Agenda - Council - June 25, 2003

Report - Standing Policy Committee on Property and Development - June 3, 2003

Item No. 5 Proposed Rezoning - 567 St. Anne's Road
File DAZ 219/2002

STANDING COMMITTEE RECOMMENDATION:

On June 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee as amended, 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 219/2002 dated April 6, 2003, to a "C1" Commercial District.

2. That the Developer be required to enter into a Servicing Agreement with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2003, with the following amendments:

   A. That Clause 1. be amended by deleting the words "the basis of the rates prevailing at the time payment is made" and replacing them with "an area basis as determined by the Director of Public Works".

   B. That Clause 2. be deleted in its entirety.

3. 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.

4. 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 an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. 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.

6. 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.

Report - Standing Policy Committee on Property and Development - June 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2003 the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, as amended, namely:

- Recommendation 4:
  Delete the words "Council extends that time" and replace them with "an extension of this time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council"

and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2003, the Riel Community Committee concurred in the administrative recommendation as amended, namely:

- Amend Recommendation 2. A. by adding the following after "dated April 3, 2003":

  with the following amendments:

  A. That Clause 1. be amended by deleting the words "the basis of the rates prevailing at the time payment is made" and replacing them with "an area basis as determined by the Director of Public Works".

  B. That Clause 2. be deleted in its entirety.

and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: **Proposed Rezoning - 567 St. Mary's Road**
File DAZ 219/2002

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

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

Report date: **May 13, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Riel 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 219/2002 dated April 6, 2003, to a "C1" Commercial District.

2. That the Developer be required to enter into a Servicing Agreement with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated April 3, 2003, ***with the following amendments:***

    a. That Clause 1. be amended by deleting the words "the basis of the rates prevailing at the time payment is made" and replacing them with "an area basis as determined by the Director of Public Works".

    b. That Clause 2. be deleted in its entirety.

3. 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.

4. 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.

5. 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.

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

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

REPORT SUMMARY

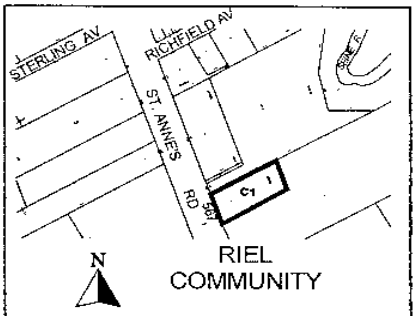
File: DAZ 219/2002

Public Hearing: May 5, 2003
St. Norbert Community Centre, 3450 Pembina Highway
April 15, 2003
Community Committee Chamber, 604 St. Mary's Road

Before: Councillor Angus, Chairperson
Councillor Steeves

Applicant: T.T.F. Income Consultants Ltd. (Nancy Streuber)
1002 - 201 Portage Avenue
Winnipeg, MB R3B 3K6

Subject:



APPLICANT: T.T.F. INCOME CONSULTANTS LTD.
FILE: DAZ 219/02
PROPOSAL: To rezone the land shown outlined above from an "R1-20" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT to allow for commercial development. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : T.T.F. INCOME CONSULTANTS LTD.
RÉFÉRENCE : DAZ 219/02
PROJET : Projet de rezonage du bien-fonds indiqué ci-dessus en le faisant passer de la catégorie R1-20 SECTEUR D'HABITATIONS UNIFAMILIALES à la catégorie C1 SECTEUR COMMERCIAL afin d'y permettre le développement commercial. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 1964 St. Mary's Road

Exhibits Filed:

1. Application dated September 13, 2002
2. By-law No. 38/2003
3. Notification of Public Hearing to Applicant dated February 20, 2003
4. Manitoba Certificate of Title 655049
5. Surveyor's Building Location Certificate and Sketch
6. Letter of authorization from Jean Edmond Fontaine to T.T.F. Income Consultants Ltd. and/or R.E. Teffaine Q. C. Law Corporation
7. Extract of Atlas Sheet AG28
8. Main Level and Upper Level Plans (2 pages)
9. Site Plan
10. Report from the Manager of Planning and Land Use dated April 6, 2003
11. Report from the Administrative Coordinating Group dated April 4, 2003

12 Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Al and Nancy Streuber, 55 Ravine Drive, Winnipeg, Manitoba, R2M 3N5

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department
Ernest Carrière, Land Development Engineer, Planning, Property and Development

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

April 15, 2003

Nancy and Al Streuber appeared in support of the application. Ms. Streuber explained the application and the nature of her business. Ms. Streuber also explained that she had been in continuous contact with the Planning, Property and Development Department asking what costs would be associated with rezoning the property in question. Ms. Streuber indicated that only days prior to the public hearing she received a call from the Planning, Property and Development Department and was told that the report for the rezoning would contain a servicing agreement

containing a condition whereby she would be required to pay a portion of the cost of surface improvements installed by the City in St. Anne's Road which would be approximately $250.00 per lineal foot or about $25,000.00.

Ms. Streuber explained that, having been given only four days to contemplate this expense, it would be appreciated if her and her husband could have more time to digest the information. Councillor Steeves recommended that the application be adjourned to the meeting to be held in May to give Mr. and Mrs. Streuber a chance to meet with the administration.

