Minute No. 342
Report – Standing Policy Committee on Property and Development – April 9, 2013

Item No. 1 Rezoning – 696 St. Anne's Road
(St. Vital Ward)
File DAZ 242/2012 [c/r DAV 179066/2012D]

COUNCIL DECISION:

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

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 242/2012 dated January 22, 2013 to a "C2" Commercial Community District, subject to the following:

    A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated January 28, 2013.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition(s):

        i. That, the days and hours of operation for an auto/light truck/motorcycle, repair and service or contractor's establishment use shall be restricted to 7:00 a.m. to 6:00 p.m., Monday to Friday only;

        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        iii. That, the use of outdoor speakers or outdoor intercom systems in association with any commercial use on the property shall be prohibited;

        iv. That, the hours of operation for loading activities or garbage collection shall be limited to between the hours of 7:00 am and 11:00 pm;

        v. That, flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

Report - Standing Policy Committee on Property and Development – April 9, 2013

COUNCIL DECISION (continued):

vi. That, advertising signs, mobile signs, inflatable signs, or A-board signs shall not be permitted;

vii. 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 signage to the Director of Planning, Property and Development and the Riel 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 the 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 – April 9, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 17, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 9, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

On February 4, 2013, the Riel Community Committee concluded public representation on the application and adjourned the public hearing to its meeting on March 11, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Rezoning – 696 St. Anne's Road**
DAZ 242/2012

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

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **March 12, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service 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 242/2012 dated January 22, 2013 to a "C2" Commercial Community District, subject to the following:

    A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated January 28, 2013.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition(s):

        i. That, the days and hours of operation for an auto/light truck/motorcycle, repair and service or contractor's establishment use shall be restricted to 7:00 a.m. to 6:00 p.m., Monday to Friday only;

        ii. That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        iii. That, the use of outdoor speakers or outdoor intercom systems in association with any commercial use on the property shall be prohibited;

        iv. That, the hours of operation for loading activities or garbage collection shall be limited to between the hours of 7:00 am and 11:00 pm;

        v. That, flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

vi. That, advertising signs, mobile signs, inflatable signs, or A-board signs shall not be permitted;

vii. 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 signage to the Director of Planning, Property and Development and the Riel 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated February 22, 2013.

2. There was no desire by the committee to put this company out of business, which would have been the effect of denying them the rezoning.

3. I believe we have addressed the many concerns raised by the Community with the additional conditions to this rezoning.

PUBLIC HEARING SUMMARY

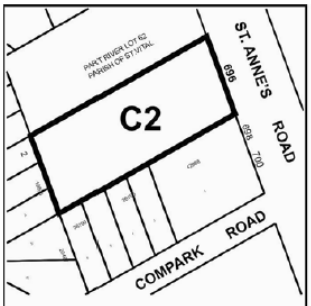
File: DAZ 242/2012

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Mayes

Public Hearing: March 11, 2013
February 4, 2013
Council Building, 510 Main Street

Applicant: Richard Bembridge

Subject:



RIEL COMMUNITY

APPLICANT: RICHARD BEMBRIDGE
FILE: DAZ 242/12
PROPOSAL: To rezone the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the maintenance of an existing auto repair use. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : RICHARD BEMBRIDGE
N° DE DOSSIER : DAZ 242/12
PROJET : Rezonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) afin de permettre le maintien d'un service de réparation d'automobiles existant. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 696 St. Anne's Road

Exhibits Filed:

1. Application dated December 11, 2012
2. Notification of Public Hearing dated January 2, 2013
3. Manitoba Status of Title 2078206/1
4. Letter of authorization dated November 29, 2012 from Jarvis and Florence Swereda to Richard Bembridge
5. Plan (1 page)
6. Report from the Planning and Land Use Division dated January 22, 2013
7. Inspection Report
8. Communication dated February 1, 2013, from Heather M. Smith, in opposition to the application
9. Communication dated January 31, 2013, from Sheila Liang, in opposition to the application
10. Landscape plan and communication dated January 31, 2013, submitted by Richard Bembridge at the public hearing, in support of the application
11. Petition purporting to contain 33 signatures of area residents, submitted by Brad J. Thompson at the public hearing, in support of the application
12. Photographs (8) of subject property and surrounding area, and communication dated January 31, 2013, submitted by Todd Christensen at the public hearing, in opposition to the application
13. Communication dated February 2, 2013, submitted on behalf of Aisha Ali, by Todd Christensen at the public hearing, in opposition to the application
14. Presentation dated February 4, 2013, submitted by Jo-Anne Desanges at the public hearing, in opposition to the application
15. Communication dated February 4, 2013, submitted on behalf of Michael Thwaites by Jo-Anne Desanges at the public hearing, in opposition to the application
16. Presentation submitted by Alexander and Jane Mackenzie, in opposition to the application
17. Communication dated February 1, 2013, submitted by James and Angela Rattai at the public hearing, in opposition to the application
18. Communication dated February 2, 2013, submitted on behalf of Ken and Shelly Andrews, by James Rattai, in opposition to the application

