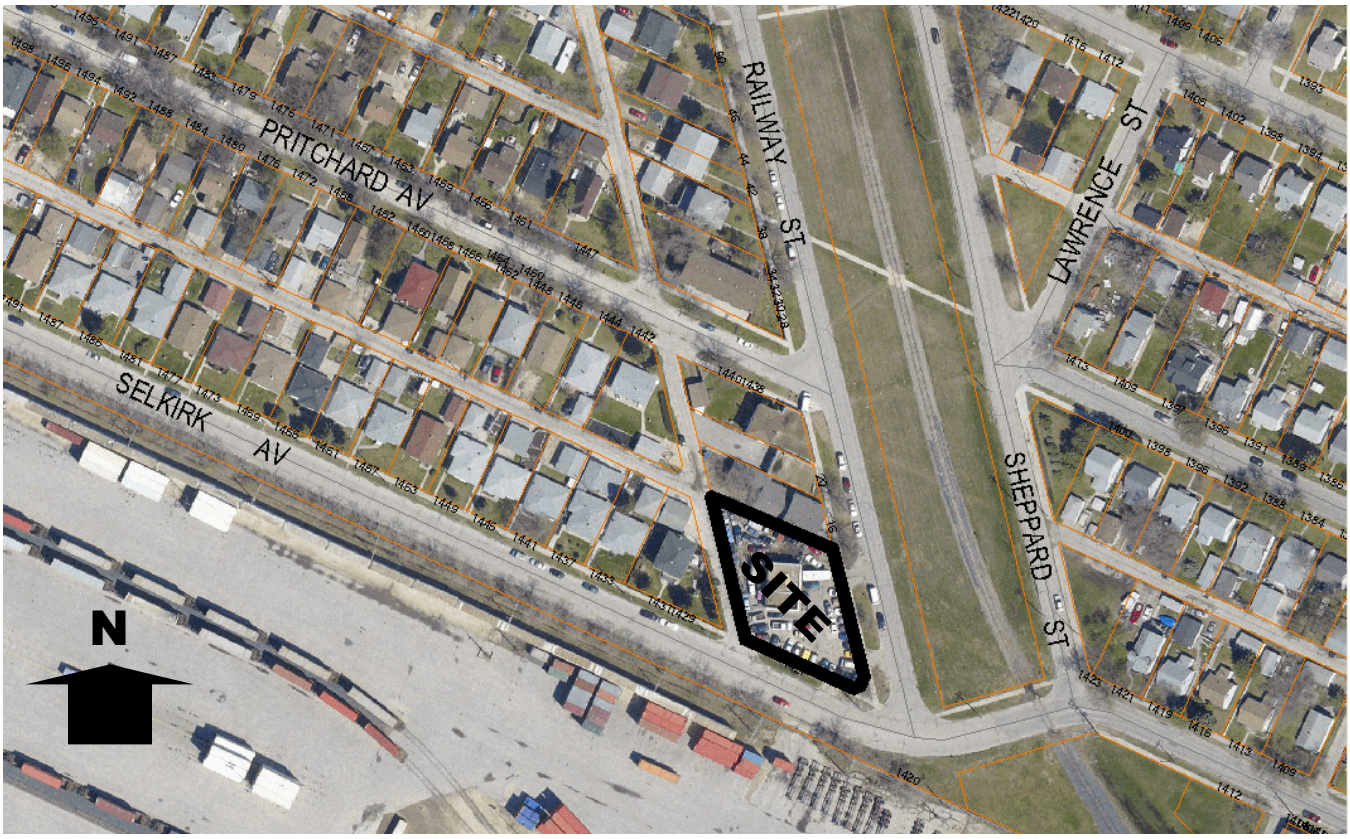


Figure 1: 1427 Selkirk Ave. (Aerial Flown 2009)

Surrounding Land Use and Zoning

North: 'C1' Commercial Neighbourhood
South: 'M2' Manufacturing (CPR Weston Yards)
East: Railway Street then CPR Arborg Line, then Sheppard Street followed by 'R1-M' Single Family
West: Back Lane then 'R1-M' Single Family

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant intends to sell automobiles at 1427 Selkirk Avenue which he will continue to run as a service station. His letter of intent submitted with the application the applicant has indicated they will provide new landscaping and fencing on the site. The applicants are looking to provide the surrounding neighbourhood with affordable vehicles and affordable maintenance.

ANALYSIS AND ISSUES
The Planning and Land Use Division is supportive of the proposed rezoning to 'C2' Commercial to allow the sale of automobiles at the existing auto repair business. The applicants are the new owners of the business and have begun to clean up the site, renovate the existing building and plan to provide additional outdoor aesthetic improvements. The owners have indicated that they intend to improve the businesses' fit with the adjacent residential context by providing low aesthetically pleasing fencing as well as new landscaping at select locations around the perimeter of the site.

During a meeting on site with the Public Service the owners have agreed to limit the number of cars for sale to a maximum of 20 vehicles and further agreed to a maximum of 35 total vehicles outside on site at any one time.

The business shall typically operate at an 8:30 a.m. to 5:00 p.m. basis weekly with some limited weekend hours depending on business and repair deadlines. There will likely be a maximum of staff members for the repair and sales business.

OurWinnipeg / Complete Communities Direction Strategy
1427 Selkirk Avenue is highlighted as an *Area of Stability* within the *Mature Communities* district of OurWinnipeg / Complete Communities.

Policies are in place to support the completion of *Areas of Stability* such as;
'Support a Mix of Commercial services and employment uses that serve the local community.'