May 5, 2003

Nancy and Al Streuber again appeared in support of the application. Ernest Carrière indicated that he had left a message with Mr. and Mrs. Streuber indicting that the City would be asking for $8, 122.30 instead of the estimated $25,000.00 for surfacing improvements installed by the City in St. Anne’s Road abutting the proposed development. Mrs. Streuber indicated that she was willing to pay her fare share but that she was concerned that the City of Winnipeg had not provided the necessary information in a timely manner and that the City should ensure that the rezoning process is looked at and made more transparent and user-friendly.

In reply please refer to / Référence à rappeler :

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

File No. DAZ 219/02 April 6, 2003
Our c/f CP 500 (. 554)

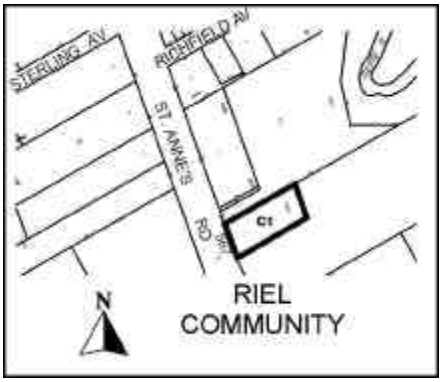
Mr. Marc Pittet
Riel Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mr. Pittet

REZONING
Location: 567 St. Anne's Road
Riel Community Committee
File No. DAZ 219 /02

An application has been received from T.T.F. Income Consultants, to amend By-Law No. 6400/94 by rezoning the land shown below from an " R1-20" Single Family District to a " C1" Commercial District to allow for a Financial Planning Office.

RELATED FILES:



SITE DESCRIPTION:

Site Area:

The overall property area totals 22,826 sq. ft. with 101 feet of frontage on St. Anne's Road.

Existing Land Use and Zoning:

The site is currently occupied with a 1700 sq. ft. building (formerly a Lawn Man Business) a garage and a parking area. While zoned R1-5 Residential, it has in recent years, by way of variance, been utilized for business purposes.

Surrounding Land Use and Zoning:

North: Immediately to the north is a low density housing project zoned RM-L Multiple Family and a Commercial area fronting St. Anne's zoned C2 Commercial.
South: Immediately to the south and rear is a large vacant area extending east to the Seine River zoned R1-20 Residential.
East: As outlined, the property to the east is vacant, heavily treed and zoned R1-20 Residential.
West: To the west across St. Anne's is a large vacant area zoned C2 Commercial.

DEVELOPMENT DESCRIPTION:

The applicants propose to transform 567 St. Anne's into an attractive commercial development for a financial consulting office with improvements and renovations planned for both the interior and exterior of the existing building. The landscape plan will utilize existing mature trees situated on the property complimented by additional plantings and a rock garden. The building will be retrofitted to meet wheelchair requirements.There is provision for ten (10) parking stalls at the rear of the building.

PLAN WINNIPEG:

The proposal fully complies with Plan Winnipeg Policy which designates the area a Neighbourhood Policy Area which allows for commercial development.

ADMINISTRATIVE COMMENTS:

For over five years , a lawn treatment business operated out of the existing building by way of variance approval. That application expired and the new owners acquired a temporary variance in order to accommodate immediately the proposed office use. However a rezoning was initiated at the same time to permanently rezone the premises and that application is now before your Committee .The Planning and Land Use Division supports the proposed zoning change, recognizing that most of the neighbouring area is already or is about to be developed for much more intensive multiple family and commercial use. The proposed use will not generate much traffic and the should fit in well with neighbouring residential developments to the south and

north. It should be noted that more onerous commercial uses such as convenience stores, carwashes and fuel sales are not permitted uses under the proposed commercial zoning category.

RECOMMENDATION:

1. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 219/02, attached hereto and dated April 6, 2003, to a " C1" Commercial District.

2. That the Developer be required to enter into a Servicing Agreement with the City Containing all conditions outlined in the report of the Administrative Coordinating Group dated April 3/03.

3. 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.

4. 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.

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

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

Final

Yours truly,

Chris Knoll
Acting Manager of Planning and Land Use

Per: Kevin Lalor
Acting Coordinator, Urban Planning Br.
Riel Community)
986-5069

/jc

By-Law No. _____

File No. **DAZ 219/02**

Atlas Sheet No. **AG28 RIEL COMMUNITY**

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 567 St. Anne's Road from an "R1-20" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DAZ 219/02 , Riel Community Committee, dated April 6/03

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department
Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

Re: Proposed rezoning of land located on the east side of St. Anne's Road, north of Meadowood Drive – DAZ 219/02

An application has been submitted by T.T.F. Income Consultants Ltd. to rezone land located on the east side of St. Anne's Road, north of Meadowood Drive.

It is recommended that approval of DAZ 219/02 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of surface improvements installed by the City in St. Anne's Road abutting the proposed development on the basis of the rates prevailing at the time payment is made.

2. The Developer shall pay $545.00 plus 7% G.S.T. to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
File No. AG 219/02
April 3, 2003

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_____
Land Development Engineer

_____
Public Works Department
Transportation Division