19. Communication dated February 3, 2013, submitted on behalf of Tom Wilkinson, by James Rattai, in opposition to the application
20. Petition purporting to contain 9 signatures of area residents, submitted by Esther Zacharias, in opposition to the application
21. Audio Recording of representations of public hearing
22. Notice of Adjournment dated February 5, 2013
23. Revised report from the Planning and Land Use Division dated February 22, 2013

REPRESENTATIONS:

In Support:
Nolan Amos
Richard Bembridge
Ryan Dufault
J.P. Fontaine
Kyle Johnson
Ralph M. Johnson
Gerry Lafantaisie
C. Leuzinger
Richard Marcotte
Brian Osadick
Andrew Scheler
Jarvis and Florence Swereda
Brad J. Thompson
John Westra

In Opposition:
Aisha Ali
Ken and Shelly Andrews
Todd and Gwen Christensen
Jo-Anne Desanges
Jill Harrison
Sheila Liang
Alexander Mackenzie
M. Jane Mackenzie
James J. Rattai
Heather M. Smith
Michael Thwaites
Tim Wilkinson
Esther Zacharias

For Information:
Nil

For the City:
R. Kostiuk, Planner, Planning, Property and Development Department
K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "23" referred to in File DAZ 242/2012

REVISED ADMINISTRATIVE REPORT

Title: DAZ 242/2012 – 696 St. Anne's Road Public Hearing

Issue: An application for consideration at the Public Hearing for a rezoning from RR5 to C2 in order to retain the existing uses on the site.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	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 242/2012 dated January 22, 2013 to a "C2" Commercial Community District, subject to the following:

    A. That the Developer be required to fulfill all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated January 28, 2013.

    B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition(s):

        i) That, the days and hours of operation for an auto/light truck/motorcycle, repair and service or contractor's establishment use shall be restricted to 7:00 a.m. to 6:00 p.m., Monday to Friday only;

        ii) That, excluding projections permitted under the Zoning By-Law, the maximum height of any building shall be no greater than thirty-five (35) feet;

        iii) That, the use of outdoor speakers or outdoor intercom systems in association with any commercial use on the property shall be prohibited;

iv) That, the hours of operation for loading activities or garbage collection shall be limited to between the hours of 7:00 am and 11:00 pm;

v) That, flashing, animated, or scintillating signs, rotating signs or beacons and electronic message boards shall not be permitted;

vi) That, advertising signs, mobile signs, inflatable signs, or A-board signs shall not be permitted;

vii) 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 signage to the Director of Planning, Property and Development and the Riel 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 the 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.

REASON FOR THE REPORT

- The applicant is proposing to rezone the site from "RR5" Rural Residential 5 to "C2" Commercial Community in order to retain the existing auto repair and service use (principal use) and caretaker's residence (accessory use) on the site.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- 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 Urban Planning Division are concurred in, the land will be rezoned from RR5 to C2.

HISTORY

DAV 14/78

- On February 16, 1978, the St. Boniface – St. Vital Community Committee granted variance order DAV 14/78 permitting the maintenance of an auto body repair business for a period of two years, subject to the following conditions:

    1. That the applicant be required to construct a 6 foot tall wood fence along the entire rear (west) lot line and along each of the side lot lines (north and south) from the rear lot line to the west limit of the existing trees, which are located on the said north and south lot lines within one year from the date of issuance of the variance order;

    2. That the variance order expire two years from the date of the issuance of same.

DAV 223/85

- On May 1, 1985, the St. Boniface – St. Vital Community Committee granted variance DAV 223/85 permitting the maintenance of an auto body repair business for a period of two years, subject to the following conditions:

    1. That the variance hereby granted will terminate on May 1st, 1990.

    2. That the applicant complete the unfinished portion of the asphalt pavement in the lot prior to the end of the 1985 construction season.