Selkirk Avenue is also highlighted as a *Community Mixed-use Corridor* defined as places;
'Containing public and private facilities, amenities and other community services within reasonably close proximity.'

The *Complete Communities Direction Strategy* supports the enhancement of these *Community Mixed Use Corridors* through moderate intensification.

Zoning By-Law 200/2006
The subject property is currently zoned 'C1' Commercial Neighbourhood under zoning by-law 200/2006. A 'C2' Commercial Community zone is being requested as the applicant wishes to establish Automobile Sales in conjunction with his car repair service on the subject site.

The Planning and Land Use Division supports the proposed rezoning the 'C2' Commercial Community for the following reasons:

- The City's Development Plan *OurWinnipeg / Complete Communities* suggests the proposed use is appropriate for the context,
- The applicant intends to serve the local neighbourhood and has provided over 30 signatures of support from surrounding residences,
- The applicant / owner will continue to make aesthetic improvements to the property while at the same time operating the business in a manner sensitive to the surrounding context to ensure a good fit with the neighbourhood,
- The proposed site improvements will signal renewed investment in local small business, adjacent property owners may then be encouraged to invest and improve the appearance and operation of their own properties,
- The applicant will be required to enter into a zoning agreement with conditions to mitigate any adverse effects on the adjacent context.

REASONS FOR RECOMMENDATIONS
In the context of Section 247(3), the Planning and Land Use Division recommends **approval** with conditions for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
(d) is compatible with the area in which the property to be affected is situated.

- The proposed use with conditions outlining certain operation parameters and site improvements will not create an adverse effect on adjacent properties,
- The proposed development is consistent with *OurWinnipeg / Complete Communities* policies that encourage moderate intensification of land uses in *Areas of Stability,*
- The proposed Zoning Agreement will mitigate any potential conflicts between the proposed operation of the site and the surrounding neighbourhood not only with the current business proposal but with any future business enterprises that may set up operation on the site.

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

Report Prepared by: James Veitch
PPD File # DAZ 206/2011

Schedule "A" for File No. DAZ 206/2011, Lord Selkirk/ West Kildonan Community Committee, dated September 23, 2011

By-Law No. _____

File No. **DAZ 206/11**

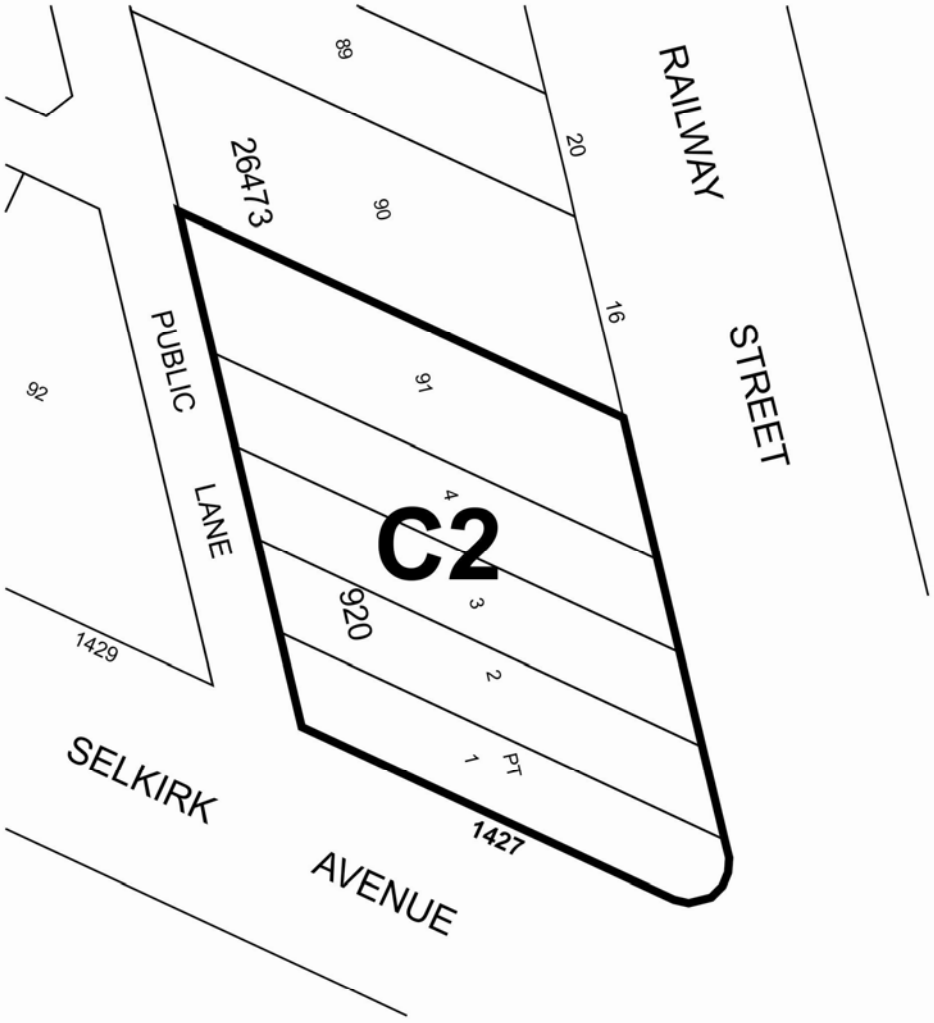
Atlas Sheet No. **V21**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1427 Selkirk Avenue from a "C1" COMMERCIAL NEIGHBOURHOOD DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for an automobile sales use in conjunction with the existing automobile repair use on site as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____