DAV 477/89

- On July 13, 1989, the St. Boniface – St. Vital Community Committee granted variance DAV 447/89 permitting the maintenance of an auto body repair business, as approved by order DAV 223/85, beyond May 1st, 1990, subject to the following conditions:

  1. That the hours of operation be limited to 8:00 am to 6:00 pm.

  2. That the order will expire on May 1st, 2014.

DAV 276/2001/C

- On June 1, 2001, the Board of Adjustment granted variance DAV 276/2001/C the establishment of a second dwelling unit in an existing single-family home, subject to the following conditions:

  1. That the Kitchen facilities within the second dwelling unit shall be removed and the variance shall terminate when the second dwelling unit is no longer being utilized by a senior family member or on May 1, 2014, whichever occurs first.

  2. That, if any variance granted by this order is not established within two (2) years of the date hereof, this order, in respect of that Variance shall terminate.

DAZ 242/2012 & DAV 12-179066/D (Subject Applications)

- On February 4, 2013, the Riel Community Committee adjourned the hearing for the subject applications in order to allow the Public Service to construct conditions in the recommended zoning agreement that could help reasonably address concerns raised at the public hearing held on February 4, 2013.

CONSULTATION

- In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	**Revised February 22, 2013**
File No.	DAZ 242/2012

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 242/2012
3. Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: REVISED February 22, 2013

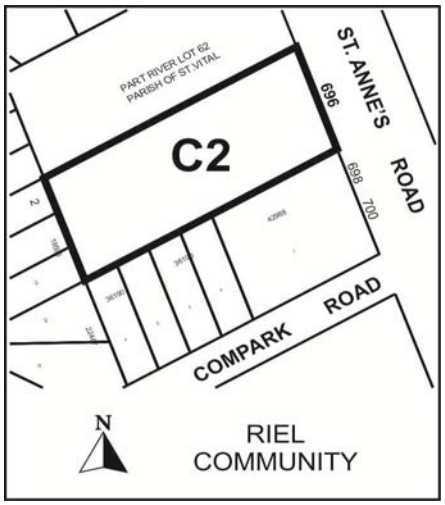
FILE: DAZ 242/2012
RELATED FILES: DAV 12-179066/D (c/r), DAV 276/2001C, DAV 477/89, DAV 223/85, DAV 14/78

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.530

SUBJECT: To rezone the subject land from "RR5" Rural Residential 5 to "C2" Commercial Community in order to retain the existing auto repair and service use on the site.

LOCATION: 696 St Anne's RD

LEGAL DESCRIPTION: PT RL 62 ST V NLY 130.9F OF SLY 265.1F LYING W OF W LIMIT OF ST ANNES RD PL 1871 WHICH LIES E OF A LINE DRAWN W OF PARL WITH & PERP DIST 330F FROM SAID W LIMIT EXC RD PL 33295



APPLICANT: Richard Bembridge
2175 ST MARY'S RD
WINNIPEG MB R2N 3X7

OWNER: Jarvis & Florence Swereda
696 St. Anne's Road
Winnipeg MB R2M 4A3

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from “RR5” Rural Residential 5 to “C2” Commercial Community in order to retain the existing auto repair and service use (principal use) and caretaker’s residence (accessory use) on the site.
- No changes or expansion of any buildings are proposed.
- The Urban Planning Division recommends supporting this application, subject to conditions.

SITE DESCRIPTION

- The subject property is located on the west side of St. Anne’s Road, just north of the St. Anne’s Road/Compark Road intersection in the Dakota Crossing neighbourhood of the St. Vital Ward.
- The site contains a detached single-family home and, more notably, an auto repair and service use (Starfield Auto Body) that occupies the majority of the site.
- The property is **42,418 square feet in area**.
- The site is located along a Mixed Use Corridor (St. Anne’s Road) under the Complete Communities Direction Strategy and is zoned “RR5” Rural Residential 5.



Figure 1: Aerial photograph of the subject property and surrounding area (2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: A detached single-family home and an office zoned RR5.

South: Detached single-family homes zoned R1-M and an auto repair and service establishment zoned C2.

East: A three storey multi-family complex zoned RMF-S.

West: Detached single-family homes zoned R1-M.

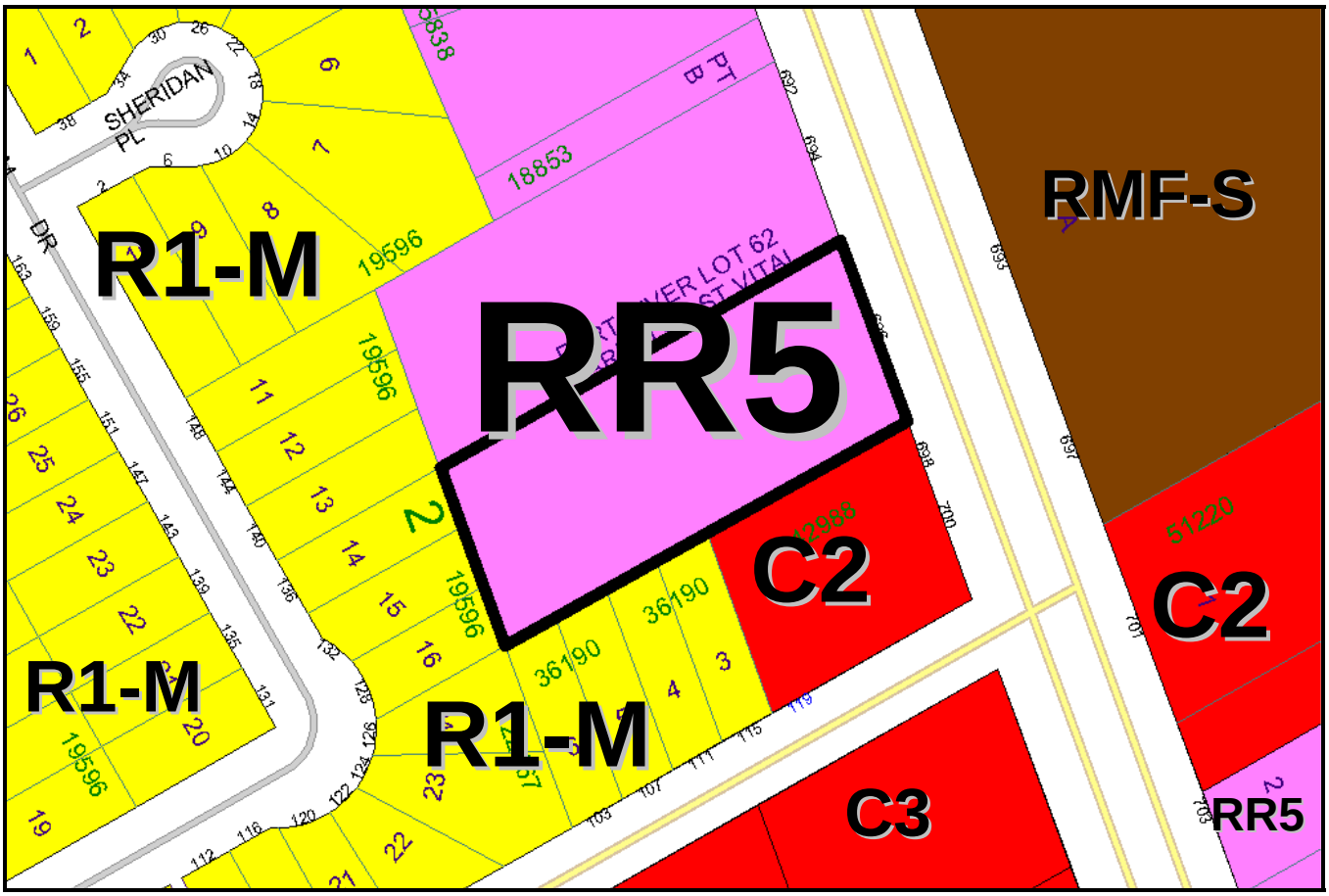


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "RR5" Rural Residential 5 to "C2" Commercial Community in order to retain the existing auto repair and service use (principal use) and caretaker's residence (accessory use) on the site.
- No changes or expansion of any buildings are proposed. The application is prompted by the fact that a use variance granted for an auto repair shop under DAV 477/89 is set to

expire on May 1, 2014. As such, the applicant would like to rezone the property in order to ensure that the uses on the site are in conformance with the Zoning By-law.

- An associated variance is being applied for under DAV 12-179066/D for a 0 foot setback instead of the required 10 foot wide landscaped setback along the west and south property lines of the site.

ANALYSIS AND ISSUES

- Under the Complete Communities Direction Strategy the proposed development is located along a Mixed-Use Corridor (St. Anne's Road). Key relevant policies guiding development along Mixed Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally

located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. Non-residential structures in the C2 zone require the following dimensional standards: a minimum front, side and corner side yard of 0 feet, and a rear yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 3.0.

LAND USE BY-LAW

Rezoning

- The applicant would like to ensure that the existing auto repair and service use is legally permitted on the land and consistent with the current City of Winnipeg Zoning By-law. The RR5 zoning district is intended for rural, single-family residential development with a minimum lot area of five acres. Commercial developments, such as an auto repair and service use, are not permitted in the RR5 zone. As such, the applicant would like to rezone the site to C2, which permits auto repair and service uses.

Variance

- A variance application (DAV 12-179066/D) has been submitted in conjunction with the subject rezoning.
- Developments in the C2 zone require a 10 foot wide landscaped buffer when the side or rear property line abuts the side or rear property line of an R1 or R2 zone. The subject site abuts the rear property lines of an R1 zone to the west and south of the subject site. A full, 10 foot wide landscaped buffer is not being proposed in these areas (i.e. the site will remain as it is) and has requested to vary this aspect of the Zoning By-law.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land and a mix of uses (including commercial developments) along major corridors such as St. Anne's Road.
- The subject site is surrounded by either commercial establishments or higher density residential development in this area along St. Anne's Road. In fact, there is a similar use zoned C2 located immediately south of the subject site and one of the largest commercial developments found along St. Anne's Road (the Southglen Shopping Centre – zoned C3 and C4) is about 250 feet south of the site.
- The existing establishment – Starfield Auto Body – has operated on the site since 1972. The City of Winnipeg has been keeping a digital record of complaints on properties since about 2002. A review of these files indicates that there have been no complaints regarding the establishment since 2002.
- Three variance applications for the auto service and repair use have been evaluated over the years (see History Section). Typically when there are time limitations imposed on use variances, part of the evaluation would include whether or not there were any concerns from the neighbours or general public. There were no members of the public in attendance for all three variance applications and the relevant committee supported the

use variance each time. The most notable of these applications was DAV 477/89 as by 1989, the immediate neighbours to west had developed their homes three years prior to this application.

- The neighbouring property to the south was rezoned to C2 under DASZ 3/2004 in order to allow for the consolidation of the property and for the continued operation of the auto repair use. Conditions of that rezoning restricted the hours of operation to 8:00 am-6:00 pm Monday to Friday, and 8:00 am-2:00 pm Saturdays. The hours of operation for the subject property were also limited under DAV 477/89.
- A similar condition – predominantly tailored around the existing operational hours of the established business – is provided in the recommended zoning agreement for this application. The purpose of this restriction is to help ensure that the operations of any future auto repair use or a similar use (contractor's establishment) permitted within the C2 zone are less disruptive to the neighbouring properties.
- The existing home on the land is deemed a "caretaker's residence", which is a permitted accessory use in the C2 zone. This home presents a more attractive street front presence for the property. It should be noted that this home also had a secondary suite in it, which was permitted under DAV 276/2001C. A condition of this variance was that the kitchen facilities be removed by May 1, 2014.

RECOMMENDED ZONING AGREEMENT

- A number of neighbouring residents appeared at the February 4, 2013 Riel Community Committee public hearing to voice their concerns about the proposal. Generally speaking, the concerns had to do with operational aspects and aesthetics of the existing property/use and concerns about the potential redevelopment of the site under the C2 designation.
- The Community Committee decided to adjourn the hearing and instructed the Public Service to help reasonably address these concerns through added conditions in the zoning agreement. Besides the original condition that restricts the days and hours of operation, the Public Service has added the following conditions to the zoning agreement:
    - A restriction on the maximum height of the buildings on the lot that requires the buildings to be no taller than what is allowed in all single-family residential districts (35 feet);
    - A restriction on the use of outdoor speakers or intercom systems in association with any commercial use on the property;
    - A restriction on the hours allowed for loading or garbage collection (7:00 am and 11:00 pm only);
    - Restrictions on signage types that may be seen as a nuisance to adjacent residential uses; and,
    - The requirement for plan approval from the Riel Community Committee and the Director of Planning, Property and Development. This condition was

originally included in the associated variance DAV 12-179066/D, but did not list the Riel Community Committee in addition to the Director. The updated recommended conditions of approval for the associated variance DAV 12-179066/D now do not include the plan approval clause because it is included in the zoning agreement.

- It should be noted that there are existing restrictions in the Zoning By-law that potentially address other concerns raised by the residents, including:
    - Sections 94 & 95, which regulate the operations of auto/light truck/motorcycle, repair and service uses and require, among other things, the following:
        - 95(2) All work on or related to vehicles and equipment…must be conducted within an enclosed building meeting the requirements of this Zoning By-law.
        - 95(3) Any overhead service doors visible from an adjacent lot or site containing a residential use must remain closed when not being used for entry or exit of vehicles.
    - Outside storage is not permitted in the C2 zone.
    - On site lighting is restricted under sections 199-204. Among the restrictions is that the lighting must be shielded and not spill over onto adjacent properties.
- As such, the applicant must comply with the above standards as per the Zoning By-law.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning is consistent with the Complete Communities Direction Strategy.
- The rezoning to C2 is compatible with the surrounding uses along St. Anne's Road within this area.

- The additional conditions included in the recommended zoning agreement can help alleviate concerns raised by the neighbouring property owners at the February 4, 2013 Riel Community Committee public hearing.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DAZ 242/2012

Schedule "A" for File No. DAZ 242/2012, Riel Community Committee, dated January 22, 2013

By-Law No. _____

File No. **DAZ 242/12**

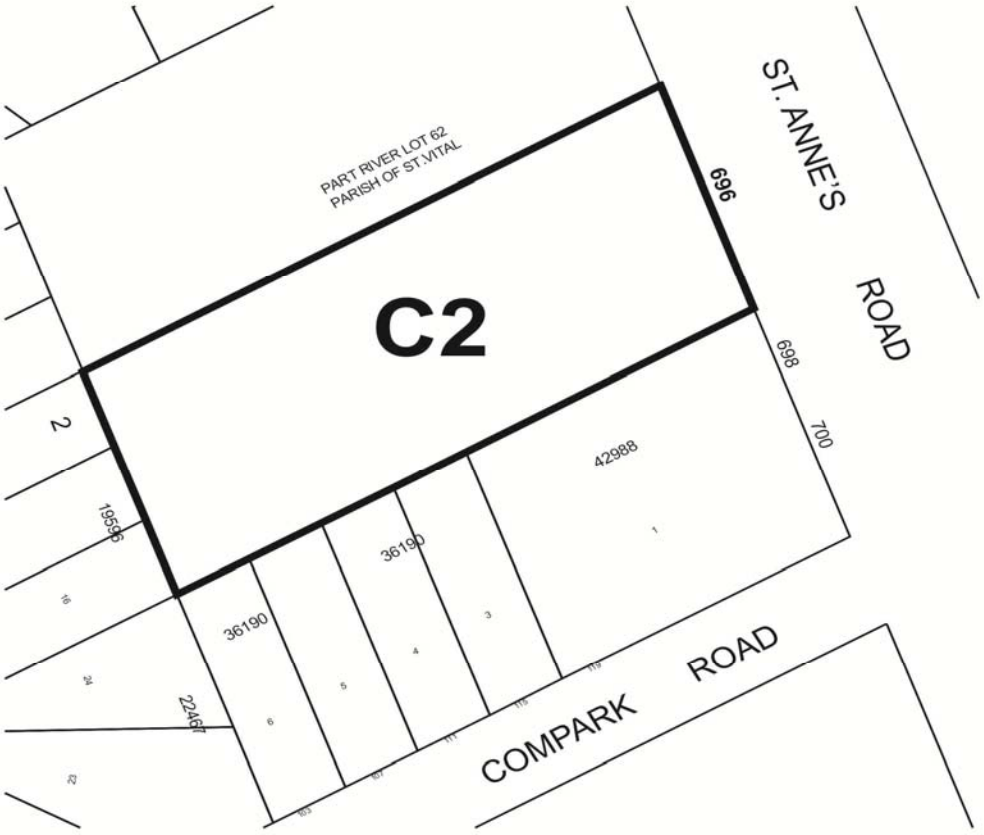
Atlas Sheet No.

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Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 696 St. Anne's Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to allow for the maintenance of an existing auto repair use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JANUARY 28, 2013

RE: PROPOSED REZONING OF LAND LOCATED AT 696 ST. ANNE'S ROAD - DAZ 242/2012

It is recommended that the approval of DAZ 242/2012, if granted, be subject to the following condition;

1. The Developer shall, prior to the release of documents for registration at the Winnipeg Land Titles Office, pay its share of the cost of the following improvements installed by others in St. Anne's Road along the full length of the subject property abutting St. Anne's Road:

    a. A 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
    b. A 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the west boulevard;
    c. Street lighting in the west boulevard;
    d. Landscaping in the west boulevard;

    All as determined by the Director of Public Works (2012 Rate = $428.00/frontage foot x 131.7 frontage feet).

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 242/2012
January 28, 2013

"Original signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.
Land Development Branch

"Original signed by R. J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division